



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Second periodic report submitted by Gabon under
article 19 of the Convention, due in 2016^{*}, ^{**}, ^{***}**

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- * The present document is being issued without formal editing.
 - ** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting ([CAT/C/GAB/QPR/2](#)).
 - *** The annexes to the present document may be accessed from the web page of the Committee.



I. Introduction

1. The Government of Gabon hereby submits to the United Nations Committee against Torture its periodic report under article 19 (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
2. This report, which is six years overdue, was prepared in response to the list of issues prior to reporting that was published on 17 December 2014 after being drafted by the Committee at its fifty-third session, held from 3 to 28 November 2014, under the simplified reporting procedure and based on the concluding observations, adopted on 20 November 2012 (CAT/C/SR.1113), on the previous report of Gabon.
3. The report was drawn up and validated by the National Committee for the Drafting of Human Rights Reports, using an inclusive and participatory approach based on the general guidelines regarding the form and contents of reports to be submitted by States Parties.

II. Implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous concluding observations

Articles 1 and 4

4. The legal framework on torture is provided for in articles 224 ff. of the current Criminal Code. Article 224, for example, establishes that torture or barbarism involve the commission of one or more inhuman or degrading acts of exceptional seriousness that amount to more than mere violence, cause severe pain or suffering to the victim and are motivated by the desire to deny the victim his or her human dignity. Pursuant to article 224-1 of the Code, acts of torture are punishable by 20 years' imprisonment and a fine of up to 20,000,000 CFA francs (CFAF).
5. It is clear that the aforementioned definition does not contain the language recommended by the Committee. Accordingly, the Gabonese Government has initiated work on a bill that would amend Act No. 006/2020 of 30 June 2020 on the Criminal Code by incorporating all the constituent elements of the offence of torture set out in the Convention. The bill provides for a stronger legal framework on torture, punishable as a crime under articles 224, 224-10 (1) and 224-12 thereof.
6. Existing criminal legislation establishes that the specific offence of torture, attempts to commit torture and acts constituting complicity and participation in torture are punishable under a combination of legal provisions, in particular articles 6-5, 6-6, 48 and 49 of the current Criminal Code.

Article 6-5: "An attempt to commit an act is punishable as the act itself. An attempt to commit an act is deemed to have been made in cases in which the act has been initiated and has been suspended or has failed to take effect only due to circumstances beyond the perpetrator's control."

Article 6-6: "An attempt to commit a crime shall be considered as the crime itself."

Article 48: "An accomplice to a crime or a misdemeanour shall mean any person who wittingly aids or abets its preparation or commission."

Article 49: "The term 'accomplice' shall also apply to any person who:

- by gift, promise, threat, order or abuse of authority or power causes an offence, or gives instructions for it, to be committed
- by speeches, calls, clamour or threat or the sale, display or distribution of written or printed matter in public places or assemblies directly provokes or incites the perpetrator or perpetrators to commit the offence. An accomplice to an offence shall be punishable as its perpetrator."

7. It should be noted that articles 224, 224-10 (1) and 224-12 of the aforementioned bill represent the culmination of the efforts by the Government to give effect to the relevant recommendation.

Article 2

8. Under Gabonese law, any convention that has been duly ratified is automatically incorporated into the domestic legal order and may, therefore, be directly invoked in legal proceedings.

9. As efforts to integrate the framework on torture into Gabonese legislation are still in their infancy, there are hardly any cases in which the Convention has been directly invoked.

10. To remedy this, in 2013, the Ministry of Justice launched an awareness-raising and training programme for actors in the national criminal justice system in order to familiarize them with international human rights instruments and, above all, encourage them to make use thereof.

11. While existing criminal legislation does not explicitly recognize the concept of “superior officer”, it can be equated with that of instigator, person giving orders or accomplice. Under article 49 of the Criminal Code, for example, an accomplice is considered to be any person who causes or facilitates the commission of an offence by giving orders, by means of abuse of authority or power, or by giving instructions for the offence to be committed.

12. More specifically, and to remove any ambiguity, articles 224-11 and 224-13 of the aforementioned bill establish that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture, acts of cruel, inhuman or degrading treatment or enforced disappearance. An order from a superior officer or a public authority may not be invoked as a justification of the commission of any of the above-mentioned offences. Any superior officer who was aware that a subordinate under his or her effective authority and control was about to commit the crime of torture, cruel and inhuman treatment or enforced disappearance, and failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of these offences or to submit the matter to the competent authorities for investigation and prosecution, is considered an accomplice.

13. Under national law in its current form, it is difficult for subordinates to evade their obligation to carry out their superior officers’ orders. That situation will, however, be effectively addressed by the bill. Article 224-13 thereof, for example, states that:

A penalty of up to 5 years’ imprisonment and a fine of up to CFAF 20,000,000 shall be handed down to any superior officer, whether civilian or military, who imposes disciplinary sanctions or any other retaliatory measure on a subordinate who refuses to carry out an order to commit acts of torture, cruel, inhuman or degrading treatment or enforced disappearance. Proceedings against the above-mentioned authority may be initiated by the public prosecutor’s office on the basis of a simple denunciation or complaint filed by the victim or his or her representative or beneficiaries.

14. Although Gabonese law does not address the criminal liability of superior officers, article 52 of the current Criminal Code implicitly provides for their responsibility by outlining the circumstances in which subordinates may not be held liable.

15. Similarly, the provision punishing the failure to assist a person in danger could be applied as an indirect means through which superior officers who are aware of acts of torture committed by their subordinates and who are in a position to stop them but refrain from doing so may be held criminally responsible.

16. The Government is seeking to incorporate the concept of “superior officer” into criminal legislation and endow it with legal effects through article 224-12 of the aforementioned bill, which establishes that: “Any superior officer who was aware that a subordinate under his or her effective authority and control was about to commit the crime of torture, cruel and inhuman treatment or enforced disappearance, and failed to take all

necessary and reasonable measures within his or her power to prevent or repress the commission of these offences or to submit the matter to the competent authorities for investigation and prosecution, shall be considered an accomplice.”

17. It should also be noted that current criminal legislation punishes only those acts that have been committed, and not those that are likely to be committed or are being planned. Accordingly, the bill provides only for the punishment of superior officers who were aware that an act was actually and intentionally being committed. Cases involving acts not actually committed, in particular those in which there is a question of whether the superior officer should have been aware, are handled solely through civil or professional misconduct proceedings and not through criminal proceedings.

18. Article 61 of the Code of Criminal Procedure establishes that individuals should be informed of their right to consult a lawyer at the outset of their custody. In the event that the individual is unable to choose a lawyer, or the chosen lawyer cannot be contacted, he or she may request that a lawyer be appointed for him or her, in accordance with the laws and regulations on legal assistance. Persons being held in custody are informed by a criminal investigation police officer when a lawyer has been appointed for them. All of the above is noted in the record of proceedings. The chosen lawyer may hold a fully confidential interview with the person being held in custody and has free access to the client’s file. Following the interview, which may not exceed one hour, the lawyer may submit written observations to be appended to the case file. In cases in which the custody period is extended, the lawyer is entitled to hold an additional interview no longer than one hour in duration.

19. While national law recognizes the right of persons deprived of their liberty to consult a lawyer from the outset of their custody, the requirement for a lawyer to be present from the moment of the arrest or during questioning applies only in cases involving minors in conflict with the law. The Government is aware of this shortcoming and is working to address it.

20. With regard to medical examinations, article 60 of the Code of Criminal Procedure states that: “Any person being held in custody shall, at his or her request or that of a lawyer or family member, be examined by a doctor of his or her choice or one designated by the public prosecutor. The doctor shall conduct the examination without delay. The medical certificate outlining whether the person concerned is fit to remain in custody shall be added to the case file.”

21. The services available to defendants in criminal proceedings are, in principle, free of charge. Although the matter of free medical examinations is not explicitly addressed in article 60 of the Code of Criminal Procedure, the reality is that basic care is provided for free.

22. Article 3 (3) of the Code of Criminal Procedure establishes that any person facing prosecution has the right to be informed of the charges against him or her and to be assisted by defence counsel.

23. Under the Gabonese criminal justice system, which is modelled on the French equivalent, there are very few circumstances in which a person may be brought before a judge without first appearing before the public prosecutor. This fact has a considerable impact on the time it takes for a case to be heard by a court, which also depends on the urgency of the situation. The various forms of proceedings include:

- Plea bargaining proceedings, which are provided for in articles 385 ff. of the Code of Criminal Procedure and enable the individual concerned to be brought before a judge within a very short space of time (often on the same day that the case is presented to the prosecutor)
- Proceedings for cases of flagrante delicto, in which the individual concerned is brought before a court within 15 days of his or her case being presented to the prosecutor
- Proceedings initiated by way of a direct summons drawn up by a bailiff or the public prosecutor, in which an individual may appear before the court whenever there is an available slot

24. It should be noted that the cases that appear to be heard by an (investigating) judge within the shortest space of time are those that are the subject of a preliminary investigation.

25. The Gabonese criminal justice system does not provide access to judges or the courts until the trial stage, at which the legality of a detention may be examined only as an incidental matter. Nonetheless, the Government has proposed revising and amending several criminal laws, including that on the organization of the courts of the judiciary, in order to provide for the establishment of a so-called liberties and custody court, which, in the future, will be the sole body responsible for making decisions on the use of pretrial detention, examining the duration of pretrial release and ruling on exceptional extensions to custody periods.

