



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

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Committee against Torture

Concluding observations on the second periodic report of Gabon*

1. The Committee considered the second periodic report of Gabon¹ at its 2248th and 2251st meetings,² held on 21 and 22 April 2026, and adopted the present concluding observations at its 2260th meeting, held on 29 April 2026.

A. Introduction

2. The Committee expresses its appreciation to the State Party for accepting the simplified reporting procedure and submitting its second periodic report thereunder, as this improves the cooperation between the State Party and the Committee and focuses the examination of the report and the dialogue with the delegation. Nonetheless, the Committee regrets that the State Party submitted the report seven years late.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the delegation of the State Party and welcomes the oral responses to the questions and concerns raised during the consideration of the periodic report.

B. Positive aspects

4. The Committee welcomes the ratification of or accession to the following international instruments by the State Party since the consideration of its previous periodic report:

(a) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, on 10 May 2019;

(b) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 2 April 2014.

5. The Committee also welcomes the measures taken by the State Party to amend laws or legislate in areas of relevance to the Convention, including the adoption of the following:

(a) Referendum Act No. 002-R/2024 of 19 December 2024, the Constitution;

(b) Act No. 023/2024 of 21 November 2024 on the restructuring of the National Commission on Human Rights, article 5 of which provides that the Commission is to serve as the national mechanism for the prevention of torture;

* Adopted by the Committee at its eighty-fourth session (13 April–1 May 2026).

¹ CAT/C/GAB/2.

² See CAT/C/SR.2248 and CAT/C/SR.2251.



(c) Act No. 004/2021 of 15 September 2021 amending certain provisions of Act No. 15/72 of 29 July 1972, the Civil Code, which raises the legal age of marriage for girls from 15 years to 18 years;

(d) Decree No. 00236 of 15 September 2021 establishing the terms and conditions for community service, which will enable the courts to gradually reduce prison overcrowding;

(e) Act No. 006/2021 of 6 September 2021 on the elimination of violence against women;

(f) Act No. 006/2020 of 30 June 2020 amending Act No. 042/2018, the Criminal Code, which strengthens the legal framework applicable to torture, classifies torture as a crime against humanity and introduces an explicit criminal offence of trafficking in persons that is compliant, in terms of both the definition and the punishment of that offence, with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(g) Organic Act No. 008/2019 of 4 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 Court of First Instance and the Libreville Court of Appeal to try, in particular, cases involving the misappropriation of public funds;

(h) Organic Act No. 003/2018 of 8 February 2019, the Children's Code, which establishes a special framework for combating trafficking in children and prohibits all forms of sexual, physical and psychological violence, abduction and arbitrary detention, establishes deprivation of liberty as a measure of last resort, prioritizes alternatives to incarceration for children in conflict with the law and ensures their separation from adults within the prison system.

6. The Committee welcomes the measures taken by the State Party to amend its policies and procedures with a view to improving human rights protection and giving effect to the Convention, in particular:

(a) The adoption of a national plan for combating trafficking in persons, in 2020;

(b) The establishment in Libreville and other parts of the country of an ad hoc commission responsible for examining the legality of detentions in prisons, pursuant to Decision No. 009/MJGSCDH/SG of 24 November 2020;

(c) The launch, on 20 November 2020, in partnership with the United Nations Children's Fund (UNICEF), of Supermwana, a free hotline for child victims of various forms of violence;

(d) The adoption of Decree No. 0480/PM/MIJGS of 6 November 2019, regarding the establishment, organization and operation of a mechanism that performs prevention, warning, rapid intervention and monitoring functions to combat violence against children in schools, universities and vocational training centres.

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations, the Committee requested the State Party to provide it with information on follow-up to the Committee's recommendations regarding the criminalization of torture; the fundamental safeguards in place for the protection of persons held in police custody; prison conditions; and the prosecution and punishment of perpetrators of acts of torture and ill-treatment.³ Noting the reminder from the Committee's Rapporteur for follow-up to concluding observations,⁴ dated 25 November 2013, the Committee regrets

³ CAT/C/GAB/CO/1, para. 29.

⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUL%2FGAB%2F15839&Lang=en.

that the State Party did not provide that information. With reference to the information provided in the State Party's second periodic report, the Committee considers that the recommendations contained in paragraphs 10, 17 (a) and 22 of its previous concluding observations have not yet been implemented. These issues are covered in paragraphs 15 (a) (fundamental legal safeguards), 21 (a) (conditions of detention) and 25 (a) and (d) (allegations of torture and combating impunity) of the present document.

Definition and criminalization of torture

8. The Committee notes that article 11 of Referendum Act No. 002-R/2024 of 19 September 2024, the Constitution, establishes the absolute prohibition of torture and cruel, inhuman or degrading treatment. It regrets, however, that the definition of torture set forth in article 224 of the current Criminal Code is not fully in line with article 1 of the Convention, in that it does not cover all of the purposes of torture set out and does not specify that it applies to torture inflicted by a public official or any other person acting at the instigation of or with the consent or acquiescence of such an official. The Committee also notes with concern the absence of specific provisions establishing that torture cannot be justified by exceptional circumstances. It further regrets that the law does not specify that torture can result from an intentional omission. The Committee is also concerned that, according to the information at its disposal, acts that may constitute torture are frequently prosecuted as ordinary law offences, such as battery, aggravated assault or abuse of authority. This in turn often results in sentences that are not commensurate with the gravity of the acts. Lastly, it is concerned that torture is not included among the crimes that are not subject to a statute of limitations under article 8 of the Code of Criminal Procedure, except when it constitutes a crime against humanity as defined in article 227 of the Criminal Code, which applies only to acts committed as part of a concerted plan (arts. 1, 2 and 4).

