THE GABONESE REPUBLIC

Union – Travail – Justice

Ministry of Justice, Human rights, and Relations with Constitutional Institutions, Keeper of the Seals

INITIAL REPORT BY GABON ON IMPLEMENTATION OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES’ RIGHTS

1986 – 2012

National Human Rights Reports
Drafting Committee

June 2012
INDEX

General introduction ........................................................................................................

I. Human and Peoples' Rights.........................................................................................
Report on individual articles..........................................................................................

Article 1 ...........................................................................................................................
Article 2 ...........................................................................................................................
Article 3 ...........................................................................................................................
Article 4 ...........................................................................................................................
Article 5 ...........................................................................................................................
Article 6 ...........................................................................................................................
Article 7 ...........................................................................................................................
Article 8 ...........................................................................................................................
Article 9 ...........................................................................................................................
Articles 10 and 11............................................................................................................

Article 12 ........................................................................................................................
Article 13 ........................................................................................................................
Article 14 ........................................................................................................................
Article 15 ........................................................................................................................
Article 16 ........................................................................................................................
Articles 17 and 25..........................................................................................................

Article 18 ........................................................................................................................
Article 19 ........................................................................................................................
Article 20 ........................................................................................................................
Article 21 ........................................................................................................................
Article 22 ........................................................................................................................
Article 23 ........................................................................................................................
Article 24 ....................................................................................................................... 
Article 25 ....................................................................................................................... 
Article 26 ....................................................................................................................... 

II. Duties ....................................................................................................................... 
Report on individual articles....................................................................................... 

Articles 27, 28, and 29................................................................................................. 

Conclusion ...................................................................................................................
General information

Gabon is a francophone, Central African country located in the Gulf of Guinea, astride the Equator. It has a surface area of 267,667 sq. km. It shares borders to the North with Cameroon, to the North-East with Equatorial Guinea, to the East and the South with the Republic of Congo and to the West lies the Atlantic Ocean. The population of Gabon is estimated at about 1,448,000 inhabitants, with a density of 5 inhabitants per square kilometre. Gabon attained independence on 17 August 1960 after a period as a French colony and then an autonomous republic. Libreville is the political and administrative capital of Gabon.

The first President of the Gabonese Republic, Leon Mba, died on 28 November 1967 and was succeeded by the then Vice-president, Omar Bongo Ondimba, in accordance with the provisions of the constitution. President Omar Bongo Ondimba passed away on 8 June 2009. In accordance with the same texts, the Speaker of the Senate, Rose Francine Rogombe served as President in the interregnum and organised early presidential elections in August 2009 (art. 13 of the Constitution). The vote led to the election of Mr. Ali Bongo Ondimba as President of the Gabonese Republic.

Gabon is also characterised by the three conventional branches of power: the Executive (President of the Republic, who may be assisted by a Vice-president of the Republic and

1 Country subdivided into 9 provinces, 49 regions, 27 districts, and 52 communes. Its climate comprises 4 seasons: 2 rainy seasons (October-December and March-May) and 2 dry seasons (May-September and December-February)

2 1839 to 1959

3 In 1959

4 "Should the Presidency of the Republic fall vacant for any reason, or due to permanent incapacity of the incumbent, duly noted by the Constitutional Court upon the request of an absolute majority of members of Government, or failing that, of the Executive bureaux of both Houses of Parliament jointly and on behalf of the majority of all their members, the President of the Senate shall temporarily perform the functions of President of the Republic, or if he is unable to do so for reasons duly noted by the Constitutional Court under the same conditions, the First Vice-President of the Senate ... there shall be a presidential election within thirty (30) days at least and sixty (60) days at most after the Presidency falls vacant or the incumbent is declared permanently incapable, except in case of force majeure duly noted by the Constitutional Court"

5 In reality, it is bicephalous, with a President of the Republic and a Prime minister

6
the Prime Minister); the Legislative branch, represented by a bicameral parliament (National Assembly and Senate), and the Judiciary, which is independent of the legislative and executive powers. In order to ensure the rule of law, judicial power is exercised by independent courts and tribunals. In addition to the preceding, article 67 of the Constitution stipulates that “justice shall be rendered on behalf of the Gabonese people by the Constitutional Court, the Court of Cassation, the Council of State, the Court of Auditors, the Courts of Appeal, tribunals, the High Court of Justice, and other special courts”. Furthermore, during the meeting of the Council of ministers on 19 October 2010, a proposal was made for a reform aimed at ensuring the balance of powers by involving magistrates in the conduct of the affairs of the higher council of the judiciary. To this end, the higher council of the judiciary now includes a position of vice-president, which will be held in rotation by the various presidents of the High Courts. In addition, article 68 of title V of the Constitution states that “judicial authority shall be independent of the legislative and executive powers. In discharging their duties judges shall be subject only to the authority of the law”.

In a practical demonstration of openness aimed at effectively enabling the vast majority of citizens to contribute to nation building efforts and to preserving social peace, a number of institutions of the republic have been established, namely the national council on communication, the national council on democracy, and the office of the ombudsman. The Ministry of human rights was created in 1987 with the responsibility of not only implementing the government’s human rights promotion and protection policy, but also any other initiatives in this area. The National Human Rights Commission was effectively established and became functional ipso facto.

Gabon adopted its very first Constitution on 21 February 1961. It drew inspiration from the 1946 French constitution and included rights in its preamble. The main distinction is between principles and rights that are enshrined in the Constitution – fundamental rights

---

The Constitution, amended by law n° 01/97 of 22 April 1997, created a position of Vice-president (art. 14a, Title II of the Constitution. Articles 14b), c) d) and e) describe the attributions and functions of the Vice-president.

7 According to article 15 of the Constitution, he is the Head of government, whose action he leads.

8 Title V of the Constitution

9 This actually comprises a constitutional order, a judicial order, and a financial order.

– and those that are mentioned in legal texts. The order in which these fundamental principles and rights are set out translate the attachment of Gabon to promoting and protecting human rights. Article one guarantees the right to freedom; equality; privacy; employment; health and social security; assistance from the State; property; inviolability of the home; family; education; culture; solidarity; a homeland and the nation; protection against detention, etc. The Constitution of the Gabonese Republic, which was drafted without haste, is of a reasonable length for ease of application in particular of the “fundamental principles and rights” covered in 23 articles.

From the start, the Preliminary Title of the Constitution of the Gabonese Republic “Fundamental principles and rights”, recognises a large number of basic civil, political, economic, social, and cultural rights. The preamble to the Constitution of the Gabonese Republic quite rightfully reaffirms the attachment to human rights and fundamental freedoms as defined in the 1789 Declaration of the rights of man and the citizen and the 1948 Universal Declaration of Human rights, and enshrined in the 1981 African Charter on Human and Peoples’ Rights. The Gabonese people have always attached great importance to their deep-rooted and traditional social values, their cultural, material, and spiritual heritage, and the observance of the freedoms, rights, and duties of citizens. The African Charter on Human and Peoples’ Rights, which Gabon ratified on 20 February 1986, is one of the cornerstones of the Gabonese legal system.

In accordance with article 62 of the African Charter on Human and Peoples’ Rights, this report by Gabon will describe how this instrument is implemented in the country. In so doing, Gabon will be fulfilling the commitment made through its ratification on 20 February 1986. In any event, this report reflects the interest that Gabon attaches to protecting human rights generally, and the importance that it continually grants to complying with the various African Union instruments aimed at promoting and protecting human rights. In preparing this report the national human rights reports drafting committee carried out research with governmental and non-governmental organisations involved in human rights issues, and organised technical drafting meetings. In addition to these, it also organised a brief-back workshop to validate the report prior to its adoption by government. Human rights defence associations and the national human rights commission all participated in this process, alongside government organisations. Among other things, the national briefing and validation session provided an opportunity to take into account the concerns expressed by all the institutions, associations, organisations, and other citizens. This report thus fully applied the participatory and inclusive process of collecting views, ideas, and opinions from both government and non-government spheres.

11 This body was established by decree n°000102/PR/MDHLCLCII of 15 January 2007
Additionally, with regard to the required methodology for drafting this type of report, the national human rights reports drafting committee sought first and foremost to comply with the guidelines on drafting this type of document by linking it to the Charter\textsuperscript{12}.

Finally, Gabon is also a party to the following African Union instruments:

- *The General Convention on the privileges and immunities of the OAU*, ratified on 19 April 1965
- *The OAU Convention governing the specific aspects of refugee problems in Africa*, ratified in August 1975
- *The OAU Convention governing the specific aspects of refugee problems in Africa*, ratified on 21 March 1986

\textsuperscript{12} Guarantees a broad range of rights

\textsuperscript{13} The Kampala Convention
With a view to fulfilling its commitments to the African Union, the basic principles enshrined in the abovementioned instruments are unfailingly taken into account in the Gabonese legal system, to be observed and enforced.

I. **Human and Peoples’ Rights**

This section focuses first and foremost on the civil and political rights expressed in the first fifteen (15) articles of the Charter, with particular attention given to protected rights such as the right to a fair trial, right to property, and the right to political asylum. This category of rights includes both individual rights that cannot be rescinded, especially as they relate to physical and moral integrity, and the prerogatives granted to citizens to ensure their participation in political life. Secondly, it reviews the economic, social, and cultural rights stipulated in the other eleven (11) articles on human and peoples’ rights. In addition to economic rights such as the right to property and professional freedom, social rights aimed at protecting workers and ensuring that, through solidarity, the underprivileged also receive the basic degree of social protection figure in good position in this section of the Charter.

---

14 Prohibition of slavery; discrimination based on race, sex, religion, language, opinion, politics, nationality, ethnic origin, and birth or any other situation. Right to asylum and prohibition of arbitrary arrests and other infringements of privacy

15 Right to social security, full employment, fair working conditions, education, health care, appropriate standard of living, and participation in the cultural life of the community
In the section below, we shall therefore describe not only the way in which such rights are recognised, but also the means by which they are protected in Gabon.

**Report on individual articles**

**Article 1**

*The Member States of the Organisation of African Unity, parties to the present Charter, shall recognise the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them.*

This article reminds States parties of their obligation and responsibility to adopt legislative and other measures, in particular administrative and legal measures, to give effect to the rights, duties, and freedoms enshrined in the Charter. These specifically include equality of fundamental rights for all, without discrimination; protection of the law for all; individuals’ right to life; right to human dignity; individuals’ right to liberty and security; right to justice; right to be presumed innocent, to defence in a trial, and to a bona fide judicial ruling; freedom of conscience and religion; freedom of information and expression; freedom of association and assembly; freedom of circulation and movement; right of asylum; right to participate in public activity; right to housing; right to work; right to health; right to education; protection of the family; protection for elderly and disabled persons; peoples’ rights; duties to the family; the duty to preserve State security, and the right to protect the positive cardinal African values.

The promulgation of the Constitution and the adoption of the Criminal Code, the Code of criminal procedure and law 7/94, organising the legal system, fall in line with the efforts to comply with the stipulations of this article. To this end, the twenty-three (23) paragraphs that make up article 1 of the Preliminary Title of the Gabonese Constitution, entitled “Fundamental principles and rights” constitute a solemn undertaking by Gabon to scrupulously respect the rights, duties, and fundamental freedoms enshrined in the Charter.

Gabon effectively takes account of the concerns expressed in this article by clearly stating its determination to combat torture and inhuman treatment (para. 1); to protect freedom of conscience, thought, opinion, expression, communication, and religion (para. 2); to guarantee freedom of movement (para. 3); to ensure that individuals have a right to a defence in a trial (para. 4); to ensure protection of the secrecy of correspondence, and postal, telephone, and telematic communications (para. 5); to define the limits in the use of information technology (para. 6); to ensure the right to employment without discrimination (para. 7); to guarantee the right to health and social security for the population (para. 8); to guarantee the protection of Gabonese living abroad (para. 9); to preserve the right to property and housing (paras. 10 and 11); to ensure the inviolability of the home for all individuals (para. 12); to support the right to form civil, professional, religious, and political associations (para. 13); to promote the protection of the family (para. 14); to enforce the right to
education (paras. 16 to 19); to reaffirm the equality of all in public office (para. 20); to confirm the duty of all individuals to defend the country and to respect the Constitution (paras 21 and 22), and to protect citizens against arbitrary detention (para. 23). Article 78\textsuperscript{16} of the Civil Code further supports the preceding and corroborates Gabon’s commitment to respecting basic rights.

With regard to the latter part of this article, Gabon is endowed with legal provisions that we shall be describing in detail as we consider each article of the Charter. The country has indeed adopted a series of laws and passed numerous decrees, ordinances, and orders aimed at recognising the rights, duties, and freedoms it enshrines. Nevertheless, subject to the foregoing, the law, in constancy, sets the rules concerning the enjoyment of the fundamental rights and duties of the individual; audiovisual, cinematographic, and written communication; safeguarding the privacy of individuals and families through the use of information technology; the rules governing associations, parties, political groupings, and trade unions; the rules governing property, real rights and civil and commercial obligations; the basic principles of education, health, social security, the right to work, and trade union rights, including the conditions for exercising the right to go on strike.

\section*{Article 2}

\textit{Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.}

The link between the rights and freedoms indicated in this article are a reminder that any State that recognises the freedoms set out in the Charter cannot limit itself to officially acknowledging their existence, but must also fulfil the right to these freedoms, that is, ensure that they are enjoyed. To give full effect to this article, Gabon does not only observe the prohibition of all forms of discrimination, in particular based on race\textsuperscript{17}, sex, and religion; it also applies the various international instruments below to which it is a party and which prohibit all forms of discrimination and other similar forms of behaviour.

\begin{center}
\textsuperscript{16} This article stipulates that “Every individual shall be entitled to rights from their time of birth, till their death.”
\end{center}

\begin{center}
\textsuperscript{17} In principle, this is based on race, colour, or origin
\end{center}
a) In the international sphere

- *Convention 111 on discrimination in employment and occupation*, ratified on 29 May 1961
- *The International convention on the elimination of all forms of racial discrimination*, ratified on 29 February 1980
- *The Convention on the elimination of all forms of discrimination against women*, ratified on 21 January 1983
- *The International convention against apartheid in sports*, signed on 16 May 1986
- *The Optional Protocol to the Convention on the elimination of all forms of discrimination against women*, to which it acceded on 5 November 2004
- *The International convention on the protection of the rights of all migrant workers and members of their families*, signed on 15 December 2004
- *The Optional protocol to the Convention against torture and other cruel, inhuman or degrading treatment and punishment*, signed on 15 December 2004

b) In the national sphere

- *Law n° 35/62 of 10 December 1962 establishing and defining the attributions, organisation, and functioning of the national inter-faith council*
- *Law n° 05/98 of 5 March 1988, defining the status of refugees in the Gabonese Republic*
- *Law n° 05/86 of 18 June 1986, governing the rules for the admission and residence of foreigners in the Gabonese Republic*
- *Law n° 07/96 of 12 March 1996, on political elections, which does not allow for any discrimination in this area*
- *Law n° 24/96 of 6 June 1996 on political parties, which makes no distinction between men and women with respect to participation in public affairs*
- *Decree n° 0128/PR/MTEPS/MBCPFPRE of 23 April 2010, establishing a solidarity benefit for workers whose gross salary is below the monthly minimum wage*
- *Order n° 1145/PM/PAECF of 30 July 2000 instituting a refugees’ identity card and setting the conditions of issuance and renewal of the same.*
In addition to the laws, decrees, and orders mentioned above Gabon is endowed with other significant legal instruments to combat the ills described under article 2 of the Charter. These are mainly the Constitution and the Civil Code. Where the Constitution is concerned, the first article of the Preliminary Title begins by recalling the duty of public authorities to recognise and also to guarantee the inviolable and inalienable human rights. Paragraphs 1, 2, and 13, for example, then go on to cover a large part of the concerns covered by the article, namely, free development of individuals; freedom of conscience, thought, opinion, expression, and communication; free practice of religion, and condemnation of all acts of racial, ethnic or religious discrimination, as well as regionalist propaganda.

A significant part of the first volume of the Civil Code focuses on individual rights. Article 78 stipulates that “... every individual shall enjoy and exercise all individual rights, subject to provisions to the contrary...” In Gabon the right to equal treatment is extended to all areas of social life, such as consumer rights, the hospitality and catering sector, employment and housing, etc.

**Articles 3 and 26**

**Article 3**

1. *Every individual shall be equal before the law.*
2. *Every individual shall be entitled to equal protection of the law.*

**Article 26**

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

To provide a general overview of the legal system and procedural law, or in other words, access to justice, this section includes information on points related to both article 3 and article 26. This methodological approach may be questionable, but it seems at least appropriate.

As indicated above, article 3 of the Charter is a substantive article as it deals generally with access to justice through the courts by focusing on judicial and procedural law. Some of the basic principles to be enforced in observance of this article include the right to a fair trial, free of charge, before an independent, impartial, and transparent body, in an adversarial system. All offences and penalties must also be defined by law. The “law” must be considered to be the rule that defines a required status.

As Gabon enjoys a constitutional system, the rights to be protected are set out in the Constitution, which also includes the requirement that all laws must comply with the Constitution. Thus, total equality in access to a fair hearing is one of the basic principles
and rights enshrined in the Constitution. This is confirmed in para 4 of its Preliminary Title where “all individuals shall be guaranteed the right to a defence at trial. Preventive custody shall not exceed the duration stipulated by law”. Subsequently, para 21 of the same text stipulates that “Every individual shall have the duty to defend the country and respect the Constitution, laws, and regulations of the Republic”. Finally, article 2 of the Constitution states that “the Gabonese Republic shall ensure the equality of all its citizens before the law, without distinction of race, sex, opinion or religion”.

In addition, within the Code of criminal procedure, established by law no 35/61 of 5 June 1961 and supplemented by law no 25/62 of 21 November 1962, article 46 of Section II “Joining civil action” covers the concerns described under this article of the Charter. To this end, it states that “Any individual who considers them self a victim of a crime or offence may, by join civil action before a magistrate by lodging a complaint”. In actual fact, “hearings shall be held in public and any possible objection or appeal may be interjected within the time allotted by law for criminal matters. Such appeal shall be lodged before the court of appeal for criminal matters, sitting in the same form as the court”.

The principle of equality before the law is also imposed in volumes I, II, and III of the Code of criminal procedure, in particular with regard to interrogation and confrontations; expert evaluations; warrants; release pending trial; orders for the termination of an investigation; appeals against an order of the investigating magistrate; arbitration orders; rulings on criminal and minor offenses; the procedure with respect to flagrant

18 Code of criminal procedure: Article 52

19 Id. Articles 63 to 70.

20 Ibid. Articles 72 to 74

21 Ibid. Articles 75 to 80

22 Ibid. Articles 81 to 88

23 Ibid. Articles 89 to 98

24 Ibid. Articles 99 to 114

25 Ibid. Article 121

26
offences\textsuperscript{27}; circuit court hearings\textsuperscript{28}; default and objection\textsuperscript{29}; appeal against a ruling\textsuperscript{30}; revocation\textsuperscript{31}; criminal procedure\textsuperscript{32}; summonses and notifications\textsuperscript{33}; exceptions\textsuperscript{34}; invalidity\textsuperscript{35}; counterfeits\textsuperscript{36}; rulings on infringements committed during hearings in courts and tribunals\textsuperscript{37}; the manner in which statements may be taken from members of government and representatives of foreign powers\textsuperscript{38}, and enforcement procedures\textsuperscript{39}.

\begin{itemize}
  \item \textit{Ibid.} Articles 122 to 138
  \item \textit{Ibid.} Articles 140 to 147
  \item \textit{Ibid.} Articles 148 to 152
  \item \textit{Ibid.} Article 153 to 157
  \item \textit{Ibid.} Articles 158 to 174
  \item \textit{Ibid.} Articles 175 to 181
  \item \textit{Ibid.} Articles 182 to 191
  \item \textit{Ibid.} Articles 192 to 197
  \item \textit{Ibid.} Articles 198 to 199
  \item \textit{Ibid.} Articles 200 to 201
  \item \textit{Ibid.} Articles 202 to 206
  \item \textit{Ibid.} Articles 207 to 209
  \item \textit{Ibid.} Articles 213 to 217
  \item \textit{Ibid.} Articles 218 to 225
\end{itemize}
The construction of a legal access centre, which was inaugurated in July 2010, is indeed part of the efforts at bringing the justice system closer to the population. This legal access centre will make rights more accessible to the most vulnerable, who now have the possibility of meeting lawyers, court bailiffs, legal counsellors, notary publics, and accountants in this place to obtain help and assistance on various matters of law. This centre meets a dual need; it provides a permanent framework for consultation and discussion for practitioners of law, as well as a framework that brings justice closer to the individual. Free and anonymous consultations will be held, thus enabling the most vulnerable populations to be informed of their rights, with a view to ensuring that they are fulfilled and applied.

In order to guarantee impartiality, at the start of the 2010-2011 judicial year on 4 October 2010, the First President of the Council of State referred to the deviant behaviour and dereliction within the judicial corps. A document drafted by the inspector-general of judicial services indeed states the following: “In addition to the increasingly alarming proportions of corruption, there are now instances of evidence being fraudulently removed from dossiers; dangerous criminals are released pending trial for flimsy reasons, with no guarantee that they will return; clerks of court falsify some provisions of court rulings; magistrates set themselves up as notary publics in certain cases of inheritance and withhold cases, etc.” In the light of the foregoing it was decided that “once the facts have been established and the perpetrators clearly identified, all those who besmirch the image of the judicial corps should be brought before the higher council of the judiciary for disciplinary action (...) because we must do away with this image of a non-performing and corrupt system of justice...” Various measures have been identified to resolve this situation. These include a call for the total review of the institutional framework, which requires an in-depth overhaul of existing texts; training of qualified staff; reorganising the judicial map and guaranteeing the independence of the judiciary; redrafting the law organising the justice system and reviewing the legal status of judges, which is currently outdated, and drafting organic laws on higher jurisdictions such as the Court of Cassation, the Council of State, and the Court of Auditors.

As a supplement to the preceding, article 20 (c) of the Code of criminal procedure states that in case of any breach of professional duties by officers of the criminal police, the public prosecutor may take any measures required to suspend them from duty, pending a decision by the minister of justice. Article 95 of law n° 19/2010 of 27 July 2010 ratifying ordinance n° 013/PR/2010 of 25 February 2010 on the specific status of the national police force states that any harmful acts committed by a police officer in discharging their duties, while discharging their duties or outside of such duties, may be brought before the competent courts. Article 97 of the same law further confirms that once proceedings have been instituted against a police officer, they must present themselves before the appropriate judicial authority. It is clear therefore that members of the police force in Gabon do not enjoy any impunity.
Additionally, when an infringement is carried out on Gabonese soil by a Gabonese citizen, the only courts recognised as competent are the courts of Gabon. When the infringement is carried out by the citizen of a foreign State on the territory of that State against another citizen of the same State, the latter, according to the customary principles of international criminal law is solely competent and thus responsible for making a request for extradition of the guilty party or the suspect. Under normal circumstances such a request should be granted by Gabon. The common law system as defined by the Code of criminal procedure may apply in certain situations as follows: preliminary investigation by criminal police (article 40), either automatically or by invitation of the investigating magistrate referred to under article 16; a 48-hour period of police custody that may be renewed once, pending the formal opening of investigations by an investigating magistrate (articles 27, 28, and 29 of the Code of criminal procedure) or on the request of the Public Prosecutor (articles 21, 22, 23, 24, 25, and 26 of the Code of criminal procedure) when a person is held in police custody after being charged.

Finally, since 2010, a system of circuit court hearings has been launched nationally (by province), with the aim of accelerating the process for detainees awaiting sentencing.

**Article 4**

*Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.*

This article covers the right to life in general terms by reminding States of their obligation to take the necessary measures to safeguard life. Gabon considers the right to life to be one of the founding values of a democratic society. The conception of life in the culture of the Bantu societies that make up the population of Gabon confirms the primeval notion of the right to life, which remains the highest and most fundamental of human rights. For this reason, the Preamble to the Constitution clearly states the importance attached to the right to life. Clearly, since 2010, respect of the right to life has become an increasingly topical and relevant issue in Gabon, and is constantly in the forefront of the concerns of both public authorities and the general public. Indeed, an informal term has been adopted in the country to describe any form of killing accompanied by torture and barbaric acts. These are allegorically known as “ritual crimes”.

At the meeting of the Council of ministers on 1 June 2011, the President of the Republic, Ali Bongo Ondimba, instructed the government to strengthen the provisions of the Criminal Code, with a view to combating the increase in social scourges such as crimes and offences against children, narcotics consumption, sexual abuse, and the despoliation of widows and orphans. More recently, on 10 April 2012, following a rising wave of insecurity and crime in Gabon, in particular the crimes known as “ritual crimes”, the President of the Republic, Ali Bongo Ondimba, convened an emergency high-level meeting of the Prime Minister, the ministers of Justice, Interior; and Defence, as well as
the Public Prosecutor and the Commanders-in-chief of all the national defence and security forces. He took this opportunity to express his anger at the occurrence of this scourge. He gave them firm instructions to take coordinated action to curb this phenomenon and thus improve the security of the population.

He referred to the inviolable nature of human life and the fact that our traditions respect life and strongly exhorted these officials to ensure that the law was strictly enforced. In this area, a major chapter of law no 21/63 of 31 May 1963\(^40\), establishing the Criminal Code, covers crimes and offences against individuals, in particular homicide. Article 223 for example considers homicide as murder. Additionally, article 224 rightfully qualifies any murder committed with premeditation or ambush as assassination.

Articles 227, 228, and 229 therefore describe in detail the various penalties to be imposed on criminals found guilty of such acts of killing, in particular life imprisonment.

In the specific case of crimes and offences against children, there are mainly seven articles of the Criminal Code that apply, namely, articles 275, 276, 277, 278, 279, 280, and 281. The penalties vary between one year and life imprisonment, sometimes with fines. These articles relate mainly to kidnapping, harbouring or concealment, substitution, neglect, statutory rape, and inciting minors to drunkenness.

A reform of the criminal legislation is underway and a text entitled “Draft bill on prosecuting sexual assault” has been adopted by the inter-ministerial council and the Council of State. The text considers the situation of child victims of sexual violence and seeks to enhance the existing sanctions, in particular in the case of rape.

