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**REPORT OF THE HUMAN RIGHTS PROMOTION MISSION TO
THE GABONESE REPUBLIC**

13 - 18 JANUARY 2014

ACKNOWLEDGEMENTS

The African Commission on Human and Peoples' Rights (the Commission) is grateful to the Government of the Gabonese Republic for kindly hosting a human rights promotion mission undertaken by a delegation of the Commission from 13 to 18 January 2014.

The Commission expresses its sincere gratitude to the country's highest authorities for providing the delegation with the necessary facilities and personnel for the smooth conduct of the mission.

The Commission also expresses its appreciation to Mr Dodo Bounguendza Eric, Director General responsible for Human Rights at the Ministry of Justice, Attorney General's Department Human Rights and Relations with Constitutional Institutions, whose role in the organization of the various meetings which greatly contributed to the success of the mission.

Finally, the Commission expresses its gratitude to Mad. Biyogou Edna Paola, Director of Human Rights Promotion, and Mr. Ondo Nguema Anicet-Gervais, Director of Human Rights Protection at the Ministry of Justice, Attorney General's Department, Human Rights and Relations with Constitutional Institutions, as well as the staff of the Ministry of Foreign Affairs, International Cooperation and the Francophonie in charge of NEPAD and Regional Integration, for assisting the delegation throughout their stay and for facilitating the organization of the various meetings.

Acronyms and Abbreviations

AIDS	: Acquired Immune Deficiency Syndrome
ARV	: Antiretroviral
AU	: African Union
CID	:Criminal Investigation Officer
CEMAC	: Central African Economic and Monetary Community
CSO	: Civil Society Organization
DRC	: Democratic Republic of Congo
EGEP	: Gabon Poverty Monitoring and Evaluation Survey
GDP	: Gross Domestic Product
GIMAC	: Gender is my Agenda Campaign
HCJ	: High Council of the Judiciary
HIV	: Human Immunodeficiency Virus
ICRC	: International Committee of the Red Cross
NA	: National Assembly
NCR	: National Commission on Refugees
NEPAD	: New Partnership for Africa's Development
NGO	: Non-Governmental Organization
NHRC	: National Human Rights Commission
OHADA	: Organization for the Harmonization of Business Law in Africa
PLWHIV	: Persons living with HIV
PMTCT	: Prevention of Mother-to-Child Transmission
RIG	: Robben Island Guidelines
UNHCR	: UN High Commissioner for Refugees
UNICEF	: United Nations Children's Fund
WHO	: World Health Organization

PART ONE

I. INTRODUCTION

1. The African Charter on Human and Peoples' Rights (the African Charter), adopted on 21 June 1981 by the Assembly of Heads of State and Government in Nairobi, Kenya, became effective on 21 October 1986. Articles 30 et seq establish the African Commission on Human and Peoples' Rights (the Commission) thereby making it the main organ of the African Union (AU) for the promotion of human rights. The Gabonese Republic is a State Party to the African Charter, having ratified the same on 20 February 1986.
2. Under Article 45 of the African Charter, the Commission is mandated to promote human rights and fundamental freedoms enshrined in the Charter, ensure their protection, ensure the monitoring of its implementation, interpret its provisions and provide legal advice at the request of the Assembly of Heads of State and Government. In addition, the Commission is tasked with collecting documents, undertaking studies and researching on African problems in the area of human and peoples' rights, organizing seminars, symposia and conferences, disseminating information, encouraging national and local institutions dealing with human and peoples' rights and, where appropriate, giving advice or making recommendations to governments.
3. It is in the context of the implementation of the human rights promotion mandate of the Commission that Commissioner Kayitesi Zainabo Sylvie, Commissioner responsible for human rights activities in the Gabonese Republic and Chairperson of the Commission, accompanied by Commissioner Soyata Maiga, Special Rapporteur on the Rights of Women in Africa and Chairperson of the Working Group on Indigenous Populations/Communities in Africa, undertook a human rights promotion mission in the Gabonese Republic from 13 to 18 January 2014. The

Honourable Commissioners were assisted by staff members of the Secretariat of the Commission.

4. During the mission, the Commission delegation collected specific information on the human rights situation in Gabon, disseminated the conventions of the African Union and the documents of the Commission as well as all the other relevant international human rights instruments. The Commission also enhanced its visibility and raised awareness among all state and non-state stakeholders about its work and its subsidiary mechanisms.

II. TERMS OF REFERENCE

5. The objectives of the mission were as follows:
 - Promote the African Charter, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol) and all the other regional and international human rights legal instruments;
 - Strengthen relations between the Commission and Gabon in the area of the promotion and protection of the rights guaranteed by the Charter and the other relevant national, regional and international legal instruments;
 - Hold discussions with the Government of Gabon on the legislative and other measures taken to give full effect to the provisions of the African Charter, the Maputo Protocol and the other ratified instruments;
 - Share views and experiences with the Government of Gabon and the other human rights stakeholders in the country on strategies to improve the enjoyment of these rights;
 - Gather as much relevant information as possible on the situation of women and children and take note of best practices, affirmative action measures and, where necessary, the persistent challenges;
 - Gather information on the situation of indigenous populations, older persons and people with disabilities in Gabon;
 - Assess the level of enjoyment of economic, social and cultural rights of Gabonese,

as well as measures taken by the Government to implement these rights;

- Gather information on the situation of human rights defenders in the Gabonese Republic and, where necessary, make the various stakeholders to understand the challenges faced in the effective enjoyment of their human rights;
- Share views and gather information on the extractive industries sector and assess the impact of extractive industries on the lives of the population and the environment;
- Gather information on the issue of HIV/AIDS and inquire about the measures and policies introduced by the Government to prevent the pandemic and to protect the rights of people living with HIV and those at risk, vulnerable to, and affected by the disease;
- Meet with all human rights stakeholders to, among others, hold discussions on their programmes, their assessment of the human rights situation in the country and the challenges faced in the conduct of their activities, and
- Visit prisons and other detention centres in order to learn about the detention conditions of prisoners.

III. HISTORICAL, GEOGRAPHICAL AND INSTITUTIONAL BACKGROUND OF THE GABONESE REPUBLIC

A. Geographical Location

6. Gabon, which is a French-speaking Central African country, straddles the Equator. It is located on the Gulf of Guinea. It is bordered to the north by Cameroon, to the north-west by Equatorial Guinea, to the east and the south by the Republic of Congo and to the west by the Atlantic Ocean. Its land surface area is 267,667 km² and the population is estimated at about 1,448,000 inhabitants, with a density of 5 inhabitants per km².¹

¹ The Initial Report of the Gabonese Republic on the implementation of the African Charter, p 4.

7. This low population, coupled with its wealth in subsoil resources, particularly oil resources, makes it one of the most prosperous countries in Sub-Saharan Africa². Gabon attained independence on 17 August 1960, and its political and administrative capital is Libreville.

B. Administrative Data

8. The country is sub-divided into nine (9) provinces: the Estuary province, Haut-Ogooué, Moyen-Ogooué, Ngounié, Nyanga, Ogooué-Ivindo, Ogooué-Lolo, Ogooué-Maritime and Woleu-Ntem. Each of these provinces is under the authority of a Governor who is appointed by the President of the Republic. Each province is also sub-divided into departments, with each department being subdivided into districts and the districts also being subdivided into communes. These different administrative units are headed by a prefect, sub-prefect, head of township and village chief respectively.
9. French is the official language of the country. It is used in the public service, the judiciary, the media and even for business transactions. Furthermore, most of the population, i.e. close to 80 %, is Francophone. However, the country also has a rich array of some fifty local languages which include Fang, Mbédé and Punu.

C. Political Organization

10. Gabon is a secular, democratic and social Republic governed by the principle of the separation of powers, i.e. the executive, the legislature and the judiciary.
11. The President of the Republic who is elected for a renewable term of seven (7) years acts as the Head of State. Since it attained independence in 1960, the country has had three Presidents, i.e. Mr. Léo Mba, who led the country from 1961 to 1967, Mr. Omar Bongo Odimba, from 1967 till his demise in 2009, and Mr. Ali Bongo Odimba, the current Head of State. The Government is headed by a Prime Minister.
12. Legislative power is exercised by the two Houses of Parliament: the Senate and the National Assembly. The Senate consists of 91 members who are elected for a period

² World's Population, <http://populationsdumonde.com/fiches-pays/gabon>, consulted on Wednesday, 14 August 2013

of six years, whereas the National Assembly is made up of 120 members who are elected for a period of five (5) years.

13. The judiciary consists of the Constitutional Court, the Supreme Court of Appeal, the Council of State, the Court of Auditors, the Courts of Appeal, the Courts, the High Court of Justice and the other special courts.

D. Economic Situation

14. The gross domestic product (GDP) of Gabon is about US\$ 15,000 per capita. It is ranked among the highest in Sub-Saharan Africa.³ This performance is attributable to its sub-soil which is rich in raw materials, particularly oil, manganese and iron, and the harnessing of which remains the backbone of the economy.
15. The forest industry is the second economic sector of the country. It accounted for a mere 0.4 % of GDP in 2012 and 2013, but remains the main source of employment in the country. The development of agriculture has been relatively limited and accounted for 3.8% of GDP through the production of cocoa and coffee which have hardly exceeded their 2002 levels.
16. The secondary sector, which is shared between industry, building construction, electricity and water, represents 8.5% of the country's GDP whereas the services sector which accounts for 32% of domestic activity is the second largest contributor to GDP growth, as it accounted for up to 27.7 % in 2012.

E. Social Context

17. Gabon has more than forty ethno-linguistic groups, with the major ones being the Fangs, the Punus, the Ndzébis, the Kotas, the Omiénés, the Obambas and the Pygmies. The latter are indigenous people.
18. In spite of the relatively high GNP, the level of poverty is paradoxically comparable to that of low-income countries. In 2005, the Gabon Poverty Monitoring and Evaluation Survey (EGEP) revealed a high level of poverty among a third of the population.

³ Economic prospects in Africa, Gabon, <http://www.africaneconomicoutlook.org/fr/pays/afrique-centrale/gabon/>, consulted on Friday 16 August 2013.

19. Access to potable water and electricity continues to be a daily problem for the population. In fact, only 41 % of the rural population has access to potable water.⁴

D. Legal framework for the Promotion and Protection of Human Rights

20. As at January 2014, the Gabonese Republic was party to the following major human rights instruments:

- **African legal instruments**

- The African Charter on Human and Peoples' Rights;
- The African Charter on the Rights and Welfare of the Child;
- The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
- The African Youth Charter, and
- The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

- **International legal instruments**

- The Universal Declaration of Human Rights;
- The International Covenant on Civil and Political Rights ;
- The International Covenant on Economic, Social and Cultural Rights;
- The Convention on the Rights of the Child;
- The Statute of the International Criminal Court;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The International Convention on the Elimination of All Forms of Racial Discrimination;
- The Convention on the Elimination of All Forms of Discrimination against Women;
- The Optional Protocol to the Convention on the Elimination of All Forms of

Albid.

- Discrimination against Women, and
- The Convention on the Rights of Persons with Disabilities.