9. **The State Party should amend article 224 of the Criminal Code to incorporate a definition of torture that covers all the elements contained in article 1 of the Convention. It should adopt the legislative amendments necessary to expressly establish that torture cannot be justified under any exceptional circumstances whatsoever. It should also adopt amendments that expressly establish that torture can result from an intentional omission. The State Party should further ensure that acts that may constitute torture are prosecuted as such, with a view to ensuring that this crime carries penalties commensurate with its gravity, in accordance with article 4 (2) of the Convention. It should also ensure that no statute of limitations applies to the offence of torture, including in cases where it is not considered a crime against humanity, with a view to preventing any risk of impunity and ensuring the investigation of acts of torture and the prosecution and punishment of the perpetrators. Lastly, the State Party should amend article 227 of the Criminal Code to ensure that torture is not classified as a crime against humanity only in cases involving a concerted plan.**

Command responsibility

10. The Committee is concerned that there is no provision in the State Party's legislation to ensure that an order from a superior officer or public authority may in no case be invoked as a justification for torture. In this regard, the Committee notes that the State Party's report also indicates that, under national law in its current form, it is difficult for subordinates to evade their obligation to carry out their superior officers' orders.⁵ The Committee also regrets that the principle of command responsibility or superior responsibility, according to which superior officers are held to account for acts of torture and ill-treatment committed by their subordinates, is not explicitly recognized in national legislation. While noting that the State Party's report refers to a draft law to provide for the criminal liability of superior officers, the Committee observes that the draft law does not cover liability for acts of torture or ill-treatment that subordinates may commit (arts. 2 (3) and 4).

11. **The State Party should amend the Criminal Code to ensure that an order from a superior officer or public authority may in no case be invoked as justification for torture, establish mechanisms for the protection of subordinates who refuse to obey**

⁵ CAT/C/GAB/2, para. 13.

such an order and ensure that all law enforcement officers are informed of the prohibition against obeying unlawful orders and are made aware of the protective mechanisms in place. The State Party should also incorporate the principle of command responsibility or superior responsibility for the offence of torture and other ill-treatment, according to which superior officers are held criminally responsible for the conduct of their subordinates where they knew or should have known that their subordinates were committing or were likely to commit such acts and they failed to take reasonable and necessary preventive measures or to refer the case to the competent authorities for investigation and prosecution.

Direct application of the Convention by domestic courts

12. While noting the information contained in the State Party's report that the Convention may be directly applied by the courts, the Committee regrets that the report indicates that there are hardly any cases in which the Convention has been directly invoked⁶ (art. 2).

13. **The Committee reiterates its recommendation that the State Party should ensure that public officials, judges, magistrates, prosecutors and attorneys receive training that covers the provisions of the Convention so that they are in a position to invoke the rights set forth in the Convention directly before the courts and to assert those rights before the courts. The State Party should also provide the Committee with specific, representative examples of cases in which the Convention has been applied directly by the courts or has been invoked before them.**

Fundamental legal safeguards

14. While the Committee notes the safeguards to prevent torture and ill-treatment set out in the Constitution, the Criminal Code and the Code of Criminal Procedure, it is concerned about reports that, in practice, the application of fundamental legal safeguards is often limited and inconsistent, particularly outside the capital and during the first hours of deprivation of liberty. In this respect, the Committee notes with concern that: (a) the right of persons placed in police custody to be informed of the reasons for their arrest, the charges against them and their rights are not always respected; (b) the right of access to a lawyer is not always respected and is not provided for by law from the time of arrest or during questioning, except in proceedings involving minors in conflict with the law; (c) a medical examination is performed only on the initiative of the person in police custody, his or her lawyer or his or her family, which in turn makes it difficult to quickly identify signs of torture or ill-treatment; (d) the exercise of the right to notify a relative or a person of one's choosing is often delayed; and (e) police custody is informally extended beyond the statutory 48-hour limit. While the Committee takes note of the information provided by the delegation that two pilot projects to provide audiovisual recordings of interrogations are currently under way, it regrets that the recording of interrogations is not mandatory (art. 2).

15. **The Committee recommends that the State Party:**

(a) **Adopt the legislative amendments necessary to ensure that all fundamental legal safeguards for the prevention of torture are guaranteed in practice for all detained persons from the outset of their deprivation of liberty, including the rights to:**

- (i) **Be informed immediately of the reasons for their arrest, the charges against them and their rights;**
- (ii) **Receive prompt assistance from an independent lawyer of their choosing from the outset and at all stages of judicial proceedings, beginning with their arrest and continuing through the investigation stage, consult with their lawyer in private throughout the proceedings against them and have access, if necessary, to qualified, independent and free legal assistance;**

⁶ CAT/C/GAB/2, para. 9.