In addition, on 26 November 2009 the Council of ministers adopted a draft bill amending some of the provisions of law no 021 on exposure to risks, and the draft decree that now places the civil defence department under the authority of the minister of Interior; Public security, Immigration, and Decentralisation. With the adoption of these texts, measures are now being studied and adopted to ensure the implementation or application of the Civil defence plan. In addition to these measures, a local competitive exam was organised in 2010 to enhance the national capacity of the security forces with a complement of 3000 recruitments.

Furthermore, the Association for combating ritual crimes (ALCR), has tirelessly been working hand in hand with the General department on human rights to carry out investigations, collect testimonies, and gather views, with the aim of bringing about proper awareness and thus protecting citizens against these “ritual crimes”. Through its president, the association published a book\(^41\) in 2010, which was prefaced by H.E. R.

\(^{40}\) Updated in November 1994

Barrie Walker, United States Ambassador to Gabon. The book includes a manifesto and testimonies, and describes the means for combating ritual crimes.

Article 5

*Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.*

The Gabonese Republic adheres to the standard contained in this article. Accordingly, Gabon recognises first of all in article one, paragraph one of its Constitution that “*Every citizen shall have the right to develop his personality, with due regard to the rights of others and to public order. No one may be humiliated, mistreated, or tortured, even when they are under arrest or imprisoned.*” Article 80 of the Civil Code goes on to stipulate that “*Every individual shall enjoy the individual rights and freedoms affirmed or reaffirmed by the Constitution.*” Finally, Gabon is party to various international instruments that prohibit the practice of the acts denounced by the abovementioned article. In the light of the foregoing, it is clear that the principle of dignity that is implied in the Constitution requires that human beings be protected against all forms of subjugation and alienation.

In fact, the instruments and measures enumerated below demonstrate the value that Gabon attaches to human beings in legal terms; the way that people are treated on the national territory, and the kinds of acts that may not be inflicted on individuals. Furthermore, in accordance with its international commitments, the basic principles enshrined in these instruments are taken into account in the Gabonese legal system, to be observed and enforced. One example is the prohibition of slavery, which is considered as one of the most basic standards of customary international law, for which no derogation is allowed.

Considering that dignity is first and foremost an imprescriptible human right and principle that can be enforced against anyone who infringes it even in the course of fulfilling another right or freedom, government has adopted some significant legislative, administrative, and legal measures. These are aimed at combating acts of *exploitation and degradation* such as *slavery, trafficking in persons, physical or moral torture,* and *cruel, inhuman or degrading treatment or punishment.*

a) Laws:

- Law n° 05/86 of 18 June 1986, governing the rules for admission and residence of foreigners in the Gabonese Republic
- Las n° 919/95 of 3 July 1995, on social protection for children with disabilities

---

A total of about seventy-five (75) instruments, namely, Conventions, Charters and Protocols
- Law n° 19/95 of 13 February 1996, organising the system of social protection for persons with disabilities
- Law n° 05/98 of 5 March 1998, defining the status of refugees in the Gabonese Republic
- Law n° 87/98 of 20 July 1999, establishing the Nationality Code in favour of women and children
- Laws n° 09/89 and 10/99, on preventive custody and compensation for wrongful preventive custody
- Law n° 09/2004 of 21 September 2005, on preventing and combating child trafficking in the Gabonese Republic
- Law n° 0038/2008 of 29 January 2009, on combating and preventing female genital mutilation
- Law n° 3/2010, abolishing the death penalty in Gabon

b) Ordinances:
- Ordinance n° 59/76 of 1 October 1976, on the protection of minors, and prohibiting the presence of minors below the age of 21 in public places after 9 p.m.
- Ordinance n° 0022/PR/2007 of 21 August 2007, establishing the compulsory health insurance and social security scheme
- Ordinance n° 0023/PR/2007 of 21 August 2007, setting the system of family benefits for low income Gabonese families

c) Decrees:
- Decree n° 00648/PR of 19 July 2000, defining the attributions, organisation, and functioning of the national council on refugees
- Decree n° 0003/PR/MTEFP of 8 January 2002 on combating child labour
- Decree n° 000152/PR/MNASBE of 4 February 2002, defining the attributions, organisation, and functioning of the national centre for the integration of persons with disabilities
- Decree n° 00243/PR/MASSNBE of 12 April 2001, instituting the distribution of school textbooks free of charge

---

This law abrogates law n°35/61 of 5 June 1961
- Decree n° 000604/PR/MSNDSBE of 22 August 2002, increasing the amount of family benefits under the salaried workers' social security scheme
- Decree n° 00102/PR/MISPD of 17 October 2002, establishing the Prisons’ department of health, and the Department of social affairs in charge of social matters
- Decree n° 000741/MTE/MEFBP of 22 September 2005, defining the methods of sanctioning, and infringements with regard to labour, employment, workplace security and safety, as well as social security
- Decree n° 000024/PR/MTE of 6 January 2006, defining the conditions for checks, investigations, and searches related to preventing and combating child trafficking in the Gabonese Republic
- Decree n° 000873/PR/MFPEPF of 10 December 1962, establishing and defining the attributions and organisation of the national child rights council
- Decree n° 104/PR/MSP of 15 January 2007, setting the modalities for treatment and care of patients in public health facilities
- Decree n° 304/PR/MCAEPRDH of 31 March 2008, establishing and organising the Directorate general on human rights
- Decree n° 303/PR/MCAEPRDH of 31 March 2008, setting the modalities for appointment of members of the national human rights commission
- Decree n° 00031/PR/MTEFP of 8 January 2002 on combating child labour
- Decree n° 298/PR/MFPF establishing and defining the attributions and functioning of the national commission on the family and women’s protection
- Decree n° 0128/PR/MTEPS/MBCPFPRE of 23 April 2010, establishing a solidarity benefit for workers whose gross salary is below the monthly minimum wage⁴⁴

d) Orders:
- Order n° 001/PM/MDCRPE/AS of 12 December 1972, establishing a court social service in Libreville
- Order n° 0012/MASSBE/DGAS of 5 November 1985, establishing a school for hearing impaired children
- Order n° 1145/PM/PAECF of 30 July 2000 instituting a refugees’ identity card and setting the conditions of issuance and renewal
- Order n° 000158/PM/MSNASBE of 8 August 2000, establishing and defining the attributions and organisation of the monitoring committee for implementation of the platform of action to combat trafficking for exploitation and labour
- Order n° 006/MTEPS du 12 April 2010, defining the membership and functioning of workplace security and health committees in establishments employing more than 50 workers

⁴⁴ This benefit is equal to the difference between the minimum monthly wage and the worker’s gross salary.
e) Decisions and other instruments:
- Decision n° 055/MASSNCRA/SG/DAS/SASS of 5 April 1992, establishing an ad hoc Commission for placement of abandoned children
- Decision n° 000001/PM/MESI/PDM of 3 June 2006, defining the procedure for receiving and repatriating child victims of trafficking in the Ogooue-maritime province
- The Criminal Code
- The Labour Code
- Signing of the multilateral regional cooperation agreement to combat trafficking in persons, in particular women and children in West and Central Africa, and the attendant resolution on fighting against child trafficking.

With regard to article 5, a number of substantial measures concerning children have been adopted. On 1 April 2010, the government adopted a draft bill setting up a legal system for the protection of minors that includes provisions and independent legal bodies in charge of administering criminal justice for minors. It also includes protection measures aimed at promoting the rehabilitation and social integration of this category of persons. In order to give practical effect to this protection, the text stipulates that minors must be separated from adults in prisons, and also includes alternatives to incarceration. The law, which was passed by Senate on 13 October 2010, takes account of international commitments and proposes that cases involving minors be given special treatment in order to expedite them more speedily. It establishes a single trial court for each instance, as well as a department specifically in charge of dealing with cases involving minors. This reform incorporates a number of concerns of the international community, as well as the recommendations of the estates general on justice held in 2003 and the conclusions of the operational audit of the justice system that were validated by a workshop of practitioners in June 2007.

Based on a reminder by the Head of State to government of the constitutional obligation incumbent on the State to “protect young people against exploitation and moral, intellectual, and physical abandonment”, the Council of ministers on 8 November 2010 instructed the interested ministers to do everything to ensure that no child of school-going age living in the Gabonese Republic, be they Gabonese or foreign, would be exploited in any way. To this end, parents may be subject to prosecution if they abandon their child or fail to make a report if their child is involved in acts that go against the law or good morals through the influence of acquaintances. The law is currently being strengthened to sanction any form of deviant behaviour, as well as the consumption, holding, and sale of drugs and other assimilated products.

Consideration is currently being given to how the criminalisation of child trafficking can be aligned on international standards. In this area, a study on violence against children in Gabon was carried out by UNICEF, the Association to combat ritual crimes
Combating child trafficking has gained importance since the world summit for children on the theme “A world fit for children.” Following this summit, the government established an appropriate legal framework. For example, in conjunction with UNICEF and the ILO, a sub-regional consultation on “Developing a strategy for combating trafficking of children for exploitation in West and Central Africa” was organised from 22 to 24 February 2000.

In the same vein, an inter-ministerial commission was established to review the platform for action defined at the end of the consultation, and to monitor its implementation. On 8 August 2000, a monitoring committee for implementation of the platform of action to combat trafficking for exploitation and labour was established by order of the Prime Minister. The committee is under the authority of the Ministry in charge of labour and employment. Several other bodies have been established to support the work of the inter-ministerial commission and the monitoring committee:

- **The Arcades call centre**: this is a structure that provides assistance, provides shelter to children, and implements the process of returning child victims of trafficking and exploitation to their families.


- **The monitoring committees** established with the support of the ILO through the LUTRENA/IPEC project.

- **The coordination unit**, decision-making body of the monitoring committee.

---

45 Order n°001058/PM/MSNASBE

46 Serves as a link between children and public authorities. This centre has a toll-free number and serves as an alert, counselling, and information centre.

47 Its mission is to provide shelter to children in difficult social situations. Also, to counter the problem of child trafficking, a part of the centre has been transformed into a transit centre.

48 The most recent was set up in Lambarene on 6 November 2010. The task of these committees is to improve the care provided to child victims of trafficking when they are removed from the situation where they were exploited.
The process of handling child victims of trafficking includes removing them from the abusive environment, providing administrative and psychosocial assistance, boarding and lodging, and returning them to their country of origin or reintegrating them in Gabon. It must however be emphasised that the perpetrators of child trafficking in Gabon are not from Gabon, but are rather citizens of other African countries.

However, the results of a study on the phenomenon of child trafficking, carried out in the Estuary province where the administrative and political capital of the country is located, showed that 30% of Gabonese children are still victims of trafficking. This study was carried out in 2009 by the NGO SIFOS, with financing provided by UNICEF.

In addition to the foregoing, the government adopted decree n° 0031/PR/MTEFP on child labour and law n° 09/2004 on the prevention and control of child trafficking. This was in application of article 177 of the Labour Code, and with the aim of adapting domestic legislation to the principles enshrined in the Convention on the Rights of the Child, which was ratified on 9 February 1994, and the African Charter on the Rights and Welfare of the Child, which was ratified on 18 May 2007. Furthermore, in the light of the various forms of abuse perpetrated particularly against certain children, the Criminal Code provides for strong sanctions[^50] aimed at restoring order. The penalties vary between two months and life imprisonment, with fines.

In the 2011 Trafficking in Persons report, it is indicated that Gabon has been removed from the Tier 2 Watch List and is now in Tier 2. This improvement is proof of the efforts undertaken by government to fight against trafficking. Government performance in combating this phenomenon has improved remarkably, as shown in the survey on trafficking in persons carried out in Libreville and Port-Gentil[^51]. Government has continuously sought to provide assistance to victims of trafficking in persons through public shelters. The ministry of Foreign Affairs and the inter-ministerial committee sent out delegations to the source countries, in collaboration with some of the embassies resident in Libreville, in order to define the needs of victims and improve awareness.

In this area, Gabon undertakes to strengthen the means of prosecution; to sentence and punish traffickers by making resources available to convene the High Court of Justice; to adopt measures prohibiting trafficking of adults; to continue to enhance cooperation among law enforcement agencies, and to develop a system for identifying

[^50]: Articles 230, 231, 232, 233, 234, and 235

[^51]: The survey made it possible to rescue and protect a large number of victims during the period.
cases of trafficking. As far as prosecution is concerned, government has made considerable improvements in enhancing the control of trafficking in persons, even if the existing laws do not yet clearly prohibit all the forms of trafficking in persons.

Law n° 09/04, on combating child trafficking in the Gabonese Republic, which was promulgated in September 2004, prohibits trafficking of children for economic and sexual exploitation and stipulates a penalty of between five and fifteen years of imprisonment, along with a fine of between USD 20 000 and 40 000. These are very stringent penalties, similar to those applicable for other serious crimes such as rape. Article 261 of the Criminal Code prohibits the procurement of a child for prostitution and stipulates a very strong sentence that can reach two to five years of imprisonment, as well as a fine. Law n° 21/63-94 prohibits the forced prostitution of adults and sets quite severe penalties of between two and ten years of imprisonment, which is proportional to the other penalties applicable to serious crimes such as rape. Article 40 of Title I of the Labour Code criminalises all forms of forced labour and stipulates penalties that vary between one and six months imprisonment. These may be accompanied by fines of between USD 700 and 1 400, which is inadequate.

Furthermore, the High Court of Justice has responsibility for hearing cases related to trafficking in persons, especially as these crimes are assimilated to murder.

However, the proceedings of the High Court of Justice are somewhat delayed, with cases accumulating since 2001. It has held no sittings for the past three years, thus impeding the prosecution of cases related to trafficking in persons. For this reason, one meeting of the Council of ministers rightly suggested that such cases be brought before a lower jurisdiction, pending continuation of the internal debate and consideration of other approaches aimed at resolving the situation.

Subsequently the government requested the assistance of Interpol for a joint operation named "Operation Bana". Through this collaboration, 20 child victims of trafficking were identified and rescued, while 38 alleged traffickers were arrested. The three magistrates and the prosecutors who supervised the operation are currently preparing 17 cases involving 20 victims for trial under the terms of law n° 09/04. Families of victims who were not enrolled in school were fined. During the abovementioned operation, government collaborated with UNICEF and the national ministries and security services of the countries of origin of the children in verifying the documents and identities of the victims and suspects. In addition, it is of interest

52 Law n°3/94

53 During this operation, the authorities found 142 children. 24 were returned to their families and the remaining 118 were placed in the three shelters in Libreville. The authorities identified 20 victims of trafficking in persons among them and continue to provide them with assistance.
to note that prior to this operation, the Commander-in-Chief of the Gabonese police force had organised a three day training session for 133 people, in conjunction with Interpol. Participants included law enforcement, social services and legal service officials, magistrates, and members of NGOs. Similarly, in March 2010, the government provided premises and hospitality services during a training session on identifying and caring for victims of trafficking. That session involved 160 police and gendarmerie officers and officials from other government organisations.

Where protection is concerned, the government has improved some provisions in order to ensure that victims of trafficking in persons have access to the necessary protection services. It has provided assistance to four shelters in Libreville and Port-Gentil to the tune of USD 270 000, to enable them provide medical care, education, and psychological counselling to orphans and vulnerable children, including victims of trafficking. One of these shelters is fully government funded, while the others are funded in part by government and in part through donations in kind and other systems of financing and support, including provision of social workers, par example. Following “Operation Bana”, government appointed social workers to work with the two NGO shelters in Libreville and provide care for the rescued children in their charge. The public shelter already has a social worker on its team. In December 2010, six members of the inter-ministerial committee travelled to Mali, Benin, and Togo to meet the ministers of Foreign Affairs and Social Affairs of these countries, as well as legal officials. They discussed approaches to be implemented in combating trafficking in persons and began to formalise official bilateral partnerships with respect to repatriating victims. Benin and Gabon have already put in place bilateral procedures to facilitate this action.

Where prevention is concerned, government has undertaken considerable efforts to prevent trafficking in persons. The inter-ministerial committee that was established by law n° 09/04 and placed under the management of the ministry of Labour collaborated with UNICEF to carry out a door-to-door public awareness-raising campaign in Libreville. In Lambarene, the committee coordinated an awareness-raising campaign targeting market women and ordinary citizens who could employ children for domestic work. In addition, Gabon has a *Procedural manual for management of child victims of trafficking*. The manual explains the various elements that constitute child trafficking. It also describes the council for the prevention and control of child trafficking; the monitoring committee; the national centre for the management of child victims of trafficking; the watchdog committee; identification; removal; hearing; initial counselling; initial discussion and action; psychosocial counselling; administrative management; departure, and legal prosecution.
In the area of inhuman or degrading treatment of widows and orphans, Gabon has adopted a number of protective measures for these two categories of vulnerable persons, in particular through the following actions:

- **On 25 June 2011 the First Lady, Sylvia Bongo Ondimba, inaugurated a call centre, the “Mbandja Centre”, which provides IT services, a library, and meeting rooms. This centre also includes a dedicated counselling and support unit for widows where they can receive psychosocial and legal assistance.**

- **On 1 June 2011 the Council of ministers approved the draft bill amending and abrogating certain provisions of law n° 19/89 of 30 December 1989, adopting the second section of the Civil Code. This was done in accordance with article 47 of the Constitution and modifies the provisions of articles 647, 651, 683, 691, 692, 696, 698, 699, 700, 701, 702, 703, 704, 705, 706, 710, 747, and 906 of the abovementioned law.**

- **Firm commitment on the part of widows and orphans’ protection associations**

- **Various texts prohibiting the expulsion of the surviving spouse from the family home and a number of reform projects have been initiated.**

54. Almost 300 widows despoiled of inheritance between 2009-2011

55. This is a space for solidarity and contact where widows can find comfort and assurance and receive information and advice about the formalities entailed by their situation.

56. The objective is to eradicate the phenomenon of despoliation of widows and orphans by strengthening the mechanisms established for their protection; to enhance the powers and rights of the surviving spouse and orphans, with regard to familial heirs, and to reorganise the family council, which now becomes the “inheritance council”.

57. The aim of this draft law is to enhance the legal protection of the surviving spouse and descendants through an in-depth reform of the rules on disposition of a succession and to enable them to effectively enjoy their rights of inheritance. The criminal sanctions imposed for despoliation and misappropriation of inheritance have been aggravated.

58. Association des veuves et orphelins du Gabon (AVOGAB); Groupement pilote des veuves de Libreville (GPVL); Association pour la défense des droits de la femme pour la veuve et l’orphelin; Association Etoile brillante du matin pour la veuve et l’orphelin (APDS) et SOS femmes et enfants en détresse et orphelins démunis, abandonnés.

59. Abolition of the family council; criminalisation of acts of aggression against widows by creating the offences of despoliation and misappropriation of inheritance; amending the methods of attribution of the death insurance; abolition of the practice of family distribution of inheritance, and establishment of a government body to replace the family council, and drafting of a Family code.
- On 16 April 2011 the Sylvia Bongo Ondimba Foundation\textsuperscript{60} for the family was established with the aim of encouraging the adoption of several government reforms against the despoliation and maltreatment inflicted on widows and orphans.

- On 16 February 2011 the Council of ministers adopted a draft bill amending and abrogating certain provisions of law n° 6/75 of 25 November 1975 on the Social security code, regarding the rights of widows and orphans.\textsuperscript{61}

- The diplomatic success achieved by Gabon through the action of the First Lady, Sylvia Bongo Ondimba, when it led the UN General Assembly to adopt the principle of setting up an international widows and orphans day\textsuperscript{62} aimed at bringing about global recognition of the inheritance rights that widows and orphans are often deprived of throughout the world.

- During her visit to London from 21 to 23 March 2011 the First Lady, Sylvia Bongo Ondimba, signed new partnership agreements with organisations working on issues of women and widows’ rights.\textsuperscript{63}

\textsuperscript{60} The Foundation has three objectives: inform, educate, and cause a change in women’s behaviour; improve the quality of care available to women in health facilities, and strengthen community-based care.

\textsuperscript{61} The draft bill states in the new paragraph 2 of article 79 that only widows and widowers shall be considered as the surviving spouse, provided that the marriage was contracted before a Civil Status officer. Concerning the pension of the surviving spouse, article 81, new paragraph 1 (a) of the draft stipulates that should the person decease, 60\% of such remuneration shall be paid to the widow or widower, provided that the marriage was contracted before a Civil Status officer. Where there are several widows, the amount shall be distributed in equal parts among them, such distribution being final, even if one of them should decease or remarry.

\textsuperscript{62} This day is celebrated on 23 June each year.

\textsuperscript{63} Mrs. Sylvia Bongo Ondimba established links with Mrs. Cherie Blair, the Loomba Foundation and its founder, Lord Loomba. A memorandum of understanding was signed with the Foundation on the creation of a new joint initiative called “Widows’ Voice”.
Article 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Liberty is considered the foundation stone of rights and thus the Constitution guarantees the right to free development, freedom of conscience, thought, opinion, expression, communication, and religion, and freedom of movement. Paragraph 22 of article one also states that “the defence of the nation and protection of public order shall be the prime responsibility of the national defence and security forces.” With respect to the final part of article 6 of the Charter, the Constitution guarantees that “no one may be arbitrarily detained; no one shall be held in police custody or placed under detention if they can present sufficient guarantees that they will appear, subject to the requirements of security and procedure.”

The substance of the abovementioned articles of the Constitution clearly shows that Gabon attaches considerable importance to freedom of movement as a leading, cardinal, and substantial freedom. Freedom of conscience, thought, opinion, expression, and communication are also among the indispensable components of a democratic society, while freedom of religion is the basis of a democratic society. With regard to the concept of fair trial enshrined in article 6 of the abovementioned Constitution, the section below will detail the institutional and procedural guarantees that confirm Gabon’s commitment to complying with this article of the Charter.

---

64 Article one, para 1°)

65 Id. para 2°)

66 Id. para 3°)

67 Principle of separation, civil and criminal courts, independence and impartiality of jurisdictions, etc.

68 Fair process, equality of means, reasoned rulings, etc.
Essentially, four articles of the Criminal Code translate the constitutional considerations described above with regard to arbitrary arrests and detention. Any arbitrary arrest or detention or any act that deprives a third person of their freedom may be punished by a term of imprisonment between five (5) and ten (10) years, as well as a possible fine of CFA 1 000 000. If the detention or sequestration lasts over a month, the penalty is penal servitude, and where the arrest was made “under false pretences” or if the life of the person detained or sequestrated was threatened, the penalty is life imprisonment.

In addition to the foregoing, law n° 36/10 of 25 November 2010, establishing the Gabonese Code of criminal procedure, was promulgated by decree n° 0805/PR of 25 November 2010 and published in the Official Journal of 30 December 2010, thus abrogating law n° 35/61 of 5 June 1961. This text updated several phases of the procedure that had become obsolete, including police custody. The image of police custody, long condemned and viewed with suspicion, has now been rehabilitated in Gabon with an improved legal framework. This reform became necessary due to several factors, in particular some instances of abuse and the lack of rules protecting those held in police custody. The reform has been beneficial because it establishes a balance between two constitutional requirements: security, as enshrined in article 2 of the Declaration of the rights of man and the citizen, and observance of the freedoms guaranteed by the Constitution of the Gabonese Republic.

Under the terms of the previous Code of criminal procedure police custody was mainly covered by a single article and as such the scope of this measure was limited because practically no mention was made of the obligations of the police and gendarmerie. The current police custody system is essentially governed by articles 50 to 55 of the Code of criminal procedure on flagrant offences. These rules, subject to some adaptation, also apply to the preliminary investigation.

Generally, however, only the person suspected of committing or attempting to commit a violation may be remanded to custody. Witnesses must only be retained for the time strictly required to hear their statements. In principle the duration of remand has been maintained at 48 hours by the legislator. It may no longer be extended orally, however. According to article 50, para 2, any extension, which may not exceed 48 hours, requires a written authorisation from the public prosecutor. Furthermore, throughout the period during which he is held in custody, the accused person is entitled to be granted the best conditions of nutrition and hygiene.

---

69 Articles 250 to 254

70 Article 35, paras A, B, and C
The person held in police custody is also granted several other rights by law. These include the right to request a meeting with a lawyer right from the start of the period\textsuperscript{71}, as well as other protective rights such as the right to be examined by a doctor\textsuperscript{72}. The accused must nevertheless be immediately informed of these rights, preferably in written form, and in a language that they understand perfectly.

Article 7

1. Every individual shall have the right to have his cause heard. This comprises:
   a/ the right to an appeal to competent national organs against acts of violating his fundamental rights as recognised and guaranteed by conventions, laws, regulations, and customs in force;
   b/ the right to be presumed innocent until proved guilty by a competent court or tribunal;
   c/ the right to defence, including the right to be defended by counsel of his choice;
   d/ the right to be tried within a reasonable time by an impartial court or tribunal.

2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

The existence of judicial institutions that sanction non-observance of this right means that it is effectively paramount. The courts ensure that justice is accessible to all, with the various specialisations of the civil, criminal, administrative, and constitutional courts. The Constitution of the Gabonese Republic clearly sums up the principle of the right to defence. This right entails “all the prerogatives granted to an individual to ensure that their interests are protected throughout a trial”, but that protection

\textsuperscript{71} Code of criminal procedure: article 54

\textsuperscript{72} Id. Article 53
actually extends beyond the trial and also covers application of sentences, proceedings, arbitration, and alternative dispute settlement methods.

It is indeed very clear about the first point of this article of the Charter, in particular as it stipulates in article one, para 4 that “the right to defence during trial shall be guaranteed for all and detention in preventive custody shall not exceed the duration stipulated by law”\textsuperscript{73}. Article 46 of the Code of criminal procedure states that “Any individual who considers them self a victim of a crime or offence may join civil action before the investigating magistrate by lodging a complaint”. In accordance with Gabonese laws and the international instruments to which Gabon is a party, the guarantee of equal treatment in all phases of proceedings is unfailingly adhered to.

Where administrative or judicial arrests are concerned, measures have been taken to guarantee that all individuals enjoy the right to have their case heard. The Code of criminal procedure\textsuperscript{74} includes this legal provision: the investigating judge must first verify the identity of the accused person; inform them of the charges brought against them, and notify them that they are free to make a statement, or not. Secondly, the judge must inform the accused person of their right to choose a lawyer from among those registered with one of the courts of the land. Thirdly, counsel for the accused may attend interrogations or hearings and confrontations involving their client if the judge informs them of the date and time of such interrogations, hearings, and confrontations. In reality, notice is always given to any person of their choice. Finally, article 140 of the Code of criminal procedure reiterates under its para (d) that the president shall inform the accused of their right to request some time to prepare their defence, and under para (e) of the same article, it is stipulated that should the accused person exercise this right, the court shall grant them a minimum delay of three days.