PART TWO

I. METHODOLOGY AND CONDUCT OF THE MISSION

21. The promotion mission to Gabon was conducted in the form of interactions and meetings with the highest authorities and the different stakeholders involved in the promotion and protection of human rights. The delegation also visited the Libreville prison and other socio-economic projects which have impacted the life of women in Gabon.
22. At each of these meetings, the delegation made a brief presentation of the Commission by outlining its organization, composition, mandate, operations and subsidiary mechanisms. It further presented the objectives of the mission and emphasized the sharing of best practices in the areas of interest to the mission, the existing difficulties or obstacles in order to make relevant recommendations.
23. Thus, the interactions and discussions between the delegation and the various authorities and stakeholders centred on the human rights situation in Gabon.
24. At the end of the meetings, the delegation distributed publications and documents of the Commission to the authorities and other stakeholders it met.

II. MEETINGS HELD BY THE DELEGATION OF THE COMMISSION

1. Meeting with the Minister of Foreign Affairs, Francophonie and Regional Integration

25. The delegation had a working session with the Minister of Foreign Affairs, Francophonie and Regional Integration, Mr. Emmanuel Issoze Ngondet, in the presence of the Deputy Minister, Mr. Guy Dominique Ngueno, and the other officials of the Ministry. Among others, the discussions centred on the instruments

that are yet to be ratified, the representation of women in decision-making bodies, the issue of indigenous peoples, etc.

26. Before getting into the substance of the discussion, the members of the delegation thanked the Minister for making the Commission's visit a reality. They further commended Gabon for presenting its initial and combined report which enabled the country to be up-to-date in respect of its obligations under Article 62 of the African Charter.
27. Responding to the concern of the Commission regarding the delay in the ratification of the regional human rights promotion instruments, the Minister informed the delegation that the relevant institutions act upon authorization from the Executive. He further informed the delegation that Gabon chaired the sessions of African Jurists which drafted the Convention on Protection and Assistance to Displaced Persons, and that this explains why its ratification should not pose any problems. He also assured the members of the delegation that the process has already been set in motion for the ratification of a number of instruments and that the Ministry will get in touch with the other concerned departments to speed up the process.
28. With regard to the representation of women, he indicated that circumstances, environment and mentalities are the cause of the very low representation of women. Few women agree to venture into politics. According to him, today things are gradually taking shape and some women agree to be on the voters' register but they withdraw when the time comes for them to assume the responsibilities which go with their mandates.
29. On the indigenous peoples, he indicated that it is an open debate at the Executive level and that the country is still hesitating to incorporate this concept into its policy because, according to him, giving them a specific status would mean singling them out. In practice, however, the Ministry of Local Government is using various approaches to encourage them to become an integral part of the population and also to settle in the built-up areas because their places of abode are in very remote locations. This way, they will be able to enjoy basic social services.
30. In conclusion, the Minister thanked the members of the delegation for the visit to the country because the critical analysis and the recommendations resulting from it are an opportunity for the country to make progress.

31. He reiterated the importance Gabon attaches to the work of the Commission and further requested the support of the Commission in order for the country to take advantage of its expertise, in view of the new responsibilities that Gabon has assumed as Chair of the United Nations Human Rights Council.

2. Meeting with the Minister of Justice, Attorney-General, Human Rights and Relations with Constitutional Institutions

32. At the Ministry of Justice, Attorney General's Department, Human Rights and Relations with Constitutional Institutions, the delegation of the Commission was received by the Minister, Madam Ida Reteno Assonuet, in the company of about ten officials from her outfit, particularly the Chief-Director, Deputy Chief-Director, Directors-General and Advisors of her Ministry.

33. In view of the cardinal role played by the Ministry in promoting and protecting human rights in Gabon, the members of the delegation reviewed the overall human rights situation in the country. Thus, the discussions centred on issues relating to women's rights, human rights instruments that have not yet been ratified, the mechanisms put in place for the promotion and protection of human rights, access to justice, the treatment of juveniles in conflict with the law, detention conditions in Gabonese prisons, the management of so-called ritual crimes, particularly measures adopted for the prevention of these crimes, crackdown on the culprits, the length of police custody and pre-trial detention as well as freedom of the press.

34. Taking her turn, the Minister first of all commended the delegation for their visit to the Gabonese Republic. She stressed that Gabon is fully engaged in the process of carrying out legal reforms to enhance the promotion and protection of human rights in the country.

35. With regard to women's rights, the concerns of the members of the delegation centred on the issue of the legal status of Gabonese women, domestic violence, gender-related violence, the persistence of certain traditions and customs considered as human rights violations and the representation of women in the decision-making positions.

36. On the status of Gabonese women, she informed the delegation that several laws have been passed to guarantee their protection. For instance, she mentioned the law which criminalizes rape and laid emphasis on the draft bill under discussion on the right of widows which has already been approved by the two Houses of Parliament.
37. On violence perpetrated against women, including domestic violence or maltreatment of widows, the Minister emphasized that there is a huge challenge with regard to the failure of victims of such acts to expose the perpetrators of these acts as a result of cultural factors and traditions. She mentioned the initiative of the First Lady aimed at protecting widows and orphaned children. This initiative is being implemented. Furthermore, she indicated that sensitization campaigns are being carried out to encourage victims of acts of violence to expose the perpetrators of the same so that legal action could be taken against them.
38. With regard to the representation of women in decision-making positions is concerned, the Minister acknowledged that Gabon has not yet attained parity. However, in view of the fact that women constitute more than the half of the population, the President of the Republic declared that 30% of positions should be assigned to women and the youth.
39. On the issue of the human rights protection instruments which have not yet been ratified, she emphasized that she had taken note of the situation and promised the delegation that the Ministry will use the means at its disposal to followup at the relevant Ministries involved in the process of ratification of conventions in order to speed up the process for an enhanced protection of Gabonese citizens.
40. In relation to the ratification of the African Charter on the Rights of Women in Africa (the Maputo Protocol), she stressed that Gabon remains hesitant since the country is still under-populated and the State is currently promoting a policy to encourage an increase in the birth rate.
41. Speaking on detention condition, the Minister first of all recalled that the Libreville prison was constructed in 1956 to cater for between 300 and 400 inmates. She indicated that at the time of our visit, the prison had more than 1,700 inmates. She however assured the members of the delegation that a new prison is being built to meet international standards. She further informed the delegation that in order to

improve detention conditions in the country's prisons, the Gabonese Government is formalizing partnership agreements with non-governmental organizations, particularly the ICRC, to improve hygienic conditions and health in prison facilities.

42. Regarding the issue of reintegration of detainees, she observed that the Government is in the process of formalizing a partnership with a Chinese agency for the training of detainees to ensure their socio-professional reintegration after they have served their sentence.
43. Speaking on the issue of female genital mutilation, the Minister told the delegation that this practice does not exist in the customs of Gabon. She however observed that since Gabon is a very hospitable country and welcomes a lot of people from diverse backgrounds, cases of female genital mutilation are sometimes reported and the perpetrators are brought before the courts.
44. On the issue of access to justice, the Minister stressed that access to justice is available to all citizens. She further stressed that the Gabonese judicial system has changed because the Supreme Court has given way to the Supreme Court of Appeal. She also indicated that legal aid offices for minors have been established. However, she expressed disappointment at the fact that the Legal Advice Centre is only available in Libreville.
45. On the issue of so-called « ritual », crimes, the Minister acknowledged that Gabon has witnessed an upsurge in crime referred to by the criminal code as blood crimes. She further indicated that thanks to the organization of criminal court sessions, a large number of related cases have been handled.
46. On the duration of police custody and remand, the Minister indicated that the criminal procedure code makes provision for a 24-hour period that can be extended once in the case of police custody and 12 months for remand. She was however concerned about the non-compliance with custody time limits.
47. With regard to freedom of expression, she indicated that press freedom has been established in Gabon. She was however concerned about the contents of some newspapers which abuse this freedom and end up undermining institutions by resorting to insults and libel.

48. The issue of trafficking and exploitation of children was also at the centre of the discussions. The Minister actually acknowledged that child trafficking exists in Gabon. She stressed that these children are often used as babysitters. She further emphasized that measures have been taken and institutions established to check this phenomenon. Traffickers who are found guilty are sentenced and registered children are placed in foster homes where they are given psycho-social care before being sent back to their original homes.
49. The issue of the separation of powers and the independence of the judiciary were also tackled in view of the composition of the High Council of the Judiciary (HCJ). According to the Minister, the two principles are complied with in Gabon. She further stressed that the presence of members of the Executive on the HCJ does not affect its independence because the latter only plays a disciplinary role.
50. Regarding the National Human Rights Commission and its running, the Minister stressed that its members have been elected and that offices have just been provided for its headquarters. She however stated that although the Commission is dynamic and operational, the resources placed at its disposal are inadequate.
51. With respect to the training of magistrates, the Minister indicated that specialized UN agencies are organizing training sessions on human rights. She however indicated that frequent refresher training courses were necessary in view of the fact that violations are sometimes committed due to ignorance of the legal rules applied.
52. On the issue of refugees, the Minister stressed the establishment of refugee management bodies to ensure enhanced protection and assistance to refugees.
53. At the end of the discussions, members of the Delegation applauded the political will of Gabonese authorities to engage in human rights protection, notwithstanding the long journey that lies ahead. Among others, they stressed the need for Gabon to strengthen human rights protection projects and programmes in Gabon.
54. The Minister closed the session with a call on the Commission to support the Gabonese Government in the implementation of recommendations made at the end of this visit in order to tackle the inadequacies for a better promotion and protection of human rights.

3. Meeting with the Minister of Health

55. In attendance at this meeting at the Ministry of Health were Prof. Léon N'Zouba, Minister of Health, Bongo Ondimba Amissa Briana, Director-General in charge of AIDS prevention, and Denise Landria Ndembi, Diplomatic Adviser at this ministry. Discussions with these authorities focused on policies and measures introduced to ensure the implementation of the right to health, free healthcare for children under five (05) years and for pregnant women, the issue of HIV/AIDS and measures introduced for its prevention, health coverage, reproductive health, the issue of maternal and infant mortality, access to healthcare services for indigenous peoples as well as measures taken for the development of pharmacopoeia.
56. The Minister began by providing a background to the structuring of health amenities. He explained that dispensaries have been established in the villages and districts, medical centres have been provided in the departments, while regional hospitals have been established in the provinces. He also indicated that there were 5 specialized facilities.
57. On the subject of measures taken for the realization of the right to health, he highlighted the establishment of the National Health Insurance and Social Guarantee Fund (CNAMGS), an agency established by the Government to ensure better social coverage for the Gabonese people. He further stated that, though there were delays in the enrolment process, over 90% of the population will be enrolled by the end of the year and will benefit from the range of healthcare services offered.
58. He further stressed that free healthcare is guaranteed for all communicable diseases.
59. The Minister also stated that reproductive health services are being offered in all health facilities and that 80% of women have access to skilled birth attendance.
60. The minister underscored that although maternal and infant mortality rates continue to drop, efforts are still being made to ensure that these indicators are sustained.
61. With regard to traditional medicine, the Minister informed the Delegation of the on-going pharmacopoeia programme with the World Health Organization (WHO). The

Government also expects to gather data in order to map and identify traditional practitioners who could later get state support.

