



Republic of Gabon

Joint Submission to the UN Universal Periodic Review

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**Submission by CIVICUS: World Alliance for Citizen
Participation, NGO in General Consultative Status with
ECOSOC**

AND

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1. Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations and activists dedicated to strengthening citizen action and the civil society around the world. Founded in 1993, we proudly promote excluded voices, especially from the global south and have members in more than 170 countries throughout the world.
- 1.2** Brainforest is a nongovernmental organisation created in 1998. Its mission is to work to preserve the environment and the sustainable and fair management of natural resources. In addition to its ecological objectives, Brainforest also works to political and economic governance, respect for human rights including the rights of indigenous people directly affected by the activities of extractive industries.
- 1.3** Dynamique OSCAF is a forum for reflection and analysis for civil society organisations in Francophone African countries. Its objective is to mobilise civil society in the drafting of policies that promote economic development at national, regional and international level.
- 1.4** In this document CIVICUS, Brainforest and Dynamique OSCAF examine the government of Gabon's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Gabon's fulfilment of the rights to freedom of expression, assembly and association and unwarranted restrictions on Human Rights Defenders (HRDS) since its previous UPR examination on 23 October 2012. To this end we assess Gabon's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-oriented follow-up recommendations. Gabon is listed as 'obstructed' on the CIVICUS Monitor which evaluates protection of the freedoms of expression, association and peaceful assembly.¹
- 1.5** During the second UPR cycle, Gabon has received a total of 156 recommendations. Of these recommendations, 103 were accepted and 53 were noted. An evaluation of a range of legal sources and human rights documentation demonstrate that the government of the Republic of Gabon has not fully implemented most of the recommendations it accepted and noted in relation to the above-mentioned rights necessary to promote and protect civic space.
- 1.6** CIVICUS, Brainforest and Dynamique OSCAF are deeply concerned about unwarranted restrictions on journalists and independent media agencies and the

¹ See, <https://monitor.civicus.org/>

promulgation of unduly restrictive legislation including the Communications Code, which undermine the right to freedom of expression. We are further alarmed that security forces have used excessive and unlawful force to disperse peaceful protests, particularly those held during periods of elections and when demonstrators oppose government practices or policies. We are equally concerned about the targeting and judicial persecution of civil society activists.

- In section B, CIVICUS, Brainforest and Dynamique OSCAF examine Gabon's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, protection of journalists and independence of the media.
- In section C, CIVICUS, Brainforest et Dynamique OSCAF examine Gabon's implementation of UPR recommendations and compliance with international human rights standards related to the protection of human rights defenders and civil society activists.
- In section D, CIVICUS, Brainforest and Dynamique OSCAF examine Gabon's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of assembly.
- In section E, CIVICUS, Brainforest and Dynamique OSCAF examine Gabon's implementation of UPR recommendations and compliance with international human rights standards related to freedom of association.
- In section F, CIVICUS, Brainforest and Dynamique OSCAF make a number of recommendations to address the concerns listed.

2. (B) Freedom of expression, independence of the media and assault on journalists

2.1 Under the second UPR cycle, the Gabonese government accepted 9 and noted 4 recommendations relating to freedom of expression, independence of media and the protection of journalists. Among other commitments, the government pledged to discontinue broad restrictions on media and freedom of expression and to engage in regular dialogue with journalists to create an environment that encourages free expression without fear of censure (proposal made by the USA). The government of the Republic of Gabon also committed to respecting the plurality and freedom of the press, particularly the application of neutral sanction measures by the regulatory organs such as the National Communications Council (proposal made by Spain). However, as discussed below, the government has not fully implemented all these recommendations.