When a minor is arrested, the parents or a third party who has parental authority over them is informed of the arrest and the place of detention. Where prosecution of children is concerned, articles 143 to 147 of the Code of criminal procedure stipulate in general terms that the juvenile court judge shall take all necessary measures with regard to the detention of minors. It is also indicated that minors below the age of 13 may not be placed in detention. Finally, the juvenile court judge may appoint a defence lawyer or failing that, a public servant or official, to defend the minor during both the investigation and the trial.

Since Gabon is a multilingual country with almost seventy languages, provision is made for accused persons or witnesses to make their statements with the services of

\textsuperscript{73} Cf. Report on issues under article 6 of the Charter

\textsuperscript{74} Articles 63 to 70
a sworn interpreter, if they do not speak French, which is the official language. Article 58 (b) of the Code of criminal procedure reiterates this provision.

**Article 8**

*Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.*

Freedom of thought, conscience, and religion implies the freedom to believe as one wishes and to practice the religion of one’s choice. Article 8 of the Charter deals with freedom of conscience and profession of religion. These do not raise any difficulties in the Gabonese Republic, which is secular, democratic, and social. Indeed not only are these freedoms manifest in daily practice, but they are also guaranteed by the Constitution, which stipulates “freedom of conscience, thought, opinion, expression, and communication subject to law and order and individual freedom and dignity”. The secular nature of the Gabonese Republic does not mean that religion is separate from the Republic. Indeed, Gabon as a democratic country that promotes tolerance, pluralism, and liberty is quite at ease with the freedoms of thought, conscience, and religion.

In line with para 13 of the Constitution, the Council of ministers on 19 October 2010 adopted a proposed reform related to freedom of association and worship. Both of these are among the fundamental rights whose enjoyment must nevertheless have regard to morality. The objective of this reform is to put in place an arrangement that provides a proper balance between enjoyment of public freedoms and the preservation of public peace, in the light of existing realities. Indeed, the right to establish religious communities also requires that the latter discharge and administer their affairs independently, subject to the principles of national sovereignty and law and order, and to preserving the moral and mental integrity of individuals.

A national inter-faith council (CNCR)75 has been established to help to promote dialogue among the different religions. The CNCR is a framework for inter-faith discussion for the purpose of consolidating moral values and guaranteeing that all religions contribute to the country’s development.

**Article 9**

1. *Every individual shall have the right to receive information.*
2. *Every individual shall have the right to express and disseminate his opinions within the law.*

75 Law no 35/62 of 10 December 1962 establishing and defining the attributions, organisation, and functioning of the national inter-faith council
Article 9 of the Charter protects the right to information and opinion. Of course, this also includes freedom of the press. Article 1, paragraph one of the Constitution of the Gabonese Republic confirms the guarantee of freedom of opinion and expression in Gabon. In accordance with this affirmation, a number of measures have been taken to make the Gabonese press a free and pluralist press. To this end, a Communications code was promulgated in 2001, although certain aspects related to press offences are somewhat repressive.

In addition, a national communications council was established by law n° 14/91 of 24 March 1992, an organic law that also defines the organisation and functioning of the Council, as well as the system of incompatibilities. On 17 June 2010, the Council of ministers adopted a draft decree on the national communications council (CNC). This draft decree, which is the enabling decree for the provisions of law n° 020/2005 of 3 January 2005, takes into account the specificities of new technologies in the missions of the CNC.

Furthermore, in addition to the existence of a Charter on the rights and duties of journalists, a Press code was drafted in collaboration with communications professionals, in particular trade unions.

The government has sought to ensure the sustainability of media pluralism and freedom by setting up the press assistance fund (National fund for the development of the press and audiovisual media, FONAPRESSE) with the objective of providing the Gabonese public with quality media that guarantee freedom of expression and safeguard the values of civilisation and national unity. Currently, about sixty newspapers are registered with the national communications council (CNC), although only about a dozen of them are published regularly. The fund provides financial support for publishing, printing, and distribution of the written press; production and purchase of technical operating equipment and products; organising training on operating techniques, and organising training for both written and audiovisual media journalists. It also seeks to promote the various communication sectors.

The national professional press card commission (CNCPP) accelerated the process of reviewing article 15, para 2 of law n° 12/2001, which established the mandate of commissioners at three years. It also increased the budget of the commission; attributed a permanent seat; drafted in-service training programmes to improve the

---

76 The national council on communication is the regulatory body for the audiovisual and written press in Gabon

77 The national press and audiovisual development fund was established on 20 November 2005 by decree n° 001077/PR, promulgating law n° 23/2005, establishing a subsidy for the written and audiovisual press
skills of communication professionals, and emphasised the need for commissioners to guarantee compliance with the law and the rules of procedure of the CNCPP.

With the approval of government, the International Committee of the Red Cross in September 2010 organised a training seminar for media professionals on the theme “Journalists as Humanitarians”. The workshop provided an opportunity for national communication professionals to learn more about their rights in times of armed conflict or violence. Around the same period, on 13 and 14 September 2010, the Gabonese Association of journalists and written and audiovisual press agencies organised “Training days for practicing journalists in Gabon”. The sessions focused on the basic principles of journalism and the responsibility of journalists in the various situations that they may find themselves in. A number of bodies support activities in favour of freedom of the press. These include the following:

- The Gabonese section of the international union of francophone media (UPF)
- The Gabonese media observatory (OGAM)
- The Gabonese press observatory
- The association of professionals of the free written press (APPEL)
- The association of women journalists

**Articles 10 and 11**

**Article 10**

1. *Every individual shall have the right to free association provided that he abides by the law.*
2. *Subject to the obligation of solidarity provided for in article 29, no one may be compelled to join an association.*

**Article 11**

*Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to the necessary restrictions provided for by law in particular those enacted in the interest of national security and the safety, health, ethics, and rights and freedoms of others.*

The choice has deliberately been made to tackle these two articles of the Charter together for the simple reason that the second could quite aptly be considered to derive from the first. In the eyes of the law, it is quite reasonable that freedom of association and freedom of assembly tend to be brought together. Obviously
freedom of association is protected by article 10, whereas freedom of assembly is defended under article 11. As far as associations are concerned, in Gabon they may be divided into natural associations and voluntary associations. Like all other public freedoms, this freedom is enjoyed in Gabon, within the framework of the laws that govern such activities. With regard to freedom of assembly, it is important to note that the term “assembly” indicates an organised or temporary gathering of several people, with the aim of exchanging opinions, interests, or undertaking joint action. Any public assembly in Gabon is subject to minimal supervision, in accordance with the law.

Gabon has taken note of the above-mentioned provisions of articles 10 and 11 of the Charter and has undertaken to comply with the substance of these provisions. Indeed, since articles 10 and 11 of the Charter detail the right to create associations and organise meetings, Gabon has undertaken to take the appropriate measures to meet the expected objectives, subject to compliance with the laws in force in the Gabonese Republic. Irrespective of the objective, sociological and participatory or voluntarist approaches that underpin the legal sources of human rights such as the Charter, Gabon strives to comply with the substance of these articles while also supplementing them in areas that may not be taken into account in the Charter.

Certainly, under paragraph 13 of the first article of the Constitution, the right to form associations is guaranteed and civil society is gradually being properly established with government support, in line with the provisions of law n° 35/62 of 10 December 1962, on associations, and decree n° 286/PR/MI of 17 December 1962, governing the conditions under which associations may be considered of public interest. The latter decree was amended by decree n° 810/PR of 13 September 1971. There are no prohibitions in the Gabonese Republic against meetings that are organised in compliance with the law and are not aimed at disrupting law and order.

**Article 12**

1. *Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.*

78 Biological associations that give rise to families and political associations

79 Groups of people who come together to undertake a common task
2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions provided for by law for the protection of national security, law and order, public health or morality.

3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions.

4. A non-national legally admitted in the territory of a State party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.

5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

The substance of the paragraphs above deals mainly with freedom of movement, which is in fact an outward sign of liberal regimes such as Gabon. This is a leading, primeval, and fundamental freedom, which is enshrined in the Constitution of the Gabonese Republic. Indeed, Title one, paragraph 3 states “the right to move around freely within the internal territory of the Gabonese Republic, to leave and to return, shall be guaranteed to all Gabonese citizens, subject to observance of law and order”. Furthermore, paragraph 11 of the same Title of the constitution stipulates that “every citizen of Gabon shall have the right to freely establish their domicile or residence in any place within the national territory and to carry out their activities, subject to observance of law and order”. The concerns of article 12 of the Charter are therefore taken into account in the above-mentioned articles of the Constitution and are fully recognised in the Gabonese legal system with its laws.

In the light of the preceding therefore, Gabonese law complies fully with article 12 of the Charter both with respect to entry into the territory and with regard to expulsion of individuals. The following provisions have been adopted to fulfil Gabon’s commitments:

- Law n° 05/98 of 5 March 1998, defining the status of refugees in the Gabonese Republic
- Decree n° 00648/PR of 19 July 2000, defining the attributions, organisation, and functioning of the national council on refugees
- Order n° 1145/PM/PAECF of 30 July 2000 instituting a refugees’ identity card and setting the conditions of issuance and renewal of the same.

This article is particularly important for foreigners whose expulsion could very well have an effect on respect for their family life. As far as Gabon is concerned, it is openly acknowledged that the country has undertaken significant efforts to welcome all the peoples of Africa and the world to this country, in line with its international commitments and true to its legendary tradition of hospitality. During the celebration of World Refugee Day on 20 June 2010, Gabon focused its action on the return of Congolese refugees who had arrived in Gabon in 1997 and in 2003, to their country. This tripartite decision taken by Gabon, Congo, and the High
Commission for Refugees (HCR) was based on the return of stability to Congo. This was a voluntary repatriation exercise, in line with the above-mentioned tripartite agreement. A meeting was thus held in Libreville from 14 to 18 June 2010 after a roadmap had been signed on 25 February 2010 between the Gabonese and Congolese governments, in the presence of the HCR. All parties agreed on the date of 31 July as the deadline.

On 26 and 28 July 2011 two preparatory inter-ministerial meetings were held, bringing together representatives of the ministries of Foreign affairs, Interior, National Defence, and Human rights, as well as the general Department on documentation and immigration and the permanent secretariat of the National commission for refugees. During these meetings, it was agreed that the measures to supervise the departure of the Congolese refugees had to be well defined and strengthened. To this end, the Ministry of interior published a circular note instructing the various departments on the procedures and attitudes to be adopted, in particular with regard to improving the supervision of the repatriation convoys. Among other things it also mentioned the need to adopt a strategy to continue regularising the situation of Congolese refugees whose applications were pending before the directorate general on documentation and immigration. This strategy included diplomatic aspects, as well as issues related to fundamental human rights and human dignity, in accordance with the international commitments of Gabon, and existing legal provisions.

In any case, it was decided that government would continue to focus particular attention on those refugees that remained on Gabonese territory pending either resolution of their administrative situation or their return to their country. After a reminder by the Gabonese government that the deadline of 31 July 2011 for the cessation of refugee status for Congolese would not be modified, the president of the Committee for African refugees in Gabon (CRAG), with the assistance of the HCR spokesperson, held a press briefing to inform Congolese refugees of the measures taken in accordance with international commitments by all the parties involved in the repatriation process. The aim of this exercise was to avoid any misinformation and misinterpretation of the process. In reality, there had never been any plan to expel Congolese refugees and asylum seekers, as was confirmed by the president of CRAG. Throughout the process, the Gabonese government called on all representatives of State authority to ensure that refugees and asylum seekers were fully protected, in accordance with law n° 05/96 of 5 March 1998 decrees 646, 647, and 648. With the collaboration of the HCR, each adult who opted for voluntary repatriation was given a stipend of FCFA 100 000, while each child received FCFA 50 000. The HCR also granted an amount of FCFA 150 000 to those who had applied for a Gabonese residence permit. No Congolese citizen whose application for a residence permit was under consideration was arrested or received any threats, even after the date of 31 July 2011.
In all, about 450 refugees applied to be repatriated on 5 August 2011. Mobile teams were set up along the main roads on which the Congolese refugees were expected to travel, namely, Franceville-Moanda and Lambarene-Mouila-Tchibanga. Almost one thousand Congolese refugees applied for a residence permit and by the end of July 2011, 217 had received such permits. The voluntary repatriation of Congolese refugees living in Gabon, which was carried out under the supervision of the external relations administrator from the HCR regional office in Kinshasa, in the Democratic Republic of Congo, was considered a resounding success by the HCR. It thus confirmed the sound collaboration between Gabonese authorities and other partners. Even when the refugees returned to their country they continued to receive assistance to enable them rebuild their lives. To this end, the HCR Congo organised follow-up visits to the areas of origin to evaluate the conditions of reintegration of the returnees.

In August 2011, it was decided, first of all, that the follow-up committee had to be reactivated. The committee met on 8 August 2011. Participants at this meeting included representatives of the Ministry of Defence and the directorate general of documentation and immigration. It decided that 30 August would be the deadline for completion of all the ongoing exercises, in particular voluntary repatriation, issuance of residence permits, and consideration of applications for waivers and resettlement.

Secondly, from 22 July 2011 the joint HCR/CNR/Gabonese Red Cross teams deployed in the Haut-Ogooue, Nyanga, and Ngounie provinces repatriated 349 refugees, and starting from 1 January 2011, 388 Congolese refugees were repatriated. The same teams were also deployed to the Ogooue-maritime provinces for the same operation.

Thirdly, a total of 443 residence permits, of which the HCR paid the fees for 339, were issued in Libreville. By August 2011 the mobile team of the directorate general of documentation and immigration in the Nyanga and Ngounie provinces, had processed 512 applications for residence permits deposited by Congolese refugees. Altogether, 1715 applications were deposited in the decentralised units of the directorate general of documentation and immigration and 760 were considered mainly in Franceville and in Libreville.

Fourthly, the ministry of Foreign affairs, International cooperation, and Francophonie received a total of 48 applications for waivers, which were reviewed by the sub-commission on eligibility.
Fifthly, due to the fact that this was a sensitive process and that certain refugees and people of bad faith were orchestrating a campaign of misinformation, the HCR in collaboration with the Ministry of foreign affairs, international cooperation, and Francophonie, adopted a communication strategy using the electronic, television, and audiovisual media, as well as the written press, to make the activities related to the repatriation process more visible and more objective. During the repatriation exercise for Congolese refugees, no security incidents were noted or recorded, nor were there any arrests by the police or gendarmerie in Libreville or in any other part of the country. Finally, with the aim of ensuring a positive outcome to the process of repatriating Congolese refugees, government provided temporary protection to 306 refugees whose resettlement applications are still pending. They are awaiting responses from their new host countries such as the United States and the Nordic countries. Nevertheless, on 26 and 29 August 2011, still in the spirit of cooperation with the HCR, the national eligibility commission reviewed about 85 requests for waivers from refugees who wanted to maintain their refugee status. The conclusions of these meetings were transmitted to government.

Gabon has always sought to provide refugees with the appropriate protection and assistance, in line with international standards and in 1964, 1977, and 1988 respectively, it ratified the 1951 Geneva Convention, its 1967 additional Protocol relating to the status of refugees, and the 1969 OAU Convention governing the specific aspects of refugee problems in Africa.

To give effect to these international instruments in its domestic legal system, Gabon adopted law no 05/98 of 5 March 1998, governing the protection of refugees in the Gabonese Republic, which is the specific national legislation on asylum. The national commission on refugees\(^80\), as well as various other bodies including the sub-commission on eligibility\(^81\) and the appeals office\(^82\) were established under the terms of this law.

By the end of 2010 there were about 13 000 refugees and asylum seekers from 25 countries living in Gabon. Contrary to other countries, refugee populations live within the same space as Gabonese nationals. Indeed, they share the same

---

80 The national commission on refugees (CNR) assists government by making recommendations regarding shelter and management of refugees.

81 The sub-commission on eligibility is made up of representatives of the ministries involved in providing shelter and assistance to refugees. It is in charge of deciding on eligibility to refugee status as defined by the existing laws of the Gabonese Republic.

82 The appeals office is the last recourse and hears appeals on decisions of the sub-commission on eligibility with regard to applications for, or the status of refugees.
farming, hunting, and fishing areas, as well as the same school and health infrastructure, etc. Since 2007 refugees have been issued a refugee identity card, which serves as a residence permit, and guarantees their free movement throughout the national territory. Overall, Gabon provides the best possible treatment to refugees residing on its territory, in accordance with the law, and guarantees them access to the courts, to employment, to housing, health, education, etc. The office of the High Commission on Refugees (HCR) in Gabon encounters no impediments in supervising issues related to refugees.

With regard to expulsion, that is, the decision by which the Gabonese Executive may remove from its territory any foreigner who infringes law and order or national security, or who has not complied with the conditions of their residence as stipulated by law, this may be done voluntarily or by force, as was the case for some illegal foreign residents in Minkebe in June 2011. Where this specific case is concerned, there is a need to clarify the circumstances that led Gabon to take the action that it did. On 1 June 2011 the Council of ministers approved the draft bill establishing the Code on the environment and sustainable development in Gabon. The objective was to provide Gabon with the legislative instrument that would enable it to tackle environmental issues in both national and international spheres. With a view to preventing the harmful effects of poaching and thus to safeguard its fauna, Gabon adopted law n° 16/2001 on 31 December 2001, establishing the Forestry code of the Gabonese Republic.

In addition to this, the regulations aimed at protecting wildlife include the following texts:

- **Law n° 15/82 of 3 February 1981 on rules governing weapons and ammunition in the Gabonese Republic**
- **Law n° 3/2007 of 27 August, on national parks**
- **Decree n° 00161/PR/MEF of 19 January 2011, defining the conditions for issuance of hunting and capture licences and authorisations**
- **Decree n° 00162/PR/MEF of 19 January 2011, setting the modalities for establishing and sanctioning certain violations regarding Water and Forestry**
- **Decree n° 000163/PR/MEF of 19 January 2011, defining the conditions for the transport and sale of wild animals, hunting trophies, and products of hunting**
- **Decree n° 00164/PR/MEF of 19 January 2011, defining and regulating the classification and latitudes for slaughtering animal species**
- **Decree n° 0679/PR/MEFCR of 28 July 1994, defining the opening and closing dates for hunting season**
- **Decree n° 015/PR/MAEFDR of 3 February 1981, on protection of the fauna**

---

83 This law stipulates important measures that must reconcile the need to safeguard and preserve the fauna with the food needs of the population, in particular rural dwellers.
- Order n° 02043/PM/MEFPCEPN of 13 August 2003, prohibiting the hunting, capture, detention, transport, and consumption of primates
- Order n° 0481/MEFPE of 14 August 1995, establishing the opening and closing dates for hunting season.

In the international sphere:

- The Convention on International Trade in Endangered Species of Wild Fauna and Flora\(^4\)
- The Convention on the Conservation of Nature and Natural resources\(^5\)
- The Convention on Migratory Species\(^6\)
- The Agreement on the Conservation of Gorillas and their habitats\(^7\)
- The Memorandum of understanding concerning the Conservation of the Manatee and Small Cetaceans of West African and Macaronesia

In spite of this strong determination on the part of Gabon, some foreign citizens living in Gabon refused to comply. The situation in the Minkebe national park, for example, was becoming very disquieting. Regardless of various reports and other warnings on the part of the Gabonese authorities on plundering of natural resources, foreigners who were illegally occupying the area continued to flaunt State authority. Faced with these acts of poaching and illegal gold-winning, the government evicted the poachers and illegal gold-winners from the site. This site was evacuated in June 2011 under conditions that complied with the observance of human rights, and law enforcement forces occupied the site. As a result, 4700 individuals of 14 different nationalities were sent back to their respective countries, in accordance with article 12 of the Charter. This operation put an end to the disorderly gold-winning, illegal timber exploitation, poaching, and trafficking in elephant ivory.

\(^4\) Washington Convention
\(^5\) Algiers Convention
\(^6\) Bonn Convention
\(^7\) Gorilla Agreement
Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

These “citizens’ rights” illustrate the move from “independent freedom” to “participatory freedom”. In addition to other forms of individual participation, the Charter calls for citizens to have the right to “participate in public affairs directly or through chosen representatives”.

The rights guaranteed above are indeed confirmed in the Constitution, the Public service general statute, the Public service officials general statute, the Contractual workers general statute, and the Labour Code. Indeed, Title one, article 4, states that “All Gabonese men and women shall be eligible for public office under the conditions stipulated by the Constitution, in accordance with their civil and political rights”. Article 6 of the same Title states that “political parties and groupings shall contribute to expressing the public vote. They shall be established and carry out their activities freely, within the framework set by law and according to the principles of a multiparty system.” Finally, with respect to the specific positions of President of the Republic, members of government, and national and local elected officials, article 10 of Title II of the Constitution states: “Any Gabonese citizen shall be qualified for election as President of the Republic if he or she is at least forty (40) years of age, in good standing with regard to their civil and political rights, and has resided in Gabon for at least twelve (12) months”. The President “shall, in the Council of ministers, appoint persons to the high civilian and military offices of State, in particular ambassadors and extraordinary envoys, as well as senior military officers”.

In addition, referring to members of government, article 31 of the Constitution indicates that “members of government shall be chosen from within and without Parliament. They must have attained thirty (30) of age and be in full enjoyment of their civil and political rights”. Finally, members of the National Assembly are elected by direct universal suffrage for five (5) years, while the members of the Senate are elected by indirect universal suffrage for six (6) years.

---

88 Article 20, Title II of the Constitution of the Gabonese Republic

89 They are known as Deputies

90 They are known as Senators
Public service agents are recruited either through competitive exams\textsuperscript{91} or by direct applications\textsuperscript{92} to any public administration service. Each year a series of conferences on planning and programming of recruitment into the public service is organised. In 2011 and 2012 these sessions were held in April. Indeed, it had been noted over several years that recruitment into the public service did not comply with the requirements of good governance. There had often been massive staff recruitments that were neither part of an established programme nor in line with the real needs of the administration. As a result there was an uncontrolled increase in numbers, which doubled over 10 years, without any attendant improvement in the quality of public services.

These recruitment planning and programming conferences are part of the government policy aimed at establishing in the long term, a modern, forward-looking, and strategic system of managing employment and competences. For this reason it is absolutely necessary to put in place a recruitment mechanism that reflects the real needs of the administration and thus provide government with qualified human resources, in line with the determination to reorganise public finances and to ensure planned and rational staff management. Regarding the numbers of workers in the public sector, between 2007 and 2009, there were 51,488 employees in the public service in 2007. By 2008 that number had increased to 55,520 and reached 57,922 in 2009. Non permanent employees in the public sector represented 8,657 jobs in 2007; 0,130 jobs in 2008, and 9,643 jobs in 2009. Local authorities provided 3,890 jobs in 2007; 3,890 jobs in 2008, and 3,890 jobs in 2009. The total number of public sector jobs increased from 64,035 in 2007, to 68,540 in 2008, and finally to 70,935 in 2009.

Based on an analysis of the strengths and weaknesses of the Gabonese administration through a sample group of public service officials from different hierarchical and functional levels, a three year programme (2011-2013) was established to enhance the capacities of a total of 7,000 public service officials in a number of training modules covering various crosscutting issues. In a move to put in place a new policy for managing professional training courses, the government organised a day of reflection on professional internships on 16 March 2011. The objective was to review the system of professional internships and draft a regulatory framework that is more in line with the challenges of the present day. This requires a total overhaul of the Gabonese system of professional internships to adapt it to current issues. Gabon must set up a new legal framework to regulate and govern professional internships in the public services. This is

\textsuperscript{91} Ecole nationale d'Administration (E.N.A); Ecole nationale d'actions Sociales (ENAS); Ecole nationale d'Instituteurs; Ecole nationale des Eaux et Forêt (ENEF), etc.

\textsuperscript{92} To be reviewed by a commission and validated for assignment and transfer to the public service
the main recommendation arising from the round of analyses organised on the initiative of the Ministry in charge of the public service.

Since 2011 a total of four training seminars have been held to enhance the capacities of administration officials in the areas of human resources and project management. The training programme, which is being carried out in partnership with HEC Executive Education, will continue for three years and also aims at providing more predictability and efficiency in developing and using human resources in the public service. Indeed, government believes that to implement the "Emergence" programme, the public administration must undergo a mutation to transform it into a veritable driving force of the development process in Gabon.

Finally, several measures have been taken within the framework of the administrative reform with the aim of consolidating the institutions and improving the quality of public services. These include among others:

- **The adoption of texts defining the new organisations and the missions and tasks of the various administrative units**
- **The law on decentralisation is currently being amended**
- **There is a keen determination to bring the administration closer to its users, through the training seminars.**

When it comes to democracy and political pluralism, article 2 under Title one of the Constitution reiterates that "Gabon is an indivisible, secular, democratic, and social republic..." Article 6 of the same Title states that "political parties and groupings shall contribute to expressing the public vote. They shall be established and carry out their activities freely, within the framework set by law and according to the principles of a multiparty system." The political setting in Gabon is governed by law n° 24/96 of 6 June 1996, on political parties\(^93\) and guided by law n° 7/96 of 12 March 1996, on political elections\(^94\). It is made up of various parties, in particular: The P.D.G., the C.D.J., the P.G.P., the P.S.D., the R.P.G., the U.P.G, the U.R.D.P., the R.N.R., MORENA, MORENA Originel, the C.L.R., the F.A.R., MORENA Unioniste, the R.D.D., ADERE, MORENA Toung Ondo, the U.R.D.P., the R.R.I., the P.G.C.I., the P.S.G, the UNAF, the R.D.P, the U.D.L., etc.

And law on personal data protection was adopted by Parliament with a view to protecting the population in the face of the increasing use of information technology to process personal data. A law on transferring some State competences to local authorities is also currently under consideration in Parliament. Another bill under consideration is the one on decentralisation, amending law n° 15/96 of 6 June 1996 on decentralisation. Finally, a

---

93 This law makes no distinction between men and women in participating in public life

94 Id., reference 77
draft bill setting the modalities for obtaining and renewing the national identity card is being drawn up. A draft bill ratifying ordinance n° 00000004/PR/2012, amending and abolishing certain provisions of law n° 7/96 on political elections in Gabon, has also been submitted to the National Assembly, and more precisely to the standing committee on laws, administrative matters, and human rights. The proposed amendment to this text is a direct response to a call from the political class to ensure that the upcoming local elections would be held in full transparency, with the introduction of a biometric system.