62. The Minister indicated that about 8 to 10% of the national budget is allocated to the health sector. In this regard, the Delegation drew the attention of the authorities of this ministry to the directives and policies of the African Union, particularly the recommendations contained in the 2001 Abuja Declaration committing States to allocate 15% of their national budget to the health sector.
63. The Director in charge of issues relating to HIV/AIDS indicated that the prevalence rate in Gabon was 4.1% in 2012. She went on to stress that the Government of Gabon considers the fight against HIV/AIDS as one of its priorities in order to minimize the multifaceted devastating effects of this pandemic.
64. In the area of HIV/AIDS prevention, important measures have been taken, particularly through the intensification of awareness-raising programmes, promotion of voluntary and free HIV screening, promotion of PMTCT activities among pregnant women and social marketing of condoms to ensure increased access for the people.
65. Regarding treatment and support for people living with HIV, the Government, among others, provides free ARV treatment which was formerly reserved for pregnant women, students and the unemployed, ensures increased access to ARV treatment following the establishment of care centres in all provinces as well as the decentralization of treatment in hospitals and medical centres.
66. She also indicated that activities have been undertaken to fight against stigmatization and discrimination against PLWHIVs, particularly "anti-stigma" media campaigns, support for children orphaned by AIDS, as well as a study conducted in 2013 on stigmatization and discrimination with a view to drafting a true legal framework for the protection of the rights of PLWHIVs.
67. On the question of HIV in the prisons, the authorities of the ministry informed the Delegation that their outfit did not have exact figures in view of the fact that the prisons were previously under the Ministry of the Interior. However, they reassured the Delegation that a study will soon be conducted to determine the prevalence rate in prisons so as to improve the health of detainees.

68. In conclusion, the officials of the ministry informed the Delegation that a vector control partnership has been signed with a Cuban laboratory to mitigate the spread of malaria. This project, which commenced in February this year, is being implemented countrywide and will help to reduce infant mortality.

4. Meeting with the Minister of Family and Social Affairs

69. Members of the Delegation met with the Minister of Family and Social Affairs, Mrs. Honorine Ntsame Allogo. The Deputy Chief Director, Executive Assistant, Directors-General and Advisers of the Ministry were also present. Discussions focused on programmes, plans and policies introduced for the protection of the rights of vulnerable groups, children and women in Gabon as well as challenges faced by the Ministry in their implementation.

70. The Minister informed the Delegation that Gabon has a full array of both domestic and international legal instruments for the protection of vulnerable persons, a main area of concern for the First Lady. She indicated that the Government has developed income-generating activities for people living with disabilities to ensure their empowerment. Schools for mentally disabled and hearing-impaired people have also been established to facilitate their reintegration into the labour market.

71. The Minister however expressed concern about the stigmatization and abuse of certain people living with disabilities. She gave the example of parents who lock up their handicapped children at home.

72. Regarding children's rights, the Minister stated that Gabon has several pieces of local and international legislation on the protection of children's rights. She provided the example of the fact that enrolment of children between the ages of three and sixteen years is compulsory and that legal action can be instituted against parents who do not comply with this rule. The Minister also stated that a sexual act with a person less than 15 years old is a crime, even when the said person consents to the act.

73. The Minister stressed that in spite of the existence of several laws on the protection of children, violations of the rights of children are being observed in Gabon,

particularly genital mutilation and child trafficking, a phenomenon which emerged with the intermingling of foreign populations in Gabon.

74. The Minister also stated that with the support of UNICEF, a project was established to resolve the problem of birth registrations. According to her, this low rate of birth declaration is particularly due to the remoteness of birth registry offices, inaccessibility of roads and ignorance of the value of a birth certificate. She added that this project ensured that awareness programmes were carried out for families on the importance of this certificate and that a system was established to record births and to regularize their situation.
75. Concerning the rights of elderly people, the Minister indicated that a national support fund has been established through which elderly people are provided old-age allowances.
76. On the issue of women's rights, the Minister indicated that Gabon has ratified the Convention on the elimination of all forms of discrimination against women and that related reports are being submitted regularly. She further indicated that a law to combat violence against women is currently being finalized in order to punish such breaches severely.
77. Regarding women's representation in decision-making positions, she stated that the President of the Republic has granted a minimum quota of 30% to women and the youth.
78. Members of the Delegation said that given the mind-sets in our countries, there is the need for advocacy in order to make sure that this achievement is set forth in a law on quotas for there to be an effective representation of Gabonese women in decision-making bodies. They also reminded Ministry officials that recognition of rights is a battle that must be constantly fought and urged them to deepen awareness-raising and capacity-building activities for women to enable them to participate in the public affairs of their country.

5. Meeting with the Deputy Minister of Education in charge of Technical and Vocational Education

79. At the Ministry of Education, Higher and Technical Education, Vocational Training, Youth and Sports, members of the Delegation were received by with Mrs. Paulette Mounquengui, Deputy Minister in charge of Technical and Vocational Education.
80. Members of the Delegation asked for information mainly on the right to education and measures taken to effectively address the issue of recurrent strike actions of trade unions in the education sector. The issue of human rights education in schools was also raised.
81. Starting with the right to education, the Minister told the Delegation that every child has the right to education. She further indicated that pursuant to Law 21/2011 of 14 February 2012, primary school education is free and compulsory for all children aged between 3 and 16 years old, be they Gabonese or foreigners residing in Gabon. Subsequent to this measure, the school attendance rate now varies between 95% and 99%.
82. As regards the existence of a human rights education component in the various curricula, the Minister stressed that Gabon is currently overhauling its entire educational system and that human rights education is not taught as a subject per se, but is rather acquired through programmes on the promotion of the values of active, social and environmental citizenship.
83. On the subject of strike actions by teachers, the Minister emphasized that these were politically-motivated because, in her opinion, if they were being embarked upon due to poor working conditions, they would not be the only ones doing so because the wages of civil servants are virtually the same.
84. On measures taken to resolve the problem of strikes, she said that the Government has just paid all arrears, except for preschool teachers. For the latter category, the Minister informed members of the Delegation that the Ministry intends to conduct a case-by-case review in order to maintain skilled and trained staff capable of supervising the children, in view of the fact that preschool education is the bedrock of the educational process.
85. On the education of indigenous populations, the Minister raised the problem of access to schools which are sometimes located far from where they live. She also

mentioned the lack of birth certificates which are issued only after a birth has been registered.

86. On challenges being faced, the Minister was particularly concerned about the issue of school dropouts due to limited resources of parents who cannot pay their children's school fees or unwanted pregnancies.
87. Another challenge is that the construction of schools is not keeping pace with the birth rate, and that the unequal geographic distribution of these schools leads to high enrolment rates in public schools, particularly in Libreville. She however reassured the Delegation that there is a programme for the construction of new schools, including boarding schools to accommodate students who live far from these schools.
88. The Minister also indicated that Gabon intends to increase the number of vocational training centres and technical high schools in an effort to deliver training that meets the requirements of the economic environment and the labour market.
89. Members of the Delegation urged the officials to consider the possibility of regularly organizing birth registration sessions for indigenous children and to also adapt the schools to the culture and sensibilities of the indigenous populations so as to ensure that this segment of the population actually enjoy their right to education.

6. Meeting with the Minister of Economic Planning, Employment and Sustainable Development

90. In the course of its human rights promotion mission, the Delegation met with the Minister of Economic Planning, Employment and Sustainable Development, Mr. Luc Oyoubi. Discussions with him focused mainly on the unemployment problem and measures taken to address the issue as well as child trafficking and child labour.
91. In response to the unemployment problem, the Minister acknowledged that it is indeed a significant issue in Gabon. According to the latest survey conducted in 2010, 20% of the total population and 35% of the youth are unemployed; the reason being that training is not suited to demand, which is oriented towards technical and science-related jobs.

92. Regarding measures taken to tackle unemployment, the Minister indicated that in September 2012, the Government developed an education plan (Plan Education Gabon Emergent) comprising innovations and priority training and research areas for an emerging Gabon. With this programme, the Government intends to encourage young people to enrol in scientific and professional programmes with a view to enhancing their employability and meeting the needs of the labour market.
93. Other measures have also been taken, particularly the development of a national programme on youth employment. Moreover, during the CEMAC meeting held in June 2013, the Heads of State decided to establish a fund called "Try my generation" which will help young people to easily get jobs. Citing the example of a training centre built by companies, the Minister stated that the fight against unemployment is being waged in collaboration with the private sector in terms of both financing and training.
94. With respect to the employment of women, efforts are being made at the political and professional levels to encourage girls to take the same courses as boys. Gabon's aim is to provide equal opportunities to both boys and girls in terms of access to employment.
95. On the issue of child trafficking and exploitation, the Minister began by stating that it is a transnational phenomenon forced upon the country by her immediate neighbours. She emphasized that women traders are often the ones who exploit children by engaging them in their businesses. To check this phenomenon, the Minister said that Gabon has, on the initiative of Parliament, passed a law to combat child trafficking. Mechanisms have also been put in place to assist child trafficking victims.

7. Meeting with the Senate

96. At the Senate, the Delegation was received by members of the Bureau, including the First Vice-President, Honourable Senator Léonard Andjambe. Discussions focused on the Senate's contribution to the promotion and protection of human rights, the budget earmarked for human rights issues as well as the ratification and domestication of international human rights instruments.

97. The Vice President provided a brief background to the Senate and its mission. He explained that the Senate, the Upper Chamber, is only in its third term. Its mission consists mainly of enacting laws, adopting the budget and overseeing the activities of the Government. In addition, the Senate also submits legislative proposals to the Government, as was the case with the stance of the Government regarding the protection of mentally disabled persons.
98. On the ratification of international instruments, Senate members indicated that they were waiting for the appropriate institutions to submit proposals on the implementation of internal ratification procedures. On the conventions which have not yet been ratified, the honourable senators stated that this was merely due to negligence and promised to correct it as soon as possible.
99. Regarding the budget allocated to the human rights sector, Senate members stated that the Senate passes the operating budgets of the Executive, with the latter determining its priority areas. In their opinion, the issue did not have to do with the inadequacy of the allocated budget, but rather the setting of priorities by the Executive.
100. Touching on the Senate's role in the promotion and protection of human rights, he provided the example of the network of women senators which is promoting the rights of women and young girls. Thus, in partnership with UN agencies, the network organizes awareness-raising seminars on women's leadership, among other activities. Awareness-raising campaigns are also conducted in the rural areas on environmental issues to enhance the management of the ecosystem.
101. With respect to the position of the Senate on gender parity, Senate members are of the opinion that there still exists a sort of cultural barrier in Gabon which prevents women from taking an interest in public affairs, hence the need to begin by pushing for a change in mind-sets because they believe that the foundation of society is the value of its culture.
102. Furthermore, they indicated that a significant step has already been taken with the President of the Republic's decision to reserve 30% of positions for women and the youth.

103. Members of the delegation commended the decision to allocate 30% of positions to women and the youth and stressed the need to formalize this promise through a legislative act. They further emphasized the need to adopt intermediate measures to achieve parity, especially through the enactment of a law on quotas so as to encourage women to become more involved in the management of public affairs. In the Commission's opinion, the law is always an important resort when difficulties arise because one should not wait for the entire society to be aware of issues in order to enact legislation.

8. Meeting with the Bureau of the National Assembly

104. Members of the Delegation were received at the National Assembly by the Right Honourable Guy Nzouba Ndama, Speaker of the National Assembly, and the other members of the Bureau. Discussions focused mainly on the role of the National Assembly in the promotion and protection of human rights, the issue of the effective application of laws, representation of women in this institution, and the protection of widows and orphans.