26. Although these developments do not allow for the Committee's expectations in this area to be met in full, they do represent a step towards ensuring that detentions are subject to proper judicial review.

27. With regard to police custody, article 59 of the Code of Criminal Procedure recognizes the right of all persons in custody, regardless of their origin, to receive visits. It does not prohibit visits from consular authorities.

28. The regulations governing central prisons clearly state that foreign prisoners are entitled to receive visits from the consular authorities of their country of origin (art. 22).

29. There are already a number of procedures in place to address the Committee's concerns in this area:

- The conduct of visits to places of detention (custody facilities and prisons) by officials including the public prosecutor, the investigating judge, the president of the indictments chamber and the prosecutor general, in accordance with articles 62, 550, 558 and 559 of the Code of Criminal Procedure
- The possibility of prosecution for arbitrary detention (Code of Criminal Procedure, arts. 136 (4) and 560) of prison officers who are reported to have continued to hold in prison a person for whom a release order has been issued
- The annulment of proceedings initiated in violation of defendants' substantive rights (Code of Criminal Procedure, arts. 429–32)

30. To ensure compliance with all these legal safeguards, the public prosecutor's office, in accordance with its mandate, pays regular, unannounced visits to investigative police units.

31. All these measures are helping to bring about a progressive improvement in the protection of the rights of persons deprived of their liberty, as set out in articles 17 and 18 of the Convention.

32. With regard to verification of pretrial detention or prison terms, the law provides that the investigating judge, the president of the indictments chamber, the president of the criminal court, the public prosecutor and the prosecutor general of the court of appeal may, for the purposes of an investigation or the execution of a judgment, issue any necessary order related to the detention regime in the prison (Code of Criminal Procedure, art. 550).

33. With regard to convicted persons sentenced to prison, article 558 of the Code of Criminal Procedure provides that prisons must be visited by the investigating judge once every three months and by the president of the indictments chamber, the public prosecutor and the prosecutor general of the court of appeal whenever they deem it necessary. Presidents of criminal courts visit accused persons who are detained in the detention facilities of the court's jurisdiction.

34. With regard to the keeping of registers, article 559 of the Code of Criminal Procedure establishes that, upon receiving rulings, conviction orders or judgments, committal orders, detention or commitment warrants or summonses that require pretrial detention, the prison director is required to enter in the prison register the identity of the detainees or convicted persons, any relevant information about them and the type of order calling for the detention.

35. Gabon also intends to strengthen the measures at its disposal to ensure respect for fundamental legal safeguards in practice. The bill on the amendment of the Criminal Code includes several offences covering abuses and violations of the rights of individuals by criminal investigation police officers and prison staff.

36. Article 56 of the Code of Criminal Procedure establishes that:

For the purposes of the investigation, any person who is suspected of participating in an offence or is being heard as a witness may be held in custody in the facilities of the gendarmerie, police or another security force that has been granted investigative police powers. Custody may not exceed 48 hours in duration. It may, upon written authorization of the public prosecutor, be extended for a non-renewable period of 48 hours. Persons being held must have sufficient access to food and hygiene facilities throughout the custody period. In cases in which there is no evidence to suggest that the individual concerned has committed or attempted to commit an offence, however, he or she may be held only for as long as is necessary for him or her to give a statement. Such persons may not, under any circumstances, be held outside working hours. The representative of the public prosecutor's office may check at any time that the rules on police custody are being strictly enforced and, where necessary, terminate the custody.

Article 57 establishes that:

In cases in which distance or communication difficulties mean that it is not possible for the person being held to be brought immediately before the public prosecutor, the criminal investigation police officer may issue a non-renewable committal order, which is valid for an eight-day period that includes the time it takes for the order to be processed. The public prosecutor shall be informed of the issuance of the order within 24 hours through any available means. The criminal investigation police officer shall bring the detainee before the public prosecutor as soon as possible and, in all cases, before the aforementioned eight-day period has elapsed. The public prosecutor may, depending on the case, decide to grant the detainee pretrial release, open an inquiry, issue a committal order or instruct the criminal investigation police officer to continue his or her investigations.

37. Police custody, detention and pretrial detention measures are subject to strict time limits. Failure to observe these limits has significant legal consequences, such as the invalidation of the police custody or detention measure and the automatic release of persons being held in pretrial detention. Furthermore, these measures may be applied only under very specific circumstances that are governed by law. Accordingly, a police custody measure that has been applied for the purposes of the investigation may not exceed 48 hours in duration and may be extended by a further 48 hours only with the express authorization of the public prosecutor. In the case of investigations into persons who are suspected of committing an offence under the jurisdiction of the specialized units of the Libreville Court of First Instance and Court of Appeal, an exceptional, additional extension of 48 hours may be granted by the public prosecutor by means of a specially reasoned decision (see provisions on the liberties and custody court in the bill).

38. Individuals are detained for an eight-day period, which includes the time taken for them to be brought before the public prosecutor, only in the event that they are arrested in an area that is far from the court's headquarters. Pretrial detention can only be ordered by an investigating judge, who may do so only in those cases in which it represents the sole way of guaranteeing that the defendant will attend the proceedings or receive any necessary protection.

39. Statistics dating from 19 September 2022 reveal a total prison population of 5,447 persons, information on whom is outlined below:

- Number of remand prisoners: 2,867 individuals (2,387 Gabonese nationals and 480 foreigners) or 52.63 per cent of the total
- Number of convicted prisoners: 2,580 individuals (2,302 Gabonese nationals and 278 foreigners) or 47.36 per cent of the total

	<i>Men</i>	<i>Women</i>	<i>Minors</i>	<i>Pregnant women</i>	<i>Total</i>
	Men	Women	Minors: 218	Pregnant women	
Remand prisoners of Gabonese nationality: 2 387	2 088	81	Boys 206	Girls 12	0
			Minors: 77		
Convicted prisoners of Gabonese nationality: 2 302	Men 2 165	Women 60	Boys 75	Girls 2	0
			Minors: 4		
Remand prisoners of foreign nationality: 480	Men 446	Women 30	Boys 4	Girls 0	0
			Minors: 1		
Convicted prisoners of foreign nationality: 278	Men 260	Women 17	Boys 1	Girls 0	0 5 447

40. Gabon is making significant efforts to address the problem of the large number of detainees awaiting trial. It is doing so by identifying the individuals concerned, expediting the trial process (organization of criminal hearings), introducing alternatives to prosecution (settlement), promoting quicker decision-making (plea bargaining) and encouraging the courts to make use of these options.

41. There are also plans to establish a liberties and custody court, which will control the use of pretrial detention.

42. To give effect to the recommendation to bring the National Commission on Human Rights into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), Gabon has drafted a bill for its reorganization, which was adopted by the Council of Ministers on 12 April 2022 and by the upper chambers of the parliament in November that year.

43. The bill aims to strengthen the Commission's mandate in the light of the Paris Principles.

44. This bill is the result of a long and inclusive drafting process involving the administration and civil society, with technical support from the Office of the United Nations High Commissioner for Human Rights, the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Association for the Prevention of Torture. It is structured around 58 articles divided into six chapters containing provisions on general matters, functions, organizational matters, operations, penalties and miscellaneous, final and interim provisions.

45. 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. The Commission now operates as the national mechanism for the prevention of torture.

46. As far as the mandate is concerned, the bill strengthens the Commission's independence. Article 6 defines the Commission as an independent, pluralistic and non-political authority that supports democracy. It is also established that the Commission, in carrying out its functions, is subject only to the rule of law and may not receive orders from any State agency.

47. The bill – particularly in chapter II – broadens the scope of the Commission's functions and establishes a clearer distinction between functions intended to promote human rights, which involve establishing a national human rights culture, and those related to protection, which concern the rule of law, the administration of justice and the fight against impunity. The Commission will have greater powers to conduct investigations into all human rights issues and will have free access to any sources of information required for its work.

48. Chapter III of the bill provides for a reduction in the membership of the Commission, which will go from having 12 members, at present, to 9. The bill also provides for a change in the members' status. While the current law provides that members serve as representatives of an institution or organization, the bill establishes that members will 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.

49. 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 National Assembly. They will also enjoy the immunities granted to members of other institutions of the Republic and may not be prosecuted for felonies or misdemeanours unless they are caught in flagrante delicto and the decision to prosecute them is authorized by the bureau of the Commission after their immunity has been waived.

50. In line with their change in status, the members of the Commission will receive remuneration, enjoy benefits related to their functions and have the same privileges as members of other, similar institutions.

51. Where operational matters are concerned, the bill provides for the strengthening of the Commission's independence, in that it grants it the authority to manage its budget independently. To this end, a specific budget line, managed by a public accountant appointed for the purpose, will be included in the Finance Act. It is also envisaged that part of this budget will be earmarked specifically for national preventive mechanism activities. The independence of the Commission is bolstered by the fact that the Commission is not required to record the identities of persons who submit complaints to it or who work with it in the course of its activities.

52. The bill defines the procedure and conditions for referral by individuals or legal entities alleging human rights violations before the Commission. It sets out the procedures for handling such complaints and the measures that the Commission may take to put an end to alleged violations if they are found to have occurred.

53. In order to ensure that the Commission can carry out its work undisturbed, the bill provides for a series of criminal penalties to be handed down to persons who obstruct it in the performance of its duties, who threaten, insult or assault its members or who pressure, intimidate, threaten, assault or take reprisals against persons providing it with information.

54. Article 6 of the bill on the reorganization of the Commission specifies that the Commission is an independent, pluralistic and non-political administrative authority with legal personality and is responsible for the protection and promotion of human rights in Gabon.