On 2 May 2012, the President of the Republic organised a meeting with senior officials of the central administration. The meeting confirmed the modernisation of the link between the Executive and the administration to achieve increased efficiency and relevance, and thus a higher level of performance for the administration. For 2012, all ministries drafted ministerial work plans accompanied with detailed road maps for implementation. In reality, for these plans to work they require strong institutions, entrenchment of the rule of law, design and implementation of strategy, protection of goods and persons through enhanced security, and the availability of basic social services. The new-style administration is expected to function on the basis of the principle of specialised tasks, with political cabinets and administrative authorities providing orientation, policy design, and oversight. Within their scope of activity, personalised public services and certain central service agencies will mainly be in charge of applying and implementing public policy, but may also provide advice to the decision-making and oversight bodies when this is required. During the meeting, the President of the Republic reminded central administration authorities of the following:

- **The need to observe proper working hours**
- **Measures to control absenteeism**
- **Fighting against influence peddling by certain public service officials**
- **The need to expedite processing of applications**
- **The consideration due to users of administrative services**
- **The fight against corruption and racketeering within the public administration**
- **An end to impunity**
- **Condemnation of sexual harassment**

Finally he touched upon the question of restoring a fair and equal administration for all, including equal pay for equal grade and qualification, as well as other benefits. Merit must now be the basis of such rewards, which is why the President has decided to rationalise and harmonise the management policy and rules of attribution attached to vehicle fleets and all other existing or future common funds.

**Article 14**

---

95 Each task, action, and performance indicator is clearly time bound
The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

The right to property is indeed protected by law. Depending on the circumstances, this right may be considered as a first-generation human right, a second-generation human right or even a third-generation human right.

The rural exodus has advanced in Gabon, along with a clear wave of foreign immigration. As a result the demand for housing has steadily increased and sometimes plots of land are occupied illegally. Despite this unfortunate situation, Gabon has undertaken to ensure enjoyment of the rights enshrined under this article of the Charter. Indeed the Constitution, under Title one, article 10, stipulates that “Every individual, either alone or as part of a group shall have the right to own property. No one may be deprived of their property unless required for a legally established public interest, and only after they have received fair and prior compensation. Nevertheless, expropriation of real estate for reasons of public interest, inadequate or lack of development, and which involve registered properties, shall be governed by law.” In addition to article 10, article 11 of the Constitution further strengthens that commitment as it stipulates that “Every citizen of Gabon shall have the right to freely establish their domicile or residence in any place within the national territory and to carry out their activities, subject to observance of law and order”. To bolster these two articles of the Constitution, a number of laws, ordinances, and decrees have been passed, which demonstrate the determination and resolution of the government to resolve all issues related to property. These are:

- Law n° 3/81 of 8 June 1981, setting the framework for urban planning regulations
- Ordinance n° 4/76 of 14 January 1976, establishing the national housing company (SNI)
- Ordinance n° 24/83 of 18 April 1983, establishing and defining the attributions of urban and construction special brigades (BSUC)
- Ordinance n° 005/92/PR of 18 February 1992, establishing the administrative and fiscal measures for promoting socio-economic housing
- Ordinance n° 1/97 of 17 January 1997, reorganising the national housing fund (FNH)
- Decree n° 1560 of 30 October 1996, establishing the membership of the national housing fund (FNH) management committee
- Decree n° 1112/PR/MDCULOG of 9 August 1982, defining the modalities for public intervention within the framework of social assistance programmes for self-construction projects

More than 80% of the population now live in urban areas, especially Libreville (political and administrative capital) and Port-Gentil (economic capital)
- Decree no 379/PR/MFEBP-P of 16 April 1997, establishing the Gabon housing refinancing account (CHR-Gabon) and setting its methods of functioning and management
- Decree no 1271/PR/MCUHLVBE of 8 October 1998, describing the attributions and organisation of the ministry in charge of the land register, urban planning, housing, accommodation, cities, and welfare

Practical measures announced by the Head of State during the meeting of the Council of ministers on 6 October 2011 include the following:

- The establishment of a national agency for urban planning, topographical surveys, and the land registry
- The implementation of a new master plan for all aspects of housing policy in Gabon
- Simplification of the process of access to property from 134 down to 7 procedures

This reform led to the reorganisation of the Ministry in charge of housing, urban planning, and the land Registry; making the national agency in charge of urban planning fully operational, topographical surveys, and the land registry, and also established a national Council on housing, as well as a real national master plan for urban development, known as SMART CODE.

While the estimated deficit in housing is about 200,000 units, the government has undertaken to construct 5000 units each year. To achieve this goal government defined a number of phases, with priority being given in 2010 to land planning. With a special endowment of about FCFA 40 billion as investment, 4120 plots were created. The next phase will be construction of the houses.

The first national land tenure forum was held from 13 to 15 July 2011 in Libreville. Participants called on the public authorities to improve land allocation management. They felt that the time had come to review administrative practices and renew the vision of land tenure governance in Gabon. They therefore called for a system of land tenure governance based on the policy of equity and poverty reduction. A system of land tenure that would serve the aims of sustainable development and promoting economic performance, which would guarantee peace, and assist Gabon to achieve the status of an emerging country. At the end of this forum a new strategic framework was drafted. The cornerstone of this framework is a new public approach to land tenure production and management. The strategy calls for programmes to promote access to property and land tenure security; modernisation of the legislation and regulations related to land; regularisation of land ownership; evaluation of the demand for land; adapting supply to demand; capacity building, etc.

97 Known as SMART CODE

98 2700 in Libreville; 497 in Franceville; 481 in Oyem; and 424 in Tchibanga
The establishment of a one stop desk to streamline formalities related to land registry and State property is another measure that demonstrates the readiness of the President of the Republic, Ali Bongo Ondimba, to promote investment and make both administrative and existing regulatory procedures more flexible. This one stop desk will establish a waiver system, while maintaining transparency, in order to facilitate the process for a number of investment projects that remain pending, very often because of certain incompatibilities with existing texts governing urban planning. The one stop desk will also facilitate the procedure for obtaining construction permits, which will obviously improve the optimism of investors and individuals.

In 2011 the government signed an agreement with the company Holding Copf-Gabon for the construction of 7000 housing units of various standards, at a pace of 600 houses per month starting from September-October 2011. The group also intends to open a bank in Libreville that will offer mortgage loans to individuals and to companies for the purchase of housing for their staff.

In order to support the sustainable development of housing, the President of the Republic, Ali Bongo Ondimba, on 28 June 2011 instructed government during the meeting of the Council of ministers, to draft a series of concrete measures aimed at bringing about substantial reductions in the costs of construction materials such as cement, sand, and gravel. He also called for the reorganisation of the construction sector by nationals of Gabon.

To sum up, government is currently focusing on putting in place the necessary basic infrastructure and producing plots of land that are ready for construction of houses. It is also reviewing the legal framework governing land tenure, with a view to making it more realistic.

**Article 15**

*Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.*

The right to work aims at enabling every individual to obtain employment, and compels the State to implement employment policies and professional training and reintegration policies that can give effect to this right. This article of the Charter also extends to the concept of professional freedom, which prohibits any impediment to free choice and free exercise of a profession.

*Article 7 of Title one of the Constitution describes the source and scope of this right by confirming the following: “Every individual shall have the duty to work and the right to obtain employment. No one may be deprived of employment by reason of their origin, sex, race, or opinions.”* The Labour Code, based on law n° 3/94 of 21 November 1994, amended by law n° 12/2000 of 12 October 2000 and law n° 021/2010 of 27 July
2010, defines the worker as “Any individual, irrespective of their sex or nationality, who has undertaken, in return for payment, to place their professional activity under the management and authority of another individual or a private or public legal entity known as the employer.” Since employment is a rampart against poverty, the government adamantly applies an active employment policy whose absolute priority is controlling unemployment.

Article 2 of the Labour Code complies with the provisions of this article of the Charter as it stipulates that “Every individual, including persons with disabilities, shall be entitled to work. Exercising a professional activity is a national duty.” Furthermore, article 3 of the Labour Code refers to the respect for the freedoms and dignity of workers, to enable them enjoy a decent standard of living. In addition to this framework, the legislative and regulatory arsenal governing labour in Gabon reflects both national and international standards. Indeed, Gabon has ratified thirty-eight (38) ILO conventions including eight (8) fundamental conventions, and these are the principal sources of Gabonese labour law.

These include in particular:

- C29 – Forced Labour Convention
- C87 – Freedom of Association and Protection of the Right to Organise Convention
- C 98 - Right to Organise and Collective Bargaining Convention
- C100 – Equal Remuneration Convention
- C 105 – Abolition of Forced Labour Convention
- C 111 - Discrimination Convention
- C 182 – Worst Forms of Child Labour Convention
- C 138 – Minimum Age Convention

The national standard comprises all the provisions of the Labour Code. This instrument has been amended several times since 1952, to adapt it to the changing socio-economic situation of Gabon. Amendments were made in 1952, 1962, and 1978. In 2011 the Labour Code was once again amended to take into account the political, economic, and social realities contained in the societal project of the President of the Republic, Ali Bongo Ondimba. The amendments were also made necessary due to the need to adapt labour legislation to the evolving labour situation within the Central African sub-region, and in light of the on-going negotiations for an OHADA Labour Code. The amendments focused mainly on contracts, age of employment for fixed term contracts, daily contracts, contract suspension, retirement age, child labour, and professional organisations, among others.

During the Council of ministers meeting in Lambarene, the Head of State, Ali Bongo Ondimba, instructed government to put in place a new labour framework. He called
on government to demonstrate its ability to put in place mechanisms that would foster the emergence of new results producing skills. In fact, government was invited to put an end to discrimination in the workplace, which consists of treating members of a group differently according to criteria that are obviously not related to their performance at work. It was quite clear that up to that point men and women were often recruited based on their ethnic or sociological origins and not on their actual skills. The President of the Republic called on government to systematically focus on performance in order to achieve satisfactory results. Reproducing privileges would not encourage managers to strive for excellence, but rather would only lead them to seek to accumulate marks of recognition.

During another meeting of the Council of ministers on 30 March 2011, the President of the Republic, Ali Bongo Ondimba, instructed government to carry out broad-based, sector by sector, consultations with labour partners with the aim of drafting a text to promote employment for Gabonese youth and slow down the increase in unemployment. The text would also need to define the conditions of employment of foreign workers who could participate in the development of Gabon by contributing their expertise.

In addition to the foregoing, the President of the Republic, Ali Bongo Ondimba, also instructed government to review the legislative framework governing employment of expatriate staff. The aim of this exercise is to bring about improved governance of the commodities sector in Gabon in particular with regard to oil flows, as well as to promote employment-oriented training. More precisely the aim is to encourage the legislator to take account of the many competences and qualifications that exist in several sectors of activity, and also to look at the ways and means by which preference might be granted to Gabonese citizens when they have the same skills and qualifications as foreigners, in a given sector. The objective of this new legislation on employment of expatriates is to improve the chances of employment for qualified Gabonese citizens. The aim of the President of the Republic, Ali Bongo Ondimba, is to overhaul the labour legislation, in particular with regard to employment of foreigners. Having Gabonese citizens in strategic positions would facilitate the transfer of competences in the medium-term and also promote independence in the management of vast sections of the Gabonese economy. Indeed, a number of breaches and unfair situations have been noted in these sectors. There have been frequent condemnations of the disparities in salaries in certain sectors and Gabonese legislation in this area has not enabled nationals who hold the same qualifications to benefit from the same salary conditions. Efforts will be made to put in place a sustainable system codifying the recruitment of expatriates who may or may not occupy jobs that cannot yet be held by Gabonese citizens, in order to do away with this unspoken form of segregation.
Certain multinationals and other local companies with foreign capital may be tempted to impose the employment of foreigners on the pretext that in certain areas Gabon does not yet have qualified technicians. Nevertheless, "Gabonisation" must not lead to lowered standards. It is therefore necessary to implement a policy that guarantees an adequate match between training and employment. The aim of this decision is to compel government to carry out an in-depth review of the 1972 law governing the quotas and work contracts of expatriate staff in the Gabonese Republic. The regulatory framework governing the employment of foreign workers, in particular law n° 5/86 of 18 June 1986, establishing the regime for admission and stay of foreigners in the Gabonese Republic, and decrees n° 277/PR/MT of 31 May 1968 and n° 663/PR/MTPS of 5 July 1972, governing employment of foreign workers in the Gabonese Republic stipulate that for a foreign worker to be recruited in the Gabonese Republic, they must obtain an individual employment permit, an entry permit, and a residence permit. To this end, any foreign workers recruited without due regard to these provisions must either be repatriated or be sanctioned by law.

Other additional measures and steps have been implemented. In February 2010, a draft ordinance was adopted, on the urgent need to establish a uniform system of retirement for the public and private sectors. It also takes into account the specificities of certain forms of employment and some professions, in order to allow for early retirement in these sectors. Alongside these, on 14 April 2011 the Ministry in charge of employment submitted a proposal on assistance in drafting a national employment policy to the Council of ministers. This programme, which is to be financed by the African Development Bank (AfDB), aims among others at establishing an assistance fund for the national employment office (ONE) and putting in place a labour market information system (SMIT).

Naturally, employment and of course unemployment, which affects 25% of the working population of Gabon, are areas of concern for the government and development partners. As a result, experts from both the public and private sectors met in Libreville on 17 July 2011 to examine the impediments to the development of employment in Gabon. Their analyses are expected to help government define an overall strategy against unemployment. The employment market has slowed down somewhat over the past five years in particular due to the downward turn in global economic activity since 2008. Looking at the employment figures from the national employment agency, it is clear that there has been a constant increase in the numbers of job seekers. It is also clear that a large proportion of the latter, about 55% of job seekers in Libreville and Port-Gentil, are young people aged between 16 and 19 looking for their first job. Since young people represent almost 60% of the

In April-May 2011, the oil sector trade union (ONEP) identified nearly 1300 illegal expatriate workers in about forty companies, representing 30% of companies in the sector in Gabon.
unemployed, the President of the Republic, Ali Bongo Ondimba, recently called for the drafting of a technical document on youth employment by a tripartite commission made up of representatives of the Ministry of Labour, the national employment office, and young jobseekers. That document was validated during a workshop held in Libreville in May 2011.

Since youth integration is directly related to the right to work, this is obviously one of the leading concerns of professional, initial and in-service training centres. For this reason, government recently established a professional training assistance project (AFOP), with support from the European Union. As part of this project, learners will combine theoretical teaching (20%) with practical experience (80%). In February 2011, 600 young people from all over the country who had undergone training entered the job market. The objective is to train 1200 young people altogether. In order to ensure that these young school dropouts have a real possibility of finding employment, the training programme is focused mainly on woodwork, construction, and public works professions. The AFOP project proposes agreements with corporate citizens, which offer internships to the learners. The contract also offers the possibility for the learner to work for 6 months in the company that trains them. During this period their salary is paid by the project. Indeed, this is a company based work-study program whose main objective is to enable the learner to methodically and gradually acquire the right professional skills, abilities, and behaviour.

In another area, during the Council of ministers meeting of 17 March 2011 government adopted a draft decree setting individual waivers to the minimum age of employment in the Gabonese Republic. The text, which was adopted in accordance with the provisions of article 117 of the Labour Code, stipulates that individual waivers may be granted to minors under the age of 16 to enable them to participate in artistic shows or to carry out some light work. Such activities must not infringe on the health, development, school attendance, or participation in orientation or professional training programmes of the young person, and may take place in establishments where the only other employees are family members, under the authority of the father, mother, or guardian of the young person. The prior written consent of parents who have parental authority over the young person is required for such activities, and in the case of light work, the opinion of an occupational health doctor is required. The duration of such activities shall not exceed 15 hours per week.

The Council of ministers of 12 May 2011 adopted a draft decree defining the conditions for deposit and publication of collective bargaining agreements. The text, which is in line with the provisions of article 122 of the Labour Code, stipulates that collective bargaining agreements shall become applicable starting from the day after they are deposited with the registry of the Labour Court and the competent Labour Inspectorate Department. They shall be published in the Official Journal of the Gabonese Republic, free of charge.
With regard to employment in the informal economic sector, the Council of ministers of 26 March 2011 approved a draft decree establishing and organising the centre for the development of enterprise (CDE). This body has been entrusted with various tasks: Through the establishment of a one-stop desk, it is charged with facilitating the administrative procedures required to establish and operate a business; amend the legal status of the business, and extend or cease its activities. It will provide support to economic developers in carrying out projects and activities under the provisions of the Investment Charter and other specific codes. It is also responsible for monitoring business activities. The CDE also provides information to business leaders. In July 2011 the CDE met with economic operators to inform them about the new methods of licence payments. One of the objectives of this meeting was also to allow the directorate general of the CDE to fully play its role of providing assistance to small and medium-sized businesses in Gabon. In 2010, the process of establishing provincial branches of the CDE began, mainly in the Ngounie province.

Where wages are concerned, articles 140 to 162 of the Labour Code focus specifically on issues related to wages in the Gabonese Republic. Nevertheless, “subject to equal work, qualification, and output, the basic wage shall be the same for all workers, irrespective of their origin, nationality, opinion, sex, or age. Equal pay for male and female workers for work of equal value and the same nature, shall refer to the rate of remuneration set without discrimination based on sex.” The minimum wage for Gabonese workers is now set at FCFA 150 000. In line with the government’s financial commitments, salaries are paid unfailingly in full and on time.

Articles 220 to 229 of the Labour Code focus on workplace safety and hygiene. There are several special orders that govern the rules of workplace health in areas such as mines, oil, forestry and agriculture, maritime and inland waterway transport, land and rail transport, air transport, construction, and civil engineering. With this in mind, an awareness-raising exercise on workplace safety and health was organised for company heads in the Woku-Ntem province from 3 to 17 July 2001. Finally on 26 March 2011 the Council of ministers meeting approved the draft decree organising occupational health services. This text is in accordance with article 221 of the Labour Code and sets out the practical conditions for the organisation and functioning of occupational health services. Indeed, occupational health services bring together all those bodies and organs that work together to ensure the physical and mental welfare of workers at their workplace. They may be organised as a workplace medical

---

101 A public administrative establishment with full-fledged legal status and enjoying financial and administrative autonomy, place under the authority of the ministry in charge of small and medium-sized enterprises

102 Law n° 21/2010 of 27 July 2010
service, in a specific establishment, or as a medical unit providing service for several companies.

Where trade union rights are concerned, the Preliminary Title of the Constitution guarantees “freedom of conscience, thought, opinion, expression, communication”\textsuperscript{103}, having regard to law and order and the freedom and dignity of individuals. It also states that “the right to form trade unions shall be guaranteed for all, under the conditions set by law”\textsuperscript{104}. In line with these provisions, the Council of ministers on 19 October 2010 adopted a proposed reform related to freedom of association and worship. Both of these are among the fundamental rights whose enjoyment must nevertheless have regard to morality. The objective of this reform is to put in place an arrangement that provides a proper balance between enjoyment of public freedoms and the preservation of public peace, in the light of existing realities. A new paragraph was inserted to ensure continuity of public service in case of the occurrence of a case of force majeure, natural disaster, declaration of war against Gabon or any such event that might mobilise a full-scale national effort, making it impossible to organise electoral operations.

In reality, trade union freedom is now enshrined in the Constitution in Gabon. The independence of trade unions from government is guaranteed by international labour law. Trade unions are full-fledged legal entities and are thus able to manage their affairs and defend their own interests and take legal action to ensure that labour law is complied with. They can also jointly bring action before any court if it can be shown that the interests of a profession are directly or indirectly affected. Both legislative and regulatory texts guarantee the right to organise trade unions. Under Title VI of the Labour Code, articles 268 to 289 deal with professional unions\textsuperscript{105}. Currently, about 133 trade unions and 14 trade union federations are registered with the competent authorities and therefore considered to be regularly constituted. The right to organise and the right to strike are recognised by the Constitution. Each trade union federation receives a substantial annual subsidy from government. This subsidy is distributed according to the conditions defined by order n° 0022/MTE/CAB of 23 September 2005.

\textsuperscript{103} The key words of article one, para 2 of the Constitution

\textsuperscript{104} Part of the substance of article one para 13 of the Constitution

\textsuperscript{105} E.g.: the communications professionals’ trade union (SYPROCOM); Confédération gabonaise des syndicats libres (CGSL); Confédération nationale du Patronat gabonais (CNPG); Confédération des syndicats de l’éducation (CONASYSED), etc.
On 19 October 2009, the Council of ministers decided to implement legislation on the enjoyment of the right to organise trade unions, as stipulated in particular under the general statute of public service officials, by the Labour Code, and by other relevant codes of conduct. As a consequence, it is no longer possible for a civil servant to also hold a position as member of the management or executive bureau of a trade union. Because of this incompatibility, any individual concerned must now make a choice, in line with article 65 of law n° 1/2005 of 4 February 2005.

As to the civil capacities of professional trade unions, article 275 of the Labour Code spells out the rights of such organisations namely: the right to appear in legal proceedings and to acquire movable or immovable goods without authorisation, free of charge or against payment. Furthermore, before all jurisdictions, trade unions "shall enjoy the same rights granted to civil parties, at least for any matter directly or indirectly causes harm to the collective interest of the profession that they represent." They may also enter into contracts or agreements with other trade unions, companies, businesses, or individuals; discuss general collective bargaining agreements and individual collective bargaining agreements [...]; or be consulted on any disputes or matters that relate to their specialty [...].

Articles 341 to 378 of the local Labour Code explicitly deal with the issue of strikes. As indicated above, the right to go on strike is recognised in Gabon. Nevertheless, prior notice must be given at least five working days before the strike begins, indicating the reasons, place, time, and duration of the strike.

In addition to the preceding, it must be noted that the Labour Code deals amply with labour disputes and their various settlement procedures, namely, conciliation, mediation, and arbitration. All these points are dealt with under articles 355 to 376.

**Article 16**

1. *Every individual shall have the right to enjoy the best attainable state of physical and mental health.*

2. *States parties to the present charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.*

---

106 Article 278 of the Labour Code

107 Article 279 of the Labour Code

108 Article 281 of the Labour Code
The Constitution of the World Health Organisation (WHO), which entered into force on 7 April 1958, describes health as “a state of complete physical, mental, and social well-being”. The report regarding this article will focus among others on action undertaken with regard to the national health policy and access to primary health care; availability of health goods and services; maternal and infant health care; immunisation programmes and other communicable diseases control strategies; prevention of HIV/AIDS and other sexually transmitted diseases; guaranteeing access to essential drugs, and the right of all individuals to social security. Above all, the Gabonese health system is operational at the strategic, intermediary, and peripheral levels. Life expectancy in Gabon is 51.4 years for men and 53.8 years for women. Maternal and infant mortality is estimated at about 500 deaths for 100,000 live births.

With regard to constitutional principles, article one paragraph 8 of the Constitution stipulates that “the State shall, to the extent of its possibilities, guarantee the protection of health, social security, a sound natural environment, rest, and leisure to all citizens, particularly children, mothers, persons with disabilities, senior workers, and the elderly”. In accordance with this constitutional commitment, immediately after independence, Gabon implemented a pro-birth policy with the development of maternal and infant protection (PMI) activities using fixed, outreach, and mobile strategies; distribution of family benefits, and the creation of a medal for mothers of large families. Currently, government has initiated a vast programme of construction and rehabilitation of health facilities through the national health development plan (PNDS). This plan includes an analysis of the health situation; key factors for

---

109 Health insurance in Gabon

110 Central departments and programmes; health care and diagnosis facilities and institutes

111 Regional health departments and regional hospital centres

112 Medical centres, dispensaries, district or urban health centres, and health huts

113 In October 2010, as part of efforts to reduce maternal and infant mortality, the United Nations Population Fund (UNFPA) supplied the association of midwives of Gabon with medical equipment, in particular materials for antenatal consultations

114 17 August 1960 marks Independence Day for Gabon

115
possible future development; the 2020 vision for health development and its implementation framework, as well as monitoring and evaluation. The main ambition of this plan is to improve public sector health services. In conjunction with the ongoing rehabilitation of the national social security fund’s (CNSS) health facilities, it is very likely that within a few years Gabon will be endowed with many, high quality health facilities to serve its most needy populations.

The current health development strategy is an illustration of the ambition to improve the national health system, in line with the objectives of the national health action plan (PNAS). Through this plan, government aims “to improve the state of health of the population by enhancing the quality and quantity of services available to meet the essential needs of the population”. Between 2000 and 2005 various programs were implemented, in particular for the construction and equipping of many health facilities. The health sector is financed mainly by government, but also by international bodies and cooperation agencies, as well as insurance companies.

Gabon has established a number of mechanisms to implement health sector strategies and orientations. These include:

- The 1998-2000 national health action plan (PNAS)
- The 2004 health policy
- The 2006 growth and poverty reduction strategy paper
- Construction of a modern regional hospital in each provincial capital, with modern equipment
- Rehabilitation of the health facilities of the national social security fund (CNSS)
- The 2006-2010 national health development plan (PNDS)
- The 2007 national health map, which was drafted as a supplement to the PNDS, to facilitate its operations
- The 2005-2010 Expanded Programme on Immunisation (EPI)
- Implementation of a health insurance scheme by the national social security fund (CNSS)
- Establishment of the national health insurance and social security fund (CNAMGS)

The Council of ministers on 14 October 2010 decided to enhance activities aimed at eradicating tuberculosis. To this end, under the 2010 Finance (Amendment) act, provision was made to endow all major endemic diseases units with a substantial supply of anti-tuberculosis drugs. The same day the document amending the national health policy was adopted.