105. Parliamentarians informed members of the Delegation that the issue of human rights is at the very core of parliamentary work. The National Assembly plays a key role in the promotion and protection of human rights through the adoption of various pieces of legislation on human rights protection, some of which were adopted on the initiative of parliamentarians, particularly the law on the prevention of and fight against child trafficking as well as the law against genital mutilation.

106. In an effort to ensure the protection of widows and orphans, the National Assembly has just passed a new civil code to, among others, protect them from abuse and other violations of their rights.

107. Regarding the issue of women's representation in decision-making positions, he told the Delegation that there are 18 women parliamentarians out of a total of 120 parliamentarians. They further indicated that there is no legislation discriminating against women, but believe that this situation is due to the fact that Gabonese women do not have the courage to engage in politics as a result of socio-cultural stereotypes and obstacles.

108. They however reassured members of the Delegation that women parliamentarians have organized themselves into a network to sensitize their peers through training sessions for women and young girls on leadership to ensure that women are better involved in national affairs.
109. On the issue of discriminatory laws, the parliamentarians stated that there are certain customary obstacles in the laws, particularly in the civil code and everyday practice. They however stressed that an identification of the discriminatory provisions is on-going in order to ensure their harmonization with the instruments which have been duly ratified by Gabon.
110. Regarding the application of legislations, they indicated that after the failure to implement passed laws, the National Assembly set up a committee to monitor the application of laws. Although this committee does not meet on a daily basis, it sits each time a matter is referred to it. It is equally the responsibility of those who enforce the laws and all stakeholders to play their part in ensuring their application.
111. Members of the Delegation wanted to know whether all political players in Gabon are represented at the National Assembly. Parliamentarians indicated that its composition is not a reflection of the country's political class. This situation cannot be blamed on the Gabonese people since the political parties opted out themselves. This is because the Opposition called for a boycott because the voter registration exercise was not biometric.
112. With regard to the representation of women in decision-making positions, members of the Delegation indicated that one of the ways to clear this obstacle was the frequent organization of awareness-raising campaigns for women on the importance of their involvement in order to equip them with adequate tools to defend their rights alongside men.
113. Members of the Delegation emphasized the need for the National Assembly to push for the ratification of international instruments, i.e. the Maputo Protocol which Gabon has merely signed but is yet to ratify. They went on to remind parliamentarians that they are in a better position to change the social structures and to participate in societal change and transformation.

114. In conclusion, they underscored the need for the Government of Gabon to take all necessary measures to ensure a better representation of women in decision-making positions. These should particularly include legislative measures and the establishment of a quota system to be adhered to when appointments are being made.

9. Meeting with the Judges of the Supreme Court of Appeal

115. At the Supreme Court of Appeal, the members of the Delegation met with Mr. Honoré Moundounga, First President, Mad. Mbanza-Bagny Marie, the Public Prosecutor, and their staff. Discussions mainly focused on the role played by this institution in the promotion and protection of human rights in Gabon, the issue of the independence of the judiciary, respect of the right to a fair trial, publication of decisions handed down by Gabonese courts, continuous training of judges, recourse to regional and international instruments, their working conditions and contribution to the on-going reform of the laws.

116. Reacting to these issues, the magistrates present told the Delegation that the publication of decisions handed down by the Supreme Court of Appeal was done through a jurisprudence review, the third edition of which is expected to come out soon.

117. On the continuous training of magistrates and judges, they acknowledged the lack of such training, but stated that the School of Magistrates intends to do so at least once a year.

118. With regard to value addition vis-à-vis the conversion of the Supreme Court into a Supreme Court of Appeal in Gabon, it was indicated that this judicial reform ensured a smooth administration of justice because when the Supreme Court was established, it could be presided over by a non-lawyer. Besides, its composition made it more of a political institution than a legal one. This change also ensured promptness of remedies because, hitherto, there had to be a merger of chambers whose reports were even presented in a piecemeal manner. The reform also ensured the independent management of each court.

119. In reaction to the issue of punishment for ritual crimes, they stated that it is a difficult and very complex issue to define because the phenomenon has assumed a huge dimension in Gabon. They were concerned about the fact that the criminal code has no provision dealing specifically with these crimes. However, perpetrators may be tried for violent crimes or mutilation of dead bodies. Furthermore, they stressed the need for lawmakers to study this issue in order to define this crime and, therefore, make provision for appropriate sanctions.
120. With regard to the issue of the representation of women in this institution, the First President stressed that women are well represented and that this is not a new trend. Concerning the discriminatory provisions, the Delegation was informed about the establishment of an inter-ministerial commission jointly managed by the Ministry of Justice and the Ministry of Family Affairs in order to compile all discriminatory laws and to recommend new provisions.
121. On the issue of the recourse to international instruments by the courts, he answered in the negative because, according to him, there is a problem of a virtual total lack of knowledge of these instruments, hence the need to promote and disseminate the various regional and international instruments. This is because people must first know them to be able to invoke or apply them.
122. Concerning the right to a fair trial, they indicated that Gabon has just introduced a new and more revolutionary criminal code which guarantees the feeding of persons held in custody and recognizes the right to a fair trial, particularly the presence of counsel during the pre-trial investigation.
123. With regard to the issue of the composition of the High Judicial Council and the independence of the judiciary, it was stressed that the High Judicial Council is presided over by the President of the Republic, who is assisted by the Minister of Justice. The independence of the system of justice is ensured by the President of the Republic, who is assisted by the High Judicial Council and the presiding judges of the various courts. However, they stressed that this composition should not affect the independence of the judiciary because, in their reckoning, independence should first be inculcated in the very heart of each magistrate.

124. The members of the Delegation informed the magistrates of the jurisprudence of the Commission which is considered as a quasi-judicial institution and that they can cite them in their decisions.

10. Meeting with the Public Prosecutor's Department at the Libreville District Court

125. At the Libreville Prosecution Department, the Delegation was received by Mad. Makobia Oye Charlène Magalie and Mr. Wilfried Adjondo, assistant prosecutor and deputy state prosecutor respectively at the Libreville District Court.

126. Interactions between the two parties focused particularly on the respect and application of the new law guaranteeing the presence of counsel during the pre-trial stage, compliance with legal custody time limits and inspection of custodial facilities. The issue of the lateness in the transmission of court decisions, the special protection of delinquent minors as well as the challenges faced by the Public Prosecutor's Department with regard to the judicial investigation procedure were also discussed.

127. From the outset, the representatives of the Public Prosecutor's Department stressed that the mission of the department has evolved with the new law on the criminal procedure code of 2010.

128. Turning to the implementation of the right to legal aid, the Public Prosecutor's Department stated that this right is being respected, but that lawyers sometimes show up when the hearing is coming to an end.

129. With regard to the inspection of custodial facilities, it was indicated that a duty schedule has been introduced in order to carry out regular inspections of the custodial facilities at least once a week. As the custodian of freedom, the Prosecutor's Department must ensure that custody time limits are complied with. Thus, with the new criminal code procedure, the Criminal Investigation Department must inform the Public Prosecutor each time a judicial investigation is opened, whereas in the past, an investigation could be conducted without the prosecutor's department being informed.

130. On the protection of delinquent minors, a law organizing the legal proceedings on minors was adopted in 2010. Thus, this law makes provision for all the legal measures and autonomous judicial organs contributing to the administration of criminal justice for minors and the implementation of protective measures for their rehabilitation. This is how minors aged between thirteen and eighteen years and who are being tried for an offence only appear before courts for minors, in accordance with the law on the legal regime for the protection of minors.
131. Regarding lost case files, they acknowledged that such situations do occur, but that such occurrences are very rare. They also gave the assurance that in such situations, the case files are rebuilt and those responsible for such breaches are severely punished.
132. With regard to human rights training, they actually stressed the need for the strengthening of the capacity of magistrates.
133. On compliance with custodial time limits, the magistrates indicated that the custodial regime varies with the nature of the crime. It stands at 6 months for misdemeanours and cannot exceed one year for crimes. However, there is the possibility of extending the initial time limit by six months. These time limits are however not adhered to due to lack of adequate personnel to speed up the investigation of cases. The Libreville Public Prosecutor's Department has only ten offices for examining magistrates. According to them, prolonged remand in custody can also be explained by the method used by the Court of Appeal in the selection of dockets. Before 2010, selection was done through the casting of lots and the Court of Assizes gave rulings only once a year. Today, things have improved a bit, and criminal sittings are held regularly.
134. The other challenge is the lack of suitable infrastructure for a better treatment of prisoners. Such is the case of the cell at the Public Prosecutor's Department where prisoners are held before they appear in court.
135. The members of the Delegation urged the judicial staff to use the various regional and international human rights instruments in the discharge of their duties.

11. Meeting with the National Police Service

136. The members of the Delegation had a working session with officers of the Police Service. This meeting brought together more than twenty officers of the National Police Service led by Brigadier-General Léon Mistoul, the Inspector-General of Police.
137. The two parties had fruitful discussions which, among others, focused on the issue of compliance with legal custodial time limits, respect of the rights of persons on remand, actions taken by the Police to prevent so-called ritual crimes, the problem of the protection of women and children in conflict with the law. The issue of the representation of women in the Police, supervision of custodial facilities as well as human rights training for the Police Service were also tackled.
138. Police officers working in the investigations and intelligence unit indicated that the 48-hour custodial time limit which can be extended only once is generally complied with. They also highlighted progress made with regard to the criminal procedure code. According to the head of the investigations and intelligence unit, when a person is arrested, the practice is to automatically inform him of his rights, including the possibility of being assisted by counsel.
139. With regard to torture, they assured the members of the Delegation that efforts have been made to check this practice which is becoming increasingly rare thanks to the collaborative effort with the Police forensic laboratory.
140. On the issue of supervision of custodial facilities, the members of the Delegation were informed that both the prosecutor and commander sometimes pay unannounced visits to police stations to inquire about the situation of persons in custody.
141. With regard to the protection of minors, the Delegation was informed of the existence within the Police of a section handling minors and other cases which require special protection.
142. On the role of the Police in the prevention of ritual crimes, the police officers first qualified crime. For them, the expression 'ritual crime' is a journalistic expression, since this crime is not provided for by the criminal code. However, they stressed that

once these crimes have been committed, independent and partial investigations are conducted in order to process the perpetrators for court.

143. The officers present at the meeting mentioned the the lack of regular training sessions on human rights and other topics,among other challenges. They also sought the support of the Commission in this regard in order to ensure better efficiency in the discharge of their duties.
144. In conclusion, the members of the Delegation reminded the National Police Service that their sovereign and republican functions must be discharged in a manner that ensures the strict respect of human rights.
145. At the end of the deliberations, the Inspector-General of Police presented the Delegation with a medal and calendar of the National Police Service as a souvenir of this meeting.

12. Meeting with the members of the National Human Rights Commission

146. At the National Human Rights Commission (NHRC), the members of the Delegation were able to meet the Chairman of the Commission, Mr. Bertrand Homa Moussavou, in the company of eight other members of the Commission. The two parties had interactions on the composition of the membership, the existence of regional offices and effectiveness of this institution, the manner in which it manages complaints received from individuals and NGOs, the general human rights situation as well as relations between the NHRC and the other stakeholders involved in the promotion and protection of human rights.
147. At the beginning of this meeting, the Chairman of the Commission recalled the fundamental texts which established this institution in 2006. Although it has been in operation since September, 2011, it has not been really functioning due to lack of resources. They requested the support of the Commission in order to play an advocacy role so that this important institution will have adequate resources to enable it to discharge its mandate effectively.