- (iii) **Request and receive a medical examination by an independent medical doctor free of charge, or by a doctor of their choosing, that is conducted out of hearing and sight of police officers and prison staff, unless the doctor concerned explicitly requests otherwise;**
- (iv) **Inform a family member or any other person of their choosing about their detention;**
- (v) **Be held in police custody for no longer than 48 hours;**
- (vi) **Challenge the lawfulness of their detention at any stage of the proceedings;**
- (b) **Expedite the implementation of routine audiovisual recording of interrogations in all places of detention and make such recording mandatory.**

Unauthorized places of detention

16. The Committee is concerned about reports that, prior to being brought before the judicial authorities, arrested individuals have been detained for the purpose of interrogation in unauthorized detention facilities, including the premises of the Directorate General of Counter-Intelligence and Military Security, also known as “B2”. The Committee notes with concern reports that the premises of the Directorate General of Counter-Intelligence and Military Security is operating as a “parallel police custody” system that is failing to comply with either the legal time limit for police custody or any other fundamental legal safeguards. It is also concerned about reports that detentions are also taking place at the premises of the Directorate General of Intelligence, an investigative unit of the gendarmerie (arts. 2, 11 and 16).

17. **The State Party should amend the legal framework governing the Directorate General of Counter-Intelligence and Military Security with a view to expressly limiting its mandate to military intelligence and counter-intelligence functions, without general competence to conduct judicial investigations, and ensure that it has no authority whatsoever to carry out arrests or place individuals in police custody in ordinary law cases. It should furthermore:**

- (a) **Ensure that any person arrested by the Directorate General of Counter-Intelligence and Military Security or the Directorate General of Intelligence is immediately handed over to the competent criminal investigation authorities;**
- (b) **Prohibit the detention or interrogation of civilians on the premises of the Directorate General of Counter-Intelligence and Military Security or the Directorate General of Intelligence, or at any other unauthorized or informal place of detention;**
- (c) **Order the immediate placement of any persons who may be detained at these locations under court supervision;**
- (d) **Establish an independent mechanism for the oversight and monitoring of the security and intelligence services, in particular through effective parliamentary and judicial supervision, with a view to preventing arbitrary detentions, the use of coercive interrogation methods and any act of torture or ill-treatment.**

Pretrial detention

18. The Committee notes the existing legal provisions aimed at making pretrial detention the exception and the establishment, in February 2026, of an administrative commission of inquiry on the prison population at Libreville Central Prison, which, following the review of 513 cases, led to the release of 274 individuals in pretrial detention. However, the Committee is seriously concerned about the excessive use of pretrial detention, including for minor offences, which increases the risk of torture. It is concerned about reports of shortcomings in the judicial system, including corruption, the disappearance of case files, slow judicial proceedings, delays in proceeding to trial, multiple postponements and the insufficient number of judicial staff, particularly investigating judges and enforcement judges, all of which are in turn exacerbating the situation regarding pretrial detention and undermining the presumption of innocence. The Committee regrets that pretrial detention is a major cause of severe prison overcrowding. For example, the Committee notes with great concern that, at

the time of the visit by judges and prosecutors to Libreville Central Prison in March 2025, 77% of the prison population was awaiting trial. It is also deeply concerned about reports of excessively long periods of pretrial detention, with some detainees having awaited trial for between 10 and 12 years, and reports that some individuals in pretrial detention have spent a period of time in prison that is far longer than the maximum prison sentence to which they could be sentenced (art. 2).

19. **The Committee recalls that pretrial detention must be used as a last resort, only for the most serious offences and when there are sufficient grounds to justify the deprivation of liberty, such as security concerns or a risk of collusion, flight or evidence-tampering. The State Party should, in other cases, make use of alternatives to deprivation of liberty, as provided for in the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and strengthen training for judges in this regard. The State Party should also, as a matter of urgency:**

(a) **Continue and expand the work of the administrative commission of inquiry on the prison population, promptly review each case of pretrial detention and immediately release those who have been wrongfully detained and provide them with appropriate compensation;**

(b) **Release all persons in pretrial detention who have already spent a longer period of time in detention than is justifiable given the maximum prison sentence for the offence with which they are charged, provide them with appropriate compensation and ensure that, in practice, persons in pretrial detention are able to challenge the lawfulness of their detention with the help of legal assistance;**

(c) **Set up an effective case management system and a formal procedure to track the detention of all persons deprived of liberty through a consolidated and automated registry of proceedings that marks the expiration date of the allowed duration of pretrial detention;**

(d) **Take measures to combat corruption, including by ensuring that members of the judicial or other authorities who are found guilty of corruption or abuse of power are adequately punished;**

(e) **Enhance the efficiency of its judicial system, including through digitalization, efforts to ensure the security of case files and the reduction of excessive delays in the processing of judicial cases;**