55. The Commission also acts as the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in all places of deprivation of liberty, in accordance with the Optional Protocol to the United Nations Convention against Torture.

56. It is an independent mechanism that conducts visits to places of deprivation of liberty, as required by article 17 of the Optional Protocol, which was ratified by Gabon in September 2010. It is responsible for addressing all forms of torture and cruel, inhuman or degrading treatment or punishment. As part of its work, it submits an annual report on the prevention of torture to the President of the Republic, the chambers of the parliament, the Minister of Justice, the United Nations Subcommittee on Prevention of Torture and any other relevant agency.

57. Although the mechanism is hosted by the Commission, it has its own staff and procedures and runs its own activities.

58. According to the Constitution, Gabonese judges are subject only to the authority of the law in the performance of their duties. Judges are protected by the principle of security of tenure.

59. These principles ensure the independence of the judiciary in its relations with political authority and are straightforward in their application.

60. Judges are appointed by a decree issued following the deliberations of the Supreme Council of Justice, following preparatory work coordinated by a permanent secretariat within the Council, which is itself managed by judges.
61. The establishment of this permanent secretariat within the Supreme Council of Justice in 2021 was requested by the national association of judges and is a first step in the broader reform of the status of judges currently under review.
62. Since 2013, with the support of development partners and in collaboration with civil society organizations, the Government has been taking steps to promote good governance and combat corruption in all sectors and areas nationwide. Since the quality of institutions and economic prosperity go hand in hand, the Government has modernized the institutional and legislative framework to promote transparency and fairness in the management of public affairs and to improve the business environment in Gabon by strengthening public-private dialogue.
63. The promotion of transparency and good governance in the management of public finances has resulted in a series of key measures taken by the highest authorities.
64. Act No. 021/2014 on transparency and good governance in the management of public finances was adopted on 30 January 2015. It places particular emphasis on the rules governing monitoring measures, sanctions and the integrity of public officials, authorizing officers and accountants.
65. The evaluation of public policy has been institutionalized. Pursuant to the 2018 amendment of the Constitution, both chambers of the Gabonese parliament may evaluate public policies implemented by the Government.
66. A ministerial department for promoting good governance was established on 11 June 2019. On 2 October 2019, the Government adopted a draft decree on the remit and organization of the Ministry for the Promotion of Good Governance, the Fight against Corruption and the Evaluation of Public Policies. The establishment of this ministry is a response to the recommendation in question.
67. The Ministry's Directorate General for the Promotion of Good Governance is responsible for the implementation of government policy on the promotion of good political, economic, financial and social governance.
68. Through the establishment of this directorate, the Gabonese Administration has demonstrated its continued commitment to improving the well-being of its citizens. Reliable statistical data are essential for sound decision-making. In line with its remit, the Ministry for the Promotion of Good Governance, the Fight against Corruption and the Evaluation of Public Policies has a department of studies and surveys and a statistics department.
69. The Ministry for the Promotion of Good Governance, the Fight against Corruption and the Evaluation of Public Policies also has an anti-corruption department to bolster anti-corruption strategies and assess their impact on society. This department participates in the work of subregional and international bodies dealing with anti-corruption issues, in collaboration with other competent agencies.
70. A critical aspect of the work of the Ministry for the Promotion of Good Governance, the Fight against Corruption and the Evaluation of Public Policies remains the evaluation of public policies, in which it uses a cross-cutting approach to assess the policies implemented by the executive branch. The Ministry promotes reforms to improve the management of public finances and procurement, in collaboration with the competent institutions. This demonstrates the Government's determination to promote coherent, effective action across all ministries.
71. Decree No. 0261 of 2 December 2019 establishes the Directorate General for the Promotion of Good Governance, whose mission is to implement government policy on the promotion of good political, economic, financial and social governance.
72. These reforms enshrine the people's right to participate in the management of public affairs and in democratic expression in Gabon.

73. National Evaluation Day, instituted in 2015 by prime ministerial decree, promotes the principles of good economic, financial and social governance. It has been observed every year since 2015, with the participation of the Court of Auditors, both chambers of parliament, government officials and academics.

74. Since 2013, various legal, administrative and practical measures have been taken in this area and further initiatives are planned for the period 2020–2024.

75. The legal, institutional and administrative measures taken include:

- Adoption in 2018 of the new Constitution, which strengthens the role of executive oversight through the ex-ante and ex-post evaluation of government policies and parliamentary inquiries into the management of appropriations allocated under the Finance Act
- Strengthening of the Court of Auditors, which now assists the parliament in its public policy assessment and oversight role
- Institutionalization of an oath of office for all government officials, officers responsible for authorizing appropriations and the administrators who execute them
- Establishment of the Court of Justice to try government officials suspected of misappropriating public funds
- Adoption of the current Criminal Code, which firmly punishes financial and transnational offences such as corruption and money laundering (Criminal Code, arts. 137–142, on corruption, and arts. 378–387, on money-laundering)
- Adoption of Organic Act No. 008/2019 of 5 July 2019 on the organization, composition, jurisdiction and operation of the courts, which provides for the establishment of new specialized criminal units within the Libreville Correctional Court and the Libreville Court of Appeal to try cases involving the misappropriation of public funds
- Implementation of the SIDONIA WORLD processing software to curb customs corruption
- Establishment of a single treasury account at the Central Bank
- Establishment of a ministry and a directorate general for combating corruption¹
- Implementation of the special anti-corruption operation known as MAMBA in 2017, which became SCORPION in late 2019
- Authorization for the Ministry for the Promotion of Good Governance and the Fight against Corruption to organize an in-depth campaign on the obligation of declaration

76. Apart from their training at the Legal Service Training College, judges in Gabon do not currently benefit from a system of continuing education designed to enhance their skills as legal professionals.

77. To compensate, public and private seminars, and even international training courses, are sometimes organized for them. Seven judges, specifically two judges from the Court of Cassation and five judges from specialized units within the Libreville correctional and appeal courts, took part in a workshop in Douala from 21 to 27 October 2020 on money-laundering and terrorism organized by the Task Force on Money-Laundering in Central Africa.

78. No data are available on the number of complaints submitted against members of the judiciary.

79. To improve accessibility, in 2013, the Government opened Mouila Court of Appeal, bringing the courts of Mouila and Tchibanga, previously under the jurisdiction of Port-Gentil Court of Appeal, under the jurisdiction of this newly created court in Mouila. The 2019

¹ June 2019: Decree No. 00260/PR/MPBGLCCEPP of 2 December 2019 on the remit and organization of the Ministry for the Promotion of Good Governance, the Fight against Corruption and the Evaluation of Public Policies.

reform introduced pursuant to Act No. 08/2019 of 5 July 2019 on the organization, composition, competencies and operation of the courts established specialized units within the Libreville Court and administrative courts in the capitals of the nine provinces of Gabon.

80. With the exception of civil proceedings, which are the responsibility of the parties and whose costs the parties must bear accordingly, criminal justice in Gabon is essentially free, since prosecutions are carried out on behalf of the State by public prosecutors.

81. The Government intends to reinforce this approach of facilitating access to justice for all, just as it intends to make the legal aid mechanism provided for in the civil and criminal procedure codes a reality, to guarantee the right of all to be well defended in court.

82. Furthermore, to bring justice closer to all citizens, wherever they may be in the country, the Government is working on the re-establishment of district courts to improve the accessibility of justice for the remotest populations.

83. Regarding awareness of the law, Gabon has an approach that goes beyond the principle of “ignorance of the law is no excuse”, periodically organizing radio, TV and on-site awareness-raising campaigns for the general public.

84. The situation of minors in conflict with the law has evolved considerably in Gabon since the adoption of Act No. 39/2010 of 25 September 2010 on the judicial regime for the protection of minors, and more recently the adoption of Act No. 003/2018 on the Children’s Code in the Gabonese Republic.

85. In Gabon, children may be deprived of their liberty only as a last resort. Under articles 142 to 148 of the Children’s Code, children may be placed in pretrial detention only in the event of unsuccessful pre-mediation, which may not be strictly mandatory in all cases.

86. The application of custodial sentences is a last resort for juvenile judges, who have received guidance to give priority to non-custodial sanctions (Children’s Code, art. 142).

87. The terms of custodial sentences applicable to minors are half those of the equivalent sentences for adults, depending on the offence (Children’s Code, art. 177 (1)). However, in this area too, judges have the power to tailor the sentence to the individual case, and the sentence may ultimately be reduced to a much shorter period.

88. Act No. 09/2004 on preventing and combating child trafficking in the Gabonese Republic is currently being revised. In addition, to ensure compliance with international standards, a text on the establishment, powers, organization and operation of a national commission to prevent and combat trafficking in persons in Gabon is being drafted. The goal is to have a single national body for dealing with trafficking in persons in Gabon that will implement the existing national programme. The commission will be composed of two bodies:

- A monitoring and strategic development council
- A national unit to coordinate efforts to combat trafficking in persons

89. The Government has also made progress in tackling the issue of trafficking in persons through sanctions. Act No. 006/2020 of 30 June 2020 amending Act No. 042/2018 of 5 July 2019 on the Criminal Code provides for the punishment of trafficking in persons in articles 225 ff. For the first time, this law explicitly defines the offence of trafficking in persons.

90. Article 225 of the Criminal Code provides that:

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.

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

Penalties

Article 225-1 provides that:

Perpetrators of trafficking in persons shall be punished by up to 7 years' imprisonment and a fine of up to CFAF 100 million.