148. With regard to composition, the NHRC is made up of the various social categories, including representatives of religious denominations and trade union organizations.
149. Concerning its role in the promotion and protection of human rights, the members of the NHRC are trying to do their best, in spite of the financial difficulties. Among other activities, they visit police stations and gendarmerie brigades to inquire about the situation of persons in custody and deal with social problems like the issue of « ritual crimes ». The NHRC is a member of the Commission tasked with the drafting of periodic reports and takes part in the universal periodic review.
150. With regard to the existence of regional offices, the members of the Delegation were informed that the law establishing the NHRC provides for regional branches which have unfortunately still not been set up due to lack of resources. It was also noted that due to lack of means of transport, the NHRC does not undertake field visits.
151. On the management of complaints, the Chairman said the NHRC receives them but has difficulty in handling them because the institution had neither a head office nor a permanent secretariat.
152. With regard to the issue of indigenous populations, the members of the NHRC informed the Delegation that the Government acknowledges that indigenous populations are slightly on the fringes of the development process of society, but assumes that they have not been ostracized legally since they are properly integrated and are not stigmatized.
153. On the violations of the rights of women and children, the members of the Commission were concerned about the fact that the response to their problem did not always meet their expectations and that the legal aid they should have received to try perpetrators of violations is not forthcoming, while the allowances received by lawyers are also not commensurate with the number of cases they defend. The issue of the despoilment of widows and orphans in the event of the demise of the head of family was also raised.
154. They further emphasized the efforts made by the Government in the past towards the organization of birth declaration procedures which would ensure that

indigenous children acquire a legal existence. However, for some time now, it has been observed that births are not even being registered in the capital, hence the problem is now being perceived as a national issue.

155. The members of the Commission indicated that a national Commission which does not have a minimum number of permanent members cannot function effectively because the issue of human rights is an everyday activity.

156. In conclusion, the Delegation congratulated the members of the Commission for the sense of patriotism guiding them in their work insofar as they work on a voluntary basis. They encouraged them to remain determined in the discharge of their human rights mission. Furthermore, they brought the possibility of national human rights institutions obtaining affiliate status with the African Commission to the knowledge of the NHRC. This status will enable them to become special partners in the promotion and protection of human rights.

13. Meeting with members of the National Commission on Refugees

157. At the office of the National Commission on Refugees (NCR), the members of the Delegation held a working session with its Permanent Secretary, Mr. Philippe Moundounga Kombila. For this purpose, he was assisted by the Chairman of the Eligibility Sub-Committee, the Chairman of the Remedy Office and an expert attached to the NCR. Among others, the discussions focused on the statistics and origin of refugees, the legal framework for the protection of refugees as well as the manner in which the protection of and assistance to refugees and asylum seekers are handled.

158. Before responding to the concerns of the members of the Commission, the Permanent Secretary made a presentation on the institution he heads. The NCR was established in 2000 and has been operational since 2001. He reviewed the three organs which make up the NCR, i.e. the Permanent Secretariat, the Eligibility Sub-Committee and the Remedy Office, their composition as well as their role and running.

159. With regard to the legal framework, he indicated that Gabon is party to nearly all the international and regional instruments on the protection of refugees, particularly

the 1951 Convention on the Status of Refugees and its additional protocol. It is also party to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. At the domestic level, the Gabonese Republic has passed a law on asylum – Law 005/98 of 5 March, 1998 on the status of refugees in the Gabonese Republic.

160. On the issue of statistics, the Secretary indicated that the figure stands at about 4,043 refugees and asylum seekers made up of 21 nationalities, with most of them coming from the DRC, Chad and the Central African Republic. He also said that an audit/survey process for the refugee population in Gabon is being carried out for 2014. This will ensure that the exact statistics are known because the last survey was conducted in 2005 and the figures have increased.
161. Touching on the access to asylum, he indicated that a mechanism has been put in place at the head office of the NCR and at the borders to facilitate reception, submission of applications, orientation for registration as well as the identification of special cases which require urgent attention. On the issue of the protection of refugees, he indicated that Gabon provides all duly registered asylum seekers with a temporary protection document. Once asylum is granted, the refugee is given a refugee's certificate, a refugee identity card in lieu of a residence permit and a travel document which allows him to travel out of Gabon.
162. On the issue of the right of refugees to health, it was indicated that they have access to primary health care and that secondary or tertiary referrals enjoy free care and drugs. He stressed that this assistance is made possible through the *Agir pour le Genre* NGO, an implementation partner of UNHCR, and the State health departments in the covered areas. He also said that monitoring is being done to ensure the effectiveness of the provision of care to refugees by the National Health and Social Insurance Fund, as provided for by Order n°0022/PR/2007 of 21 August, 2007.
163. With regard to the right to education, the NCR authorities said that in 2012, more than one thousand primary and secondary school refugee pupils were registered and assisted.

164. Concerning the right to housing, the Permanent Secretary informed the Delegation that refugees enjoy the freedom of movement and settlement in the country of asylum since Gabon does not have refugees camps.
165. In the area of challenges, the NCR authorities mentioned the numerous arrests regularly reported by refugees and asylum seekers during police checks due to the fact that their protection documents are not taken into account or that the said documents have expired, particularly in the case of those who live in the hinterland.
166. However, he assured the members of the Delegation that in order to rectify this situation, interventions are being made by the NCR, UNHCR and, indeed, refugees who have formed committees for themselves. For the expiry of protection documents of refugees and asylum seekers residing in the hinterland where there is no NCR and UNHCR office, regular missions are conducted on the spot in order to renew the said documents. Sensitization campaigns are also being undertaken for the military and police authorities.

14. Meeting with UNICEF

167. The members of the Delegation visited the UNICEF Office where they met with Mr. Jacques Boyer, Zonal Representative for Gabon and Sao-Tomé and Principe, who was assisted by Mr. Michel Ikamba, specialist responsible for the protection of children. Among others, the discussions with them focused on the situation of the rights of children in Gabon and the areas of intervention of this UN agency in the promotion and protection of human rights.
168. The UNICEF Representative told the Delegation that the activities of UNICEF focus more on advocacy for the protection of the rights of children and the quest for partnership. The Office also provides technical support for the drafting of laws in order to ensure that they are in keeping with international instruments. He also touched on the strengthening of the capacity of institutions and families for the survival and protection of children, such as street children and children in conflict with the law. The current approach is the strengthening of the health systems.
169. With regard to the situation of the rights of children, the major concern has to do with the so-called "ritual" crimes which mainly affect children. He also mentioned

the inequalities observed between geographical areas, particularly the inequalities of access to basic social services between the rural areas and the urban areas.

170. The Representative also raised the issue of child trafficking. Children are often used as baby-sitters. Thus, he provided the Delegation with information on efforts made by the Government in the fight against this practice. Among others, he stated that some agreements have been drafted. However, these have still not been signed by the States of origin of the children, particularly Benin, Nigeria, Cameroon, Guinea, Togo and Mali. He also emphasized that currently, about 2,700 children have been repatriated to their countries since 2004, a law has been passed and some child trafficking offenders have been tried. However, he expressed concern about the persistence of a certain level of impunity which allows some perpetrators of these acts to escape justice.
171. Concerning the issue of indigenous children, he stressed that reports at the disposal of the Office do not show any discrimination against this category of the population and that the difficulties faced by indigenous peoples are the same as those faced by the Bantu peoples.
172. On support to organizations working in the area of children's rights, the UNICEF Representative indicated that due to budgetary constraints, his outfit only provides them with technical assistance, particularly in the area of capacity strengthening.
173. In conclusion, the UNICEF Representative told the Delegation about his concern relating to budgetary allocations which are not in tandem with policies adopted for the promotion of children's rights. This is particularly the case of legal aid for delinquent minors.
174. The members of the Delegation thanked the UNICEF Office and urged it continue to support the Government in the implementation of its policies and programmes for Gabonese children.

15. Meeting with the President of the Gabonese Bar Association

175. During this meeting, the members of the Delegation were received at the Lawyers' Club by the President, Mr. Jean Pierre Akoumbou, together with members

of the Council. Discussions centred mainly on the use of international instruments and reference to them before a national court, the implementation of the right to defence, the issue of legal aid as well as the challenges they face in their work.

176. On whether lawyers have knowledge of the international instruments and invoke them before the national courts, the President of the Bar informed the members of the Delegation that most of them know about the various regional instruments. However, there was the problem of redress in the sense that persons tasked with the application of the law do not know about them because these instruments have not been disseminated.
177. With regard to resort to the jurisprudence of the Commission, the President of the Bar told members of the Delegation that they acknowledge the importance of jurisprudence but that they do not use it because they do not know about it. Taking advantage of the opportunity presented by this visit, the President of the Bar requested the Commission to provide the Bar with a copy of decisions handed down by the Commission as well as the various regional human rights instruments.
178. In the view of the President of the Bar, although human rights are acknowledged in the various codes of Gabon, the major challenge is that those responsible for the application of the laws are ignorant about them, a situation which could lead to their violation. This is due to the lack of systematic retraining and training seminars to sensitize the various stakeholders on the application of human rights.
179. With regard to the issue of the right to defence, the President of the Bar welcomed the progress with regard to the new criminal procedure code which acknowledges the presence of counsel during the preliminary investigation stage. However, he raised persistent limitations, given the fact that although they have access to the police stations, lawyers do not have the right to ask questions or to interact with the officers of the Criminal Investigation Department (CID).
180. On the issue of custody and prison conditions, the lawyers present informed the Delegation that examining magistrates tend to quickly remand accused persons in custody sometimes without justifying the committal order. This situation is the result of immaturity on the part of some magistrates and also the lack of professionalism, sensitivity with regard to the issue of human rights and a thorough knowledge of the mechanism guaranteeing freedom.

181. Prison overcrowding is the result of the non-compliance with the custodial time limits prescribed by the law as well as the delay in the administration of justice.
182. On the issue of legal aid, the Delegation was informed about the existence of a law to that effect which is managed by the Ministry of Justice. They however indicated that persons liable for trial do not benefit from this aid due to ignorance of this programme. They requested that a Commission should be established to manage this budget to ensure that beneficiaries actually get this aid.
183. With regard to the issue of torture, the lawyers indicated that it is a practice which has always existed but is difficult to prove because traces disappear quickly.
184. The President of the Bar stressed that Gabon has abolished the death penalty, but he was concerned about the fact that following the commission of numerous horrible crimes, the political forces are inclined to reintroduce the capital punishment.
185. The members of the Delegation took due note of the concerns expressed by the representatives of the Bar. They indicated how important it was for the Council to draft reports to be submitted to the Gabonese authorities. In these reports, they should raise the various challenges and make recommendations.
186. With regard to the reintroduction of the death penalty, the members of the Delegation stressed that it is not a relevant issue because it is neither a deterrent nor an answer to crime.
187. In conclusion, the members of the Delegation expressed their satisfaction at the contribution of the Gabonese State to the building of the Lawyers' Club which was inaugurated in November 2012.

16. Meeting with Human Rights Civil Society Organizations

188. During their promotion mission to Gabon, the members of the Delegation held a working session with civil society organizations (CSOs) working for the promotion of human rights in Gabon. This session was held with about thirty persons

representing some fifteen Gabonese associations involved in the promotion of human rights.