---

*Plan National de développement Sanitaire 2011-2015, Ministère de la Santé*

116

Published in 2009

117
According to available statistics on the HIV/AIDS pandemic, the most affected provinces in the country are Ogooue-Maritime and Ngounie, where prevalence rates are respectively 8.7% and 8.1%. The Estuary province is in 3rd position with a prevalence rate of 7.2%, followed by Woeu-Ntem (6.2%), Moyen-Ogooue (5.6%), Ogooue-Lolo (5.6%), and Nyanga (5.4%). The least affected provinces are Haut-Ogooue and Ogooue-Ivindo, with prevalence rates of 3% for the first, and 3.1% for the second. Currently, there are 63,000 people living with HIV/AIDS in Gabon and the disease has already claimed 2300 lives. In addition, 3000 children under the age of 15 are infected by AIDS, while there are more than 18,000 AIDS orphans in the country. About 10,000 patients receive antiretroviral treatment in Gabon.

In order to deal with this pandemic, Gabon has set up fifteen (15) outpatient treatment centres (CTA)\textsuperscript{118}, four (4) of which are located in Libreville. The CTAs facilitate access to antiretroviral drugs and contribute to significantly increasing screening capacities and improving the treatment of opportunistic diseases that are caused or worsened by the depressed immune systems of affected persons. They have also promoted improved psychosocial counselling for affected persons and their families, and reduced mother to foetus transmission. Out of a population of 1.5 million inhabitants, 26,000 people regularly attend the CTAs and the other referral centres located in other infectiology departments throughout the country. Each CTA is endowed with modern equipment and a multidisciplinary team including an infectiology specialist, nursing staff, a psychologist, a laboratory technician, and a social worker. The Libreville CTA was equipped with IT software, followed immediately by the other provincial CTAs. This is to be followed rapidly by an interconnection of the various CTAs and a single identification system for patients, which would make it possible to recognise each patient by an identification code wherever they go.

Campaigns are regularly organised\textsuperscript{119} to promote voluntary screening; raise awareness; inform and educate; provide drugs for opportunistic infections; carry out social marketing of condoms, and provide medical care to low-income patients. All these are aimed at preventing mother-to-child transmission, as well as transmission of HIV/AIDS and other sexually transmitted diseases. On 1 December 2010, government, after broad consultation, announced the intensification of awareness-raising campaigns in the provinces, schools, and for other target groups. They also announced that persons living with HIV/AIDS would continue to receive care, and

\textsuperscript{118} Facilities exclusively dedicated to treating AIDS patients. One established in each provincial capital.

\textsuperscript{119} By government and civil society
called for advocacy with the relevant authorities for an increase in resources allocated for control of the AIDS pandemic. In addition to this, a booklet entitled *Ce qu’il faut savoir sur le VIH/SIDA et une sexualité sans risque* (All you need to know about HIV/AIDS and safe sex) was distributed to educational institutions. The booklet meets an existing need in an environment where HIV/AIDS prevalence in young people aged 15 to 24 is 1.58%, but where there are no appropriate teaching materials on HIV/AIDS for learners or teachers. Recently, during the Africa Cup of Nations tournament co-organised by Gabon and Equatorial Guinea, a vast awareness-raising campaign entitled “3-0” was organised in the provinces hosting the competition, under the patronage of the First Lady, Sylvia Bongo Ondimba. In addition, government has undertaken a number of other initiatives, in particular, improving national coverage for HIV/AIDS treatment, and reducing mother-to-child transmission (MTCT). Since 2007, pregnant women have been provided with access to screening and counselling services; outpatient treatment centres have been constructed in each provincial capital, etc.

Since the adoption by government of the 2008-2012 strategic plan for HIV/AIDS control, Gabon has undertaken, as shown above, to improve management of sexually transmitted diseases throughout the national territory. Measures have also been taken to provide and distribute female condoms to women; ensure coverage and access to mother-to-child transmission prevention services, and to enhance training possibilities for women. Indeed, the plan identifies the various areas where activities are to be carried out by government to control AIDS. These areas centre around three objectives: prevention, medical treatment for persons living with HIV/AIDS and strengthening of the monitoring and evaluation system, as well as institutions. Seven population groups are targeted for specific action within the framework of the 2008-2012 AIDS control strategic plan. They include the youth, sex workers, forces in uniform, traditional health practitioners, certain religious leaders (pastors of revivalist churches), the Pygmy population, and prisoners. For the “youth” target group for example, government is deploying a strategy aimed at integrating HIV and AIDS into the teaching curriculum in high schools and colleges. An AIDS control committee has been established in the Ministry of national education for this purpose. Where “sex workers” are concerned, government is working closely with the NGO *Conscience*, which is very active in these circles. Several studies have shown that “sex workers”

---

120. The plan includes a national monitoring and evaluation framework, with a description of the main interventions aimed at strengthening the national HIV/AIDS response system. It must be indicated that the 2001-2006 national strategic plan did not cover all the activities inherent in controlling HIV/AIDS, in particular monitoring and evaluation activities.

121. This NGO goes out to distribute both male and female condoms to prostitutes, to allow them to have an independent choice of which to use before any sexual intercourse.
are amongst the most affected groups, with a seroprevalence rate of 20%, which means that more than two prostitutes out of 10 are infected by HIV/AIDS. Where the “Pygmies” are concerned, government is in contact with the association that defends the rights of these peoples.

Considerable progress has been achieved because in just a few years there has been a notable decrease in cases of new infections in young people, while the number of persons receiving treatment has increased. Additional efforts are however under way to deal with the cases of children born with HIV/AIDS. According to Michel Sidibe\textsuperscript{122} coverage with respect to mother-to-child transmission prevention is only 25% in Gabon. Indeed, it is in part for this reason that Gabon decided in March 2011 to raise the issue of AIDS before the United Nations Security Council, in order to have a resolution passed on AIDS control.

From 7 to 10 February 2010 the Ministry in charge of health, in partnership with the French development agency (AFD) and UNAIDS\textsuperscript{123}, organised a workshop to validate the monitoring and evaluation manual and the 2011 operational plan. These two tools are currently being used to assess the progress achieved in implementing AIDS control projects, and provide information for decision-making, as well as improved resource allocation. These are simply operational tools that enhance the implementation of HIV/AIDS control activities. They also serve as tools to be used for the advocacy required in order to mobilise resources to improve the health of the population and thus strive to achieve the MDGs.

In December 2010, the First Lady, Sylvia Bongo Ondimba, launched the distribution of 25 000 screening tests throughout the country, to enable pregnant women to be informed of their HIV status. On the strength of her conviction that the family is the best rampart against the propagation of the HIV/AIDS virus, she decided to enhance the advertising campaign to raise awareness within the society about the havoc wreaked by this disease. While continuing to be involved in the activities of OAFLA\textsuperscript{124}, the First Lady, Sylvia Bongo Ondimba, joined the NGO, African Synergy against AIDS and Suffering\textsuperscript{125}, with the aim of sharing experience with other African personalities.

\textsuperscript{122} Executive Director of the United Nations HIV/AIDS programme (UNAIDS)

\textsuperscript{123} The UNAIDS report shows that 40% of the population in Gabon are still unaware of their HIV status.

\textsuperscript{124} The Organisation of African First Ladies against AIDS was created in 2003 and is a coalition of 40 wives of Heads of State, who have undertaken to unite their forces and use their influence to improve the situation of HIV/AIDS patients while also tackling other public health challenges such as maternal mortality in their respective countries.

\textsuperscript{125}
involved in the fight against this scourge. Some of the important measures initiated by the First Lady, Sylvia Bongo Ondimba, include the mother and child health program entitled *Tous unis pour la santé de la mère et de l’enfant*, which is aimed at reducing maternal and neonatal mortality, as well as infant and child mortality in Gabon.

A number of important workshops have also been organised, including the validation workshop for the national plan on environment and health. This workshop took place in Libreville on 10 December 2010 and served to coordinate joint action in health and the environment, to eliminate environmental risks to human health. The government believes that there is a pressing need to take the environmental dimension into account to meet the dual goals of guaranteeing improved health for the population and boosting sustainable development in Gabon. Between 31 January and 5 February 2011, a capacity building workshop on prevention of mother to child transmission of HIV was organised for midwives from all ten (10) health regions of the country. The workshop focused on the following topics: compelling public authorities to assign psychologists to each health facility in order to improve care of HIV/AIDS patients; training all maternity, maternal and child health care, paediatrics, and gynaecological and obstetrical staff on the rapid screening test; extending free HIV testing to children born of HIV-positive mothers; supplying milk to all outpatient treatment centres and other health facilities in rural areas, and ensuring that reagents are available in delivery rooms.

Gabon has also validated its operational communication plan for AIDS control, which was drafted with support from the French development agency. A validation workshop was held for this purpose in Libreville on 2 and 3 February 2011. The objective of this plan is to bring about a radical behaviour change in the population with respect to various issues including screening, treatment of HIV/AIDS, prevention of mother to child transmission of HIV, and treatment of STIs. Women senators are all fully committed to fighting against HIV/AIDS. Indeed, the network of women senators of Gabon (REFESEG) organised an awareness-raising workshop in Libreville on 26 April 2011 on the theme “Women facing HIV/AIDS”. This meeting was part of the annual activities organised by the network with the aim of designing strategies for promoting generalised access to prevention, treatment, support, and care. Furthermore, the workshop provided an opportunity for the women senators to draw the attention of the national and international community, as well as government,

---

126 This plan is the result of the recommendations of the 1st Central African inter-ministerial conference on health and the environment, which took place in October 2009. The conference served to validate the reports of national health and environment situation analyses.
parliamentarians, and civil society to the increasingly feminine face of the AIDS pandemic, and to the need for mobilising financial resources to help to find practical and effective solutions against this scourge. The workshop concluded with recommendations on the establishment of a FCFA 1 billion budget line; promotion of condom use and social mobilisation through information, education, and communication; adoption of laws against discrimination and stigmatisation; technical capacity building for opinion leaders, and adequate resource allocation under the Finance Act.

In partnership with the UNFPA and the Gabonese movement for the well-being of the family (MGBEF), government in May 2011 organised an information workshop on the Maputo plan of action\textsuperscript{127}. It is important to note that considerable progress has been made in implementing this plan of action in Gabon\textsuperscript{128} through policies and legislation aimed at enabling the population to have access to integrated reproductive health services by 2015. Another national workshop held was the training and validation workshop on the maternal and infant health monitoring and evaluation manual, which was organised in Libreville on 20 May 2011 within the framework of the Gabonese health sector support project. During the workshop the monitoring and evaluation plan was introduced and validated. The workshop also aimed at ensuring that all stakeholders in the health system had access to the information required for effective management of health interventions. Indeed, improving mother and child health is one of the health priorities of government. Government has therefore started to implement the roadmap on reduction of maternal, neonatal and child mortality.

In addition to the preceding, a capacity building workshop on tobacco control was organised for journalists and members of non-governmental organisations in Libreville on 15 and 16 March 2011. At the end of the workshop, journalists promised to establish a national tobacco control network\textsuperscript{129}. Indeed it is acknowledged that

\begin{itemize}
\item \textsuperscript{127} It is an operational plan aimed at guiding African countries such as Gabon in providing universal access to comprehensive sexual and reproductive health services. It is based on a principle of inter-sectoral collaboration to meet the development objectives. The plan was drafted to accelerate the MDG process for the benefit of mothers and children.
\item \textsuperscript{128} A national road map for reducing maternal morbidity and mortality was drafted in 2008; a plan for securing reproductive health products in 2006, and ordinance n° 001/95, on the orientations of the national health policy of the Gabonese Republic.
\item \textsuperscript{129} This network will enable them to regularly produce articles and reports on issues related to tobacco control, using the information and the training received. But also, it will allow them make concrete proposals to government and civil society, with a view to accelerating the adoption of a law prohibiting tobacco consumption in public places.
\end{itemize}
although Gabon ratified the WHO Framework Convention on Tobacco Control (WHO FCTC) on 20 February 2009, no draft bill on the issue has been submitted to either houses of the Gabonese Parliament. In the area of traditional medicine, a workshop was held from 29 to 31 May 2011 in Libreville, with the aim of registering traditional health practitioners in Gabon and establishing standards for traditional medicine.\textsuperscript{130}

During the Council of ministers meeting on 1 June 2011, the President of the Republic, Ali Bongo Ondimba, adopted a number of important measures aimed at consolidating some on-going activities, namely:

- \textit{A 150\% increase in the AIDS control support fund for the purchase of antiretrovirals and for prevention activities, which was increased from FCFA 1 billion to 2.5 billion}
- \textit{Free antiretroviral treatment is now extended to all persons living with HIV/AIDS in Gabon, whereas in the past this was limited to low income categories}
- \textit{Free antenatal care and delivery for all HIV-positive pregnant women}
- \textit{Free HIV/AIDS screening, biological tests, and treatment of opportunistic infections through the national health insurance and social security fund (CNAMGS)}
- \textit{Care for persons living with HIV/AIDS, which had hitherto been limited to the outpatient treatment centres (CTA), is now integrated in hospital medical departments, medical centres, and health centres}
- \textit{Revitalisation of the provincial and district HIV/AIDS control committees throughout Gabon, under the authority of the provincial governors}
- \textit{Intensification of HIV/AIDS awareness campaigns for the general public and target groups}
- \textit{Development of the operational capacities of HIV/AIDS control committees in all institutions, ministries, local authorities, and private companies.}\textsuperscript{131}

Furthermore, government was instructed to intensify the national response through the following:

- \textit{Integration of a module on HIV/AIDS prevention and sexual and reproductive health in pre-service training programmes for teachers and trainers, to enable them teaching of the curriculum on HIV/AIDS in schools and universities, as well as the revitalisation of school and university AIDS info and sexual and reproductive health clubs}

\textsuperscript{130} This event provided an opportunity to draft the broad outlines of a national policy on traditional medicine and the legislation governing the practice of this form of medicine. It also drafted a code of conduct and ethics for the daily practice of traditional health practitioners.

\textsuperscript{131} These bodies are required to include financial allocations for HIV/AIDS control in their annual budget.
- **Implementation of a real social marketing strategy for condoms, in order to make them accessible and available throughout the country, in particular in hotels, and stores**

- **Broader involvement of both public and private sector political and administrative leaders in awareness raising in the general population about HIV/AIDS, as well as involvement of religious leaders and heads of associations**

In the wake of the above-mentioned Council of ministers, during the session of the United Nations Security Council presided by Gabon, in June 2011, the President of the Republic, Ali Bongo Ondimba, with the support of a number of other countries presented resolution 1983 on *enhancing HIV/AIDS control*, which was adopted by the Council.

Gabon has also taken a number of strong measures to control other diseases. Between 2002 and 2010, the national Human African Trypanosomiasis control programme (PNLTHA) detected 276 cases of trypanosomiasis, with “recontamination” of people who had been healed of the disease. As a result, a capacity building workshop was organised in Libreville from 18 to 27 July 2011, for staff of the public hygiene and sanitation institute (IHPA). Where malaria is concerned, for example, at the end of March 2011, the First Lady, Sylvia Bongo Ondimba, donated 200 insecticide treated nets to the regional hospital in the Ogooue-Ivindo province.

The First Lady, Sylvia Bongo Ondimba, launched a national sickle cell disease appeal in May 2011. In the same year, the President of the Republic, Ali Bongo Ondimba, decided during the Council of ministers meeting to set up regular and cost free screening for diseases such as diabetes, high blood pressure, and breast and cervical cancer. Colon and prostate affections were also added to the list. In response to an outbreak of polio in certain countries of the Central African sub-region at the end of 2010, government organised three rounds of national polio immunisation days for both children and adults.

---

132 This proves that the disease is endemic in Gabon.

133 The objective of the workshop was to provide initial or refresher training to staff prior to implementing a pilot anti-vector control campaign in households in Owendo and Libreville.

134 The first round of free screening for diabetes and high blood pressure was organised on 8 August 2011 in Libreville.

135 Id. note 125

136
For the pharmaceutical sector, the Council of ministers of 27 January 2011 adopted a draft ordinance setting the general rules of organisation and functioning of the sector. The main aim was to promote the development of the national pharmaceutical sector, in order to resolve some of the shortcomings of the system with regard to medical supply, the institutional framework on traditional pharmacopeia, and regulation of all pharmacy activities.\textsuperscript{137}

As a supplement to all the measures and activities described above, the Gabonese Executive also approved the draft decree defining the organisation, attributions, and functioning of the national institute of health and social action (INFASS). A military health services application school\textsuperscript{138} was also inaugurated, and approval was given for the construction of an Albert Schweitzer teaching hospital in Lambarene. The Council of ministers of 26 March 2011 approved the final version of the above-mentioned decree, as the main objective of this institute is to train health and social service professionals to the highest standards of excellence and ethics for employment in the various health facilities and social services departments, thus providing a proper state of health and well-being for the population, to contribute to the development of Gabon. The President of the Republic, Ali Bongo Ondimba, inaugurated the military health services application school\textsuperscript{139} on 23 May 2011. The main missions of this school will consist of training officer cadets after their university training in medicine, pharmacy, and dentistry on the military applications of medicine. It will also provide specialisation or qualification courses for medical, pharmacy, and dentistry officers; be in charge of coordinating the preparation of paramedical personnel who apply for admission to the health managers’ schools, and contribute to promoting research within the military health service. Finally, with regard to the Albert Schweitzer teaching hospital, during the Council of ministers of 28 June 2011, the President of the Republic, Ali Bongo Ondimba, confirmed that the centre would be constructed, with the support of Harvard and Tubingen universities. Construction is expected to be completed in 2013, to coincide with the centennial anniversary celebration of the establishment of the first Albert Schweitzer Hospital in Lambarene.

\textsuperscript{137} The text describes amongst others the conditions for engaging in pharmacy activities, the obligations of promoters, activities related to drugs, State prerogatives, the institutional framework, and sanctions.

\textsuperscript{138} The school is attached to the ultramodern military hospital.

\textsuperscript{139} The school also provides post-doctorate training for military and civilian doctors, in emergency and disaster medicine. It was established by decree n° 00056/PR/MDN of 19 March 2010 as a public medical and military teaching establishment under the authority of the Ministry of national defence.
Concerning the second part of article 16 of the Charter, the Constitution guarantees social security for all citizens by government. Government considers social security as an essential mechanism to ensure stability and the capacity to maintain a certain standard of living in case of certain social risks. It is also seen as an instrument for poverty prevention and reduction\(^{140}\). Two laws have been passed to enable the establishment of the general health insurance and social security scheme\(^{141}\). In principle, 19 December 2008 marked the establishment of the national medical insurance and social security fund (CNAMGS), a body that was set up by government to provide better social coverage to lower income groups and the more vulnerable categories of the population, as well as public sector and private sector workers.

The Council of ministers of 6 May 2010 granted the establishment of a compulsory medical insurance scheme to enable all categories of society to enjoy access to quality healthcare. The universal medical insurance scheme, which comprises three (3) funds, is already providing services to all those registered since 2009. Identity cards are being issued to all Gabonese beneficiaries of this scheme to enable them to enjoy their social rights. Now any person who is registered with the scheme, as well as their dependents may receive healthcare from any of the partner establishments of the CNAMGS. In all, this represents eighty (80) hospitals and health centres and more than eighty (80) pharmacies and dispensaries throughout the country. To date, more than 390 000 persons are included in the register of low income Gabonese citizens (GEF)\(^{142}\).

The attention granted to the CNAMGS by the President of the Republic, Ali Bongo Ondimba, and his various interventions in favour of the scheme, are an indication of the importance that he attaches to providing health care to all citizens of Gabon. A

\(^{140}\) The 2010 United Nations global human development index (HDI) report showed that Gabon had jumped up 10 places and obtained a score of 0.648%, placing it in 93\(^{rd}\) position out of 169 countries, as compared to its 103\(^{rd}\) position in 2009. On the continent, Gabon holds fourth place. An analysis of the three principal indicators demonstrates significant improvements in the standard of living of the Gabonese population. For example, life expectancy has increased by one year, from 60 to 61 years.


\(^{142}\) The family benefits are paid on the basis of a government decision taken on 10 March 2011, concerning children aged between 0 and 20 years from low income families that are registered with the CNAMGS and whose names are included on the registration form. The amounts paid as family benefits, and for the school year have been increased from FCFA 17 000 to 30 000 for dependents who are not in school and to 35 000 for those who are enrolled in school.
report of the Council of ministers of 10 March 2001, indicated that 83 000 people had already registered with the scheme and 40 000 of them had already obtained their health insurance cards. Indeed, since 1 March 2011, the CNAMGS had already paid for 314 consultations, 125 hospital admissions, and 10 scans. According to the statistics, 390 000 low income persons had been registered and provided with insurance throughout the country, with effective payment for both the individuals and their dependents. The CNAMGS figures also indicate that 83 000 civil servants had already been registered and covered by the scheme, by March 2010.

Registration of students and school pupils is under way and registration of private sector workers is expected to begin very soon. For private sector workers, however, this initiative still depends on the definition of the corporate plan of the national social security fund (CNSS), which up to March 2011, was still responsible for certain areas of activity that are now under the ambit of the CNAMGS. With regard to the available health services, as indicated above, agreements have been signed with various public or private hospitals, health centres, pharmacies, and dispensaries throughout the national territory. Services are being provided regularly, in spite of a few difficulties with regard to payment, but which were resolved by August 2011. On 16 August 2011, the President of the Republic, Ali Bongo Ondimba, gave instructions to government, the CNAMGS, and health facilities and professionals, on a number of issues. These include the importance of complying with the list of refundable drugs; enforcement of the distribution key for general income in public health facilities; immediate payment by the public Treasury of all amounts collected on behalf of the CNAMGS, which should be reported systematically, immediately upon payment; settlement of all outstanding payments and various government subsidies; de-localisation of CNAMGS activities to bring them closer to the population, and providing coverage to private sector workers by transferring certain competences from the CNSS to the CNAMGS.

---

143 The principle insured person and their dependents.

144 Decision of the President of the Republic, Ali Bongo Ondimba, on 28 June 2011

145 In fact, the insurance card provides access various services such as family benefits and the schools year allowance, for low income Gabonese families. In addition, pregnant women receive a care package, free maternity care, and free care for the newborn during the first months of life. Government agents are entitled to various health services. These include the consultation, and the care basket.
Articles 17 and 25

Article 17

1. Every individual shall have the right to education.
2. Every individual may freely take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognised by the community shall be the duty of the State.

Article 25

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see it to that these freedoms and rights as well as corresponding obligations and duties are understood.

As in other instances, articles 17 and 25 of the Charter are complementary and must be dealt with together, in order to provide the appropriate responses required under the Charter.

Article one of the Constitution covers the concerns expressed under this article of the Charter in its paragraphs 16, 17, 18, and 19.

The provisions of the Constitution are as follows:

- Paragraph 16: Care to children and their education shall be a natural right and duty of parents, to be carried out under the surveillance, and with the assistance of the State and public authorities. While having regard to the obligation to enrol children in school, parents shall have the right to decide on the moral and religious education of their children. With regard to the State, children shall have the same rights concerning assistance and their physical, intellectual, and moral development.

- Paragraph 17: The state and public authorities shall have the obligation to protect young people against exploitation and moral, intellectual, and physical neglect.

- Paragraph 18: The state shall guarantee equal access to education, professional training, and culture for both children and adults.

- Paragraph 19: It shall be the duty of State to organise public education on the principle of religious neutrality and, to the extent possible, free of charge; conferring degrees shall remain the prerogative of State. Freedom of education shall nevertheless be guaranteed for all. Any individual may open a preschool, primary, secondary, or higher education institution or university, according to the conditions set by law.
The law shall stipulate the conditions under which the State or public authorities may contribute to the financial costs of private teaching establishments that are recognised of public interest.

Religious instruction may be provided to students in public teaching establishments at the request of their parents, under conditions to be determined by the rules.

The conditions of functioning of private teaching establishments shall be set by law, taking into account their specificity.

The school enrolment rate in Gabon is among the highest in sub-Saharan Africa. It increased from 90% in 2003 to 92.44% in 2005, 96% in 2008 and 84% in 2010\(^{146}\) with almost perfect gender parity. In order to preserve this advantage, government is striving to correct the falling internal efficiency rates within the educational system, which have been of increasing concern to the authorities. For this reason, a number of measures have been taken to provide better education for all: The estates-general on education and employment-oriented training were organised on 17 and 18 May 2010, with the aim of making education more attractive and capable of responding to the economic, social, and cultural needs of Gabon.

The education system is governed by various laws and regulations:

- Law 16/66 of 9 August 1966, on the general organisation of education in the Gabonese Republic
- Law 10/84 of 30 July 1984, on the general organisation of preschool education in Gabon
- Law n° 21/84 of 29 December 1984, defining the rules of the private education sector
- Law n° 7/85 of 29 January 1986, establishing the Masuku University of Science and Technology (USTM)
- Law n° 20/91 of 10 December 1991, ratifying ordinance n° 03/91 of 30 September 1991, granting financial autonomy to universities
- Law n° 20/92 of 8 March 1993, establishing the specific statute of education sector public service officials
- Law n° 19/95 of 13 February 1996, organising the social protection system in the higher education sector in the Gabonese Republic
- Law n° 021/2011 of 14 February 2012, setting the orientations for Education, Training, and Research
- Decree n° 944/PR of 28 September 1970, establishing and organising the National university

\(^{146}\) Source: UNDP, 2010
- Decree n° 1185/PR of 7 December 1972, on the statutes of the National university of Gabon and its attached institutions
- Decree n° 143/PR/MINECOFIN of 30 January 1975, amending decree n° 963/PR/MINECOFIN, establishing and organising the General Directorate on scholarships and training courses (DGBS)
- Decree n° 1692/PR/MEN of 27 December 1982, defining the attributes and organisation of the ministry of national education, which authorises the national pedagogical institute (IPN) to contribute to the pedagogical orientation of students in the second cycle of general and technical secondary education. It makes a recommendation for the national commission in charge of orientation and of awarding grants for studies and training courses (CNOAAES), to orient and allocate national grants for disciplines that are not available in the country and/or are considered as priorities for the country’s development, within the scope of available funds.
- Decree 00008/PR/MASCN SSBE of 10 February 1987, describing the modalities for application of law 10/84
- Decree n° 1520/PR/MES of 22 November 1993, reorganising the national commission in charge of orientation and of awarding grants for studies and training courses
- Decree n° 877/PR/MEN of 8 October 2004, establishing and organising the National council on primary and secondary education
- Decree n° 472/PR/MENICEP of 7 May 2007, amending the provisions of articles 2 and 9 of decree n° 290/PR/MEN of 4 April 1995, establishing and organising the teacher training school
- Order n° 0012/MASSBE/DGAS of 5 November 1985, establishing a school for hearing-impaired and speech-impaired children
- Order n° 2793/PM/MES/MPEAT/MFBP of 2 December 1993, abrogating order n° 137/MP/MESRES/MFBP/MPEA of 8 April 1991, defining the criteria for orientation, attribution, renewal, reorientation, transfer, suspension, and reinstatement of grants for studies and courses to students in the higher education sector in Gabon and abroad.