Perpetrators shall be punished by up to 10 years' imprisonment and a fine of up to CFAF 100 million when the offence is committed in any of the following circumstances:

The victim, members of his or her family or persons closely associated with him or her are subjected to threats, coercion, violence or deceit;

The offence is committed by a legally recognized, natural or adoptive ascendant of the victim or by a person with authority over the victim, or who abuses such authority;

The perpetrator takes advantage of a vulnerability related to age, illness, infirmity, a physical or mental impairment or a pregnancy that is apparent or known to the perpetrator;

The offence is committed against a person who is abroad or upon a person's arrival in the country;

The offence is committed in order to subject the victim to servitude or slavery or to remove one or more of the victim's organs.

Penalties for trafficking a minor

92. Penalties for this offence are set out in the last part of article 225-1, which states that: "Trafficking in human beings against a minor is punishable by up to 15 years' imprisonment and a fine of up to CFAF 100 million."

93. Article 225-2 of the Criminal Code provides that:

Perpetrators of trafficking in persons shall be punished by up to 20 years' imprisonment and a fine of up to CFAF 100 million when the offence is committed in at least two of the circumstances set out in the following seven points:

- There is more than one victim
- The offence is committed against a person who is abroad, or upon a person's arrival in the country

Contact between the victim and the perpetrator is established by means of an electronic communications network broadcasting message; the victim is directly exposed to an immediate risk of death or injury likely to result in permanent mutilation or disability; the victim is subjected to an act of violence resulting in total incapacity to work for more than eight days; the perpetrator's job involves combating trafficking in persons or maintaining public order; or the offence has caused the victim to suffer serious physical or psychological harm.

94. Trafficking in minors is punishable by 20 years' imprisonment when the offence is committed in any of the circumstances listed in the seven points above.

Article 225-3: "The offence is punishable by 30 years' imprisonment and a fine of up to CFAF 50 million when it is committed by an organized gang.

Perpetrators of trafficking in persons shall be punished by 30 years' or life imprisonment and a fine of up to CFAF 50 million when torture or barbaric acts are used to commit the offence."

Article 225-4: “Legal persons found to be criminally responsible for the offences defined in this title of the Criminal Code, in addition to the fine, incur the prohibitions provided for in articles 26 ff. of the Code.”

Article 225-5: “Attempts to commit the offences defined in this title of the Criminal Code are punishable by the same penalties.”

Article 225-6: “Gabonese law is applicable to offences defined in this title of the Criminal Code when they are committed outside the country by a Gabonese national.”

Article 225-7: “Exemption from punishment shall be applied to anyone who has sought to commit the offences defined in this title of the Criminal Code but who has alerted the administrative or judicial authorities and thereby prevented the offences from being committed and, where possible, enabled other perpetrators or accomplices to be identified.

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.

When the penalty is life imprisonment, this is reduced to 20 years’ imprisonment.”

95. To punish sexual exploitation, article 260 of the aforementioned law provides that procuring is the act by anyone, in any manner whatsoever, of:

(a) Knowingly aiding, abetting or protecting the prostitution of others or soliciting for the purpose of prostitution;

(b) Profiting from the prostitution of others, sharing in its proceeds or being subsidized by any person who habitually engages in prostitution;

(c) Hiring, training or employing another person for the purpose of prostitution or for traffic in prostitution and debauchery, even if that other person consents thereto and is an adult;

(d) Knowingly living with a person habitually engaged in prostitution and being unable to demonstrate sufficient resources to provide for one’s own needs;

(e) Acting as an intermediary in any capacity whatsoever between persons engaged in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others. Procuring is punishable by up to 10 years’ imprisonment and a fine of up to CFAF 20 million. Procuring is punishable by 15 years’ imprisonment and a maximum fine of CFAF 100 million when the victim is a minor under the age of 18 or when it is committed by an organized gang. Procuring committed using torture or barbaric acts is punishable by 30 years’ imprisonment and a fine of up to CFAF 100 million.

96. Organ removal is addressed in article 224-2 of the aforementioned Code, which states that: “Any removal or attempted removal of an organ from a living person, without authorization or medical justification, or any other act of barbarism for the same purpose, is punishable by life imprisonment. Trafficking in human organs or elements or products of the human body is punishable by 30 years’ imprisonment.”

97. Child trafficking emerged as a result of significant migratory movements towards Gabon. These migratory movements, made up not only of adults but also of children destined for domestic work and other servitude, make Gabon primarily a destination country. Children are trafficked to Gabon from Benin, Burkina Faso, Cameroon, Guinea, Niger, Nigeria and Togo.

98. Since the 2000s, the Gabonese authorities have been aware of the scale of the issues of child trafficking and child labour and have done everything in their power to eradicate them. Preventive measures are one of the main components around which Gabon has built its national policy to combat child trafficking. Through the National Committee to Monitor the Fight against Child Trafficking, the Gabonese Government has made every effort to carry

out awareness-raising campaigns targeting all socioeconomic groups in general and source-country communities in Gabon in particular.

99. Children recovered by the security services are generally sent to shelters such as the Arc-en-Ciel Centre, the Espoir Centre or the Angondjè Centre for Children in Difficult Circumstances in Greater Libreville, the Nissi Mission in Port-Gentil or the Missionary Hope Centre for Integration, where they receive medical care and psychological support. Of the children recovered, 30 per cent are reintegrated into Gabonese society and 70 per cent are repatriated.

100. The National Plan for Combating Trafficking has been in place since 2020. With the support of international organizations such as the United Nations Children’s Fund (UNICEF), and in collaboration with civil society, the Government has organized awareness-raising campaigns as part of the fight against child trafficking for the purposes of labour exploitation. In 2019, one such activity reached 861 people. Social workers and others involved in child protection and combating trafficking receive regular training, particularly in Ogooué-Ivindo Province in the northeast of the country.

101. Pursuant to articles 85 to 90 of the Act No. 003/2018 of 8 February 2019 on the Children’s Code in the Gabonese Republic, the Government has instituted a special regime for the repression of child trafficking.

102. Under the national judicial system for child protection, all child protection professionals must undergo specific training before assuming their duties.

103. Through specialized departments, since 2010, the Government has been organizing training seminars as part of a programme aimed at enhancing the capacity of professional communities to understand human rights treaties and protection mechanisms.

104. Concerning efforts to raise awareness and build the capacity of entities involved in the protection of children, young people and the general population against trafficking in persons, the National Committee to Monitor the Fight against Child Trafficking and the Directorate General for Human Rights have regularly organized events for the promotion and protection of the rights of children with a view to deterring the perpetrators of this scourge.

105. For example, since 2013, the Ministry of Justice, in collaboration with UNICEF, has regularly organized annual training seminars on the issue of child trafficking in Gabon, with particular emphasis on its cross-border nature and the judicial cooperation it requires, for criminal investigation police officers, juvenile judges and other persons working directly or indirectly on child protection.

106. The National Policy for Victims of Trafficking is essentially focused on children. This has led to the development of a host of legal and administrative instruments. The Government has identified four strategic priorities around which it has built its national policy to combat child trafficking.

107. Measures taken to offer better assistance to victims of trafficking include:

- Adoption of a normative instrument that takes into account international standards for the care of child victims of trafficking, namely, the handbook of procedures to care for victims of child trafficking: This handbook defines the roles and responsibilities of each person responsible for providing assistance to child victims of trafficking, the removal of victims from the criminal situation until their repatriation and, where appropriate, and always in the child’s best interests, the reintegration of victims in Gabon. Since its adoption, Gabon has been setting up vigilance committees to prevent and combat child trafficking in remote areas and organizing awareness-raising and information campaigns.
- Establishment by the Government of the “Supermwana” free call centre on 20 November 2020 to combat various forms of violence against children, in partnership with UNICEF: “Supermwana” makes it easier and quicker for families and children to report violations and child abuse that they have witnessed or of which they have been informed by a third party by calling 1412 (see annex, table 1). The Ministry for the Family has also set up a call centre to combat violence against women, accessible by calling the toll-free number 1404.

108. The competent departments of the Ministry of National Solidarity, namely, the Directorate General for Social Affairs, the Directorate General for the Family and the Directorate General for Protection of Widows and Orphans, and the National Health Insurance and Social Protection Fund are tasked with supporting victims and their families, providing rehabilitation services appropriate to their specific needs.

109. Once identified and liberated from the networks or families exploiting them, the children are temporarily placed in the social care centre in Angondjè. The cost of their repatriation is covered by the networks or families exploiting them, and they are transferred through UNICEF to their countries of origin. Where such networks or families cannot cover the costs of returning the children, these costs are shared with the Governments of the countries of origin; delays in payment by these Governments lead to the de facto extension of the victims' stay in the Angondjè centre.

110. The Government organized the repatriation of around 63 foreign child victims of trafficking in 2017 and held training courses for authorities responsible for assisting potential victims of trafficking.

111. Efforts are being made to improve the situation of adult victims of trafficking, contrary to any perceived gap in addressing their needs.

112. The draft amendment of the organic act on the composition, operation and competencies of the courts will establish "liberty and detention" courts, whose powers will include ruling on the detention of foreign victims of trafficking in Gabon until their situation has been definitively handled. From a situation of lawlessness in which trafficking victims were often treated like illegal immigrants, Gabon is now at a stage where such persons' status as victims is generally recognized and accepted, although more needs to be done.