189. Among others, the agenda of the interactions included issues on the general situation of human rights and the challenges encountered in the conduct of their human rights promotion and protection activities.
190. Taking turns to speak, the representatives of the human rights organizations provided the members of the Delegation with information on the various human rights violations in Gabon.
191. Persons living with disabilities told the Delegation that although there are laws to cater for them, they are often discriminated against. This is particularly the case of persons with mobility difficulties. By way of illustration, he said that most infrastructural facilities are not suited to their disabilities. This situation prevents them from easily accessing schools, health care and employment.
192. Human rights defenders were concerned about the high infant mortality rate which is sometimes due to the lack of material resources in health facilities to deal with certain situations. A case in point is the lack of incubators for premature children born in certain hospitals. They also stressed the high rate of children who have no birth certificates, a document which makes the enjoyment of other rights possible. They went on to mention cases of incest as well as sexual abuse and violence against children, both girls and boys. Furthermore, they said that these acts of violence often go unpunished because they are committed by persons in high places.
193. Still on the rights of children, the Delegation was told that the phenomenon of child slavery and trafficking for the purposes of domestic work as well the phenomenon of child streetism still persisted. The human rights defenders were concerned that this exploitation is sometimes done by high-level officials who often use these children without paying them. The issue of the rights of indigenous populations was also raised.
194. The Delegation was informed about the rise in the violation of the right to life committed through the so-called « ritual » crimes.

195. On the issue of the freedom of expression, journalists present at this meeting indicated the persistence of bottlenecks which do not allow them to express themselves as they would have wished.
196. Touching on the challenges, the representatives of the NGOs, among others, mentioned the 1962 law governing associations which has become obsolete as well as the administrative delays in the issuance of receipts, although the establishment of civil society organizations falls under the declaratory regime. They also mentioned the lack of subsidies which meant that some organizations do not have permanent offices and, therefore, conduct their work by moving from place to place. They further stressed the lack of partnership between civil society and the Government as well as prejudices and traditions which hinder their work because certain areas are still considered as taboo. The lack of knowledge of the various human rights instruments and mechanisms was also mentioned, with particular emphasis on training needs for the strengthening of the capacity of stakeholders working in the area of human rights. The other challenge about which the human rights organizations were deeply concerned was the politicization of the activities carried out by certain organizations which are sometimes labelled as opponents, particularly those which dare to highlight issues which have turned out badly.
197. The members of the Delegation seized this opportunity to inform the Gabonese NGOs about the various regional human rights promotion and protection organs as well as the mechanisms established by the Commission to ensure that the various human rights thematic areas are taken care of. They also stressed the need for civil society organizations to obtain observer status with the Commission. Furthermore, they urged these organizations to forward their applications for affiliation in order to be able to participate fully in the Commission's Sessions.
198. They welcomed the dynamism and commitment of the Gabonese civil society organizations which are making a substantial contribution to the promotion and protection of human rights, in spite of the weaknesses often observed in the area of the mobilization of the financial, material and technical resources necessary for the success and sustainability of their programmes. They also encouraged the various organizations to network in order to ensure a better synergy of their activities.

17. Visit to the Legal Advice Centre

199. At the Legal Advice Centre, the Delegation was received by Mr. Ruphin Nkoulou-Ondo, Vice-President of the Organization for the Harmonization of Business Law in Africa (OHADA-Gabon). The members of the Delegation had interactions with him on the running of the Legal Advice Centre, the types of consultations provided and the challenges encountered in the pursuit of their activities.
200. Before getting into the heart of the matter, the Vice-President first made a brief presentation of the Legal Advice Centre. He stressed that this body was established on the initiative of the Gabonese OHADA Association. He also stressed that the body was established to deal mainly with issues which fall within the remit of business law and that issues relating to human rights are tackled indirectly. These include issues relating to land and divorce problems.
201. Mr. Rufin indicated that the Centre provides free legal consultations. These consultations are organized in the form of open days during which all legal practitioners are called upon to assist in this exercise in order to meet the needs of persons subject to trial who require the services of counsel to defend their cases before the courts.
202. On the challenges, he, among others, stressed that the Centre is managed by persons who do not work on full time basis because they have to attend to their own business, a situation which reduces the quality of services provided.
203. Following these interventions, the members of the Delegation welcomed the efforts made by the OHADA Organization for this laudable initiative and urged it to take all the necessary measures in order to extend its activities to human rights promotion and protection services.

18. Visit to the Sylvia Bongo Ondimba Family Foundation

204. At the Sylvia Bongo Ondimba Foundation, the Delegation was received by Mr. Erwan Le Grand, Programmes Director of the Foundation. The interactions focused mainly on the activities undertaken this body for the promotion and protection of human rights, the support of this foundation to local NGOs and the issue of violations against women.

205. The visit started with a brief presentation of the Sylvia Bongo Ondimba Foundation. According to the Programmes Director, the Foundation has a social responsibility and aims at promoting the participation of the youth and women in the development of Gabon. It operates in three priority activity areas. The women's initiatives deal with the facilitation of access by women and widows to their rights, access by women to entrepreneurship and the health of women and children. The youth initiatives consist of promoting public-spiritedness and a sense of responsibility, promoting family values and counselling for the psycho-social well-being of adolescents. The solidarity initiatives have to do with the improvement of the conditions of persons living with disabilities, the welfare of vulnerable infants and the improvement of the reintegration of minors in custody.
206. With regard to the achievements of the Foundation, the Programmes Director indicated that for the youth initiatives, the Foundation has an educational project which motivates the youth to acquire education and develop public-spiritedness and citizenship. The Foundation also offers scholarships, i.e. the *Bourses d'honneur Ozavino*, to the best pupils for them to further their education in the best schools and universities in the world.
207. On the women's initiatives, the Foundation has provided health facilities with equipment and training for personnel working in the area of maternal health. It is also playing an active role in the fight against cancer through breast cancer prevention and treatment activities.
208. Through its micro-credit project, the Foundation is facilitating the access of women to credit which will help them to develop income-generating activities. It is also assisting women farmers in distant areas in order to improve their living conditions.
209. With regard to widows, the Foundation has established an orientation and counselling centre to ensure that their social and legal welfare is better taken care of. The Programmes Director informed the Delegation that advocacy undertaken for women at the national and international levels has led to the institution of the International Widows' Day.

210. On the solidarity initiatives for vulnerable persons, the Foundation, in collaboration with the *Arc en Ciel* NGO, is assisting street and abused children. In addition, it is carrying out activities in the prisons where classes are organized for minors in custody to ensure their socio-professional reintegration.
211. Still on the solidarity initiative, the Foundation, through its project for persons with motor disabilities, has provided motor-driven and electrical equipment and set up a workshop to ensure their maintenance in Libreville and other places.
212. Touching on the issue of support from this body to local NGOs, it was indicated that the Foundation, in its desire to assist Gabonese stakeholders, is working to strengthen the capacity of Gabonese civil society, particularly on the methods of identifying needs and analysing situations by strengthening their internal capacity for them to be equipped to design, plan and implement their development projects.
213. On the issue of violence against women, the Delegation was informed that the Foundation is engaged in advocacy against violence against women and domestic violence. Some types of activities to be undertaken are being considered in order to considerably reduce and, indeed, eradicate the phenomenon.
214. With regard to challenges, the Programmes Director stressed the low credit repayment rate by beneficiaries and assistance to beneficiaries of the Foundation's activities. Therefore, there is the need for a change in mentalities and behaviour patterns among the people because everyone must contribute to the development of the country. Furthermore, he stressed the difficulty in implementing all the projects due to the inadequacy of funds to cater for all the activities.
215. The members of the Commission welcomed the First Lady's initiative and urged the managers of the Foundation to also put a lot of effort into advocacy for the ratification of the Maputo Protocol by Gabon.
216. It should be stated that owing to time constraints, the Delegation could not visit the Mbandja Centre to see the various achievements of the Foundation.

19. Visit to the Libreville Central Prison

217. The members of the Delegation paid a visit to the Libreville Central Prison where they were received by the Director of the prison, Lieutenant-Colonel Djamendonto Pierre Marie, who was accompanied by the head of department in charge of the women's prison and the head of department in charge of the supervision of male prisoners. The Delegation had interactions with the prisons officers on the situation of prisoners and their custody conditions.
218. The Director said that as at 16 January, 2014, the Libreville Central Prison had 1,735 prisoners, including 579 convicts and 1,156 remand prisoners. There were 56 women and 50 minors among them.
219. Concerning the situation of prisoners, the Director first informed the members of the Delegation that the Libreville prison was built in 1954 with a capacity of 300 persons and that the law on prisons dates back to the 1960s.
220. With regard to feeding, the Director stated that the prisoners are entitled to one varied and balanced meal a day. The freedom of worship is enjoyed thanks to the provision of a multi-purpose hall which prisoners belonging to different religions take turns to use.
221. Concerning the prisoner reintegration programme, it was indicated that up to now, only minors benefit from reintegration activities, particularly computer training, thanks to the provision of computers by the Sylvia Bongo Ondimba Family Foundation.
222. On the issue of special treatment for minors, the Director answered in the negative since the prison administration does not have the necessary budgetary allocation.
223. With regard to the issue of the health of prisoners and the welfare of persons living with HIV, the members of the Delegation were informed that the prison has no statistics on the prevalence rate. It has an infirmary with a laboratory.
224. The Delegation also went to the registry office situated in the prison. Among others, this department ensures that people are lawfully detained. Since there is no mechanism for monitoring the legality of custody, prisoners whose legal custodial

time limits have elapsed are informed through the registry. The Director then refers the matter to the Public Prosecutor to rectify the situation.

225. In spite of the existence of this procedure, members of the Delegation observed that the Libreville central prison is crammed with a high number of remand prisoners whose legal custodial time limits have long expired. An illustration is the case of prisoners who have just spent more than 12 years without trial. According to the prisoners we met, those in this situation said that this abnormally long custodial time limit was sometimes as a result of the loss or disappearance of dockets from the courts.

226. On the issue of whether prison wardens receive human rights training, the Director said that participation in such training programmes is very rare and, indeed, virtually non-existent.

227. Based on the interactions with the prisoners, the Delegation observed that the social department was somewhat slow in meeting the needs of prisoners. Such is the case of prisoners who had just spent more than five (05) days without care, although they had informed the prison authorities about their situation.

228. Prisoners also expressed concern about the fact that judgments are not communicated to them in good time, a situation which prolongs custody time limits, even in cases of acquittal.

229. The prisoners also told the Delegation that they were concerned about the legal aid they receive. They indicated that legal counsel is officially appointed for them at the hearing, a situation which does not give the latter adequate time to study the cases they have been called to defend.

20. Visit to the *Agir pour le genre* NGO

230. During this visit, the Delegation was received by Mad. Nicole Nguema Metogo, Executive Director of the NGO, and Mad. Ingrid Orphise Litchangou, Deputy Executive Director. The Executive Director made a comprehensive presentation of the NGO she heads to the Delegation. She stressed that *Agir pour le genre* is a Gabonese humanitarian NGO working in the area of the fundamental rights of the

human person and the promotion of gender. Its operations are based on certain main thrusts, particularly gender and gender-based violence.

