

NATIONS UNIES
HAUT COMMISSARIAT AUX DROITS DE L'HOMME



UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

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L'Office du Haut-Commissariat des Nations Unies aux Droits de l'homme (HCDH) présente ses compliments à la Mission permanente de Gabon auprès de l'Office des Nations Unies et des autres Organisations internationales à Genève et a l'honneur de lui transmettre en annexe une lettre du Haut-Commissaire des Nations Unies aux droits de l'homme, Zeid Ra'ad Al Hussein, adressée à Son Excellence, M. Noël Nelson Messone, Ministre des Affaires Etrangères, de la Coopération, de la Francophonie et de l'Intégration Régionale, Chargé des Gabonais de l'Etranger.

La lettre fait suite à l'adoption par le Conseil des droits de l'homme, lors de sa 37^{ème} session, du document final du Gabon résultant de sa participation au troisième cycle de l'Examen Périodique Universel. Le Haut-Commissariat souhaiterait informer la Mission permanente de Gabon auprès de l'Office des Nations Unies et des autres Organisations internationales à Genève que la lettre du Haut-Commissaire à tous les Etats membres qui ont été examinés au cours de ce cycle sera postée sur le site du HCDH, sur la page du pays concerné.

Le Haut-Commissariat des Nations Unies aux Droits de l'homme saisit cette occasion pour renouveler à la Mission permanente de la République du Gabon auprès de l'Office des Nations Unies et des autres Organisations internationales à Genève les assurances de sa très haute considération.



23 avril 2018



13 April 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Gabon and welcome your constructive engagement and that of your Government during the 28th session of the UPR Working Group in early November 2017.

As the final outcome report on the review of Gabon was recently adopted by the Human Rights Council at its 37th session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 73 countries, Gabon's presentation and responses, and the action taken by the Government to implement the 105 recommendations it accepted during the second cycle of the UPR. These areas cover a range of issues and are set out in the annex to this letter.

I would like to refer to several issues that were raised during the review of Gabon and which I am particularly encouraged by, namely the ratification of the Second Optional Protocol to the ICCPR aimed at abolishing the death penalty, the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the measures taken to fight against trafficking in persons, the efforts made with regard to the reform of the Criminal Code, the elaboration of a Children Code and the extension of a standing invitation to all Special Procedures mandate holders.

I encourage Gabon to continue strengthening its efforts for the implementation of recommendations resulting from the human rights mechanism, in order to achieve concrete results in the areas contained in the annex and to facilitate Gabon's preparations for the fourth cycle of the UPR. The development of the next national human rights action plan could also facilitate preparation for the fourth cycle of the UPR. The development of such a plan should include consultations with all stakeholders, in particular the national human rights institution and civil society organisations, and where necessary, the support of international organisations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities, under the leadership of the UN Resident Coordinator.

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H.E. Mr. Noel Nelson Messone,
Minister for Foreign Affairs
Gabon

I also encourage Gabon to strengthen its national mechanism for comprehensive reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to Gabon the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them to begin implementing recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report, and in this regard, I welcome the fact that Gabon submitted such a report in September 2014 during the second cycle. I note with appreciation Gabon's commitment to prepare, with the support of human rights actors, including civil society, and submit to the Human Rights Council its mid-term report for the third cycle by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): "*The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.*"

I look forward to discussing with you ways in which my Office may assist Gabon to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.



Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

cc: M. Francis NKEA NZIGUE, Ministre d'Etat, Ministre de la Justice, Garde des Sceaux, Chargé des Droits Humains

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, the Hague Convention on Protection of Children and Cooperation in respect of Inter country Adoption, the Convention on the Non-applicability of statutory limitations to War Crimes and Crimes Against Humanity, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, the Convention on Indigenous and Tribal Peoples of 1989 of the International Labour Organization and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

National human rights framework

- Accelerate the establishment of the National Anti-Trafficking and Prevention Council envisaged in the Trafficking Law.
- Continue efforts to align national legislation relevant to human rights with the UN human rights instruments.
- Empower the National Human Rights Commission in compliance with the Paris Principles by allocating adequate resources to the institution.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross cutting issues

Equality and non-discrimination

- Adopt a general anti-discrimination bill guaranteeing protection of all persons against discrimination and strengthen efforts to prevent and combat all forms of discrimination.
- Repel all discriminatory provisions in the Civil Code including those relating to polygamy.

B. Civil and political rights

Right to life, liberty and security of person

- Continue undertaking measures to fight trafficking in persons, especially women and children and develop the legislation to criminalize all form of human trafficking especially sexual exploitation and forced labour.
- Step up efforts to prevent torture in particular by adopting the National Preventive Mechanism against Torture.
- Redouble efforts to improve detention and prison conditions and reduce prison overcrowding.
- Implement legislative and judicial measures to combat ritual crimes and prosecute the perpetrators of such.

Administration of justice, including impunity, and the rule of law

- Pursue the reform of the judicial system and continue efforts to counter judicial misconduct and corruption.

Fundamental freedoms and the right to participate in public and political life

- Ensure the effective exercise of freedom of association, expression, peaceful assembly and the right to participate in public and political life, including when exercised by the opposition.
- Safeguards the rights of journalists and of human rights defenders including by decriminalisation defamation.

Right to privacy and family life

- Take all the necessary measures to end child marriages.

C. Economic, Social and Cultural Rights

- Continue efforts to promote economic and social sustainable development.

Right to an adequate standard of living

- Pursue efforts to combat poverty and unemployment, in particular in urban areas and in the poorest regions.

Right to health

- Continue efforts to ensure the right to health for all and take effective measures to reduce the high rate of HIV/AIDS among women and mother-to-child transmission.

Right to education

- Continue efforts to improve access to education for all and take measures to decrease the school dropout rates of girls.

D. Rights of specific persons or groups

Women

- Combat violence against women and female genital mutilation.
- Pursue the implementation of the National Strategy on Gender Equality and Equity.
- Promote gender equality through the active participation of women in the political and economic spheres.
- Provide free legal aid to women to facilitate their access to justice.

Children

- Continue to strengthen measures to combat human trafficking and ensure protection of children by providing adequate legal framework to prosecute traffickers.
- Adopt measures to prohibit corporal punishment of children in all settings.

Persons with disabilities

- Ensure the functioning of the National Committee for the Integration of Persons with Disabilities.
- Continue to ensure the full realization of the rights of persons with disabilities with an information campaign on the right of disabled people and ensure that adequate resources are allocated to ensure their protection.

Minorities and indigenous peoples

- Implement the right to prior informed consultation of indigenous peoples in decision making processes concerning the exploitation of natural resources in traditional territories.
- Ensure that the national laws protect the rights of all ethnic groups in all manifestations of their identities and cultural ties.

Migrants, refugees and asylum seeker

- Continue to fully respect the principle of non-refoulement and guarantee that refugee children have free and timely access to an effective refugee status determination procedure.