113. Decree No. 000873/PR/MEPEPF of 17 November 2006 provided for the establishment of the National Observatory for Children's Rights to oversee the implementation of the Convention on the Rights of the Child and collect data on violence against children. Since 2016, a child protection indicators bulletin has been produced on the basis of administrative data on eight areas of children's lives compiled by all the sectoral ministries involved in the protection of children's rights.

114. Data on child trafficking (for the purposes of economic exploitation) from 2016 to 2018 are presented below:

- 2016: 69 child victims, data not disaggregated
- 2017: 55 child victims – 8 girls and 47 boys
- 2018: 93 child victims – 45 girls and 48 boys

115. The Centre for Children in Difficult Circumstances and the Arc-en-Ciel Centre registered the following:

- 2019:
 - Centre for Children in Difficult Circumstances: 59 children – 43 girls and 16 boys
 - Arc-en-Ciel Centre: 18 children – 14 girls and 4 boys
- 2020:
 - Centre for Children in Difficult Circumstances: 38 children – 13 boys and 25 girls
 - Arc-en-Ciel Centre: 31 children – 27 girls and 4 boys

116. Data from 2018 show compliance with the law in the formal sector. That year, the authorities removed at least 50 children from situations of forced labour and arrested and prosecuted at least 16 people suspected of employing them.

117. That same year, inspectors from the Ministry of Labour, Employment and Vocational Training began investigating and settling complaints of child labour.

118. The Interministerial Committee to Combat Child Trafficking registers and follows up on complaints. Its network of around 2,000 agents provide social services and support to victims of child labour at the local level but have no enforcement role. Complaints are forwarded to the police, who investigate and bring cases to the courts for prosecution.

119. No culture in Gabon promotes female circumcision. Female genital mutilation is always considered an offence, punishable by law like any other act of violence and aggravated by the specific nature of genital mutilation. Articles 230 ff. of the Criminal Code, reproduced in article 34 of Act No. 006/2021 of 6 September 2021 on the elimination of violence against women, provide that:

Anyone who has deliberately struck or committed any other violence or assault on a person resulting in injury or impairment of his or her physical or mental health, shall be punished by up to 5 years' imprisonment and a fine of up to CFAF 1 million. Violence as defined in title VIII of the Criminal Code is punishable regardless of its nature; this includes moral, psychological, economic or patrimonial violence and traditional practices harmful to women.

120. In the case of young girls, article 84 of the Children's Code provides that: "The State shall protect the child in particular against sexual abuse, sexual exhibition, sexual harassment, female genital mutilation, incest, kidnapping, ransom demands or payments, arbitrary detention and sequestration and misappropriation, in accordance with the provisions of the laws in force."

121. Early marriage is possible only under specific legal conditions. Article 203 of the Gabonese Civil Code provides that the legal age of marriage is 21.

122. By way of derogation, with the authorization of parents or guardians, a boy may marry from the age of 18 and a girl from the age of 15. With a view to harmonizing the legal age of marriage for girls and boys, the Gabonese legislature, in Act No. 004/2021 amending certain provisions of Act No. 15/72 of 29 July 1972 on the Civil Code, in its new article 203, set the legal age at 18 for both sexes: "Men and women under the age of 18 may not enter into marriage. However, the President of the Republic or, failing that, the President of the Court of Cassation, may grant age exemptions with a proper motive."

123. Article 265 of the Criminal Code defines and punishes this practice in the following terms: "Anyone who performs or attempts to perform a sexual act on a minor under the age of 18, for the purpose of consummating the union of a customary marriage, shall be punished by up to 5 years' imprisonment."

124. Forced marriage has traditionally existed in Gabonese customs, but since the 1960s it has been widely suppressed and is now virtually non-existent. Gabonese law prohibits forced marriage under articles 202 and 211 of the Civil Code. Foreign communities residing in Gabon who still engage in customs involving forced marriage are subject to legal action. Articles 39 and 264 of the current Criminal Code punish forced marriage in the following terms:

Article 39: "Anyone who gives in customary marriage or marries customarily or civilly a non-consenting woman or a minor under 18 years of age shall be punished by up to 5 years' imprisonment."

Article 264: "Anyone who gives in customary marriage or marries customarily a non-consenting woman or a minor under 18 years of age shall be punished by up to 5 years' imprisonment."

125. Women's emancipation has had an impact on Gabonese culture, with widowhood and levirate marriage practices on the decline. Nonetheless, the legislature has taken precautions to prevent these forms of violence. The aforementioned Act No. 006 has been the subject of awareness-raising campaigns aimed at preventing such practices.

126. The toll-free numbers 1402 and 1412 mentioned above are just some of the tools in place to provide better assistance to victims and guide them to the appropriate institutions for medical, social and psychological support.

127. Sexual, gender-based and domestic violence are severely punished by the aforementioned law.

128. The Ministry of Justice's campaign to raise awareness of laws preventing violence against women in Gabon came to an end in July 2022 and has been succeeded by a monitoring phase that is still under way, so no conclusive results can be drawn to date. The campaign has been extended to schools and is being led by association leaders who have received the necessary training.

129. Concerning the facilitation of the filing of complaints by victims and the improvement of legal and medical assistance, the relevant processes are clearly described in articles 9, 12 and 14 of Act No. 006/2021 of 6 September 2021 on the elimination of violence against women, giving full effect to this recommendation.

Article 9: In cases of violence against women or sexual assault, including rape, the Ministry of Health, in collaboration with the Ministry of Women's Rights and the Ministry of Justice, shall draw up standard forms for medical certificates and other attestations.

These documents may be produced in court.

In the event of rape, a general medical examination may be ordered by the competent judicial authority at the expense of the Treasury.

The Ministry of Health, in collaboration with the Ministry for Women's Affairs and the Ministry of Justice, shall ensure that certificates may be issued by any health professional or hospital in the country, so that any woman who has been a victim of violence can consult a doctor as soon as possible after the event and obtain a certificate free of charge."

Article 12: "The State has an obligation to facilitate the handling and treatment of cases of violence against women through its judicial institutions."

Article 14: "Persons involved in the judicial handling of violence against women are required to initiate proceedings within one month at the latest.

Failure to comply with this time limit may result in disciplinary action as provided for in the applicable regulations.

The procedures for handling and lodging complaints are specified in regulations.

130. Regarding adequate compensation, in addition to the advantages of facilitated procedures for assisting victims of violence, any victim of an offence may, during criminal proceedings, file a civil complaint for criminal indemnification. Filing for compensation is always an option (Code of Criminal Procedure, art. 11).

131. Article 18 (3) of the aforementioned Act No. 006/2021 of 6 September 2021 provides that: "Any woman who is the victim of violence is entitled to damages from the perpetrator, in accordance with the provisions of the laws in force."

132. There is a general law dealing with legal aid according to which persons appearing in court may be assisted by a lawyer at the State's expense (Code of Civil Procedure, arts. 50–52). This principle is reiterated in articles 17 and 18 of the Act on the Elimination of Violence against Women.

133. The table below shows the number of complaints of domestic violence and acts of violence against women and girls recorded nationwide from January 2021 to 30 September 2022.

<i>Year/category</i>	<i>2021</i>	<i>2022</i>	<i>Total</i>
Complaints received	217	363	580
Violence against women	181	263	444
Rape	31	100	131
Complaints made by telephone call	-	68	68

134. The Akanda police station, which has a specific gender-based violence division, registered 32 cases of violence from January to December 2021 and 120 cases from January to September 2022.

135. The number of withdrawals remains high, as most married or cohabiting complainants opt to settle their cases within the family.

136. In Gabon, it is now accepted that marriage may not be contracted by persons under the age of 18, except for legitimate reasons. Article 203 of Act No. 004/2021 of 31 September 2021 amending certain provisions of Act No. 15/72 of 29 July 1972 on the Civil Code provides that: “Men and women under the age of 18 may not enter into marriage. However, the President of the Republic or, failing that, the President of the Court of Cassation, may grant age exemptions with a proper motive.”

137. To more effectively tackle the issues of rape and sexual harassment, the Government adopted Act No. 006/2021, article 36 of which defines and provides for the punishment of marital rape in the following terms:

Rape is any act of sexual penetration of any kind committed on another person using violence, constraint, threat, surprise or deception, whatever the nature of the relationship between the aggressor and the victim, even if the two are married. If the victim is under the age of 15, the absence of consent is always presumed.

- Rape is punishable by 15 years’ imprisonment and a fine of up to CFAF 50 million
- Rape is punishable by life imprisonment and a fine of up to CFAF 50 million when:
 - It leads to the victim’s death
 - It is preceded, accompanied or followed by torture or acts of barbarism
 - It results in permanent mutilation or disability

138. All aspects of sexual harassment are addressed in article 37 of the aforementioned law, which provides that:

Sexual harassment is the repeated imposition of sexual or sexist comments or behaviour that either violate the dignity of the person because of their degrading or humiliating nature or create an intimidating, hostile or offensive situation. Sexual harassment is also the act, even if not repeated, of using any form of pressure with the real or apparent aim of obtaining an act or favours of a sexual nature, for the benefit of the perpetrator or a third party. Any person guilty of sexual harassment shall be punished by up to 6 months’ imprisonment and a fine of up to CFAF 2 million.