2.2 Article 19 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of expression and opinion. Article 2 of the Constitution of Gabon also guarantees the right to freedom of expression. It states that "Freedom of conscience, thought, opinion, expression, communication and the

free practise of religion are guaranteed to all subject to the respect of public order." While Gabon has several private media agencies, including radio stations, newspapers and TV stations, these outlets have been targeted when they report on issues considered sensitive by the government. Some of such issues include the activities of President Ali Bongo Ondimba of Gabon, corruption by government representatives, and ritual crimes. Because of the likelihood of reprisals against journalists and media agencies that report on these issues, a number of media outlets have resorted to self-censorship. In addition, the Gabonese authorities have targeted independent media agencies during election periods including by attacking private radio stations and newspapers and blocked access to the internet.

2.3 The national media regulatory body – the Conseil National de la Communication (CNC) or National Communications Council is responsible for monitoring the media's compliance with national laws and the Communications Code. The CNC is composed of 9 members appointed by the President of Gabon and leaders of the two legislative chambers controlled by the ruling party. Thus, the independence of the CNC has sometimes been called into question as it has been subject to political influence from the governing party and the Ministry of Communications.² The CNC has interfered with the functioning of media outlets, particularly those owned by members of the political opposition.

2.4 The Communications Code (Law n°19/2016 of 09 August 2016) effective since 2 January 2017 prohibits government officials and those in the public service from owning media outlets. While the Code decriminalises media offences, it has several restrictive provisions which curtail freedom of expression and undermine the ability of journalists to work independently or without fear of censure. Article 16 of the Code prohibits any individuals including Gabonese citizens from operating a media agency in Gabon or for developing news stories for circulation in Gabon if they reside abroad. Such provisions unwarrantedly preclude, publishers and editors in exile from operating media outlets while abroad.

2.5 In addition, Article 80 which requires journalists to protect public order and promote national unity is both overly broad and endows the authorities with wide discretion to censor or sanction critical journalists. Moreover, the Code requires journalists to have a qualification which is approved by the government and states that journalists must have worked for five years with a media outlet in order to qualify to practice journalism but does not provide details on what the qualification

² "Gabon: The CNC suspends two Dailies and one private television", <http://french.peopledaily.com.cn/96852/7952192.html>, assessed on 15 February 2017.

or media outlets should be.

2.6 On 3 November 2016, 20 staff members including 9 journalists of the *Echos du Nord* newspaper were arrested and interrogated when armed members of the intelligence agency raided the newspaper's Libreville offices.³ The following day on 4 November, Raissa Oye Asseko, the paper's deputy editor, was arrested at her home and tortured to force her to disclose the password to her e-mail address. These arrests were carried out after the paper published an article which alleged that the head of the General Directorate of Documentation and Immigration (DGDI) was arrested for fraud. All those arrested were released on 4 November following pressure from journalists and media agencies abroad and Raissa was released on 5 November 2016.

2.7 On 31 August 2016, following protests against presidential election results which extended the term of President Ali Bongo, authorities cut Internet and social media.⁴ Total disconnection lasted for 4 days and after that connections were partly restored. Then, the authorities imposed a curfew and no internet connectivity between the hours of 6pm and 6am. Social media sites including Facebook, WhatsApp and Twitter were blocked throughout the day. The response of the government towards the protests that followed the proclamation of the results led to violent attacks and arson on private television stations. Most Gabonese had to rely on French news agencies. On 31 August 2016, heavily armed and hooded members of security agencies burnt down television station Radio Television Nazareth (RTN) destroying its broadcasting equipment.⁵ Another private television station Tele Plus was also attacked. Television stations which are affiliated to the regime of President Ali Bongo including Kanal 7, Tele Africa, Gabon 24 and Gabon Television were largely unaffected by these attacks.⁶

2.8 On 10 June 2015, Jeremie Akame and Hermeland Loubah, journalists working for the *L'Aube* newspaper were sentenced to 12 months in prison – suspended and fined 1 million Francs CFA (approximately US \$ 2000) for "insulting the Head of State".