All children have the right to attend school with no distinction whatever. Indeed, the terms of the law n° 25/59 of 22 June 1959 stipulate that school is compulsory for all children aged between 6 and 16 years. Law 16/66 of 9 August 1966, on the general organisation of education in the Gabonese Republic endorses this provision by indicating that school is free of charge and compulsory from 6 to 16 years.

The estates-general on education, research, and employment-oriented training that were held in May 2010, led to the drafting of a 10-year plan covering 2010-2020, with an estimated total cost\(^\text{147}\) of FCFA 1 170 billion. The ten year plan includes, among

\(^{147}\) Excluding non quantified expenditure
others measures, the drafting of specific staff statutes for the national education, technical education, professional training, and higher education and research sectors to make the educational professions more attractive. It also provides for a strong policy of training of trainers in particular in the so-called "hard" sectors such as mathematics, physics, chemistry, life and natural sciences, etc. In addition, provision is made for the construction and equipment of infrastructure, as well as a new system of study grants, including grants to encourage the study of science.

A number of cross-cutting measures have also been included, mainly the establishment of a professional school and university security corps; compulsory military service from the age of 18; fixed-term contracts, and a licence system for private establishments, which must also be recognised as being of public interest.

The principal measures adopted in the pre-primary sector are the following:

- Extension of this cycle nationally, and introduction of specific immersion activities related to the teaching of English, information technology, and local languages in ten (10) pilot schools
- Starting from 2011, refresher training for 928 teachers; recruitment of 1000 junior high school-level teachers, as a matter of urgency; recruitment of 3654 senior high school-level teachers, with the objective of reaching 5000 teachers by 2020
- Construction and equipment of 221 schools\textsuperscript{148}, 221 workshops and playgrounds
- Construction of 1500 houses in rural areas, 300 to be completed in 2011
- Discontinuation of the junior high school entrance exam from the 2010-2011 school year
- Introduction of initiation to English, information technology, and local languages in ten (10) pilot schools
- Rehabilitation, re-equipping and securing of 4000 classrooms
- Construction, and supply of teaching materials
- Construction of 800 supplementary housing units

In the secondary sector:

- Recruitment and training of 9196 senior high school-level teachers\textsuperscript{149}
- Construction of thirty (30) junior high schools (CES) and fifteen (15) scientific senior high schools
- Introduction of a new modern language right from the first year of junior high school

In the higher education sector:

\textsuperscript{148} That is, a total of 1326 classrooms

\textsuperscript{149} 1939 in 2011
- Recruitment and training of 550 teachers
- Construction and phase by phase opening of three (3) universities
- Introduction of a system of semester by semester registration
- Consideration of the establishment of a professional university security corps

With respect to security in the environs of school establishments and universities, a number of violent incidents had been recorded in certain institutions. As a result, the government on 4 May 2011 convened a meeting of education sector officials, leaders and trade union representatives to sound the alert and call for an end to these acts through the enforcement of existing provisions in the educational system.

The situation in 2010 where public and public interest pre-primary institutions are concerned was as follows:

- A capacity of 11,231 learners
- 966 teachers effectively at post
- 445 pre-primary classrooms in almost 298 primary schools
- 41 pedagogical advisors and 18 pedagogical inspectors
- Initiation and growing expansion of pre-primary teaching
- Pre-service training for primary school teachers in teacher training institutions extended from one (1) to two (2) years
- Payment of a monthly gratuity of between FCFA 60,000 and 100,000 as an incentive to encourage people to become teachers
- Recruitment of 704 assistant primary school teachers
- Creation of a department of pre-primary education
- Free education
- Launch of a project to construct and equip 1500 classrooms
- Launch of a project to enhance training of primary and pre-primary teachers
- Launch of a project to construct 14 pre-primary schools

The situation in 2010 where public and public interest primary institutions are concerned was as follows:

- A capacity of 270,125 learners
- 6084 teachers effectively at post
- 1447 schools
- 123 pedagogical advisors and 63 pedagogical inspectors
- Pre-service training for primary school teachers in teacher training institutions extended from one (1) to two (2) years
- Increase of the duty allowance for pedagogical advisors and inspectors from FCFA 75,000 to 150,000

In Mouila, Port-Gentil, and Oyem
- Exceptional recruitment of 751 auxiliary teaching monitors
- Increase in amounts paid for supervising general and competitive exams, with immediate payment after each session
- Trial and extension of the basic skills approach
- Waiver of fees for the teachers’ mutual benefit fund
- Increase in school kit allowance from FCFA 25,000 to 62,000
- Construction of five (5) schools
- Creation of nine (9) pedagogical and logistics assistance centres with a library, computers, and Internet access
- Launch of a cyber-schools project in partnership with NEPAD in four (4) junior high schools (CES) and two (2) senior high schools
- Capacity building for primary level teachers under the priority solidarity fund project (FSP), in partnership with UNICEF
- Continued free school bus services through the Société gabonaise de Transport
- Launch of a project to introduce the teaching of English at primary level

The situation in 2010 where public and public interest secondary institutions are concerned was as follows:

- A capacity of 148,556 learners
- 3,635 teachers effectively at post
- 128 second cycle institutions
- Twelve (12) pedagogical advisors and 58 pedagogical inspectors
- Waiver of fees for the teachers’ mutual benefit fund
- Increase of the duty allowance for pedagogical advisors and inspectors from FCFA 75,000 to 150,000
- Increase in school kit allowance, from FCFA 25,000 to 62,000 per annum
- Payment of a monthly gratuity of between FCFA 60,000 and 100,000 as an incentive to encourage people to become teachers
- Construction of six (6) sports facilities
- Construction of eight (8) junior high schools
- Construction of five (5) senior high schools and two (2) centres of excellence, as well as two (2) school hygiene centres
- Deconcentrated organisation of the junior high school certificate exam (BEPC)
- Deconcentrated organisation of the senior high school exam
- Launch of a project to train educational system managers at the Senghor University in Alexandria, Egypt, in collaboration with CONFEMEN
- Supply of micro science kits for laboratory work
- Start of the capacity enhancement project, with the construction and equipping of sixty (60) boarding houses of between 200 and 300 beds
- Liberalisation of school uniform procurement
- Priority use of literary works by Gabonese authors in teaching French
In the area of technical and professional training, the reform process was accelerated in 2008-2011, especially as the government considers that technical and professional training are among the fundamental components required to ensure economic performance and social cohesion. Government therefore undertook to increase school attendance, promote education, and ensure that students were fully protected at all times. Technical and professional training provide equal learning opportunities for students of both sexes. The highlights are as follows:

- **Construction of technical training facilities in 2006-2010, with a view to increasing capacity:** completion of a functioning technical senior high school in Ntoum, with assistance from the African Development Bank (AfDB) as part of the Gabon/ADB Education project III; on-going construction of a technical senior high school in Bikele.

- **Three-phase training programme for young school dropouts in construction and public works, woodwork, and agriculture in March 2008, March 2011, and July 2011**

- **Initiation of two training sessions in the CFPP during the interim period in October 2008 and February 2011**

- **Transformation of professional high schools into technical high schools in October 2010**

- **Opening of a technology high school in Leconie in February 2011**

- **Adoption of decree no. 0275/PR/METFP, organising the system of technical and professional training, in February 2011**

---

151 A town in the Estuary province

152 One of the departments of the Estuary province

153 This training programme was financed by the European Union, within the framework of the professional training support project. The objective is to provide young school dropouts with some form of qualification.

154 The objective was to supply a qualified labour force.

155 The objective of this measure was to increase and diversify the technical training programs available.

156 A town in the Haut-Ogooué province

157 The objective was to set up a legal framework governing the new organisational method.
- Creation of a woodcrafts specialisation school by decree adopted by the Council of ministers in July 2011\textsuperscript{158}
- Rehabilitation of seven (7) technical training facilities\textsuperscript{159} in 2006-2010, with financial assistance from the African Development Bank (AfDB) as part of the Gabon/ADB Education project III
- Official handover to schools, of vehicles in 2007 and pedagogical equipment in 2011 thanks to African Development Bank (AfDB)\textsuperscript{160} support
- Rehabilitation and equipping of training centres throughout the period 2007 to 2008, with financing from the Austrian project\textsuperscript{161}
- Capacity enhancement seminars were organised for technical education tutors in March 2007, May 2008, February 2009, and April and May 2011\textsuperscript{162}. Altogether, 700 tutors were trained on the pedagogical modules, 100 trainer instructors were trained on NICT for education, in order for them to subsequently train their colleagues; 25 documentation and information centre (CDI) managers were trained, and five maintenance technicians were sent to Liege, Belgium, for training.
- The first training/employment forum was organised in July 2010, to help to identify the main principles to be applied in reorganising the professional training system.
- The decree on a new system of professional training based on the work-study model was adopted in January 201, thus putting in place a new method of professional training.
- In April 2011, an Atlas was published with financial support from the European Union, within the framework of the professional training project\textsuperscript{163}.

\textsuperscript{158} The aim was to set up new training branches, and to promote the timber sector in Gabon.

\textsuperscript{159} Technical high schools: national Omar Bongo; in Franceville, Fougamou, Mouila, Tchibanga, Oyem, and Moanda (towns in Gabon). The objective of the project was also to improve the quality of the school environment.

\textsuperscript{160} 27 vehicles for the ministry central departments and the establishments; 10 laptop computers; 10 computer bags: 253 stabilisers; 4 colour television sets; 5 overhead projectors, and 5 VCRs

\textsuperscript{161} Rehabilitation and equipping in various sectors: mechanical maintenance; industrial electricity; language labs; auto mechanics; carpentry; sharpening; electronic maintenance; IT; construction electricity, and auto electricity

\textsuperscript{162} Financed by the African Development Bank (AfDB), the objective of this measure is to upgrade the skills of teachers.

\textsuperscript{163} The objective was to formally map available training programmes
- Creation of a baccalaureate in woodcraft and associated materials at the Omar Bongo technical high school during the 2007-2008 school year\textsuperscript{164}
- Creation of a technician’s diploma on industrial vehicles and work site machinery during the 2005-2006 school year
- Establishment of engineering sciences branches at the Leconie technical high school in February 2011 with 119 students
- Establishment of rural area support centres at the beginning of 2007, with initial construction of 7 centres
- By decree n° 0274/PR/METFP of 2 February 2011, a technical baccalaureate was created, thus diversifying the available range of professional certification
- Since 2006, a code of ethics\textsuperscript{165} has been drafted and is applied in teaching institutions with the aim of providing guidance to teachers and establishment heads with regard to their personal and professional conduct.
- A series of lecture-fora on education, citizenship, and school orientation was organised at the Omar Bongo technical high school in January 2011\textsuperscript{166}.

The situation in 2010 in public sector higher education was as follows:
- A capacity of 20,803 students
- 999 tutors
- Three (3) public universities\textsuperscript{167}
- Launch of a project to extend the capacities of three universities\textsuperscript{168} and two schools\textsuperscript{169} through the construction and equipping of new amphitheatres and classrooms.

\begin{itemize}
  \item \textsuperscript{164} 12 students passed in 2009-2010 and 18 passed in 2010-2011
  \item \textsuperscript{165} Teachers and supervisory staff
  \item \textsuperscript{166} They were aimed at raising awareness amongst dozens about conducting themselves properly in the school environment
  \item \textsuperscript{167} Comprising three faculties, three schools, and four institutes
  \item \textsuperscript{168} Université Omar Bongo (U.O.B.); Université des sciences de la santé (U.S.S.), and Université des sciences et techniques de Masuku (U.S.T.M.)
  \item \textsuperscript{169} The Ecole Normale Supérieure (E.N.S.) and the Ecole Normales des Sciences et Techniques (E.N.S.E.T.)
\end{itemize}
- Start of the project to extend accommodation capacities in the three universities, with the construction of new students' residences and rehabilitation of existing residences.

- Opening of a faculty of veterinary medicine

- Launch of the systematic orientation project for high school leavers.\textsuperscript{170}

Other additional measures have been taken in relation to the right to education:

- A project is in place to establish a higher institute for training on oil and gas industry professions.\textsuperscript{171}

- Work has started on the construction of a new business school in order to meet the requirements of training for employment.

- School enrolment rates have increased and infrastructure has been provided at the different levels of education, while at the same time promoting gender equality and equal access to education.

- There is a project for creating new universities in Port-Gentil, Oyem, Mouila, and Booue.

- Creation of a Central African regional school for doctoral studies

- The national plan to control repeating in school was launched and led to the trial of the basic skills approach to reduce the rate of repeating in school. It also put in place the turnover system for optimal use of high school infrastructure.

- An emergency plan has been launched to overcome the deficit in numbers of classrooms and schools.

- Training workshops on population education were organised under the framework of the integrated multi-sectoral IEC programme.

- A support fund was established for teachers who had not received their salaries upon being transferred.

- The Ministry of education's AIDS control committee (CLUSIMEN) was established.

- Government allocated and paid out family benefits and school allowances to parents.

- Start of the capacity enhancement project for primary and high schools, with the objective of no more than 20 to 30 pupils per class by 2016.

- Launch of the project to build security fences around schools and universities.

- On 10 January 2011 a Department of information and communication sciences was opened at the Omar Bongo University.

\textsuperscript{170} 1/3 in major schools and institutes; 1/3 in universities, and 1/3 in teacher training schools

\textsuperscript{171} The aim is to transform this economic city (Port-Gentil) into a centre of excellence in training in the sector and to enhance the capacities of oil and gas companies.
Still more measures include the following:

- Signing of four (4) agreements aimed at improving the living and working conditions of teachers, with trade unions.
- Launch of the project to equip all schools with libraries and Internet access.
- Capacity enhancement for all teachers through multidimensional training seminars and exchange programmes.
- The two houses of parliament have reviewed the draft bill on the ten year educational programme (2010-2020), which includes the national mutual trust pact between the political and intellectual elite.
- Abolition of the system of excluding students for pedagogical reasons. Instead, students with learning difficulties are now oriented in a direction that ensures their professional integration.
- Establishment of a national Council on education, training, and research, which is chaired by the President of the Republic, and is aimed at finding lasting solutions to the problems of education.
- In line with article 2 of ordinance 59/76, establishments where alcoholic beverages are sold are prohibited from admitting minors, and in addition, it is prohibited to open drinks outlets or any other establishment where alcoholic beverages are served, within the environs of schools and universities.

In the wake of several meetings, the Council of ministers on 30 March 2011 established a national scholarships and training courses agency. This new body was put in place after the audit of the former General Directorate on scholarships and training courses. It is aimed at instilling more transparency, rationality, equity, and efficacy in the procedure for attributing study scholarships and allowances to the most deserving students. The audit of the former General Directorate on scholarships and training courses, revealed a number of malfunctions and shortcomings that had turned this very important instrument away from its initial objective of promoting the training of Gabonese youth. The national agency on scholarships and training courses now has the task of applying the new policy to support basic training, based on the principle of employment-oriented training. It will also promote merit and assist the most vulnerable populations, while controlling expenditure in order to avoid some of the unfortunate situations that Gabonese students experience each year. This decision has put an end to the bad practices that had been observed for a number of years. Due to the practice of nepotism, arbitrariness, and favouritism in allocating study scholarships and allowances, these allowances were no longer granted to the most deserving students. The new agency will make it possible to promote merit and excellence. Every young Gabonese person will now have the opportunity to develop their intellectual potential fully, in line with their intrinsic aptitudes, irrespective of the social status of their family. Indeed, with the establishment of the agency, the procedures for orienting students towards the various areas of study and training institutions have become clearer and more effective.
Consequently, it is now possible for the State to send students to quality institutions chosen on the basis of Gabon’s human resources needs and the employment possibilities on offer through the implementation of the project to develop an environmental Gabon, an industrial Gabon, and a services industry Gabon. This agency is also without doubt a new tool for promoting good governance as it makes it possible to have better control of public expenditure allocated to training the elite of Gabon. Indeed, with this improved control, it is possible to know exactly how many Gabonese have been awarded scholarships and training courses, as well as the precise amount of such expenditure. Finally, the agency has put an end to the corrupt practices that had become very common in certain administrative departments. At its sitting on 14 April 2011, the Council of ministers adopted the draft decree establishing and organising the national scholarships and training courses agency, a public entity with independent financial and administrative management. The agency is directly attached to the Presidency of the Republic and placed under the technical supervision of the ministry of higher education. It is entrusted with the following:

- Reviewing applications for all types of scholarships
- Validating and controlling payment of all scholarships granted to high school students in Gabon
- Orienting Gabonese students towards universities, major schools, and professional training institutions in Gabon or abroad, in line with the general directives decided by government and the aptitudes of such students.
- Attributing and reinstating national or foreign-funded scholarships to students in Gabon and abroad.
- Overall management and control of scholarships granted to Gabonese students in Gabon and abroad.
- Management of transport tokens given to students who have a higher education scholarship, when the official price of this token exceeds 25% of their monthly scholarship amount.
- Establishing partnerships with all bodies, companies, foundations, and in general terms, any foreign or Gabonese individuals or legal entities, with a view to promoting the general directives of government in the area of education and training of Gabonese students and trainees.

On 16th of August 2011, the President of the Republic, Ali Bongo Ondimba, started a gradual process of updating the scholarship amounts for Gabonese students. This began with a 10% increase in the scholarships for students studying abroad, and 25% for those attending local institutions, from the 2011-2012 school year. He also established a merit grant. All these measures are financed through the savings made following the audit and the cleaning up of the numbers of scholarship and training course beneficiaries. Finally, he also took the following measures:
- Provision of an overall amount of FCFA 5 billion for settlement of all outstanding claims for the teaching profession incentive (PIFE) for those whose names had not been taken into account during the 2010-2011 school year.

- Payment of the research incentive at the latest by end of September 2011 for the third quarter, and supply of the funds required for the fourth quarter.

- Harmonisation of housing allowances for expatriate teachers.

- Setting up a budget line by the end of October 2011 for the 2009-2010 class of teachers in the teacher training institution who were still not covered by any budget line.

- Recruitment into the public service of auxiliary monitors posted to rural areas.

- Establishment of accounting and audit agents within the Ministry of national education for all schools; payment of the distance allowance, and granting various advantages to high ranking teaching staff and highly specialised doctors, in line with their academic achievements and their status.

A sub-regional training workshop on methods and techniques to prevent children from dropping out of school was held in Libreville from 26 to 28 April 2011. The aim was to:

- Find the ways and means of extending free schooling to all public institutions
- Provide all social services in primary and secondary institutions
- Speed up the construction of accommodation and provision of equipment

A review of the 2010 session of the entrance exam into high school (CEP), the junior high school exam (BEPC), and the baccalaureate exam revealed a certain number of problems in the way these exams were organised. As a result, the general and competitive examinations office, in collaboration with the Ministry of national education, held a seminar on organising general and competitive exams on 28 and 29 March 2010. The main decisions taken were as follows:

- To establish a register of candidates and do away with the manual registration, replacing it with a system of electronic registration, which could be done individually (SAIEC).

- To organise a training workshop for university lecturers on the evaluation method used in high school.

During the session, participants identified a series of possible solutions that would enable the countries represented to tackle the phenomenon of school dropouts.

Boarding houses in high schools

The option selected was to involve the academic inspectorate in identifying the requirements for handling candidates.
- To provide more physical education equipment and teaching materials to schools.
- Draft a master plan on general and competitive examinations for the 2011 session.

Following the estates-general on education, research, and employment-oriented training that were held in May 2010, below is a summary of decisions on pre-primary and primary education:

- Extension of pre-primary schooling starting from the age of three (3) years.
- Immersion and introduction to science, ecology, and citizenship with the opening of science laboratories in all establishments.

For primary education, specifically:

- Initiation to science and technology and social, civic, and environmental citizenship
- Discontinuation of the high school entrance exam based on success at the primary school leaving certificate.

The same provisions apply for secondary education, with the following in addition:

- Introduction of a second modern language right from the first year of junior high school
- Construction of 150 to 200-bed boarding houses in provincial or departmental capitals for high school students
- Construction of fifteen (15) scientific emergence high schools
- Revision of exclusion from school, to be replaced by appropriate orientation towards professional training centres.

In the area of higher education:

- Creation of an educational sciences university
- Training programmes to offer more professional courses
- Development and diversification of courses available in higher education

With regard to professional training:

- Modernisation and expansion of technical facilities
- Establishment of grassroots centres in each province, department, or district.

In the area of research and innovation:

- Establishment and promotion of a hospital laboratory for pooling together and creating synergy in health sciences, techniques, and technologies.
- Promoting “public-private” partnerships
- Creating a site to promote emergence in education and knowledge “Cité verte de l’émergence de l’éducation et du savoir”
- Establishment of a national Council on education, training, and research.

On 13 October 2010, a workshop was held to validate the study on an analysis of budget allocations for childhood in the Gabonese Republic. It was organised by
government, in conjunction with UNICEF. This study shed more light on the analysis of government budget and expenditure in the social sectors and provided more accurate information and transparency. The aim was to improve strategic planning for the health, education and protection sectors by enabling various stakeholders to understand the allocation mechanisms better. UNICEF called for the definition of sustainable social policies based on an equitable approach. Government for its part felt that the school enrolment rate for children aged between 6 and 11, which is estimated at 92% throughout the national territory needed to be enhanced with increased budgeting for social policies.

A training seminar for women community educators was held in Libreville on 28 and 29 June 2011. The seminar was organised in partnership with UNICEF, and aimed essentially at building the operational capacities of the staff in charge of early childhood education in rural areas. Through the theory and practical work, participants learned about the most recent pedagogical tools used to stimulate the development of small children.

The 2010-2011 session of the BEPC showed an improvement throughout the country, compared to the previous year. Out of the 35 645 candidates, 13 156 passed the exam, that is, a success rate of 38.31%. As far as the baccalaureate is concerned, in 2010 only 6.01% of students passed at the first sitting\textsuperscript{175}. There was, however, a marked improvement in 2011 with 13.91% passing during the first sitting, that is, 2546 candidates out of 18 572. The overall pass rate increased from 30.18% in 2010\textsuperscript{176} to 38.11% in 2011\textsuperscript{177}.

The President of the Republic, Ali Bongo Ondimba, chaired a cabinet council meeting focused on education on 27 April 2012. He recalled a number of measures included in the education emergency plan, namely:

- 25% increase in scholarship for students studying in Gabon
- 10% increase in scholarship for students studying outside Gabon
- Medical insurance coverage for all students through the national health insurance and social security fund (CNAMGS)
- Establishment of a FCFA 2 billion special assistance fund for students who have exceeded the age limit for scholarships.

\textsuperscript{175} 952 out of 16 068 candidates

\textsuperscript{176} 4581 passes out of 16 068 registered

\textsuperscript{177} 6975 passes out of 18 572 registered
- Increase in boarding capacities in universities and major schools, that is, a total of 7582 beds between September 2011 and May 2012.

- Regularisation of the administrative situation of staff: recruitment into the public service 178

- Automatic promotion, granting of permanent status, and reclassification after training courses and CAMES 179

- Design of a system of remuneration for teacher-researchers and researchers in order to recognise and reward their academic and scientific performance.

With respect to the two final paragraphs of this article of the Charter, the Council of ministers adopted a decree establishing a “national flag day”. This initiative was undertaken in line with the provisions of article 51 of the constitution and is aimed at enhancing the spirit of patriotism by educating citizens on respect for the symbols and values of the Republic. It also aims at enhancing the culture of citizenship, respect for the cultural diversity of Gabon, and building a feeling of belonging to the same country with a single, common destiny. In addition, since June 2010, a “citizenship day” has been instituted. This is celebrated on the first Wednesday of each month of the calendar year. An annual “festival of cultures” has also been set up.

A regional workshop on validation of draft telecommunication/ICT laws was held in Libreville in April 2011 on the initiative of the government. The aim was to build on the progress in the area of telecommunications and start new regulatory reforms to enable the greatest number of people to have access to NICtS, in particular high-speed Internet, with the establishment of high-speed connections in the majority of countries in the sub-region 180.

Furthermore, between 30 March and 2 April 2011 the government organised an international book and arts fair in Libreville 181. This event aimed at the following:

- To provide publishers, writers, and artistes with a credible and competitive space where they could present their works, ideas, and thoughts.

178 3280 agents out of a total of 5024

179 Situation of 11 246 agents regularised

180 The objective of this workshop was to review the existing legislative and regulatory texts to ensure integration of countries in the sub-region in the area of telecommunications. It also worked on harmonising regulation policies in countries of the sub-region.

181 The fair brought together various actors in the culture sector within the Central African sub-region: publishers, printers, bookshops, decorators, graphic artists, painters, sculptors, textiles producers, accessories, etc.
- To give writing its rightful place in an Africa that is seeking the means of its own successful development.
- To encourage intellectual and cultural exchange among countries of the South.
- To inspire young people to write, to read, and to create.
- To draw the attention of African political decision-makers to the need to take the necessary measures to enable African writers and artistes to make a living with their art.

A training of trainers workshop on the implementation of the Convention for the safeguarding of intangible cultural heritage was held in Libreville from 31 January to 4 February 2011. The workshop was co-organised by the government and UNESCO for Francophone African countries, and aimed at introducing the four modules on ratification, national implementation, inventory and community participation, and applications for the urgent safeguarding list. In fact, this workshop was organised to meet the request of States parties to provide them with the tools required for effective implementation of the Convention.

In collaboration with the Gabonese media observatory (OGAM) and the Francophone press union (UPF), the UNESCO General Conference organised an awareness-raising day for media professionals on the Convention for the safeguarding of intangible cultural heritage, in Libreville on 2 May 2011. The activity was aimed at educating media professionals on this concept to enable them to relay a knowledgeable message to the depositaries of the practices and representations that make up this heritage.

On 12 May 2011, the Council of ministers adopted a draft project reorganising the general department of national archives, the national library, and the Gabonese national documentation office (DGABD).