(f) **Increase the number of judicial staff, particularly judges.**

Conditions of detention

20. The Committee takes note of the delegation's confirmation that the State Party will publish the report on the visit conducted in 2024 by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, the Committee is alarmed by reports of extremely concerning conditions in places of detention, including excessive and chronic prison overcrowding, resulting from the excessive and prolonged use of pretrial detention and the limited application of alternatives to imprisonment provided for in article 23 of the Criminal Code. For example, in 2026, the Libreville prison had an overcrowding rate of between 400% and 700%. The Committee also notes with deep concern information regarding the dilapidated state of infrastructure, the absence of functional sanitation and sewerage systems, the lack of ventilation and poor hygiene, including the absence or insufficient number of toilets. These unsanitary conditions are incompatible with minimum standards of detention, particularly owing to the presence and proliferation of pests, the presence of uncovered waste bins and the emptying of waste containers and septic tanks by detainees without protective equipment, the lack of adequate meals and drinking water and insufficient separation between women, men, and children and between pretrial detainees and convicted prisoners, despite some improvements in this regard. While taking note of the information provided by the State Party's delegation regarding the expansion and modernization of medical infrastructure at the Libreville prison,

the Committee is deeply concerned about reports that medical care in prisons remains grossly inadequate, that medical units are poorly equipped, that prisoners are forced to bear the cost of medicines and that medical staff are too few in number or insufficiently qualified. The Committee is deeply concerned about the serious health risks faced by persons deprived of their liberty as a result of inadequate conditions of detention, which contribute to the spread of disease and have led to deaths attributable to insufficient or delayed medical care. The Committee is also concerned that visits are limited to one day per week and their duration to only a few minutes. It also notes with deep concern reports of a system of self-management in certain prisons, including in Libreville and Port-Gentil, which in turn fosters a climate of widespread violence among inmates. It is particularly alarmed by allegations of the rape of minors, severe physical violence, corporal punishment and humiliating practices – such as the shaving of women’s heads – inflicted by inmates under the authority of cell bosses. The Committee is deeply concerned about this system of self-management, which is exacerbating the corruption and racketeering that are already widespread within prisons, and about reports indicating that vulnerable individuals and individuals without family support – particularly minors and foreigners – are being forced into prostitution in order to obtain access to basic services (arts. 2, 11 and 16).

21. The Committee urges the State Party to intensify its efforts to ensure that conditions of detention comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular by allocating more resources to these efforts and strengthening its international cooperation, including by concluding targeted partnership agreements, with a view to securing technical and financial support commensurate with the necessary reforms. In particular, the State Party should immediately:

(a) **Reduce prison overcrowding by making greater use of alternatives to detention, in accordance with the Tokyo Rules and the Bangkok Rules, and ensure that pretrial detention is imposed only as an exceptional measure (see para. 19 above);**

(b) **Improve material conditions of detention, including by carrying out a complete repair of infrastructure and cleaning and disinfecting all prisons, putting in place adequate sanitation measures – including to ensure the collection, treatment and disposal of waste, including human waste, by specialized companies – functional ventilation and sufficient and adequate sanitation facilities, ensuring a continuous supply of running water and providing inmates with sufficient personal hygiene products, including menstrual hygiene products, and ensuring that the quantity and quality of food meet international standards;**

(c) **Ensure strict separation between women, men and children and between pretrial detainees and convicted persons, and ensure that children living in detention with their mothers are provided with conditions that serve their best interests by setting a maximum age beyond which they may no longer remain in detention and by providing for alternative placement arrangements outside of detention;**

(d) **Ensure the right to have access to healthcare, free of charge and in a timely manner, and take measures for the prevention, early detection and treatment of diseases;**

(e) **Increase the number of visiting days per week and ensure that visits are long enough to permit a genuine exchange;**

(f) **Undertake a fundamental review of the management of prisons with a view to ensuring that the prison administration is in control and is able to ensure the safety of all individuals, including protection from inter-prisoner violence;**

(g) **Ensure free access to all services and adopt, in all places of detention, internal regulations for the prevention and investigation of acts of corruption and racketeering and the punishment of those responsible.**

Deaths in custody

22. The Committee is alarmed by several deaths that have occurred in detention, which, according to information received by the Committee, resulted either from acts of torture inflicted by prison officers, police officers or military personnel or from the denial of access to medical care. In this regard, it notes the information provided by the delegation that the State Party has built a functioning morgue for cases of death in custody, which appears to reflect the troubling frequency of such deaths (arts. 2, 11–13 and 16).

23. **The State Party should take all necessary measures to prevent deaths in custody, in particular by ensuring effective, adequate and timely access to medical care (see para. 21 (d) above) and by ensuring the effective implementation of the Convention and the present concluding observations, with a view to preventing, in a sustainable manner, all forms of torture and ill-treatment. The State Party should ensure that all deaths in custody are promptly and impartially investigated by an independent entity, including by means of independent forensic examinations, with due regard to the Minnesota Protocol on the Investigation of Potentially Unlawful Death and, where appropriate, apply the corresponding penalties. It should also compile and provide to the Committee detailed information on violent incidents and deaths in all places of detention, their causes and the outcomes of the investigations.**