³ « La police Gabonaise prend d'assaut les locaux d'un journal de l'opposition, des journalistes arrêtés », <http://www.africanews.com/2016/11/03/gabonese-police-storm-opposition-newspaper-office-journalists-arrested/>, [EN], accessed 20 March, 2017.

⁴ "Gabon : disconnection of the Internet, the autocrat's reflex ", *Libération*, http://www.liberation.fr/planete/2016/09/05/gabon-debrancher-internet-le-reflexe-de-l-autocrate_1484703, consulted on 15 February 2017.

⁵ « Gabon : TV+ et RTN incendiées et saccagées par des hommes cagoulés à la solde du pouvoir, », *Gabon : TV+ et RTN incendiées et saccagées par des hommes cagoulés à la solde du pouvoir*, Accessed 20 February 2017.

⁶ *Ibid.* gabonreview.com/blog/sale-week-end-les-patrons-echos-du-nord-faits-divers, accessed 20 February 2017.

They were sentenced because of an article they had published in the 20 February 2015 edition of the paper titled "Panthers eliminated, Ali Bongo brings bad luck", after the Gabonese national football team was knocked out of the African Cup of Nations hosted by Equatorial Guinea.⁷

2.9 On 5 May 2015, Jean de Dieu Ndoutoum-Eyi, editor of the Ezombolo newspaper- a weekly publication was arrested and detained for four days at the offices of the intelligence services without any charges. He was arrested after publishing an article about a disagreement between President Ali Bongo and his Defence Minister during a meeting. Authorities forced him to reveal his source.

2.10 On 19 December 2014, Désiré Ename and Jonas Moulenda, editors of the weekly newspapers *Echos du nord* and *Faits divers* were arrested by Judicial Police after publishing articles which implicated the Special Adviser to the Gabonese President of ritual crimes. The arrests were authorised by the Special Adviser. After the two journalists were interrogated, they received death threats from anonymous sources and had to flee to avoid reprisals. They now live in France from where they continue to run the operations of their paper and the restrictive provisions (particularly Article 16) of the new Communications Code is aimed at stopping the publication of the newspapers (see 2.4 above).

2.11 On 8 September 2014, two weekly newspapers owned by the political opposition - *La Loupe* and *L'Aube*, were forced to suspend publication after noting that copies previously printed by editors were replaced by fake ones. On 2 September 2014, copies of the edition of *La Loupe* available in kiosks were different from those previously printed by staff of the paper. Their content was replaced by information which praised the actions of the government. The content of the *L'Aube* newspaper was also replaced by fictitious stories. Editors of both papers reported that the fictitious stories were published by officials working in the office of the President of Gabon. In addition, between February and November 2015, the Minister of Communication consistently accused *L'Aube* and *La Loupe* of attempting to disrupt public order, incitement to hatred and for civil disobedience.⁸

⁷ www.jeuneafrique.com/.../gabon-deux-journalistes-condamnes-a-prison-outrage-presi..// ; gabonreview.com/blog/ali-bongo-serial-plaignant/, accessed 12 March 2017.

⁸ gabonreview.com/blog/piratage-loupe-laube-rsf-interpelle-presidence-republique/; gabonreview.com/blog/piratage-presse-apres-loupe-laube/, accessed 17 February 2017.

2.12 On 29 May 2013, the CNC suspended the *Ezombolo* newspaper for 6 months after the paper published an article which was critical of the regime of President Bongo on 22 April 2013. The CNC also suspended *La Calotte* newspaper are publishing stories which were critical of the Minister for Investment and Deputy Minister of Health.

2.13 On 13 March 2013, Dimitri Louba, editor of the private daily newspaper *La Loupe*, was sentenced to 5 months in prison – suspended and ordered to pay 200 000 Francs CFA (approximately US \$ 400) to the Public Treasury after he was found guilty of defamation. He was prosecuted after he published an article in which he accused the Director of Budgets of corruption. In the article, he sarcastically asked if the Director of Budgets was a “small or big thief.”⁹

3 (C) Harassment, intimidation and assault on human rights defenders of and civil society organisations.