Article 3

139. An analysis of the extradition procedure set out in the Code of Criminal Procedure shows that extradition is not authorized in every instance. Articles 624–635 provide for better oversight of the conditions governing the extradition procedure and the consequences of extradition. Article 627 of the Code of Criminal Procedure provides that extradition requests must be granted if the offence giving rise to the request is punishable as a serious or less serious criminal offence under Gabonese law. Under Gabonese law, extradition is not granted when:

- The offence is of a political nature, or the extradition request is politically motivated
- The person sought would be tried in the requesting State by a court that does not provide fundamental procedural guarantees and protection for the rights of the defence

When the indictments chamber of the court of appeal finds that the requirements have not been met or that there has been an obvious error, it may, pursuant to the fourth paragraph of article 635 of the Code of Criminal Procedure, deny extradition by means of a reasoned opinion; the denial is not subject to appeal and is binding on the executive branch. In general terms, the prohibition against transferring a person under Gabonese jurisdiction to another State when there are substantial grounds for

believing that such a person would be exposed to a real risk of harm, particularly to life or physical integrity, applies in time of peace as in time of armed conflict, regardless of the legal basis, the form (extradition, refoulement, transfer, etc.) and the modes of transfer. This is an international standard which takes precedence over national law and whose direct applicability is not questioned by the Gabonese legislature.

140. In the light of the above, the law provides for grounds for refusing extradition, particularly in cases where the offence is of a political nature or the extradition has a political purpose. The indictment division of the Libreville Court of Appeal is required to oversee the process.

141. Expulsion is a much less stringent procedure. It is sometimes a complementary penalty for offences relating to illegal immigration and sometimes an administrative measure relating to migration policy. It is easier for an expulsion to be ordered on the basis of an individual examination when it is a complementary penalty. It is difficult when it is an administrative measure, as it is often applied collectively.

142. Generally speaking, it is highly unlikely that an expulsion or extradition decision will be taken in violation of the principle of non-refoulement.

143. The revision of the Criminal Code that is currently being drafted is expected to include an article 225-7-2 establishing that migrants who have entered Gabon illegally for family, humanitarian or political reasons may not be expelled.

144. Judicial expulsion falls within the normal framework of procedures provided for in the Code of Criminal Procedure. The party concerned retains the right to appeal. This appeal has a suspensive effect. Administrative expulsion may be suspended by filing an appeal with the administrative courts.

145. Generally speaking, articles 50-52 of the Code of Civil Procedure provide that anyone facing justice in Gabon has the right to legal assistance. These articles are implemented in accordance with Act No. 4/82 of 22 July 1982, establishing the legal aid system, the decree implementing the Act (No. 1271/PR/MJ of 8 September 1982) and Decree No. 253/PR/MJGSDHRIC of 10 June 2012 on the organization and functioning of legal aid offices.

Article 50 provides that legal aid may be granted in any case to any litigants, when, as a result of their insufficient means, they are unable to exercise their legal rights, whether they are plaintiffs or defendants. It is available for all disputes and all non-contentious proceedings.

Article 51 provides that beneficiaries are exempted from the payment of costs and fees, which will be advanced by the Treasury and authorized for payment out of criminal justice funds; they are entitled to the assistance, free of charge, of a process server and counsel. As of right, the aid covers enforcement measures and proceedings.

Article 52 provides that a decree will establish the conditions governing eligibility for legal assistance, the conditions governing the withdrawal of assistance and the procedures for recovering costs.

146. There is currently no mechanism for providing medical care to victims of violence except in cases involving violence against women and children.

147. However, the forthcoming establishment of the national preventive mechanism will enable this matter to be addressed.

148. There is no specific mechanism relating to refugees. However, the Government cooperates with the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees, asylum-seekers and other persons of concern. A protection scheme has been set up for them.

149. The launch of the national mechanism for the prevention of torture will enable the Government to give full effect to this recommendation.

150. It should be borne in mind that all ill-treatment or humiliating treatment is forbidden under the law of Gabon. Law enforcement officers are not exempt from prosecution for established violations.

151. On 1 January 2022, there were 331 refugees and asylum-seekers in Gabon (278 refugees and 53 asylum-seekers). Of these, 43 per cent were women and 57 per cent men. They are mostly nationals of Chad (30 per cent), the Democratic Republic of the Congo (30 per cent), the Congo (18 per cent) and the Central African Republic (9 per cent), along with a dozen other nationalities (13 per cent). A total of 81 per cent of them live in Libreville, with the remainder being spread across the country's eight other provinces.

Articles 5–9

152. Under the law as it currently stands, unless there is a threat to the interests of the country, no domestic provision requires Gabon to try a foreign perpetrator of an offence of torture committed abroad who is on its territory if he or she is not extradited.

153. Article 542 of the Code of Criminal Procedure, which establishes the extraterritorial jurisdiction of Gabonese law over offences committed abroad by non-nationals, may be applied only when the foreign national concerned, having been arrested in or extradited to Gabon, is the perpetrator, accessory to or instigator of an offence against the national security of Gabon, an offence of counterfeiting the seals of State or banknotes that are legal tender in Gabon, or an offence against a Gabonese national (see article 8–8 of the Criminal Code).

154. However, it should be recalled that, since extradition is in principle based on international agreements, States parties are free to include in such agreements a provision establishing a mutual obligation to bring proceedings if extradition is not carried out.

155. No request has been received from a third State for the extradition of a person suspected of having committed an offence of torture.

156. Under article 627 of the Code of Criminal Procedure, all acts classified as felonies are subject to extradition in accordance with the conditions established in the Code. The offences referred to in article 4 of the Convention are also extraditable.

157. In the absence of an extradition treaty, articles 624 ff. of the Code of Criminal Procedure provide for and define extradition proceedings in Gabon. Any State can therefore secure the extradition by Gabon of the perpetrator of an offence.

158. As the Convention against Torture has been ratified by Gabon and has de facto become part of the domestic legal order, there is nothing to prevent it from being invoked as the legal basis for an extradition request.

159. Gabon is fully committed to several international agreements and treaties on mutual legal assistance. Certain aspects of these international treaties and conventions can therefore be incorporated into the Code of Criminal Procedure. This applies to cooperation with the International Criminal Court (Code of Criminal Procedure, art. 636 ff.), where, in the absence of relevant express provisions, the transfer of the requested person also involves the disclosure of evidence, irrespective of the grounds for the proceedings.

160. International conventions on judicial cooperation, such as the Convention on Judicial Cooperation for the Execution of Judgments and Extradition between France and Gabon, of 23 July 1963, and the Agreement on Judicial Cooperation between the Member States of the Central African Economic and Monetary Community, of 28 January 2004, allow Gabon to surrender or transfer perpetrators of offences to other foreign judicial systems or international organizations that request it. In the absence of any express provisions, there is nothing to prevent evidence from being disclosed, irrespective of the grounds for the proceedings.

Article 10

161. Since 2010, the Ministry of Human Rights has been organizing training seminars as part of a programme aimed at enhancing the capacity of professional communities to

understand human rights treaties and protection mechanisms. Training seminars on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and awareness-raising campaigns for criminal investigation officers and staff in places of deprivation of liberty were organized in Estuaire in 2013, Moyen-Ogooué in 2015 and Ogooué-Maritime in 2018.

162. The campaign was continued in Haut-Ogooué and Woleu-Ntem in 2022 by the National Commission on Human Rights while focal points were being established in those provinces.

163. On the initiative of the United Nations Regional Office for Central Africa and the national police force, a workshop was organized to strengthen the operational capacities of 34 Gabonese police officers in “human rights protection in the context of the judicial process and democratic crowd management”.

164. A total of 105 agents received training through the above-mentioned training seminar for staff in places of deprivation of liberty held in Port-Gentil from 19 to 23 February 2018. The data collected on these agents are included in the table below:

<i>Rank</i>	<i>Number</i>	<i>Percentage in %</i>
Commander	8	7.6
Captain	8	7.6
Lieutenant	23	22
<i>Adjudant Chef Major</i> (chief senior warrant officer)/ <i>Brigadier Chef Major</i> (senior master sergeant)	11 (7+4)	10.5
<i>Adjudant Chef</i> (senior warrant officer)/ <i>Brigadier chef</i> (master sergeant)	9 (1+8)	8.5
<i>Adjudant</i> (warrant officer)/ <i>Brigadier</i> (sergeant major)	11 (6+5)	10.5
<i>Maréchal des logis</i> (sergeant)/ <i>Sous-brigadier</i> (junior sergeant)	21 (20+1)	20
Agent de brigade (constable)	14	13.3
Total	105	100

165. The manual has not yet been used in the various seminars organized to date, but the Government is committed to using it in future training seminars.

Article 11

166. To strengthen respect for the fundamental rights of persons deprived of their liberty, the Government has revised its criminal policy by implementing legislative and regulatory measures. Two amendments to the Criminal Code have introduced alternatives to imprisonment, namely reparation penalties, penalties involving the deprivation or restriction of certain rights, and community service.

167. The application of Decree No. 00236 of 15 September 2021, establishing the terms and conditions for community service, will enable the courts to gradually reduce prison overcrowding.

168. The new Code of Criminal Procedure also offers alternatives to prosecution. The public prosecutor can now resort to the criminal appearance procedure with the parties involved, under clearly defined conditions. This procedure is only applicable for offences that do not harm a person’s physical integrity.

169. In addition, there is the procedure for appearing in court under a preliminary acknowledgement of guilt, which can be proposed ex officio by the public prosecutor or at the request of the defendant.

170. Gabon also intends to strengthen its arsenal of measures to ensure that its fundamental judicial guarantees are respected in practice. The current draft revision of the Criminal Code provides for a number of offences to punish abuses and violations of individual rights by law enforcement officials.

171. In the area of sentence enforcement, the reform introduces a sentence enforcement judge, also known as a parole judge, as well as tools for amending sentences such as conditional release, presidential pardon and amnesty.