**Article 18**

1. The family shall be the natural unit and basis of society. It shall be protected by the State, which shall take care of its physical and moral health.
2. The State shall have the duty to assist the family, which is the custodian of morals and traditional values recognised by the community.
3. The State shall ensure the elimination of every discrimination against women, and also ensure the protection of the rights of the woman and of the child, as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Gabonese law is currently in compliance with this article of the Charter, both with respect to families, and discrimination against the aged and disabled. Based on these commitments, article one, paragraph 4 of the Constitution covers the concerns of the first two paragraphs of this article of the Charter as follows: "The family shall be the natural basic unit of the society, and marriage shall be its legitimate foundation. They shall be specifically protected by the State." With regard to the third paragraph, article one, paragraph 7 of the Constitution reiterates that "Every individual shall have the
duty to work and the right to secure employment. No one may be deprived of employment by reason of their origin, sex, race, or opinions.” With regard to the fourth paragraph of this article of the Charter, article one paragraph 8 of the Constitution stipulates that “the State shall, to the extent of its possibilities, guarantee the protection of health, social security, a sound natural environment, rest, and leisure to all citizens, particularly children, mothers, persons with disabilities, senior workers, and the elderly”. These articles of the Constitution closely match the substance of article 18 of the Charter.

Various social services provide assistance to families, children, the aged, and the disabled, alongside the Ministry of family and social affairs. Among these are the following:

- The Observatory on women’s rights and gender parity (ODEFPA)\textsuperscript{182}
- The federation of women’s NGOs and associations (CORFEM), which contributes to observance of women’s rights, child rights, and family rights
- Day care centres that are set up in provincial capitals to assist working teenage mothers
- The Arcades call centre\textsuperscript{183}, which serves as a link between children and public authorities
- The Angondje shelter\textsuperscript{184} for children in difficult social situations
- The “Cri de l’enfant” orphanage established in 2009 in Oyem\textsuperscript{185}
- The monitoring committees\textsuperscript{186}
- The national school for hearing-impaired children (ENEDA), established in 1985
- The multidisciplinary coordination unit in charge of providing assistance to the elderly who have become vulnerable\textsuperscript{187}

\textsuperscript{182} Its aims are to promote the rights of women, the family, and children.

\textsuperscript{183} This body provides assistance, and undertakes the process of returning child victims of trafficking and exploitation to their families.

\textsuperscript{184} Established in 1997 and recognised by the public authorities in 2001. It is a centre for children in social distress. A part of the centre has been transformed into “transit centre” to deal with the problem of child trafficking.

\textsuperscript{185} A town in Gabon

\textsuperscript{186} The monitoring committees were established with ILO support through the LUTRENA/IPEC project. Their mission is to improve the care of child victims of trafficking who have been removed from the situation of exploitation.
- The Sylvia Bongo Ondimba Foundation for assistance to families, which was established to facilitate implementation of the activities initiated by the First Lady for women and children.

- In February 2010, an ordinance was adopted on the urgent need to establish a uniform system of retirement for the public and private sectors and to also take into account the specificities of certain forms of employment and some professions, in order to allow for early retirement in these sectors.

- The “Fraternité Saint Jean” retirement home, which was rehabilitated and repaired by the infrastructure maintenance unit of the French forces in Gabon and inaugurated on 6 July 2011.\footnote{187}

In April 2011 through an initiative of the Ministry in charge of family affairs, the Gabonese movement for the well-being of the family educated young mothers in Port-Gentil on family planning and more precisely the various methods used to space and limit births.

With regard to maternal protection, articles 170 to 176 of the Labour Code include provisions relating to respect of the rights of pregnant women. Article 171 for example stipulates that “pregnant women shall have the right... to suspend their employment contract for a total period of fourteen consecutive weeks, six before and eight after the expected date of delivery...” Another important point is that article 173 of the Labour Code stipulates that during their maternity leave “women shall be entitled to free healthcare and the full complement of the salary they were receiving at the time that the employment contract was suspended...” All four paragraphs of this article of the Charter are therefore taken into account by Gabonese legislation.

In addition to articles 177 and 178 of the Labour Code, which state respectively that, “children may not be employed in any business before the age of sixteen...”, and that “children may not be employed in work that is above their physical strength and must be assigned to suitable jobs...”, article 170 of the same code stipulates that “women shall have the same rights and obligations with respect to Labour legislation, subject to specific provisions of the law...”

Various regulatory texts deal with the economic and social rights of asylum seekers and their families. These include law n° 05/98 of 5 March 1998, on refugee status in

\footnote{187}{It was established by the Council of ministers on 4 March 2010.}

\footnote{188}{This initiative has contributed to improving the living conditions of the elderly who often find themselves alone or without any resources.}
the Gabonese Republic; decree n° 00648/PR of 19 July 2000, defining the attributions, organisation, and functioning of the national commission on refugees, and order n° 1145/PM/PAECF of 30 July, instituting a refugees’ identity card and specifying the conditions of issuance and renewal of this card.

Gabon has always sought to provide asylum seekers and their families with the appropriate protection and assistance, in line with international standards and in 1964, 1977, and 1998 respectively, it ratified the 1951 Geneva Convention, its 1967 additional Protocol relating to the status of refugees, and the 1969 OAU Convention governing the specific aspects of refugee problems in Africa. To give effect to these international instruments in its domestic legal system, Gabon adopted law n° 05/98 of 5 March 1998, governing the protection of refugees in the Gabonese Republic, which is the national legislation specifically related to asylum. Today 13% of the population of Gabon is made up of refugees and asylum seekers, with illegal immigrants entering the country each day.

With regard to the third paragraph of this article of the Charter, on 1 July 1974, Gabon established a high commission for women’s promotion with the mission of dealing specifically with women’s issues. In 1983, the high commission on women’s promotion was transformed into a State secretariat and charged with the task of initiating and ensuring the implementation of government policy on women. In February 1999, the State secretariat on women’s promotion was set up as the Ministry of family affairs and women’s promotion by decree n° 000013/PR/MFPF of 7 January 2002. Subsequently, in 2009, this ministry became the Ministry of health, social affairs, solidarity, and family affairs. Finally, in 2012, it was transformed into the Ministry of social and family affairs. A National Women’s Day is celebrated each year in Gabon.

Equal rights and equal opportunities for men and women is one of the major concerns of the national authorities. Indeed, Gabon recognises gender equality and equity. To this end, in 2010, in collaboration with the United Nations Population Fund (UNFPA), members of the two houses of the Gabonese Parliament organised a walk for the promotion and protection of the rights of Gabonese women. They subsequently signed a “Solemn undertaking to respect and promote women’s rights”. This initiative was aimed at accelerating activities on the part of government authorities to promote women’s rights. It therefore sought the emergence of an egalitarian society.

Government has established an observatory on women’s rights and gender parity (ODEFPA) whose objective is to defend the rights of women, the family, and children. In 2010, the Observatory carried out an awareness-raising campaign through lectures and debates held at various selected venues.
It has also organised a number of awareness-raising campaigns on the importance of gender equality, for members of the national defence forces, the judiciary, public administration, and the population as a whole. The Gabonese Association of spouses of defence forces personnel (ASEPEFOD), organised an information meeting for widows of defence forces personnel in March 2011. The meeting was organised to inform them about efforts undertaken by the First Lady, Sylvia Bongo Ondimba, and especially the activities being implemented on their behalf. Among these were the UN declaration of an “International widows’ day” and the establishment of the national “Akassi” micro-credit scheme.

Substantial progress has been made in mainstreaming gender equality in policy drafting, in particular with respect to women’s access to health, education, and positions of responsibility in the public administration and other decision-making bodies: government, the National Assembly, Senate, the Constitutional court, the economic and social council, the national council on communication, etc.

The network of women parliamentarians, which was established in 2004, provides women with a framework for consultation and discussion aimed at improving the contribution of Gabonese women to the development of the country alongside Gabonese men. Very recently, on 12 and 13 October 2010 the network organised a capacity building seminar for women parliamentarians on the following two topics: “Discriminatory provisions of certain legal texts”, in particular the Civil Code, the Criminal Code, the Labour Code, and the Code on nationality, and “Women and politics”. The seminar focused attention on the following specific proposals: financing of political parties according to the space given to women; financing for women’s political campaigns; enforcing gender equality strategies within parliamentary committees, and the establishment of a special parliamentary committee on gender. The federation of women’s NGOs and associations (CORFEM) contributes to observance of women’s rights, child rights, and family rights.

Gabon placed 2nd during the global MDG competition organised by the United Nations Economic and Social Council (ECOSOC) in July 2010. This prize was awarded to the NGO, Centre nationale d’appui aux organisations des femmes au Gabon (CENAP-Gabon), which provides assistance to women’s organisations. The NGO received the price for its women’s empowerment training activities. The Centre, which brings together five women’s networks, has provided training to 1309 people, including 1255 women, on women’s rights, a culture of peace, environmental protection, agriculture, fisheries, and fish processing, among many others. The goal of the organisation is to improve Gabon’s performance in achieving the MDGs, in particular goal 3.189
The First Lady, Sylvia Bongo Ondimba, established the first, women only, microcredit scheme in Gabon. She has also initiated a training programme for women on management of associations and businesses. Also, on 16 April 2011, she set up the Sylvia Bongo Ondimba Foundation for assistance to families, as a means of facilitating the implementation of the activities that she has initiated for the well-being of women and children. On 20 July 2011, the Foundation announced the launch of a toll-free number, 1455, for widows who suffer maltreatment at the hands of the family of their deceased spouse. This free initiative has been put in place so that women suffering as a result of widowhood may find a listening ear. Since 25 June 2011, the line has been open to callers who may call from landlines or mobile phones. The service is open from 8 AM to 4 PM on Monday to Friday. The service also provides information to surviving spouses on the procedures and formalities to be carried out and directs them to the right public and private sector bodies that can provide assistance. In addition, in March 2011, a press release from the office of the First Lady, Sylvia Bongo Ondimba, announced the establishment of a referral centre for widows. This centre will provide counselling, orientation, and assistance to widows. In addition to this, several other associations provide assistance to widows and orphans. On 25 June 2011, the First Lady, Sylvia Bongo Ondimba, expressed her satisfaction at the establishment of a legal mechanism to protect widows. Indeed, various draft bills have been initiated to prohibit the expulsion of the surviving spouse from the family home. Other texts have been adopted by the Council of ministers and are being examined by Parliament. A number of reform projects have been launched and some are ongoing, namely:

- Abolition of the family council
- Criminalisation of acts of aggression against widows, with the establishment of the offences of despoliation and appropriation of inheritance
- Abolition of the practice of family distribution of inheritance, and establishment of a government body to replace the family council
- Creation of a family code

Finally, during her visit to London from 21 to 23 March 2011 the First Lady, Sylvia Bongo Ondimba, signed new partnership contracts with some organisations that work on issues of women and widows’ rights. She established links with Mrs. Cherie Blair, as well as the Loomba Foundation and its founder, Lord Loomba. She signed a

190 Its objectives are, among others: to inform, educate, and cause a change in women’s behaviour; improve the quality of care available to women in health facilities and strengthen community-based care.

191 Association des veuves et orphelins du Gabon (AVOGAB); Groupement pilote des veuves de Libreville (GPVL); Association pour la défense des droits de la femme et de l’enfant (ADDFE); Association Etoile brillante du matin pour la veuve; Association pour la préservation des droits des successibles (APDS), and SOS femmes et enfants en détresse et enfants orphelins démunis, abandonnés.
memorandum of understanding with the Foundation on the creation of a new joint initiative called “Widows’ Voice”.

As part of the implementation of the activities of the Gabon-UNICEF programme of cooperation (2007-2011), an analysis of the situation of women and children in the country was carried out, to serve as a basis for advocacy targeted at decision-makers, donors, and local communities and authorities, in favour of social policies and substantial resource allocation to these categories with a view to speeding up attainment of the MDGs by 2015. Capacity building seminars were also organised for the main stakeholders involved in the promotion and protection of child and family rights.\(^\text{192}\)

Over the years, the legal status of Gabonese women has evolved. Initially seen as mothers and spouses only, there is now a general awareness of the important and fundamental role played by women as drivers of change in Gabon. The legal situation of women has gradually improved, with the adoption and ratification of international\(^\text{193}\) and regional\(^\text{194}\) women’s rights protection instruments, as well as a number of other legal provisions adopted in their favour. These legal provisions include among others, the fact that the 1990 Constitution introduces the principle of equality of all citizens without distinction of sex, and the adoption of law n° 3/94 of 21 November 1994, on the Labour Code. Articles 1 and 9 of the latter stipulate that all “workers shall be equal before the law, and shall enjoy the same guarantees”. Furthermore, a study carried out in 1997 on the socio-judicial status of Gabonese women identified certain legal provisions that were discriminatory against women. Law n° 0001/2000 defines certain general health and social protection measures in favour of women, mothers, and children.

In the political arena, government has initiated several reforms as for example, with the passing of law n° 7/96 of 12 March 1996 on political elections, as well as equal access for both sexes, equal enjoyment of political rights, and also equal access to all political bodies and institutions. With the adoption of law n° 24/96 of 6 June 1996, on

---

\(^{192}\) One example is the seminar organised by the American Department of Justice in collaboration with the ministerial departments in charge of human rights issues between 2 and 23 May 2010, on the “International criminal investigative training assistance program”, as well as the one organised by Interpol from 6 to 8 December 2010 on training security services in Gabon to fight against organised trafficking.


\(^{194}\) Gabon adopted the Solemn Declaration on Gender Equality in Africa, as well as the Additional Protocol to the African Charter on Human and Peoples’ Rights, on Women’s Rights.
political parties, government seeks to encourage women to get involved in politics, and condemns all forms of discrimination against women. In the economic arena, government has adopted several public policies and numerous activities aimed at reducing poverty and promoting the empowerment of women in low income groups. These include the establishment of a "presidential award" for the promotion of women's socio-economic activities, as well as a programme to support microcredit for women's organisations. Through the latter, financing is made available for many income generating activities at an interest rate of just 4% for amounts varying between FCFA 500,000 and 5 million. In the social arena, government, civil society, and development partners have taken concrete steps to ensure that both men and women understand the necessity of fighting against certain cultural attitudes and practices that hamper the social promotion of women in Gabon. Part of this process has been to mainstream the gender approach, with several training seminars being organised for members of civil society, public agents, human resources managers, etc. In addition to this initiative, an observatory on women's rights and gender parity (ODFPA) was established in collaboration with the UNDP. Also, as mentioned above, a federation of women's NGOs and associations has been created. In the cultural and sporting arena, women are now establishing their presence as writers, and also in high-level sports, and painting. Government also regularly organises meetings focusing on literacy. The most recent of these was organised on 25 February 2010 in Gamba and Omboue. A national mobilisation forum against illiteracy has also been organised with the objective of reducing the 28% illiteracy rate in Gabon by half, by 2015.

On 16 February 2011, in line with article 47 of the Constitution\(^\text{195}\), the Council of ministers adopted a draft bill amending and abrogating certain provisions of law n° 6/75 of 25 November 1975, on the Social security code, regarding the rights of widows and orphans. The new paragraph 2 of article 79 of this draft bill stipulates that only "widows and widowers shall be considered as the surviving spouse, provided that the marriage was contracted before a Civil Status officer". Concerning the pension of the surviving spouse, article 81, new paragraph 1 (a) of the draft stipulates that "should the person decease, 60% of such remuneration shall be paid to the widow or widower, provided that the marriage was contracted before a Civil Status officer". Where there are several widows, the amount shall be distributed in equal parts among them, such distribution being final, even if one of them should decease or remarry.

On the occasion of its 20\(^{th}\) anniversary, the Association for the defence of women and children's rights organised a meeting on 9 April 2011. During this meeting, the

\(^{195}\) Except for those cases that are expressly stipulated by the Constitution, the law sets the rules concerning the enjoyment of individual fundamental rights and duties [...] inheritance and gifts [...]

The chairperson of the association described the changes that have occurred in the status of women in children between 1990 and 2011. She stated that the ongoing struggle for emancipation of Gabonese women, gender equality, and child rights had enjoyed real support from the public authorities, starting with President Omar Bongo Ondimba himself. Gabonese women are now represented in all decision-making spheres in the country; in government, local assemblies, civil society, the business community, and in industry. Nevertheless, a lot still remains to be done. Indeed, Gabonese women and children still face certain difficulties. These include amongst others, poor representation of women in a few political and economic decision-making spheres, failure in school, infant mortality, poverty, and access to credit, which is still difficult for women.

Government already intends to review all laws that discriminate against women, and to educate the general public broadly about the various women and child rights conventions ratified by Gabon. One specific example is the Convention on the political rights of women, which Gabon ratified in 1996. The gap between males and females in the population has been reducing over the years. The female population now only represents 50%, with the male population actually in the majority in major urban centres as a result of the rural exodus of adult men. One of the areas in which the Gabonese authorities have demonstrated their concern for the social condition of women was illustrated by the diplomatic success achieved by the government in 2011, when it led the UN General Assembly to adopt the principle of setting up an international widows and orphans day aimed at bringing about global recognition of the inheritance rights that widows and orphans are often deprived of throughout the world. This day is celebrated on 23 June each year.

On 25 June 2011 a symposium was held in Libreville to report on the conclusions of an information and awareness seminar on the situation of widows in Gabon. The objective is to set up a national agency for surviving spouses, with representation in the provinces and regions, as well as to organise awareness-raising on widows’ rights and information about international legal instruments ratified by Gabon. On the same day, the “Mbandja” Centre was inaugurated. This centre provides IT and library services and has meeting rooms. In fact, it is a space for solidarity and contact where widows can find comfort and assurance and receive information and advice about the formalities entailed by their situation. The “Mbandja” Centre also includes a dedicated counselling and support unit for widows where they can receive psychosocial and legal assistance. Also, associations can find the necessary logistical and technical tools...
to enable them enhance their capacity\textsuperscript{198} to contribute fully to development. Many observers have noted the shortcomings of local associations, for example, inadequate numbers of properly trained staff, lack of transparency in financial resources management, and lack of technical equipment.

In the same spirit of contact and debate, a capacity building seminar on ending discrimination against women in the political arena was organised by the national network of women parliamentarians on 12 and 13 October 2010. Several topics were discussed, including "Women and politics, discriminatory provisions against women in legal texts, and methods of drafting legal texts". The meeting made a number of recommendations some of which are already being implemented:

- Doing away with discrimination must start with a change in mental attitudes in order to be able to contribute to changes in the role of men and women in the Gabonese society and thus achieve true gender equality
- The need for public financing for women's political parties
- Educating political party leaders
- Enforcing gender equality strategies in Parliamentary committees
- Establishment of a special Parliamentary committee on gender

The concept of gender has been the focus of particular attention from government. In 2010, the government adopted a national gender equity strategy paper. The document is part of efforts at meeting the Millennium Development Goals (MDGs) and of the vision of Gabon's emergence, put forward by the President of the Republic, Ali Bongo Ondimba.

In January 2011 government organised a capacity building workshop for gender focal points from public and private administrative units, civil society, and the network of women parliamentarians. This workshop was organised in partnership with the UNFPA in Libreville. Participants learned about the importance of gender sensitive budgeting and the concepts to be used in budget analysis in order to mainstream gender. They also learned about the guidelines and tools for implementation of these concepts. After those presentations, the trainer made a presentation on introducing gender sensitive budgeting within the legislative apparatus of Gabon.

In April-May 2011, through a government initiative, the Gabonese movement for the well-being of the family educated young mothers in Port-Gentil on family planning and more precisely the various methods used to space and limit births. Furthermore, 15 teenage mothers who had undergone a training course in sewing between 5 March and 10 October 2009 were awarded their certificates in May 2011 during a ceremony organised by government in partnership with the UNFPA. The best students also received prizes of sewing machines, pressing irons, textiles, and other sewing

\textsuperscript{198} With appropriate training
accessories. This government initiative is a real contribution towards poverty reduction.

It has been noted that women are under-represented amongst the leaders of the 20 leading Gabonese businesses and therefore steps have been taken to enhance the capacities of women and build up organisations led by women. This commitment became reality on 25 January 2010, when about 100 women leaders of associations and groupings participated in a course on micro-credit.

Government has taken the following measures to protect persons with disabilities, working in conjunction with disabled persons’ associations, and particularly the national federation of associations of persons with disabilities and the Gabonese national association of persons with disabilities (ANPHG):

- Decree n° 00269/PR/SEAS of 3 May 1971, on social assistance in Gabon
- A permanent allowance of FCFA 75 000 granted to persons with disabilities, and State support for the purchase of orthopaedic equipment, renewable every five years
- The national school for hearing-impaired children (ENEDA) was established in 1985 and receives various forms of assistance
- A national day for persons with disabilities was established by decree n° 1389/PR/MASPF of 12 November 1982
- Celebration of the International Day of Persons with disabilities
- Adoption of law n° 19/15 of 13 February 1996, on social protection for persons with disabilities, which entitles them to reduction in public transport rates; reduction in entrance fees to cultural and/or sports centres, and a reduction in school fees for public and public interest establishments
- Adoption of the draft decree on access to public buildings for persons with disabilities

Additionally, the Gabonese Paralympics sports federation for persons with disabilities organises a national championship each year. The most recent was held in Libreville on 29 June 2010. Still in 2010, an awareness-raising campaign was held to promote the integration of persons with disabilities, in particular school pupils and students. The campaign was carried out by the NGO Organisation des personnes handicapées (OPH) in schools in Libreville. The theme of the campaign was: “The disabled and their difficulties in school”.

On 12 October 2010, the First Lady, Sylvia Bongo Ondimba, handed over a large amount of mechanical equipment including 250 wheelchairs, scooters, and about one hundred crutches (English canes) to persons with disabilities in Libreville. This operation is to be gradually extended throughout the country. In addition to the

199

This text was passed in January 2010, in line with the provisions of article 51 of the Constitution
distribution, they were given driving lessons, and lessons on the highway code and
maintenance.

**Article 19**

*All peoples shall be equal; they shall enjoy the same respect and shall have the same
rights. Nothing shall justify the domination of a people by another.*

This article serves as a heading to a series of articles whose substance is reflected to a
certain extent in international public law. In reporting on those ensuing articles,
therefore, this report will focus on the legal standards that govern international and
regional relations. Nevertheless, article 19 above recalls some important clauses aimed
at promoting equal rights for all peoples. It is a sort of invitation to all member States
to maintain friendly relations among all peoples.

To begin with, a population cannot be considered to be a "people" unless that
population comprises certain objective and subjective components. The concept of
the Gabonese people is a legal concept that describes a group in whom sovereignty is
vested.

Gabon is a multilingual country with more than sixty languages or ethnic groups. It
therefore contains the objective component referred to above. Furthermore, these
languages or ethnic groups are united by a shared history, shared religions, and
shared territories. Gabon also presents the constitutive elements of a territory, a
population, and public authorities, in addition to the basic criteria of sovereignty and
independence. The populations of Gabon acknowledge themselves to be one people,
desirous of living together and, based on their traditions, the Gabonese are a people, in
the sense that is indicated under article 19 of the Charter.

Furthermore, the preamble to the Constitution clearly covers the concerns expressed
under this article of the Charter with regard to peoples. It begins with the words: "*The
Gabonese people, aware of their responsibility before God and History, and desirous of
ensuring their independence and national unity; of organising their life according to the
principles of national sovereignty, pluralist democracy, social justice, and the rule of the
laws of the Republic,*"

The Gabonese people undisputedly enjoy the right to self-determination and respect
of this right, in accordance with the African Charter on Human and Peoples’ Rights.
Article 20

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development, according to the policy they have freely chosen.

2. Colonised or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognised by the international community.

3. All peoples shall have the right to the assistance of the States parties to the present charter in the liberation struggle against foreign domination, be it political, economic or cultural.

The principle of self-determination consists of the right of a people in a territory to determine its political and legal status. Having achieved decolonisation legally, the inhabitants of Gabon have exercised their right to establish a system of administration that is undisputedly acknowledged in the community of nations.

Gabon is a sovereign and independent State, as summarily described under article 19 of the Charter. It attained independence on 17 August 1960. With independence it has been able to exercise its exclusive competences, its autonomous competences, and the full range of its competences. Gabon adopted its first Constitution on 21 February 1961.

Article 2 under Title one of the Constitution covers the basic concerns expressed under article 20 of the Charter and states irrevocably that “Gabon is an indivisible, secular, democratic, and social republic...” In addition, there is no question about the importance of the “separation of State and religions”, and the principle of “recognition of all beliefs, subject to respect for law and order”. Gabon is manifestly and publicly recognised and admitted into various international and regional organisations, where it is well represented.

The underlying principle of the Gabonese Republic is “Government of the people, by the people, and for the people”. Therefore, as confirmed by article 3 of Title one of the Constitution, “national sovereignty lies in the hands of the people who shall exercise it directly, by referendum or through elections, according to the principles of pluralist democracy, and indirectly, through the constitutional institutions”.

The principle of the consent of the population is in accordance with the right of peoples to manage their own affairs, or in other words, self-determination, as indicated in the Charter. According to the Constitution, the consent of the people may be expressed in the conventional means of popular consultation: referendum and
election. It is also indicated that “no section, group, or individual may abrogate to them self the exercise of national sovereignty”. In practical terms, “the Gabonese Republic shall be organised in accordance with the principles of national sovereignty, separation of the executive, legislative, and judicial powers, and the rule of law”.

According to the Constitution, law n° 3/91 of 26 March 1991, amended by law n° 01/94 of 18 March 1994, amended by law n° 18/95 of 29 September 1995 and law n° 01/97 of 22 April 1997, the President of the Republic shall be the Head of State. He shall be the guardian of territorial integrity, national unity, and respect for the Constitution and international treaties. He shall be elected by direct universal suffrage for seven years. He shall be eligible for re-election.

The Constitution, amended by law n° 10/97 of 22 April 1997 created a position of Vice-President and articles 14(b), (c), (d), and (e) describe the attributions and functions of the Vice-President. The Prime Minister is the head of government and leader of government action. Legislative power is represented by a bicameral parliament comprising the National Assembly and Senate. The Judicial power is independent of the Legislative and Executive powers.