231. The members of the Delegation wanted to know the activities this NGO was undertaking for women's rights, particularly in the area of the fight against violence against women, care for victims and the economic empowerment of women.
232. The NGO's team told the Delegation that in the area of the fight against violence against women and care for victims, the *Agir pour le genre* NGO is, with the support of its various partners, organizing sensitization sessions in order to collect and disseminate information on gender and gender-based violence. Furthermore, it is ensuring the dissemination of the Convention on the Elimination of All Forms Discrimination against Women and other relevant women's rights protection instruments through training sessions meant for the various social stakeholders involved in the promotion and protection of the rights of women such as staff of the judicial service, the Police and medical staff who are often called upon to issue medical certificates to victims of gender-based violence.
233. Concerning care for victims, the association has established a legal clinic responsible for legal and psychological counselling as well as medical and legal assistance.
234. With regard to the empowerment of women, this association provides support for the economic empowerment of vulnerable women, particularly within the refugee environment, through training sessions in income-generating activities like dressmaking and hairdressing as well as in petty cash management. Such is the case of young prostitutes who, after going through training, have opened hairdressing salons which have enabled them to change their way of life.
235. In addition, the NGO is involved in the promotion of the sexual and reproductive health of refugees, particularly through the training of women in modern family planning methods and training in the fight against HIV and unwanted pregnancies.
236. In conclusion, the staff of this NGO indicated that their projects are trying to experiment with the community approach because this approach enables the Organization to support a substantial number of vulnerable people, while their

monitoring becomes easy. The second reason is to encourage group work because it is difficult to make progress when one works in an individual capacity.

237. The Delegation expressed satisfaction at the activities undertaken by this Organization. It also encouraged the Executive Director to set up a communications unit so that the activities can be developed and made visible. Furthermore, it informed the staff of this NGO that it was possible for the latter to obtain observer status with the Commission and that it was necessary to participate in the various fora such as the Gender is my Agenda campaign (GIMAC) on the rights of women to further own the experiences and best practices of the other organizations in order to enhance the promotion and protection of women's rights.

21. Debriefing Session with the Prime Minister, His Excellency Mr. Raymond Ndong Sima

238. The members of the Delegation were received for a debriefing session by the Prime Minister, His Excellency M. Raymond Ndong Sima. After the welcome remarks of His Excellency the Prime Minister, the members of the Delegation thanked the Government for facilitating the success of this mission.

239. During this meeting, the Delegation expressed satisfaction at the transparency and frankness displayed by the Gabonese authorities during the various meetings conducted by the Delegation as well as the real political will on the part of the Gabonese Government to promote and protect human rights, as demonstrated by the efforts it is making in the area of the promotion and protection of the human rights of the Gabonese people. This will is particularly illustrated through the adoption of several legislative and institutional measures as well as the pursuit of various legal and political reforms and relevant plans and programmes which have a positive impact on the rights guaranteed by the African Charter and the other national, regional and international human rights instruments.

240. The members of the Delegation then recounted the preliminary observations of the mission and drew the attention of H.E. the Prime Minister to several points, particularly the non-ratification of certain relevant regional human rights instruments which the Gabonese State has already signed for some time now, the delays in the administration of justice, the abnormally long periods of custody, the need for human rights training and the systematic retraining of the Police Service

and magistrates, prison overcrowding and confinement conditions, the phenomenon of child trafficking and slavery for the purposes of exploitation, sexual violence and, indeed, incest against children as well as the impunity with which these crimes are committed. The issue of birth registration was also raised.

241. The Delegation also raised the issue of the persistence of harmful customs and practices affecting the rights of women, the low involvement of Gabonese women in the management of public affairs as well as violence against women, including domestic violence.

242. Furthermore, it expressed concern about the high maternal and infant mortality rate and the lack of a free health care policy for pregnant women and children under five. The unemployment problem, particularly among the youth and women, stigmatization and discrimination against persons with disabilities, the issue of the fact that virtually all the infrastructure is not suited to the needs of persons with motor disabilities as well as the inadequacy of educational infrastructure and its inequitable distribution throughout the country were also discussed.

243. The members of the Delegation also expressed their concerns relating to the running of the National Human Rights Commission and requested the Government to join in the effort to solve the problems raised at the Commission, the most urgent of which being the inadequacy of the operating budget as well as a permanent secretariat for it to function properly.

244. The Delegation came back to the issue of the 1962 law governing associations and the problem of the issuance of receipts which takes a lot of time to process. This hinders the work of human rights defenders. The issue of the politicization of the activities of civil society was also raised.

245. Finally, the Delegation requested the Gabonese Government to host one of the sessions of the African Commission.

246. In response, H.E. the Prime Minister was glad that the mission was able to meet a significant number of partners. He acknowledged that certain shortcomings are sometimes due to administrative excesses. On the issue of child slavery, he indicated that the government has a zero tolerance policy. However, he emphasized the major challenges confronting Gabon, particularly the rate of immigration which remains

one of the highest in Africa. This situation restricts the ability of the government to check the phenomenon.

247. With regard to prison conditions, he indicated that the Government is willing to improve upon them, but that is confronted with several other priority needs of its good citizens, hence the obligation to sometimes sacrifice convicts.
248. On the administration of justice, he stressed that the Government is sparing no effort to handle as many cases as possible. Last year, the justice system was able to rule on the equivalent of a tenth of pending cases.
249. Concerning the representation of women, the Prime Minister emphasized the lack of interest on their part to venture into politics. On the suggestion that a law on quotas should be passed, he was of the opinion that there is no reason to legislate to that effect because there are no restrictions or obstacles in the way of women with regard to their involvement and participation in the management of political affairs.
250. On the issue of birth certificates, the Administrative Court has decided to authorize the use of birth notices, a reason which can explain the loss of interest on the part of the people to visit other departments to obtain birth certificates.
251. With regard to the problem of educational infrastructure, His Excellency recalled that Gabon is going through an era whereby urbanization has particularly worsened the imbalance so much so that families are moving to the large communities in search of jobs. With this situation, the enrolment rates for some schools in the hinterland are very low.
252. On the politicization of the activities of some civil society organizations, the Prime Minister did not mince words when he said that there are civil society organizations in Gabon which behave like disguised political parties.
253. Before concluding, the Prime Minister showed his indignation at the behaviour of some journalists who, instead of being professionals and sticking to the ideology of the profession, rather resort to the destruction of the personality of others. On this note, he urged the Commission to ensure balance between rights and obligations in order to prevent society from going downhill.

254. In conclusion, the Prime Minister assured the Delegation that the Gabonese Government will spare no effort to apply the recommendations which will be forwarded to it at the end of the mission for fresh progress to be made in the promotion and protection of human rights at the national level.

22. Meeting with the Media

255. At the end of the mission, the members of the Delegation held a press conference in which more than fifteen journalists from both the print media and the radio stations took part. These interactions centred on the purpose and conduct of the mission as well as the preliminary observations and recommendations of the Commission. The interactions ended with the distribution of the press statement to the media representatives.

PART THREE

OBSERVATIONS AND ANALYSIS OF THE HUMAN RIGHTS SITUATION IN GABON

256. The meetings and working sessions the Delegation held with the stakeholders involved in the promotion and protection of human rights in Gabon ensured the evaluation of the progress and persistent challenges relating to the human rights situation in this country.

257. With regard to the positive strides, it is important to point out that there is real political will on the part of the Gabonese Government to promote and strengthen the protection of the human rights of its people. This will is reflected at the regional and international levels by Gabon's ratification of a substantial number of legal instruments relating to human rights⁵. Furthermore, the Gabonese Republic has already presented its combined initial and periodic report to the Commission.

258. At the domestic level, the Delegation noted that several positive pro-human rights activities have been undertaken in various areas. At the institutional level, the Commission welcomed the establishment of several institutions responsible for human

⁵ See below the list of regional and international instruments relating to human rights ratified by Gabon.

rights issues, particularly the National Human Rights Commission and the National Refugee Commission.

259. On the administration of justice, the Commission noted with satisfaction that several legislative and other reforms have been undertaken to strengthen the protection of the human rights of persons being tried before the courts, particularly the adoption of the new criminal procedure code which ensures the presence of a lawyer right from the preliminary investigation stage, special measures for delinquent minors, especially legal aid and the establishment of courts for minors; legal aid for the destitute and minors being tried for crimes (although the budget for this activity is still inadequate to cater for all those in need); as well as the Lawyers' Club built with the financial support of the Gabonese State.
260. With regard to the prisons and confinement conditions, the Commission appreciates the measure put in place to feed all persons on remand and the social reintegration programme for minors, particularly computer training.
261. On the protection of the rights of women and widows, the Commission welcomes the adoption of a new civil code protecting widows and orphans from widowhood practices in particular, the draft law on sexual violence as well as the establishment of a commission for the protection of the rights of widows and the Observatory for Women's Rights and Equality.
262. The Commission congratulated Gabon for all the initiatives developed, particularly by the Sylvia Bongo Ondimba Family Support Foundation for women and children.
263. In the area of health, the Commission wishes to congratulate the Gabonese Government particularly for the free health care for all communicable diseases and the provision of the necessary equipment in all health facilities in order to ensure that pregnant women undergo institutional delivery.
264. On the rights of elderly persons, the Commission welcomes with satisfaction the project for the establishment of a national assistance fund for elderly persons called the *Panier Minimum Vieillesse*.

265. With regard to the education sector, the Commission welcomes the introduction of a free and compulsory primary education policy for children aged between three and sixteen as well as the development of programmes aimed at developing subjects suited to the needs of businesses.
266. However, in spite of the progress identified by the Commission, several concerns persist in the area of the promotion and protection of human rights in Gabon.
267. On the ratification of the relevant international human rights instruments, the Commission is worried that Gabon has not yet ratified the Protocol to the African Charter on Human and Peoples' Rights relating to the Rights of Women, signed in 2005, the African Union Convention on the Protection of and Assistance to Displaced Persons in Africa, signed in 2010, and the African Charter on Democracy, Elections and Governance, signed in 2010. It has also not yet made the declaration required by Article 34 Paragraph 6 to accept that the African Court has jurisdiction to receive petitions from individuals and NGOs.
268. Although the Commission welcomes the on-going reforms in the justice sector, it is unhappy about the inadequacy of human resources, the delays in the conduct of the pre-trial investigative procedure, inadequate number of sessions of the criminal court, abnormally long periods of remand, delivery of judgments beyond time limits and delay in the sharing of information on judgments given in criminal cases between the Public Prosecutor's Department, the investigating court and prison wardens. The Commission also notes the need for human rights training and the systematic retraining of judges and prison wardens.
269. On the issue of the prisons, the Commission was particularly concerned about overcrowding, the non-separation of remand prisoners from convicts, the imprisonment of minors with adults, the lack of social reintegration programmes for adult prisoners, the presence of mentally ill persons in the Libreville Prison and the persistence of torture, although the practice has become rare.
270. With regard to the rights of children, the Commission expressed concern about the low rate of birth registration due to the fact that parents do not know the importance of birth certificates and that registry offices are situated far away. It was also concerned about child trafficking for the purposes of domestic exploitation,

sexual violence against children, particularly incest due to fetish practices and paedophilia, as well as the impunity with which these violations are perpetrated.