172. To identify and resolve the issue of irregular detentions, an ad hoc commission responsible for examining the legality of detentions in prisons was set up in Libreville and in other parts of the country under Decision No. 009/MJGSCDH/SG of 24 November 2020.

173. Regarding Libreville's central prison, 529 of the 843 reported cases of irregular detention were examined. Of those 843 irregular situations recorded, the midterm review led to the release of 207 prisoners (including 104 men, 4 women and 19 minor males) and 91 convictions (78 men, 4 women and 9 minor males), i.e. 24 per cent releases and 11 per cent convictions.

174. The State's commitment to improving prison conditions is reflected in the prison estate expansion and renovation programmes currently under way. The 106-bed women's prison in Libreville, built to international standards, has been operational since April 2022.

175. Construction work on the juvenile detention centre and the school at Libreville's central prison is also under way. Presentation files and cost estimates are ready for the Lambaréné, Makokou and Oyem prisons, where renovation work is scheduled to start in 2023.

176. Two rooms are now available for families and lawyers wishing to visit detainees. In addition to receiving visits, detainees can make telephone calls through the social services.

177. The separation of remand prisoners from convicted prisoners has already been implemented at the women's prison. It will be extended to other units following the opening of the juvenile detention centre.

178. With regard to detainees' diet, the daily ration has been increased from one to two varied meals per day. Sick detainees receive a double daily ration. Special food kits are provided for patients with tuberculosis.

179. With regard to medical care, all prisons in Gabon have a health unit staffed by doctors, nurses, midwives and laboratory technicians, who monitor prisoners and transfer them to appropriate hospital facilities in the most serious cases. Improvements to prisoners' medical care include:

- The routine provision of outpatient care, day and night
- A strengthened system for monitoring sick detainees
- Improvements regarding consultations, outpatient care, observation and hospitalization, transfers to specialized facilities
- Examinations now carried out at the health centre laboratory
- Free access to various health programmes, such as for human immunodeficiency virus (HIV), PLIST, tuberculosis, major endemic diseases, women's cancers, etc.

180. In the same vein, the following actions have been carried out:

- Extending the health centre
- Expanding and equipping the GeneXpert laboratory
- Opening a screening and treatment centre for tuberculosis and HIV
- Setting up an advanced care system in male prisons

181. To provide better medical care for prisoners, the Government has increased the number of healthcare staff since 2019 by recruiting two new doctors and a midwife. It has also facilitated the effective training of two State-certified polyvalent nurses and a nurse midwife. Lastly, an agreement has been signed between the prisons administration and the

National Institute for Health and Social Action Training regarding the training of healthcare and social workers.

182. In the area of hygiene, the following changes have taken place over the past two years:

- Improvement of hygiene conditions with the construction of the women’s prison
- Implementation of an agreement with the Institute of Public Hygiene and Sanitation
- Creation of a wastewater management and treatment system for the detention facility
- Implementation of a system and programme for the collection and disposal of domestic waste produced by the detention facility
- Rehabilitation of the water distribution network and strengthening of supply capacities
- Implementation of an agreement for the treatment of healthcare waste with infectious risk with a partner of the National Tuberculosis Control Programme.

183. The principle of separating minors and adults, and men and women, has always been respected in places of deprivation of liberty throughout Gabon. Article 2 of Decree No. 0018/MJGS/CAB, on the internal regulations of prisons in Gabon, stipulates: “Once the formalities of confinement have been completed, men, women and minors, depending on their offence, are handed over to the surveillance service for integration into the separate units of the establishment. Within the limits of available resources and capacity, prisoners detained for misdemeanours must be separated from those detained for felonies, particularly those convicted of violent crimes. Male and female prisoners should only be monitored and searched by staff of the same sex.” The latest measures demonstrate the importance the authorities attach to respecting this principle.

184. As part of the public policy for managing detentions and sentences, measures have been put in place to ensure the separation of remand prisoners from convicted prisoners.

185. To prevent inter-prisoner violence, unannounced visits are carried out by the public prosecutor’s office, the National Commission on Human Rights and the Judicial Services Commission.

186. The law grants arrested or detained persons the right to challenge the legal basis for their detention and to complain about its arbitrary nature, in addition to any ill-treatment to which they may be subjected.

187. Compensation is also payable if a court concludes that the detention was unlawful (Code of Criminal Procedure, art. 11 ff.).

188. In 2021, 45 juvenile detainees held on for indictable offences were reported as victims of ill-treatment and abuse in the prison environment. In criminal matters, the number of prisoners who have lodged complaints before the juvenile courts stands at 47.

Articles 12 and 13

189. Gabon does not have a specific framework for the investigation of cases of torture, although the matter is treated with due seriousness. As with any act of violence, an investigation may be opened into allegations of torture.

190. In addition, the impartiality of investigations is guaranteed, in that, when the complainant is dissatisfied with the investigation conducted by the public prosecutor, she or he still has the option of opening a judicial investigation by lodging a complaint to bring criminal indemnification proceedings before an investigating judge, whose independence is enshrined in the Constitution.

191. The strict management of the State’s financial resources does not allow for the establishment of a dedicated framework to comply with this recommendation, in particular because the imminent creation of the national preventive mechanism will contribute to full compliance with it.

192. In response to this recommendation, the Government of Gabon has, in its bill on the reorganization of the National Commission on Human Rights, provided for the establishment of a national preventive mechanism, the specific remit of which is to address all forms of torture and other cruel, inhuman or degrading treatment or punishment in all places of deprivation of liberty, with no restrictions, as defined in articles 6 and 10 of the bill.

193. Since acts of torture are classified as felonies in Gabonese criminal law, in accordance with article 224 ff., issues relating to the filing of a complaint are clearly covered by articles 98–104 of the Code of Criminal Procedure. Article 98 provides that: “any person who claims to have suffered injury as a result of a felony or a misdemeanour may, by filing a complaint, bring criminal indemnification proceedings before the investigating judge”.

194. As for the guarantee of confidentiality and independence, they are provided for in article 4 of the Code: “proceedings during the course of the inquiry and investigation are secret, except as otherwise provided and without prejudice to the accused. All persons involved in the proceedings are bound by professional secrecy, in accordance with the law, failing which they may be prosecuted. Notwithstanding the provisions of the first and second paragraphs above, the public prosecutor may, until the opening of the investigation, disseminate through the press certain information and objective evidence drawn from the proceedings that could facilitate the search for the truth or correct any misunderstandings that may have spread among the general public”.

195. Within the Gabonese criminal justice system, however, the approach adopted is increasingly for the victim to be actively involved in the investigation. The aim is to break with the traditional understanding of the victim as a mere complainant who, having suffered an offence, wishes to obtain redress. Increased financial resources would undoubtedly enable the Government to guarantee better protection for victims and, consequently, to bolster its efforts to encourage the reporting of criminal acts.

196. With regard to disciplinary proceedings brought against law enforcement officers, 110 officers were subject to disciplinary sanctions between 2018 and 2021: 25 officers in 2018, 45 in 2019, 22 in 2020 and 18 in 2021. The officers were sanctioned for incitement to violence, acceptance or solicitation of bribes, attempted rape of minors, aggravated assault and battery, failure to assist a person in danger, assault and battery with a firearm, abduction and rape, common assault, murder, unintentional homicide and delivery of a fatal blow. In addition, concerning discipline in general, 172 police officers were subject to statutory punishment in 2021 and 2022 for engaging, in the course of their duties, in various forms of misconduct, such as assault, common assault, public insults, defamation and verbal abuse, and abuse of authority; 27 were imprisoned.

Article 14

197. Article 11 of the Code of Criminal Procedure provides for redress. In general, under this article, any person with an interest in a case, including cases pertaining to torture, may bring criminal indemnification proceedings to obtain compensation for the harm suffered.

Article 11 provides that: “the purpose of criminal indemnification proceedings is redress for harm directly caused by a felony, a misdemeanour or a petty offence. Such proceedings may be brought by any natural or legal person who has personally suffered harm.

The proceedings may also be brought by any duly registered association the articles of incorporation of which pertain to:

- Combating discrimination on the basis of nationality, ethnicity, race or religion
- Defending or assisting children who are potential or actual victims of abuse of any kind
- Combating sexual violence in all its forms
- Defending and ensuring respect for human rights
- Protecting wildlife”

198. In general, the Gabonese courts, when ruling on prosecutions and, consequently, on criminal indemnification proceedings to obtain redress for harm suffered, rule only on claims that have been made. Indeed, very often, the financial compensation that is awarded to victims depends on the claims made before the courts. Given that torture has only recently been criminalized, however, it is difficult to identify a particular strand of case law on the matter.

199. In parallel with the possibility of bringing civil proceedings mentioned in the previous answer, it is also possible to establish entitlement to redress and compensation measures by invoking, before the administrative courts, the State's responsibility for misconduct on the part of its agents. This is pursuant to the fifth subparagraph of article 35 of Act No. 17/84 of 29 December 1984 on the Code of Administrative Jurisdictions. There is not yet any case law on this point either.

200. The establishment of a national preventive mechanism will be an important counterweight within the State machinery, which will both influence decision-making and improve the lot of torture victims. The State has noted this and will take the necessary measures to give effect to it.

201. Article 17 of Act No. 006/2021 of 6 September 2021 on the elimination of violence against women provides that: "the Ministry of Justice, in collaboration with the ministry responsible for women's rights, takes measures to smooth the course of justice and facilitate the assumption of legal costs for woman victims of violence". That partially answers this question, in particular with regard to violence against women.