Allegations of torture and combating impunity

24. The Committee is alarmed by numerous and consistent allegations of torture and ill-treatment, including acts that have resulted in deaths, and by reports regarding the prevalence of torture and ill-treatment inflicted on individuals in police custody at police stations, gendarmeries and criminal investigation police facilities, where such practices are reportedly carried out routinely, including against minors. It also notes with deep concern reports of acts of torture committed on the premises of the Directorate General of Counter-Intelligence and Military Security and the Directorate General of Intelligence, as well as in prisons, particularly the Libreville Central Prison, where numerous cases of torture and ill-treatment have been reported. The Committee notes with strong concern the absence of a specific framework for the investigation of torture and takes note of the information provided by the delegation indicating that, although, during the period under review – which spans more than 13 years – 54 law enforcement officers faced criminal charges for acts of torture and ill-treatment, none of these proceedings has, to date, resulted in a conviction. It is also concerned about reports that investigations into allegations of torture and ill-treatment are frequently hampered by a lack of independence, with investigators reporting to the same authorities as the alleged perpetrators, and by a lack of transparency and insufficient protection for victims and witnesses against the risk of reprisals. The Committee is further deeply concerned about the absence of a truly effective, accessible, independent and confidential mechanism designed specifically to receive and address complaints of torture and ill-treatment in all places of deprivation of liberty. In this regard, it also notes with concern that the existence of self-management systems in certain facilities means that any communication between inmates and the prison administration is filtered by cell and yard bosses, which hinders inmates' ability to file complaints against them (arts. 2, 4, 11–13 and 16).

25. **The State Party should take the necessary measures to:**

(a) **Ensure that all alleged acts of torture or ill-treatment are investigated automatically, promptly, effectively and impartially by an independent body, that there is no institutional or hierarchical relationship between the investigators and the suspected perpetrators, that suspected perpetrators, including those in command positions, are duly brought before a court and, if found guilty, are sentenced to punishment commensurate with the gravity of their acts and that the victims receive appropriate redress;**

(b) **Ensure that the suspected perpetrators of such acts are immediately suspended from their duties throughout the period of investigation, while ensuring the principle of presumption of innocence is observed;**

(c) **Expedite ongoing criminal proceedings concerning acts of torture and ill-treatment, compile and disseminate disaggregated statistical data on complaints filed, investigations conducted, prosecutions initiated and convictions secured in cases of torture and ill-treatment and submit this information to the Committee;**

(d) **Ensure access to an independent and effective complaints mechanism, including in all places of detention, and ensure that individuals who wish to file a complaint can obtain access to this mechanism freely, in complete confidentiality and without fear of reprisals, and take the measures necessary to dismantle self-management systems in prisons (see para. 21 (f) above).**

Inadmissibility of confessions and statements obtained through the use of torture

26. The Committee notes with concern the absence of legal provisions expressly prohibiting the use of confessions or any other statements obtained through torture as evidence in judicial proceedings, reports of convictions based on confessions obtained through torture and oral evidence indicating that suspects are frequently beaten during police interrogations with a view to extracting confessions from them. While the Committee notes the information provided by the State Party in its periodic report that a person who is convicted on the basis of a confession obtained through torture always has the possibility of demonstrating before the courts that he or she was a victim of torture and of using this as grounds for a judicial review,⁷ it is of the view that this possibility does not constitute adequate protection against the admissibility of confessions and statements obtained through torture, especially in the light of the serious shortcomings identified with regard to effective investigations and access to complaint mechanisms in the State Party (art. 15).

27. The State Party should:

(a) **Adopt the necessary legislative measures and take other effective measures to ensure that, in practice, confessions, statements and other evidence obtained through torture or ill-treatment are not admitted as evidence, except against a person accused of torture as evidence that a statement was made under duress, that all allegations of torture and ill-treatment raised in judicial proceedings are promptly, effectively and independently investigated and that alleged perpetrators are prosecuted and, if found guilty, punished;**

(b) **Ensure that all police officers, members of the defence and security forces and military personnel, judges and prosecutors receive mandatory training emphasizing the link between non-coercive interrogation techniques, the prohibition against torture and ill-treatment and the obligation of the judiciary to declare confessions obtained through torture inadmissible, taking note, in that regard, of the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).**

National Commission on Human Rights and national mechanism for the prevention of torture

28. The Committee takes note that, pursuant to Act No. 023/2024 of 21 November 2024 on the restructuring of the National Commission on Human Rights, the State Party designated the Commission as the national mechanism for the prevention of torture. The Committee regrets that the measures necessary to make the National Commission on Human Rights operational and to enable it to begin its monitoring activities as a national preventive mechanism have not yet been taken, particularly with regard to the appointment of its members and the effective allocation of sufficient human and material resources. In this regard, it also takes note of the State Party's intention to amend Act No. 023/2024 with a view to removing potential obstacles hindering lawyers and doctors from serving as members as a result of the incompatibility, under article 21 of the Act, of membership with the performance of any other duties (art. 2).

⁷ CAT/C/GAB/2, para. 206.

29. The State Party should, as a matter of urgency, take measures to make the National Commission on Human Rights and the national preventive mechanism operational, including by:

(a) Expediting the amendment of Act No. 023/2024 with a view to removing the legal obstacles to the establishment of the National Commission on Human Rights and proceeding without delay with the selection and appointment of its members, ensuring that they are independent and impartial by employing a transparent selection process, in accordance with article 18 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), that they have proven expertise in the prevention of torture and that the Commission has a multidisciplinary composition;

(b) Ensuring that the National Commission on Human Rights can fulfil its mandate, in full compliance with the Paris Principles;

(c) Allocating sufficient human and financial resources to ensure the effective functioning of the National Commission on Human Rights, including the performance of its monitoring activities as a national preventive mechanism, and to ensure its functional and financial independence;

(d) Providing members of the national preventive mechanism with specialized initial and continuing training on techniques for conducting visits, international standards for the protection of the rights of persons in detention and methodology for the preparation of reports;

(e) Ensuring that the national preventive mechanism is able to exercise fully the powers defined in articles 19 and 21 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(f) Establishing a mechanism to monitor the follow-up given to the recommendations made by the national preventive mechanism, involving the relevant ministries;

(g) Promoting civil society involvement in the activities of the national preventive mechanism;

(h) Considering seeking technical assistance from the regional office for Central Africa of the Office of the United Nations High Commissioner for Human Rights.