3.1 Under Gabon’s previous UPR examination, the government accepted 6 and noted 1 recommendation on the protection of human rights defenders and civil society representatives. These include a commitment to better operationalise good practices including the wide implementation of human rights public policies based on the collaboration between the state and civil society (proposed by Chile). The government of Gabon also agreed to encourage the functioning of its civil society in particular human rights NGOs (proposed by Slovakia). However as reviewed in this section, the government has not fully implemented most of these recommendations.

3.2 Article 12 of the United Nations Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. The ICCPR further guarantees the freedom of expression, association and peaceful assembly. However, despite these provisions, human rights defenders and civil society activists have been subjected to judicial persecution, intimidation harassment, assault and have been the victims of smear campaigns to discredit them and their work.

3.3 On 18 January 2017, civil society activists Marceau Malekou, Melvin Gondjout, Alex Haore and Barry Ndimal were arrested by security forces in Nkembo, after participating in a protest against the hosting of the African Nations Cup by Gabon.¹⁰

⁹ “5 mois d’emprisonnement et 200 000 francs CFA d’amende pour Dimitri Louba, » *Bongo doit partir*, <http://www.bdpmodwoam.org/articles/2013/03/14/5-mois-demprisonnement-et-200-000-francs-cfa-damende-pour-dimitri-louba/#.WKQ61-navmQ>, accessed 15 February 2017.

¹⁰ « Arrestations arbitraires : des jeunes gabonais opposés à la CAN 2017 toujours détenus à Libreville » <http://info241.com/arrestation-arbitraire-des-jeunes-gabonais-opposes-a-la-can2017,2460>, accessed 15 February 2017.

The activists displayed a banner which criticised the decision by the country to host this football tournament before they were arrested and taken to an unknown destination.¹¹ All four are members of the civil society movement, the Jeunesse de l'opposition -Unie Pour La Resistance (JOUR). Their actions were aimed at reminding the public that Gabon had gone through a difficult political period, characterised by violent repression of peaceful marches, restriction of freedom of expression and digital rights and the arrest of protesters denouncing results of the presidential election of 27 August 2016 (see point 4.3). The activists also organised the protest to highlight the fact that the government decided to host the costly African Cup of Nations despite an ongoing economic crisis. The activists appeared before a magistrate and were accused of disturbing order by organising a protest without prior authorisation. All four were provisionally released on 25 January 2017.¹²

3.4 On 7 October 2016, Sylvie NKOGHE-MBOT, an activist and leader of unions in the health sector was arrested by the police. He was arrested after he published a report on the human rights violations committed by the state during the repression of protests following the publication of the results of the Presidential elections in August 2016. In the report, Sylvie NKOGHE-MBOT highlighted cases of death and injuries and testimonies from victims of the state's violent response to the protests. The government of Gabon had refused to acknowledge the full extent of the human rights violations committed during the post elections crisis. Following pressure from civil society organisations in Gabon, Sylvie NKOGHE-MBOT was released after ten days in detention. During the 59th Ordinary Session of the African Commission on Human and People Rights (ACHPR), held from October to November 2016, the Commission adopted a resolution (CADHP/Rés.359 LIX) on the situation of Human Rights in the Republic of Gabon. This resolution condemned the human rights violations committed during the post elections crisis and the unwarranted restrictions on freedom of expression and peaceful assembly and the use of disproportionate force against protesters.

3.5 In March 2013, environmental human rights defender, Marc Ona Essangui, was handed a six-month suspended sentence after he was found guilty of defamation. During televised a TV debate he examined purported corruption practise between Liban Souleyman, Chief of staff for President Ali Bongo and a Singapore company Olam operating in Gabon. Marc Ona is a vocal critic of reported collusion between the Olam company and the government including the opaque transfer of land to

¹¹ « Boycott de la CAN : Héritage et modernité exige la libération des interpellés », <http://gabonreview.com/blog/campagne-de-boycott-de-can-rassemblement-heritage-modernite-exige-liberation-jeunes-leaders-interpeller/>, accessed 27 February 2017.