All in all, Gabon gives assent to the right of all peoples to their self-determination. Gabon is a State, a personalised corporate entity. In the legal universe, it is the representation of the social and spatial reality that constitutes Gabon. This is why the groups that occupy the space of Gabon together consider that they are citizens of the same State. Gabon comprises a social component (the group), a spatial component (the territory), and an organic component (the body politic).
While indigenous peoples, especially the Pygmy populations reaffirm their need for self-determination, they do not dispute the fact that they form an integral part of Gabon. There is therefore no opposition between State sovereignty and that of traditional leaders of the indigenous peoples of Gabon. The State and the Pygmy populations themselves both agree on the need for national integration of the latter and are working together to this end.

**Article 21**

1. *All peoples shall freely dispose of their wealth and natural resources.* This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

2. *In case of spoliation, the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.*

3. *The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange, and the principles of international law.*

4. *States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.*

5. *States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation, particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.*

Referring to the substance of the first paragraph of this article, “the Gabonese people have always attached great importance to their deep-rooted and traditional social values, their cultural, material, and spiritual heritage, and the observance of the freedoms, rights, and duties of citizens”. Article 21 of the Charter recalls that the State has legal power to act within the space that constitutes its territory, in other words, territorial sovereignty. Gabon is endowed with a vast array of legislative, administrative, and jurisdictional competences. Gabon has sovereign control over its wealth, natural resources, and economic activities, and may freely use or dispose of them.

In Gabon, national sovereignty is vested in the people. The underlying principle of the Gabonese Republic is “Government of the people, by the people, and for the people”. Article 3 of Title one of the Constitution clearly states that “national sovereignty lies in the hands of the people who shall exercise it directly, by referendum or through elections, according to the principles of pluralist democracy, and indirectly, through the constitutional institutions. “No section of the population, group, or individual may abrogate to them self the exercise of national sovereignty or hamper the regular functioning of institutions of the Republic”.
What is most important with respect to natural resources is not only their availability, but above all the scientific and technological developments that can be applied to enhance their value. For this reason, under the auspices of the *Compagnie équatoriale des mines*\(^{206}\), the new natural resources policy focuses on diversification, exploration, specific geology, and reducing exports of unprocessed products. Gabonese soil is rich in oil, gold, iron, manganese, phosphate, niobium, diamond, and uranium. The government has set up an attractive legal and fiscal framework for foreign investors, with the aim of promoting the development of its natural resources. This includes the *Gabon investments charter*.

Referring to the detailed presentation under article 12 of the Charter, Gabon grants itself the right to regulate the admission and residence of foreigners in the country, subject to certain international commitments.

**Article 22**

1. **All peoples shall have the right to their economic, social, and cultural development, with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.**

2. **States shall have the duty, individually or collectively, to ensure the exercise of the right to development.**

3. The *African Charter on Human and Peoples’ Rights* is one of the very first instruments to explicitly recognise the right to development as a human right. The right to development, individually or as a group, is considered to be one of the more recent, third-generation rights. Several significant economic measures targeted at the Gabonese people, economic operators, and development partners have been implemented by government to give effect to this right, especially as enshrined under this article of the Charter. These include the following:

- Government financing instruments have been rationalised, with the establishment of the Caisse de dépôt et de consignation (CDC)
- Consolidation of the structure of the housing bank, Banque de l’Habitat
- Consolidation of the structure of the development bank, Banque gabonaise de développement
- Creation of a directorate general on public debt within the Ministry of economy, in charge of drafting the debt policy
- Reorganising the general services department of the Treasury, with a view to rationalising the income chain, countering corruption, and improving the business climate

\(^{206}\) Created in April 2010
- All state revenue is now to be deposited exclusively with the Public Treasury
- A national oil company named the Gabon Oil Company has been established to give effect to the presence of Gabon in this industry
- A recovery fund has been established, in order to close the annual expenditure budget balance and thus do away with the system of “budget surpluses”
- A capital gains fund has been established to register overall budget income surpluses not assessed by the Finance Act, for payment into the strategic sovereign fund
- Improvements in the business environment and the standard of living of the Gabonese people
- Payment of arrears due by government to its public and private sector, national and international creditors
- Following the waiver measure adopted by government, a FCFA 20 billion support fund to accelerate industrialisation was established in 2010.
- A number of fiscal advantages have been put in place for any investments carried out in the next three years
- Government adopted the draft decree defining the advantages and others of the commission on illicit acquisition of personal wealth, in accordance of the requirements of the United Nations Convention against Corruption, which calls on “States parties to ensure the existence of a body or bodies that prevent corruption”.
- A draft decree was adopted, establishing a national day for preventing corruption and illicit acquisition of personal wealth207.
- The establishment of a special one stop desk for public procurement contracts
- The pace of publication of calls for tenders has been accelerated.
- A “blacklist” of businesses that have in the past habitually executed government contracts poorly or only partially has been drawn up.
- In 2007 an operational audit of the legal system was carried out. The same year, an actuarial study of the social security system and a study on the implementation of an alternative business law dispute settlement mechanism were also carried out, along with the launch of audits of the public service; of various refunds; of scholarships and training courses, and the university canteen administration. The Gabonese power and water company (S.E.E.G), was also audited, with the aim of improving its functioning, productivity, and yield.
- The Council of ministers approved a draft organic law on budget execution, which includes a performance and result-based focus for the public administration.

---

207 This day is observed each year on 9 December and is aimed at awareness-raising and prevention by encouraging public service officials to reject corruption and illicit acquisition of wealth through their behaviour, and to cultivate the values of ethics and integrity. It is also used to inform and educate the public about anti-corruption and illicit wealth acquisition activities, and to involve public authorities, civil society, and the general public in fighting against corruption and illicit acquisition of personal wealth.
- **Implementation of structural reforms to stimulate growth in non-oil sectors, in particular agriculture, tourism, fisheries, and timber, by improving revenue collection and reducing operating expenditure**\(^\text{208}\).

- With a view to reducing expenditure, measures have been taken to slow down the numbers of students travelling abroad for studies in order to limit the scholarship allocations, and efforts are continuing, to clean up the public salary roll through a census of public service officials, along with improved control of recruitments to the public service.

- **Since July 2007, Gabon has started the process of buying back Gabonese debt held by the Paris Club**\(^\text{209}\).

- Since 2006, business law has been fully harmonised in Gabon and competition surveillance mechanisms have been put in place.

- In 2007, a number of measures were taken to promote intra zone banking operations. These included the implementation of a new currency exchange regulation, the project to modernise and develop new payment methods, and setting up of the Central African clearing-house system.

Government has also taken several measures to give effect to social development, as enshrined in this article, and thus to provide the population with an acceptable standard of living. With an economic growth rate of 5.4% in 2010 against -1.4% in 2009, Gabon is in a position to make the right to an acceptable standard of living one of its basic priorities. Indeed, the constitution guarantees the right to development for the population as a whole. To this end, in recent years, government has adopted a number of new, high social impact measures aimed at improving the material situation of low income households, among others. Among these are the following:

- **School textbooks have been provided free of charge for school-going children throughout the country since 2004, and the objective is to reach a ratio of one textbook per child for the main subjects.**

- **An assistance fund for teenage mothers was put in place in 2003 and provides about FCFA 50 000 each for teenage mothers who do not attend school; FCFA 50 000 per year for teenage mothers in junior high school, and FCFA 100 000 per year for those registered in senior high school. In addition, there is the distribution of baby kits of a value of FCFA 65 000, and medicines**

---

\(^{208}\) The revenue mobilisation effort focuses mainly on improving the manner in which the new revenue nomenclature is registered as income, on one hand, and on the other to improve taxpayers’ identification by establishing a single statistical and fiscal identity.

\(^{209}\) The aim of this operation is to “reconfigure” national debt service over the period between 2008 and 2012. This is in a move to find a sustainable solution to the lack of an adequate investment budget to support the strategy of economic diversification and human resources development.
- Teenage mothers and young high school girls in vulnerable situations have access to vocational training opportunities.
- The minimum wage for workers in Gabon has been set at FCFA 150 000²¹⁰.
- The general public is guaranteed high-quality urban transport services. To this end, the government upgraded the vehicle fleet of the national transport company, Société gabonaise de transport (SOGATRA), with the purchase of several buses²¹¹.
- The introduction of a non-stop working day from 7:30 AM to 3:30 PM, with a 30 minute break, depending on the pace of shifts.
- In the area of social protection²¹², an automobilist guarantee fund was set up with the aim of providing compensation to victims of accidents resulting in bodily injury, or their dependents, when the person responsible for the accident cannot be identified.

Furthermore, in line with the memorandum of understanding signed on 27 August 2010 between government and the trade union federations, the following social measures were taken with effect from January 2011:

- A 5% VAT rate to apply to each bag of cement
- The price of butane gas was reduced from FCFA 6 000 to FCFA 5 450
- A 5% VAT rate to be applied to the consumption bill for subsidised water and electricity meters.
- A 10% VAT rate to be applied to the consumption bill for conventional water and electricity meters.
- 15% reduction in the special contribution on each cubic metre of water
- 2.5% reduction in the special contribution on each kWh of electricity
- Reduction of the metre fee on electricity bills

It is therefore clear that government is fully committed to ensuring enjoyment of the right to water and electricity and to finding lasting solutions to issues related to supplying water and electricity in adequate quantities throughout the country, in order to improve the living conditions of the Gabonese population. In addition, government has created a social tariff, and electricity and water are provided free of charge to households whose consumption is below FCFA 50 000 for electricity and FCFA 30 000 for water. Law no 16/93 of 26 August 1993 also put in place a regulatory framework on water quality and control.

²¹⁰ In line with the government’s financial commitments, salaries are paid unfailingly in full and on time.

²¹¹ More than a hundred buses have been made available to SOGATRA. This has significantly improved working conditions, in particular for workers, school children, and students. This obviously contributes to enhanced economic and academic productivity.

²¹² This has been broadly described in the presentation of government action in the area and clearly complies with article 16 of the Charter.
In addition to its own commitments, on 29 November 2010, government signed an agreement on the construction of an electricity network for the rural areas of the Estuary and Moyen-Ogooue provinces. The Council of ministers of 2 December 2010 also adopted a draft decree governing the conditions for suspension of electricity and water supply to consumers in the Gabonese Republic. Indeed, for some years now, the utilities company (S.E.EG) had been in the habit of suspending services to consumers who were in arrears at the start of the weekend or on the eve of bank holidays, a practice which tended to infringe the dignity of consumers. This practice had become humiliating for consumers who were left with no recourse, as the company held a monopoly. To put an end to this practice, government decided to supervise decisions to suspend the supply of electricity and water throughout the national territory, as is done in other so-called modern countries.

Currently the supply of water and electricity in the Gabonese Republic can no longer be suspended for reasons of non-payment on Friday, Saturday, Sunday, or any official bank holiday. At its sitting on 14 April 2011, the Council of ministers adopted the draft decree reorganising the national water and electricity council (CNEE). The decision was taken in application of article 47 of the Constitution, and the new text redefines the legal nature of the national Council on water and electricity, which now becomes a public administrative entity under the technical supervision of the Ministry of energy and water resources. Finally, Gabon has begun the construction of two additional hydroelectric dams: F2 and Empress Eugenia Falls.

With regard to the right to food, also generally known as the right to sufficient food, Gabon recognises this right, which is enshrined in a number of very important international instruments, although it is not specifically mentioned in this Charter. In this area, the following measures have been taken:

- A draft decree on the attributions and functions of a bio-vigilance committee was adopted with a view to controlling the marketing of plant material, seeds, agricultural and other similar products, fertilisers, and GMOs.

213

The average rate of access to electricity in Gabon is around 60% nationally, although there are still some disparities in coverage between rural and urban areas. While access to electricity for urban populations is estimated at 80%, for those in rural areas the rate is estimated at 35%. The ambition of the President of the Republic, Ali Bongo Ondimba, is clearly to guarantee 100% access to electricity by 2020 in order to provide the entire population with basic energy services for cooking, light, equipment, etc.

214
Government has adopted a food security programme, which includes a nutrition component aimed at revitalising the agricultural, livestock, and fisheries sectors.

A fisheries resources operational management plan has been put in place, with the launch of a specific training programme on the common strategy for controlling illegal and unregulated fishing.215

A workshop was held on 28 March 2011 in Libreville to provide a brief on the results and analysis of the current status of agricultural mechanisation in Gabon.216

A training seminar was held on 21 to 23 July 2011 in Libreville on the establishment of a statistical database of market prices for agriculture and fisheries products.217

The Council of ministers on 30 of March 2011, decided to establish six agro-pastoral farms in the country to guarantee food security and reduce Gabon’s dependence on external food sources.218

Protection and promotion measures in accordance with the Constitution have been adopted to ensure the integration of the Pygmy peoples, who represent about 1% of the Gabonese population. Starting from 2007, government initiated an integrated development project in the Pygmy regions of the Woleu-Ntem (Minvoul) and Ogooue-Ivindo (Lope, Zadie, and Ivindo) provinces, with the assistance of the United Nations Children’s Fund (UNICEF). The main areas of intervention of the project are as follows:

Drafting birth certificates for all Pygmy children

This committee is in charge of identifying and monitoring possible occurrences of unintended effects on agricultural and natural ecosystems.

Laws governing this activity would make it possible to assess the quantities of fish available in Gabonese waters, in order to improve planning of fisheries operations.

Participants identified various possibilities for promoting mechanisation in the agricultural sector. In view of the data that shows that agricultural production only covers 40% of the food needs of the population, and that food imports exceeded FCFA 138 billion in 2008, agricultural mechanisation is clearly needed. The workshop recalled that food sovereignty can only be attained by improving productivity and the rationalisation of human labour in agriculture. For government, this strategy also aims to settle the farming communities by providing them with the means to engage in intensive and diversified agriculture.

The seminar sought to quantify total Gabonese production for consumption. The aim is to fill the gap in statistics in Gabon. The information gathered by these officials will facilitate the publication of an agricultural and fisheries price index, as well as a list of the cost of production factors. It will also enable users to adapt their decisions on purchasing, sale, storage or other transactions.

This peri-urban project will bring about greater availability of produce on the market; a substantial reduction in food prices; extension of modern livestock and agriculture techniques through appropriate training and supervision, as well as the construction of modern villages and social centres.
- Immunisation of Pygmy children
- Setting up a team of traditional hygiene and health advisors
- Planned development, with the establishment of micro-projects
- Making basic social services available to the Pygmy population: education, health, literacy, village water pumps, etc.

Today, almost 90% of the Pygmy children in 29 villages have obtained a birth certificate. About 80% of village Pygmy children under five years of age have been immunised against the diseases covered by the expanded programme of immunisation, that is, measles, polio, hepatitis, and tuberculosis.

In addition, 80% of the Pygmy population have now been informed and educated on hygienic practices that promote children and women’s health and development. 52 traditional advisers and 78 youth peer educators have been trained on facilitation and communication techniques on various issues associated with the axes of intervention mentioned above.

Article 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organisation of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity, and friendly relations, States parties to the present Charter shall ensure that:
   a/ any individual enjoying the right of asylum under 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter;
   b/ their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

As a non-permanent member of the UN Security Council, a member of the African Union Peace and Security Council, a member of the Economic Community of the Central African States, and a member of the Central African Economic and Monetary Community, Gabon plays a significant role on both the regional and international scenes.

The Charter refers to “peace and security”, which are inextricably linked. It also refers to the concept of solidarity. In fact, the concept of security is very important, and its outcome is peace. Gabon attaches great importance to the fundamental principles of the Charter of the United Nations Organisation, as well as those of the African Charter on Human and Peoples’ Rights. There is no doubt that peace and security constitute the barest and most imprescriptible of these principles. Gabon is a member of the Security Council, which was established in 1945, and recently chaired the Council in

Between 2010 and 2012
2010. Gabon clearly adheres to the spirit of article 2(4) of the UN Charter, which takes into account the need to protect State sovereignty while limiting the use of force in international conflicts. Gabon resolutely engages in active and preventive diplomacy and has often played a valuable role as mediator in conflict situations in the Central African sub-region.

The few disputes that exist between Gabon and its neighbouring countries are mainly related to divergent views about border demarcation, as in the case of the maritime border with Equatorial Guinea. Indeed, this dispute has been brought before the United Nations Organisation for mediation. Any differences of opinion are dealt with immediately by the joint commission of Gabonese representatives and representatives of the neighbouring countries. Gabon has also played a very dynamic and effective role in the stability of the Central African sub-region.

Indeed, Gabonese preventive diplomacy is based on involving all parties in seeking lasting solutions to conflicts. To this end, it carried out mediation and good offices missions in the conflicts in Angola, Chad, and the Central African Republic. Gabon was also actively involved in the process that led to the signing of a peace agreement ending the civil war in the Republic of Congo. Finally, Gabon is also involved in interstate conflict resolution through its action in the Gulf of Guinea Commission, the Central African Economic and Monetary Community, the Economic Community of Central African States, the African union, and the United Nations Peace and Security Council.

Gabon's sphere of influence has been gradually and considerably extended through the official visits carried out by the President of the Republic, Ali Bongo Ondimba. These visits have promoted the vision of an emergent Gabon by 2025, consolidated

---

220 Dispute over Mbanie Island. In this dispute, the emphasis has been on dialogue between the two States, to arrive at a peaceful settlement.

221 In 2006

222 In 2002

223 In 1999

224 CEMAC

225 ECCAS
diplomatic relations, and extended the circle of friends of Gabon, with the aim of promoting a dynamic system of diplomacy and garnering support for growth and development. Gabon has always been in favour of “global dialogue, not simply international dialogue”.

Paragraphs 21 and 22 of the national Constitution state clearly that “every citizen shall have the duty to defend the country and the obligation to protect and respect the Constitution, laws, and regulations of the Republic”, “the national defence and security forces shall have the prime responsibility for defending the nation and safeguarding law and order”, [...] “national defence and security services shall serve the State” [...] “in times of peace, the Gabonese Armed Forces may contribute to the economic and social development efforts of the nation”.

Gabonese institutions constantly apply the principle of solidarity in all their undertakings. The importance of this principle is acknowledged under paragraph 20 of the first Title of the Constitution, which states that “the Nation requires solidarity and equality of all citizens with regard to public charges; every individual shall contribute, in accordance with their resources, to financing public expenditure. The Nation further requires the solidarity of all citizens in bearing the costs of the consequences of natural and national disasters.” This paragraph enshrines the principle of inclusive solidarity in terms of induced rights and claims, and explicitly refers to the need for solidarity in dealing with the cost of natural and national disaster. This principle of solidarity is an integral part of the Gabonese legal arsenal and is also broadly enshrined at regional level and on the African continent as whole.

Bearing in mind the presentation made under article 12 of the Charter with regard to terrorism, it is clear that Gabon does not tolerate any acts that may be assimilated to terrorism, especially in their present day manifestations throughout the world. In terms of their criminalisation, volume II of the Code of criminal procedure includes a series of articles describing crimes and offences against external State security, crimes and offences against internal State security, various provisions covering infringements of State security, breaches of public security and order, and acts that violate the authority of State or discredit the Nation.

226 Articles 61 to 67
227 Articles 68 to 75
228 Articles 76 to 78.
229 Articles 79 to 97.
Article 24

All peoples shall have the right to a general satisfactory environment favourable to their development.

The emergence of the right to a sound environment as an affirmative right arises from the environmental demands of the Stockholm conference, followed by the Rio declaration and the 2002 Johannesburg declaration. The right to a sound environment focuses on three areas: nature conservation, the right to protection against pollution and other risks, the right to quality of life in urban and rural areas, which may include cultural heritage rights. In this vein, article 8 of the first Title of the Constitution stipulates that "the State shall, to the extent of its possibilities, guarantee the protection of health, social security, a sound natural environment, rest, and leisure to all citizens, particularly children, mothers, persons with disabilities, senior workers, and the elderly".

Currently, all national sectoral policies include an environmental component, with a view to ensuring sustainable development, as recommended by the 1992 United Nations conference in Rio. Gabon's development therefore takes environmental requirements into account so that the public policy choices of today do not compromise the needs of future generations. Its national policy and institutional framework are both part of a long-standing tradition of political commitment to preserving biodiversity. They are based on the sectoral policy assessments carried out through the national environmental activities plan (PNAE), the forestry and environment sectoral programme (PSFE), the Gabon national poverty reduction strategy for 2025, the national forestry plan (PFAN), etc. Other texts include the various forestry regulations, the fisheries code, the agricultural code, the mining code, the law on national parks, and the investment code.

Starting in 2005, there was a reduction in greenhouse gas emissions, which reached the equivalent of 1 kg CO2 per inhabitant per day by 2010. This reduction was brought about by the increase in access to electricity, from 90% to 93% between 2000 and 2005. Tangible efforts have been made to ensure sustainable development. The government has taken a number of significant measures, among which are the following:

- The "First conference on conservation of marine turtles" (PROTOMAC), was organised on 6 February 2010
- A plan for cleaning up Libreville and Port-Gentil, supported by awareness-raising campaigns and sanctions for acts of incivility by residents
- The decision to open up a new public waste dump in Libreville

Agriculture, industry, transport, tourism, etc
- **Sanitation project for Port-Gentil**
- **The determined commitment to ensure that forests and biodiversity are conserved and preserved in Gabon**\(^{231}\)
- **Starting from 1 July 2010, the use of plastic bags is prohibited in the country. They are to be replaced with biodegradable bags.**
- **Household waste management companies were required to submit an industrialisation plan for waste procession by 1 July 2010, failing which their operating contract would be cancelled.**
- **Municipal councils were required to install public toilets and wastebaskets.**
- **A Charter on tackling the lack of hygiene to be drafted by the Ministry of interior from 1 July 2010**
- **Drafting of a national environmental risks management policy**
- **Studies carried out on the levels of water and soil pollution in oil and manganese mining areas**
- **The coastal zones forestry development project**
- **Suspension of exports of unbarked logs.**
- **Support for the establishment of protected zones, and setting up a system of environmental taxation.**
- **Establishment of a Climate council in charge of mainstreaming the issue of climate change into national development policies.**

## II. Duties

**Report on individual articles**

This part of the Charter clearly shows that rights go hand in hand with duties. Duties are the counterpoint to rights, especially as every individual’s own rights end where other people’s rights begin, thus requiring mutual respect for one another’s rights. This report is departing from normal practice to list the three (3) articles on duties together and make a joint presentation on them, on the basis of articles of the Constitution.

\(^{231}\) Copenhagen 2009.
Articles 27, 28, and 29

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities, and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality, and common interest.

Article 28

Every individual shall have the duty to respect and consider his fellow being without discrimination and to maintain relations aimed at promoting, safeguarding, and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need.
2. To serve his national community by placing his physical and intellectual abilities at its service.
3. Not to compromise the security of the State whose national or resident he is.
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened.
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law.
6. To work to the best of his abilities and competence and to pay taxes imposed by law in the interest of the society.
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in a spirit of tolerance, dialogue, and consultation, and in general to contribute to the promotion of the moral well-being of society.
8. To contribute, to the best of his abilities, at all times and at all levels, to the promotion and achievement of African Unity.

The concept of duties is also enshrined in the Constitution of the Gabonese Republic, in accordance with the guiding principles of all human rights. The Constitution applies the term duty to both the State and to individuals. The duties of the group are also implied, for example, in the use of expressions such as “having regard to law and order,” “under the conditions defined by national laws and international rights related to freedom of conscience, thought, opinion, expression, communication, religion, freedom of movement use of information technology, freedom to establish one’s domicile or residence, and the Republic and its sovereignty.
agreements\textsuperscript{233}, and “subject to respect for the principles of national sovereignty, law and order, and preserving the moral and mental integrity of individuals\textsuperscript{234}.

In addition to the references in the Constitution to the areas indicated in the footnote, which implicitly describe duties, the Constitution uses the actual terms duty (or duties), obligation, and guarantee in the following articles:

\textbf{Article one, para 15}: “The State shall have the 	extbf{duty} to organise a general census of the population every ten years.”

\textbf{Article one, para 16}: “Care of children and their education shall be a natural right and 	extbf{duty} of parents, to be carried out under the surveillance, and with the assistance of the State and public authorities.”

\textbf{Article one para 17}: “The State and public authorities shall have the 	extbf{obligation} to protect young people against exploitation and moral, intellectual, and physical neglect.”

\textbf{Article one, para 18}: “The state shall 	extbf{guarantee} equal access to education, professional training, and culture for both children and adults.”

\textbf{Article one, para 19}: “It shall be the 	extbf{duty} of State to organise public education on the principle of religious neutrality and, to the extent possible, free of charge; conferring degrees shall remain the prerogative of State”. Nevertheless, academic freedom shall be 	extbf{guaranteed} for all [...]”

\textbf{Article one, para 21}: “Every individual shall have the 	extbf{duty} to defend the country and respect the Constitution, laws, and regulations of the Republic”.

\textbf{Conclusion}

\textsuperscript{233} Referring to State protection and assistance

\textsuperscript{234} Referring to creating associations, political parties or groupings, trade unions, societies, social interest establishments, and religious communities
As part of the vision of the President of the Republic, Ali Bongo Ondimba, of an “Emergent Gabon”, the country has gradually, but actively undertaken action and reforms aimed at complying with its commitments with regard to the provisions of the African Charter on Human and Peoples’ Rights.

All the measures detailed in this report demonstrate the country’s strong determination to promote and protect human and peoples’ rights, as enshrined in the Charter.

With the entrenchment of the rule of law in Gabon, the population is gradually learning to observe the hierarchy of standards and respect for fundamental rights. The public authorities have put in place a strong culture of rule of law and human rights that determinedly seeks to ensure the enjoyment of all recognised rights through the implementation of the processes that can guarantee them.

This report has shown that Gabon has not neglected any of the commitments it made in ratifying the African Charter on Human and Peoples’ Rights, and that the provisions of the latter, as well as the provisions of domestic law, are all enforced in Gabon.

Since articles 27 to 29 of the Charter, on duties, do not require any particular comments or explanation, Gabon takes note of them and will ensure that the principles therein contained continue to be applied. This report has made an attempt to highlight the efforts undertaken by Gabon in recent times to establish effective standards, based on the principles of the Charter.

The report has mainly attempted to meet the quantitative challenge of providing maximum information about the activities, initiatives, and reforms implemented by Gabon in the area of human and peoples’ rights. Nevertheless, the qualitative aspect has not been neglected; out of the numerous measures, the emphasis has been placed on those that truly produce positive and constructive effects, in line with the aspirations enshrined in the various articles of the Charter.