Monitoring of places of detention

30. While taking note of article 558 of the Code of Criminal Procedure, which establishes that various judicial authorities can conduct visits to prisons, the delegation's explanation that a report is prepared following each visit and the information contained in the State Party's report regarding unannounced visits conducted by the public prosecutor's office, the National Commission on Human Rights and the Judicial Services Commission to prevent violence among inmates,⁸ the Committee observes with concern that, despite the existence of these systems for monitoring places of detention, conditions of detention remain dire and that incidents of increased violence among prisoners are frequent. The Committee is also concerned about the very limited role played by civil society organizations in monitoring places of detention and regrets reports that, in some cases, prison authorities have denied them access to prisons despite court orders authorizing them to visit certain persons in detention (arts. 2, 11 and 16).

31. The Committee requests that the State Party effectively strengthen independent monitoring of all places of deprivation of liberty, in particular by ensuring that visits by the competent bodies are conducted regularly, effectively and on a genuinely unannounced basis. Immediate follow-up measures should be taken on the basis of the reports produced following these visits with a view to addressing the problem areas

⁸ CAT/C/GAB/2, para. 185.

identified. The State Party should also ensure unimpeded access to prisons for civil society organizations that have been granted judicial authorization. The Committee also draws the State Party's attention to general comment No. 1 (2024) of the Subcommittee regarding article 4 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, regarding places of deprivation of liberty.

Non-refoulement and asylum

32. The Committee is concerned that the principle of non-refoulement is not expressly incorporated into national legislation. In particular, it is concerned about the lack of individual and automatic assessment of the risk of torture and the absence of an effective remedy with suspensive effect. While taking note of the fourth paragraph of article 635 of the Code of Criminal Procedure, which provides that the indictment division of the appellate court can refuse, with binding effect on the executive branch, extradition when it considers that the conditions are not met or that there has been an obvious error, the Committee is concerned about the information provided by the delegation indicating that, in several cases, the extradition procedure – and, consequently, the possibility of refusal – have been circumvented through the use of police-to-police transfers of arrested persons. In this regard, the Committee is deeply concerned about several cases of extradition, particularly to Cameroon and Türkiye, despite the existence of credible allegations of a risk of ill-treatment. The Committee also notes with concern the criminalization of irregular migration under Act No. 5/86 of 17 June 1986 establishing the rules for the entry and stay of foreign nationals in Gabon, in addition to the absence of standard operating procedures for refugee status determination and the lack of a specific mechanism to identify, upon their arrival in the country, asylum-seekers who have been victims of torture, which in turn increases these individuals' exposure to the risk of refoulement and impedes their referral to the competent specialized services. The Committee further regrets reports that asylum-seekers do not, in practice, have access to healthcare services while awaiting a decision on their refugee status (arts 2, 3 and 16).

33. The State Party should:

(a) **Expressly incorporate the principle of non-refoulement in national legislation and ensure its implementation in practice by ensuring that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or ill-treatment;**

(b) **Ensure that any deportation or extradition measure is subject to a thorough individual assessment, including an assessment of the risk of torture in the country of destination, and that any person subject to extradition or deportation proceedings has effective access to a remedy with suspensive effect before an independent judicial authority;**

(c) **Adopt transparent procedures, that comply with international human rights law, for all security cooperation and for the extradition of individuals to other States, and adopt clear guidelines to prevent the circumvention of procedures for verifying the legality of extradition requests;**

(d) **Ensure that the authorities receive continuous training on non-refoulement under the Convention;**

(e) **Initiate investigations into deportations and extraditions carried out in violation of the principle of non-refoulement;**

(f) **Amend Act No. 5/86 of 17 June 1986 by repealing the provisions criminalizing irregular migration and ensure that all asylum-seekers and other persons in need of international protection who enter or attempt to enter the State Party, regardless of their legal status and mode of arrival, have access to fair and effective refugee status determination procedures and are not subject to refoulement;**

(g) **Ensure that victims of torture are promptly identified and have access to specialized services, including medical services, and take measures to ensure, in practice, that asylum-seekers awaiting a final decision on their refugee status have access to primary healthcare services.**

Ritual crimes

34. While the Committee notes that articles 223-4.1 and 224-2 of the Criminal Code establish ritual murder as a specific offence, it regrets the absence of a specific offence also covering ritual crimes that do not constitute murder. The Committee is seriously concerned about the persistence and prevalence of these crimes, which involve the removal of human blood or organs and acts of mutilation against living or deceased persons, targeting in particular children and persons with disabilities, in the context of superstition related to the acquisition or maintenance of powers. The Committee is deeply concerned about the statistics provided by civil society, according to which 28 cases of ritual crimes were recorded between 30 August 2022 and 25 January 2026, and by the reported resurgence of such crimes since the end of 2025. It also remains concerned that the State Party has not provided accurate, detailed information on the scale of this problem, the investigations undertaken, the legal proceedings initiated, the trials held, the penalties imposed on perpetrators of such crimes, the redress offered and the awareness-raising measures taken (arts. 2 and 16).