202. In general, articles 50–52 of the Code of Criminal Procedure provide for the system of legal aid, which can be granted to any person who so requests in respect of any case. These articles are implemented in accordance with Act No. 4/82 of 22 July 1982 establishing the legal aid system, its implementing Decree No. 1271/PR/MJ of 8 September 1982 and Decree No. 253/PR/MJGSDHRIC of 10 June 2012 on the organization and functioning of legal aid offices.

Article 15

203. Article 16 of the Code of Civil Procedure states: "It is incumbent on each party to prove, in accordance with the law, the facts necessary for the success of its claim." The phrase "in accordance with the law" in this provision implies that all evidence must have been obtained lawfully. As violence and torture are criminal offences, they are necessarily fraudulent means of obtaining evidence and inevitably render any evidence obtained in this manner inadmissible before the courts.

204. The national legal framework does not yet include a system that can fully satisfy the recommendation. However, as no one is above the law, the ban on torture as established in the Criminal Code is binding on all and should be sufficient to initiate proceedings against investigators suspected of having used torture to obtain confessions.

205. Article 527 ff. of the Code of Civil Procedure and article 493 ff. of the Code of Criminal Procedure provide for the review of final decisions. This extraordinary remedy allows all persons found guilty of a felony or a misdemeanour in criminal proceedings to submit their case for review by a court in accordance with specific conditions.

206. In other words, where persons are convicted on the basis of a confession obtained under torture, they always have the possibility of demonstrating before the courts that they were victims of torture and to use this as grounds for a judicial review.

Article 16

207. To deal with ritual crimes, the Government has introduced the specific offence of "murder with intent to remove organs, tissues, blood or any other part or product from the victim's body for commercial or ritual purposes" into the law (Criminal Code, arts. 223-4.1 and 224-2).

208. Although judicial proceedings have been brought against individuals arrested on suspicion of ritual murder, this is not a satisfactory response to the question of combating impunity in this area, given the State's limited resources, the code of silence that rules this area of crime and, above all, the great discretion of the instigators (the actual perpetrators of these offences).

209. There is no problem with the reporting of ritual crimes in Gabon. Rather, the State has to contend with a lack of evidence against the suspects and the problems mentioned above. The establishment of the Forensic Police Directorate to, among other objectives, find and process evidence and identify the alleged perpetrators of offences, will enable the authorities to find the true culprits of these offences.

210. On the initiative of the clergy and the Sylvia Bongo Ondimba Foundation, the State encouraged a march to raise public awareness of so-called ritual crimes. At the end of the march, a memorandum was submitted to the President of the National Assembly.

211. Under Gabonese criminal law, the principle is that reparation is the responsibility of the offender. Direct victims of a felony or a misdemeanour can claim compensation before a criminal court.

212. Duly registered associations whose purpose under their statutes is the defence and respect of human rights also enjoy this right in keeping with article 11 of the Code of Criminal Procedure.

213. However, in practice, the awarding of reparation is often hampered by difficulties in identifying and prosecuting the true perpetrator.

214. Outside this framework, it is possible to obtain reparation by invoking the State's responsibility before the Council of State.

215. The cases of murder and similar offences cited by public opinion as ritual crimes have, for the most part, turned out to be murder or manslaughter. However, the courts recorded seven cases of murder with organ removal. Three of these have been adjudicated (see data below for the period from 2011 to 2018). The victims were mainly of Gabonese nationality.

216. In 2011, following an investigation and legal proceedings, the perpetrator of a ritual crime was convicted of the offence of murder, sentenced to 22 years' imprisonment and ordered to pay CFAF 20 million in damages to the victim's family.

217. In 2012, the Criminal Court found two men guilty of the offences of murder and accessory to murder with organ removal and sentenced them to life imprisonment and 12 years' imprisonment, respectively.

218. In 2013, the perpetrator of criminal offences was sentenced to life imprisonment, while the case against the alleged instigator was dismissed for lack of evidence.

219. In the same year, after a crime involving the harvesting of the victim's organs was reported in the press, the public prosecutor's office initiated proceedings, which led to Mr. X being brought before the criminal court. Both defendants are awaiting trial.

220. In 2014, after a crime involving the harvesting of organs was reported in the press, the public prosecutor's office initiated proceedings, which led to alleged perpetrator being brought before the criminal court. Both defendants are awaiting trial.

221. The same year, two perpetrators of ritual crimes were sentenced to life imprisonment, while the case against the alleged instigator was dismissed for lack of evidence.

222. Finally, the alleged perpetrators of an attempted murder with organ removal committed in 2015 are awaiting trial before the specialized division of the Court of Appeal.

223. The Government has set up a forensic police laboratory to strengthen the testing capabilities of the department responsible for helping the police meet demand in this area. The fight against these crimes also includes the training of police officers and the involvement of civil society organizations and religious bodies.

224. Lawmakers adopted Act No. 21/2011 establishing general guidelines for education and research, which bans corporal punishment. Article 108 (1) of the Act stipulates that:

“Physical punishment, abuse and any other form of violence or humiliation are prohibited in schools and universities.”

225. Furthermore, article 83 of Act No. 003/2018 of 8 February 2019 on the Children’s Code establishes that: “All forms of physical and psychological violence against children are prohibited.”

226. Ministerial Decree No. 0480/PM/MIJGS on the establishment and organization of a mechanism on violence at schools, universities and vocational training centres, which performs prevention, warning, rapid intervention and monitoring functions with a view to mounting an effective response to this scourge, was adopted in 2019. Under article 3 of the Ministerial Decree, “the mission of the mechanism is to curb violence against children at schools, universities and vocational training centres, in a swift and coordinated manner, in the best interests of the child.” To this end, it is responsible for:

- Developing preventive actions to combat violence against children, including measures for perpetrators
- Reporting critical or dangerous situations;
- Alerting the various actors in the child protection system
- Conducting swift and coordinated interventions
- Monitoring the interventions of all actors
- Conducting periodic assessments of the scope of the issue of violence and the impact of the national strategy in this area
- Documenting and recording cases of violence

227. The awareness-raising campaigns launched by the Government to combat violence against children in schools, universities and vocational training centres are ongoing. Although a midterm review has not been carried out to assess their results, it has been noted that the phenomenon is decreasing.

228. The table below shows the number of complaints of violence against children registered by the public prosecutor’s office, broken down by sex and age for the current year.

Summary of cases of violence against children

<i>Types of violence</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
Physical, sexual and psychological	89	45	134
Emotional	9	7	16
Physical	4	5	9

Source: Public prosecutor’s office, Libreville.

229. It is taking longer than expected for Gabon to declare that it recognizes the Committee’s competence under articles 21 and 22 of the Convention.

III. General information on the human rights situation in the country, including new measures and developments relating to the implementation of the Convention

230. Cognizant of its international commitments, the Gabonese Republic has taken into account all the human rights contained in the above-mentioned Convention in article 1 of its Constitution:

Article 1:

“The Gabonese Republic recognizes and guarantees inalienable and imprescriptible human rights, which are binding on public authorities:

- Every citizen is entitled to the free development of his or her personality, while respecting the rights of others and public order; no one may be humiliated, mistreated or tortured, even when under arrest or imprisonment
- Freedom of conscience, thought, opinion, expression and communication and the free practice of religion are guaranteed for all without distinction, subject to respect for public order
- The freedom to come and go within, to leave and to return to the territory of the Gabonese Republic is guaranteed to all Gabonese citizens, subject to respect for public order
- The rights of the defence, in the context of a trial, are guaranteed for all; pretrial detention may not exceed the time prescribed by law
- Restrictions on the use of information technology in order to protect people, their personal and family privacy and the full exercise of their rights are laid down by law
- The State and public authorities are under an obligation to protect young people against exploitation and moral, intellectual and physical abandonment
- No one may be detained arbitrarily
- No one may be kept in police custody or be held under a detention order if he or she provides adequate surety, subject to security and procedural requirements
- An accused person is presumed innocent until proven guilty in a fair trial at which the necessary guarantees are provided for his or her defence
- The judiciary, as guardian of the freedom of the individual, ensures respect for these principles within the time frame laid down by law”

231. Gabon has made the culture of human rights its top priority. However, limited financial resources do not allow the Government to realize its vision of respect for human rights in its territory. Nevertheless, various efforts have been made to implement a culture of human rights. These include:

- The “Gabon Égalité” national policy advocated by the Government to promote the fight against social inequalities through the introduction of a policy on gender equality and equity, which has led to the drafting of a strategic document titled the National Strategy for Gender Equality and Equity
- The establishment in police stations of a unit to combat violence against women (already operational at the Akanda station where the initiative is being piloted)
- The establishment of the National Observatory to Combat Violence against Women
- The establishment of the National Observatory for Children’s Rights
- The development of a matrix of child protection indicators
- The establishment of juvenile divisions in all courts of first instance
- The establishment of the National Police Board
- The establishment of a criminal intelligence analysis unit with support from the International Criminal Police Organization (INTERPOL)
- The strengthening of local offices of the Forensic Police Directorate, which intervenes at the request of the judiciary or the investigative police; judicial investigations consist of finding and processing evidence and identifying the alleged perpetrators, thereby combating torture and inhuman treatment, such as the use of coercive methods to extract confessions
- The amendment of several legislative texts, including the Criminal Code, the Code of Criminal Procedure, the Civil Code and the Labour Code
- The adoption of the public policy on the management of detentions and sentences