¹² « Urgent: Marceau, Barry, Melvin et Alex en liberté Provisoire, » Gabon Media Time », <http://www.gabonmediatime.com/urgent-marceau-barry-melvin-et-alex-en-liberte-provisoire/>, accessed 27 February 2017

Olam without consultation with affected communities or conducting an adequate environmental assessment. He also expressed concern over reports of intimidation of the local community to coerce approval of proposed projects by Olam. Marc Ona is executive director of the CSO Brainforest and Coordinator of Publish What You Pay, Gabon. In 2009 he was a recipient of the Goldman Prize for his efforts in exposing large scale mining projects that threatened the ecosystems of Gabon's equatorial forests.

4 (E) Freedom of peaceful assembly

- 4.1** During Gabon's examination under the second UPR cycle, the government accepted 1 recommendation related to the right of peaceful assembly. The government committed to taking the necessary measures to ensure freedom of expression, the press and peaceful assembly by ensuring inter alia that those responsible for acts of intimidation, harassment or violence against persons for having exercised these rights are held to account (proposed by Canada). Despite these commitments, the government has not fully implemented them.
- 4.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. It states that no restriction may be placed on the exercise of this right other than those imposed in conformity with the law. However, despite these protections, the Gabonese authorities have used excessive force to disperse peaceful protests questioning government policies as well as the outcome of the August 2016 national elections.
- 4.3** On 31 August 2016, after the elections commission, CENAP announced the results of the presidential elections held on 27 August 2016, security forces including the *Garde Republicaine*, the army, Gendarmerie and anti-riot police forcefully dispersed protests using tear gas, stun grenades, and hot-water cannons. Live bullets were also used. Between 31 August and 3 September 2016, between 800 and 1000 people were arrested and detained for taking part in the protests. In addition, at least 28 people were killed due to excessive force used by security forces and more than 100 unaccounted for.
- 4.4** Several demonstrations were organised by members of the political opposition, civil society activists and ordinary citizens from 29th February 2016 to challenge President Bongo's decision to run for president during elections scheduled for 27th August 2016. On several occasions, the defence and security forces pre-emptively stopped the protests before they were held. When protests were allowed to take place, they were typically violently repressed by security forces. Members of political opposition parties and civil society representatives were arrested during and after protests. On 23th July 2016, security forces dispersed a peaceful demonstration organised by civil society groups and the main opposition candidates. Several journalists including AFP reporter Jean Rovis DABANY were

physically assaulted and had to be hospitalized. Major parts of Gabon were militarised from 9 July 2016 under what the authorities termed Operation *Nguéné*.¹³ According to the authorities, this operation was aimed at preventing terrorist attacks and security forces were handed additional powers to increase their presence in different locations and carry out arrests. The authorities did not however provide details of any terrorist threats which reportedly prompted this decision.

4.5 On 9 July 2016, civil society activist Jean-Rémy Yama and members of the civil society movement *Citoyen Dynamique* were arrested by security agents in civilian clothing as they protested close to a rally organised by President Ali Bongo and his supporters. Jean-Rémy Yama was accused of throwing stones at the police, disturbing public order and inciting violence. He was detained at Libreville Central Prison and released on 6 October 2016 (after 89 days of detention).¹⁴ Despite these accusations, he was never taken before a magistrate to be prosecuted formally for the duration of his detention.¹⁵ Most of his arrested colleagues were released only weeks later, following pressure from Education and Health unions. Again, on 11 May 2013, civil society activist Blanche Simonny ABEGUE and six others were arrested and detained under inhumane and degrading conditions at the police promises after they participated in a protest in Libreville in which they denounced ritual crimes and impunity enjoyed by the perpetrators of these crimes.¹⁶