35. **The Committee strongly urges the State Party to:**

(a) **Take effective preventive and protective measures, particularly for vulnerable groups, against ritual crimes, including by establishing ritual crimes besides murder as specific criminal offences;**

(b) **Investigate these crimes, prosecute the alleged perpetrators, hold them accountable and, if found guilty, punish them;**

(c) **Take measures to provide redress, compensation or rehabilitation to the victims or, in cases where they have died, to their families;**

(d) **Carry out a study to determine the scale of the problem and step up its efforts to raise public awareness of it.**

Human rights defenders

36. The Committee notes with concern reports of restrictions on civic space and violations of the rights of human rights defenders aimed at hindering the performance of their activities, including through arbitrary arrests, prolonged detentions and acts of intimidation, which could constitute ill-treatment. The Committee is also concerned about reports of abusive prosecutions, administrative restrictions and smear campaigns (art. 16).

37. **The State Party should take all necessary measures, including the adoption of legislation to protect the rights of human rights defenders, in accordance with international human rights standards, to ensure effective protection against all forms of violations of their rights. It should ensure that all human rights violations committed against them are thoroughly investigated, that those responsible are brought to justice and that, as a rule, victims have access to effective remedies, particularly in cases of ill-treatment.**

Access to abortion

38. The Committee notes with concern that the exceptions to the criminalization of abortion set forth in article 245 of the Criminal Code do not include cases where the pregnancy threatens the woman's health and that the exception for cases where the pregnancy threatens the woman's life appears to apply only in situations of imminent danger to her life. The phrase "when the pregnancy seriously endangers the mother's life" used in the Code restricts access to therapeutic abortion, which in turn forces women and girls to resort to clandestine abortions and exposes them, and the doctors who perform these abortions, to criminal penalties (arts. 2 and 16).

39. **The State Party should take into account the World Health Organization abortion care guideline, updated in 2022. It should ensure that women have guaranteed access to safe and legal abortion services, at least in the cases set forth in the State Party's law and in cases where the pregnancy threatens the woman's life or health. It should remove barriers that impede access to abortion and post-abortion care and lift punitive measures against women and medical personnel. In addition, it should ensure that healthcare providers are not subject to criminal or administrative penalties for having provided such care.**

Trafficking in persons

40. While noting that Act No. 006/2020 of 30 June 2020 amending Act No. 042/2018, the Criminal Code, expressly establishes trafficking in persons as a criminal offence and defines and punishes it in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee notes with concern the persistence of trafficking in persons, including for the purposes of labour exploitation, sexual exploitation, domestic servitude and begging, and notes that the majority of victims are migrant children. In this regard, it notes with concern reports from 2019 alleging the exploitation of Indian migrant workers in the Gabon Special Economic Zone in Nkok,⁹ which may constitute a contemporary form of slavery and trafficking in persons, as noted by United Nations special procedures mandate holders, regrets the lack of follow-up information on this situation, particularly regarding the opening of investigations, the measures taken to remedy this situation and the protection and assistance provided to victims, and deplores the lack of information regarding the level of legal protection afforded to foreign workers. The Committee is also concerned that victims are identified too late among migrants, refugees and asylum-seekers and about the limited resources of shelters, the lack of information regarding assistance and rehabilitation services for victims and the inadequate protection of adult victims. In this regard, it is concerned about the State Party's intention, indicated in its report, to establish "liberty and detention" courts, which will have, among other powers, the authority to rule on the detention of foreign victims of trafficking in Gabon until their situation has been definitively resolved,¹⁰ which appears to pose a risk of arbitrary and indefinite detention for victims of trafficking. The Committee also regrets the lack of data on complaints filed, investigations conducted, prosecutions initiated, convictions secured and penalties imposed and redress provided to victims in cases of trafficking in persons (arts. 2 and 16).

41. **The State Party should adopt the draft text on the establishment, powers, organization and operation of a national commission to prevent and combat trafficking in persons in Gabon and ensure that it complies with relevant international human rights standards. It should furthermore:**

- (a) **Step up efforts to prevent and combat trafficking in persons, ensuring that existing legislation is effectively enforced and that those suspected of trafficking are systematically investigated, prosecuted and punished with appropriate penalties;**
- (b) **Conduct prompt investigations into allegations concerning migrant workers employed in the Gabon Special Economic Zone in Nkok and ensure that those responsible are prosecuted and punished with penalties commensurate with the gravity of the acts and that assistance is provided to the victims;**
- (c) **Provide legal protection for foreign workers against exploitation, ill-treatment, abuse and the confiscation of their identity documents and establish labour monitoring and inspection mechanisms;**

⁹ Office of the United Nations High Commissioner for Human Rights, "[UN human rights experts raise alarm about the situation of Indian migrant workers in Gabon Special Economic Zone](#)", press release, 26 April 2019.

