



# General Assembly

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## Human Rights Council

Working Group on the Universal Periodic Review

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### Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

#### Gabon\*

The present report is a summary of 2 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

1. Society for Threatened Peoples (STP) stated that the term “Pygmies” has a negative connotation but that the term is commonly used.<sup>2</sup>

### **2 Right to life, liberty and security of the person**

2. STP expressed that prisons were over-crowded and in bad conditions.<sup>3</sup>

3. Global Initiative to End All Corporal Punishment of Children (GIEACPC) expressed that Gabon neither accepted nor rejected the recommendation on prohibiting by law the worst forms of corporal punishment of children in all places, made during the first cycle of the Universal Periodic Review.<sup>4</sup>

4. GIEACPC noted that corporal punishment of children was unlawful in the penal system but it was lawful in the home, in schools and in alternative care settings. It added that legal provisions against violence and abuse had not been interpreted as prohibiting corporal punishment in childrearing.<sup>5</sup> According to GIEACPC, even though there was a policy against the use of corporal punishment and efforts were made to end the “worst forms” of corporal punishment in schools there was no prohibition in legislation and children continued to be beaten with pipes and other implements by their teachers at school.<sup>6</sup>

5. GIEACPC further stated that in the penal system, corporal punishment was unlawful as a sentence for crime: there was no provision for judicial corporal punishment in criminal law. It added that it was explicitly prohibited as a disciplinary measure in penal institutions in the Law on the Judicial Regime of Protection of Children.<sup>7</sup>

6. GIEACPC also indicated that there was no explicit prohibition of corporal punishment in alternative care settings.<sup>8</sup>

7. GIEACPC reminded that, in 2002, the Committee on the Rights of the Child recommended prohibition of corporal punishment in the home, schools and other institutions.<sup>9</sup>

### **3. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

8. STP indicated that freedom of speech and freedom of press was restricted. It said that one member of a NGO had spoken about corruption and abuse of power in economy and government and, as reported by STP, his actions were being monitored by the government and was threat with imprisonment.<sup>10</sup>

9. According to STP all ethnic groups were represented in political positions but there were rarely any “Pygmies”.<sup>11</sup>

### **4. Right to social security and to an adequate standard of living**

10. STP indicated that Gabon was one of the richest African countries. However, for STP, the social indicators had shown a very different image: about 80 per cent of the total

population lived under the poverty line while 1/3 live in extreme poverty conditions. It added that more than 90 per cent of the national BIP was used by only 10 per cent of the population. Consequently, the income inequality was very high which explained why people live under the poverty line.<sup>12</sup>

11. STP was concerned of the situation of the “Pygmies” who had lost their living area. It indicated that they often lived in permanent settlements to which they were not used. It added that the sanitary service was very poor.<sup>13</sup>

## **5. Rights to health**

12. STP indicated that the mortality rate of the “Pygmies” was high. It added that most of them do not have access to public health services because of discrimination, lack of money or documentation cards or simply because public services do not exist in areas where they are settled.<sup>14</sup>

13. STP noticed that malnutrition made “Pygmies” vulnerable to illnesses like typhus, hepatitis, tuberculosis or leprosy. It added that even if they got some medicaments, “Pygmies” do not know how to store them.<sup>15</sup>

## **6. Minorities and indigenous peoples**

14. STP expressed concerns about the situation of indigenous peoples (Baka in the North, Babongo in the South and Bakoya in the East). It indicated that “Pygmies” were threatened by commercial farming, logging, conservation projects and discrimination.<sup>16</sup>

15. STP further stated that “Pygmies” were often not recognised as indigenous peoples and land rights were not recognised for gatherers and hunters. It expressed concerns that through the loss of their land, by logging and other problems, there was a danger of being exploited.<sup>17</sup>

16. According to STP, even though Gabon agreed to its own indigenous People’s Plan as part of the Worldbank policy loan agreement for the Forest and Environment Sector Program, and voted in favour of the 2007 UN Declaration on the Rights of Indigenous Peoples, guaranteeing the right of indigenous peoples to their free, prior and informed consent (FPIC) for any major project impacting on their way of life, “Pygmies” were in most cases not properly consulted. STP added that they lacked meaningful participation at the national level in the design of programmes, and at the local level, in the concrete projects such as the Belinga Project for mining and iron development.<sup>18</sup>

17. STP added that in many cases the “Pygmies” did not know their rights and the national laws. It indicated that there was no specific governmental program concerning “Pygmies”.<sup>19</sup>

## **7. Right to development and environmental issues**

18. According to STP, since Gabon declared 11 per cent of the national territory to reserves and since the sustainable exploitation of the forests was officially required in the national legislation, there was a positive development in environment protection. It added that plans for dams and railways were another indicator for an acceleration of the exploitation of natural resources and would lead to illegal logging and mining.<sup>20</sup>

19. However, STP expressed concerns for logging. According to this organisation, Gabon is one of the last countries where the forests are not cut but are in danger. STP added

that some unique and endangered species live in the forests, together with human beings. Through logging their lives and livelihood are in danger.<sup>21</sup>

20. Regarding the Belinga Project for mining and iron development, STP said that the construction had commenced without the appropriate social and environmental procedures and would cause serious negative impact to the environment through mining, railways, a deep-water port and a dam flooding huge parts of the National park Irindo.<sup>22</sup>

*Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with “A” status):

*Civil society*

GIEACPC      Global Initiative to End All Corporal Punishment of Children, United Kingdom;

STP              Society for Threatened Peoples, Germany.

- <sup>2</sup> STP, p.1, para. 2.
- <sup>3</sup> STP, p.4, para.8.
- <sup>4</sup> GIEACPC, p.2, para.1.1.
- <sup>5</sup> GIEACPC, p.2, paras.1.3 and 2.1.
- <sup>6</sup> GIEACPC, p.2, para.2.2.
- <sup>7</sup> GIEACPC, p.2, para.2.3.
- <sup>8</sup> GIEACPC, p.2, para.2.4.
- <sup>9</sup> GIEACPC, p.2, para. 3.1.
- <sup>10</sup> STP, p.4, para. 8.
- <sup>11</sup> STP, p.3, para.5.
- <sup>12</sup> STP, p.4, para.8.
- <sup>13</sup> STP, p.2, para.5.
- <sup>14</sup> STP, p.1, para 2.
- <sup>15</sup> STP, pp. 2-3, para 5.
- <sup>16</sup> STP, p.1, para.1.
- <sup>17</sup> STP, p.1, para. 2.
- <sup>18</sup> STP, p.3, para. 6.
- <sup>19</sup> STP, p.3, para. 5.
- <sup>20</sup> STP, p.2, para.3.
- <sup>21</sup> STP, p.2, para. 3.
- <sup>22</sup> STP, p.3, para. 6.