271. On the situation of women and widows, the Commission notes the persistence of harmful practices and customs affecting the rights of women, lack of determination, low involvement of Gabonese women in the management of public affairs, violence against women and domestic violence, persistence of widowhood rites, together with their harmful consequences on widows and orphans, as well as the persistence of discriminatory provisions against women in Gabonese law. It also notes the unemployment problem among the youth and women in particular.
272. In the area of health, the Commission is concerned about the persistently high maternal and infant mortality rate, lack of equipment suited to the needs of premature children, lack of a free health care policy for pregnant women and children under five and the lack of a national nurses' association in Gabon.
273. The Commission is unhappy about the fact that certain persons with disabilities are sometimes subjected to stigmatization and discrimination within their families and also the fact that virtually the country's entire infrastructure is also not suited to the needs of persons with motor disabilities.
274. The Commission is worried about the repeated strike actions embarked upon by teachers as well as the inadequacy and unequal geographical distribution of educational infrastructure.
275. It also raised the inadequacy of the operational budget allocated to the National Human Rights Commission.
276. It further raised the arrests of refugees carried out by the police as a result of their ignorance with regard to their protection documents.
277. On civil society organizations, the Commission was concerned about the delay in the issuance of receipts necessary for the recognition of the legal existence of associations and the lack of material and financial resources which will enable the associations to successfully accomplish their mission.

278. The Commission also notes the lack of coordination and networking of NGOs operating haphazardly as well as the use of the activities undertaken by certain non-governmental organizations for political ends.

I. RECOMMENDATIONS

279. Following the mission and taking into account the challenges identified, the Commission makes the following recommendations:

TO THE GOVERNMENT OF THE GABONESE REPUBLIC

Legislation

- Ratify all regional and international human rights promotion and protection instruments, in particular the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, the International Convention on the Protection of All Persons from Enforced Disappearances, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, the African Union Convention on the Protection of and Assistance to Internally Displaced Persons in Africa, and the African Charter on Democracy, Elections and Governance;
- Ratify ILO Convention 169 on the Rights of Indigenous Peoples;
- Make the declaration under Article 34 (6) of the Protocol on the Establishment of the African Court on Human and Peoples' Rights accepting the competence of the African Court to receive complaints from individuals and NGOs;
- Harmonize domestic law with the ratified regional and international human rights promotion and protection conventions;
- Enact a law on the promotion and protection of the rights of indigenous peoples;

- Expedite the procedure for the enactment and passage of laws under discussion, particularly the draft laws on the protection of the rights of widows at the domestic level;
- Enact specific laws on ritual crimes, incest, sexual abuse as well as child slavery and trafficking;
- Enact a non-discriminatory family code for the protection of the rights of women and girls;
- Review the electoral code in order to incorporate the gender approach, particularly through provisions which encourage a better representation of women on the voters' register, and
- Enact a law on a quota of a minimum of 30% of administrative positions for women.

Submission of Periodic Reports under Article 62 of the African Charter

- Present its periodic reports on a regular basis in accordance with the various directives adopted by the Commission on the matter.

Administration of Justice

- Ensure that the timeline for police custody and preventive detention is strictly complied with;
- Expedite the process of modernizing the justice system to ensure that the parties have the same information regarding court decisions;
- Beef up training programmes for magistrates and other legal practitioners on the legal regional and international human rights instruments relating to human rights;
- Take the necessary measures for the effective provision of free legal aid, and
- Ensure the effective implementation of the law on the presence of counsel right from the pre-trial investigation stage.

Police

- Strengthen the human rights capacity of police officers, and
- Take all the necessary measures to ensure the security of the population in order to prevent ritual crimes.

Protecting Women's Rights

- Take appropriate measures, including legislative ones, in order to change cultural and traditional customs and practices which affect the rights of women, particularly widowhood rites;
- Conduct public education, mobilization and social sensitization campaigns on women's rights, particularly gender-based violence, in order to encourage the exposure of the violations of their rights;
- Establish and/or strengthen mechanisms to combat violence against women, including domestic violence;
- Provide free and readily available legal aid for women and girls who are victims of gender-based violence;
- Establish a permanent framework for interactions and dialogue on the enhancement of the status of women and the abandonment of harmful traditional practices;
- Sensitize religious and traditional leaders, through national campaigns, on the rights of women and involve them in the programmes to combat violence against women, and
- Encourage the establishment of associations for women from the indigenous populations and provide them with the necessary resources for supervision and training, including the provision of financial resources to expedite the process of the promotion of the rights of these vulnerable segments.

Health

- Allocate 15% of the national budget to the health sector, as provided by the Abuja Declaration;
- Increase the number of community health centres in the remote areas by providing them with qualified personnel and adequate equipment;
- Take all the necessary measures to reduce maternal and child mortality;
- Extend free health care to children under five and pregnant women, and
- Beef up and increase the number of support programmes and structures for persons living with HIV-AIDS by the State agencies.

Education

- Take the necessary measures in order to ensure effective free and compulsory primary education;
- Increase the number of schools and ensure that they are evenly distributed across the country in order to meet the needs of the population;

- Improve the situation of teachers and deepen social dialogue in order to find lasting solutions to the numerous strike actions embarked upon by teachers, and
- Institute a nationwide sensitization campaign for the education of girls and their continued stay in school.

Prisons

- Place offences committed by minors under restorative justice and implement preventive detention as a last resort in order to decongest the prisons and to reduce overcrowding;
- Conduct regular inspections of custodial facilities to identify irregularities and to immediately take appropriate measures for the release of prisoners whose time has elapsed;
- Expedite the on-going construction of the prison for minors;
- Improve the sanitary and hygienic conditions in prisons;
- Provide vocational training opportunities to prisoners in order to facilitate their social reintegration after they have served their sentences;
- Ensure the separation of accused persons from convicted persons;
- Ensure compliance with the norms and standards concerning feeding and care in custodial facilities, and
- Train court clerks to regularly monitor preventive detention cases in order to uphold the provisions of the Criminal Procedure Code.

Combatting and Preventing Torture

- Establish a national mechanism for preventing and combatting torture in accordance with the Optional Protocol to the Convention against Torture to which Gabon is a party;
- Institute a continuous training and education policy to prohibit torture and other cruel, inhuman and degrading treatments or punishments, and
- Disseminate the Robben Island Guidelines (RIG) for the prohibition and prevention of torture in Africa.

Protecting Children's Rights

- Organize sensitization campaigns on the importance of birth registration and strengthen the capacity of registry offices in order to ensure the registration of all births in Gabon;

- Continue and strengthen efforts to combat child trafficking and exploitation;
- Expedite the signing of multilateral treaties with countries of origin to ensure a concerted action against this practice;
- Take appropriate measures to punish the perpetrators of child abuse and violence against children;
- Establish an independent national institution to protect the rights of children, and
- Adopt policies to combat social inequalities between rural and urban areas.

Protecting Elderly Persons and Persons with Disabilities

- Continue to take all necessary measures to enhance the protection of elderly persons;
- Ensure that all persons living with disabilities are protected from discrimination and that they have equal opportunities, notwithstanding the extent of their disability, and
- Formulate strategies, policies and programmes, particularly in the areas of education, employment, health and social protection, in order to promote self-reliance and the full participation of persons with disabilities in the development of the country.

Freedom of Expression

- Take all the necessary measures to fully ensure the freedom of expression for all, and
- Ensure the protection of journalists.

Combating Unemployment and Promoting Employment

- Step up efforts to combat unemployment and increase job creation opportunities for the youth in particular;
- Continue to develop technical and vocational training programmes to meet the needs of the job market;
- Adopt legislative and other measures to ensure access to employment by women and girls, and
- Establish a fund for women's economic empowerment and introduce a national support programme to develop women's entrepreneurship.

Human Rights Culture

- Introduce the teaching of human rights at all levels of education;
- Introduce a continuous human rights training and education policy to build the capacity of the police, magistrates, prison officers, and members of civil society organizations;
- Introduce a human rights module in the initial training programme for prison officers and the Criminal Investigation Department, and
- Popularize the African Charter on Human and Peoples' Rights and the other regional and international legal instruments for the promotion and protection of human rights ratified by Gabon.

Protecting the Rights of Refugees

- Take the necessary measures to renew, on a regular basis, documents protecting the rights of refugees living in the country, and
- Sensitize the police on the nature and importance of protection documents carried by refugees.

Protecting the Rights of Indigenous Communities

- Take all the necessary measures to improve the living conditions of indigenous communities, and
- Introduce basic social services suited to the lifestyle and culture of indigenous communities.

National Human Rights Commission

- Enhance the effectiveness of the NHRC by providing it with an adequate operating budget, and
- Strengthen the human, technical and financial capacity of the NHRC for it to effectively implement its mandate.

Civil Society Organizations

- Fill the legal void by amending the 1962 law governing civil society organizations;

- Establish a permanent forum for exchange and dialogue with civil society stakeholders;
- Acknowledge the key role played by civil society organizations in raising awareness among the people and work with them on human rights issues, and
- Provide the necessary support for the activities of civil society organizations.

TO THE NATIONAL HUMAN RIGHTS COMMISSION

- Continue dialogue with the Government towards obtaining an adequate operating budget;
- Contribute to the popularization of regional and international human rights instruments through training and sensitization programmes;
- Incorporate the protection of the rights of women from gender-based violence into the action plans, and
- Apply for affiliate status with the Commission.

TO HUMAN RIGHTS CIVIL SOCIETY ORGANIZATIONS

- Increase the level of information and experience sharing through the establishment of thematic networks;
- Contribute to the popularisation of human rights promotion and protection instruments through the sensitization, information and training of the citizenry, and
- Take the necessary steps to obtain observer status with the African Commission.

TO MEDIA STAKEHOLDERS

- Conduct sensitization and human rights culture activities through media campaigns, and
- Demonstrate professionalism in the discharge of their duties.

TO THE GABONESE BAR

- Lobby the Gabonese authorities to ensure that Gabon ratifies the relevant regional and international human rights instruments;
- Play a more active role in the promotion and protection of human rights, particularly the rights of vulnerable persons, especially women and children, and
- Cite the provisions of regional and international conventions duly ratified by Gabon before the national courts.

TO UNITED NATIONS AGENCIES

- Organize training workshops for public sector stakeholders and civil society organizations on the regional and international human rights instruments;
- Continue to support efforts made by the Gabonese Government to promote human rights and consolidate democracy, and
- Support the sensitization activities and human rights training programmes of NGOs.

280. In conclusion, we call on the Government to take all the necessary measures to implement the recommendations contained in this report, including the recommendations made in the concluding observations on the submission of the combined initial and periodic report of the Gabonese Republic.

Appendix

List of NGO Representatives met in Libreville

- Association for the Development of the Culture of Pygmies in Gabon(ADCPPG)
- Saudi-Gabon Friendship Association
- Gabonese National Association of Registered and Student Nurses (ANGIDE)
- Anti-Ritual Crime Association (ALCR)
- Samba Mwanas NGO
- Federation of Associations of Persons with Disabilities
- Good Will Gabon
- National Network for the Protection of the Rights of Children in Gabon
- International Department for the Training of Street Children, Child Trafficking and Exploitation Victims and Orphans (SIFOS)
- National Network on the Rights of Children in Gabon (REPEG)
- Malachie NGO
- Network of Shunammite Women in Gabon
- ANAGFederation
- Youth Community WorkUnion
- Network of Human Rights Defenders in Gabon
- AFISG
- APC
- ACADE