¹⁰ CAT/C/GAB/2, para. 112.

(d) **Strengthen mechanisms to identify victims of trafficking, particularly with a view to preventing delays in providing them with assistance, ensure that victims of trafficking are not subjected to detention measures due to their immigration status and refrain from any practices that could lead to their arbitrary or indefinite detention, including under the framework of “liberty and detention” courts, by ensuring solutions that comply with relevant international human rights standards;**

(e) **Strengthen the resources allocated to shelters and ensure that victims have effective access to support services, including legal aid and medical and psychological care, in addition to rehabilitation measures, appropriate monetary compensation, effective remedies and adequate protection measures, including for adult victims;**

(f) **Compile up-to-date statistical data on the number of complaints filed, investigations opened, prosecutions initiated, convictions secured, penalties imposed and reparations awarded to victims in cases of trafficking in persons and submit these data to the Committee.**

Child marriage

42. While noting that article 203 of Act No. 004/2021 of 15 September 2021 amending certain provisions of Act No. 15/72 of 29 July 1972, the Civil Code, sets the minimum age for marriage at 18 years, the Committee expresses concern that, under the same article, the President of the Republic or, failing that, the President of the Court of Cassation may grant “age exemptions with a proper motive” (arts. 2 and 16).

43. **The State Party should enact the legislative amendments necessary to abolish any exceptions permitting marriage before the minimum legal age of 18 years, without any derogation.**

Corporal punishment

44. The Committee is concerned about reports that corporal punishment of children is not expressly prohibited in all settings, namely in the home and in alternative care and day-care settings, and that the use of corporal punishment to discipline children is still accepted and widespread (arts. 2 and 16).

45. **The State Party should expressly prohibit corporal punishment and make it a criminal offence in all settings, enforce this prohibition and implement awareness-raising programmes for parents and professionals who work with and for children aimed at ensuring a thorough knowledge and understanding of this prohibition and at promoting positive, non-violent and participatory methods of child-rearing and discipline.**

Female genital mutilation

46. The Committee regrets the lack of information on the number of proceedings initiated against persons accused of this offence and on the outcome of those proceedings (arts. 2 and 16).

47. **The State Party should:**

(a) **Provide training to persons working in the criminal justice system on the effective enforcement of laws criminalizing female genital mutilation, in accordance with articles 230 ff. of the Criminal Code and Act No. 006/2021 of 6 September 2021 on the elimination of violence against women;**

(b) **Provide the Committee with data on the investigations and prosecutions initiated, the convictions secured, the penalties imposed and the remedies granted to victims.**

Redress

48. The Committee is concerned about the numerous reports of cases in which individuals' rights guaranteed by the Convention have been violated and no effective remedial measures have been taken. The Committee regrets the lack of information on the establishment of rehabilitation programmes for victims of torture that incorporate all the forms of redress envisaged in the Convention (art. 14).

49. The State Party should ensure, in law and in practice, that all victims of torture or ill-treatment obtain redress, enjoy the right to fair and adequate compensation and receive the means necessary for as full rehabilitation as possible, and ensure that the public is adequately informed of these matters.

Training

50. While noting that certain workshops and seminars on the Convention have been organized for staff at places of deprivation of liberty and that certain awareness-raising campaigns have been organized for criminal investigation police officers, the Committee regrets the lack of regular training on the provisions of the Convention, particularly the absolute prohibition of torture, and on the guidelines for the detection of signs of torture or ill-treatment based on the standards set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, for relevant State officials, including law enforcement officers, members of the judicial authorities and prison staff, as well as medical personnel. The Committee also regrets that no mechanism for evaluating the effectiveness of training programmes has been put in place (art. 10).

51. The State Party should:

(a) **Enhance its training on the absolute prohibition of torture and its training programmes for all officials likely to be involved in monitoring, questioning or handling persons deprived of their liberty;**

(b) **Ensure that its programmes include mandatory ongoing training modules on the provisions of the Convention, non-coercive investigative techniques, the Istanbul Protocol, as revised, and the Principles on Effective Interviewing for Investigations and Information-Gathering;**

(c) **Establish methodologies for assessing the impact of its training courses in helping to reduce the number of cases of torture and ill-treatment.**

Follow-up procedure

52. **The Committee requests the State Party to provide, by 1 May 2027, information on follow-up to the Committee's recommendations on the definition and criminalization of torture, unauthorized places of detention, conditions of detention and the National Commission on Human Rights and national mechanism for the prevention of torture (see paras. 9, 17 (d), 21 (a) and 29 (a) above). In that context, the State Party is invited to inform the Committee about its plans for implementing, within the coming reporting period, the remaining recommendations in the concluding observations.**

Other issues

53. **The Committee encourages the State Party to consider making the declarations under articles 21 and 22 of the Convention recognizing the competence of the Committee to receive and consider inter-State communications and communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the State Party of the provisions of the Convention.**

54. **The Committee invites the State Party to become a party to the core United Nations human rights treaties to which it is not yet party.**

55. The State Party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

56. The Committee requests the State Party to submit its next periodic report, which will be its third, by 1 May 2030. To that end, and in view of the fact that the State Party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State Party a list of issues prior to reporting. The replies of the State Party to the list of issues will constitute its third periodic report under article 19 of the Convention.