5 (F) Freedom of association

5.1 During Gabon's examination under the second UPR cycle, the government accepted 1 recommendation related to the right to freedom of association and on creating an enabling environment for civil society organisations. It agreed to extend a standing invitation to all UN Special Procedures and submit regular reports to Treaty Bodies (proposed by the Czech Republic). However as reviewed in this section, the

¹³ « Sécurité : Nouvelle « opération Nguéné, » dans tout le pays, » *Gabon Review*, <http://gabonreview.com/blog/securite-nouvelle-operation-nguene-pays/>, accessed 1 March 2017.

¹⁴ <http://gabonreview.com/blog/jean-remy-yama-libre-dix-plus-fort/>, publié le 09 octobre 2016

¹⁵ « Affaire Jean-Remy Yama : en garde à vue depuis 5 jours, sa famille réagit », *Gabon Media Time*, [tice-jean-remi-yama-en-garde-à-vue-depuis-5-jours/](http://www.gabonmediatime.com/jean-remi-yama-en-garde-a-vue-depuis-5-jours/), accessed 27 February 2017.

¹⁶ <http://www.afrik.com/gabon-marche-contre-les-crimes-rituels-a-libreville> du 12 mai 2013 ; <http://www.rfi.fr/afrique/20130511-gabon-manifestations-libreville-denoncer-crimes-rituels-bongo> , publié le 11 mai 2013 ; <http://www.jeuneafrique.com/150118/politique/gabon-trois-opposants-arr-t-s-apr-s-une-manifestation-contre-les-crimes-rituels/>publié le 11 mai 2013 et modifié le 12 mai 2013

government has not fully implemented most of these recommendations.

5.2 Article 22 of the ICCPR, guarantees freedom of association. In addition, Article 13 of the Gabonese constitution guarantees the right to freedom of association. It stipulates that the right to create associations, political parties or formations, trade unions, companies, institutions of social interest and religious communities is guaranteed to all in accordance with the conditions laid down by law.

5.3 Law 35/62 governing the functioning of associations has been challenged on a regular basis by civil society organisations because of cumbersome bureaucratic and administrative requirements for the formal registration of NGOs. The decision to provide accreditation to NGOs rests with the Ministry of Interior and the registration of NGOs by the Ministry is done in an inconsistent manner. The process of fully registering NGOs is unnecessarily lengthy and can take between 5 to 8 years as NGOs that seek to register are provided with temporary authorization to operate for six months before they are registered. As a result, many NGOs operate on a “semi-formal” basis as their accreditation has not been fully approved while many others wait indefinitely for their registration to be completed. This exposes NGOs to undue restrictions from the government who may accuse them of operating illegally. The weaknesses in the registration process can be used by the state to target NGOs which are critical of the government. On 17 March 2017, the Ministry of Education issued an Order (No. 006 / MISPD) prohibiting the activities of the National Confederation of Unions in the Education sector. The ban on the activities of the union was imposed after teachers demanded better working conditions.

6 (G) Recommendations to the Government of Gabon

CIVICUS, Brainforest and Dynamique OSCAF call on the Gabonese government to create and maintain in law and practice, an enabling environment for civil society in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human rights defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: freedom of association, freedom of expression, freedom of peaceful assembly, the right to function operate, the right to seek and secure funding and the state’s duty to protect. In light of this, the following specific recommendations are made.

6.1 Concerning freedom of expression, independence of the media and access to Information

- Thoroughly review and amend the Code of Communication to ensure that it is in line with international best practices and standards on freedom of

expression.

- Conduct extensive consultations with the media, civil society organisations and citizens and provide space for feedback on areas of the Code of Communication that need to be amended and replaced with suitable provisions in line with Gabon's constitutional and international obligations.
- Conduct independent investigations into the attacks on private television stations including RTN and Tele Plus and bring the perpetrators to justice.
- Stop the practice of targeting independent newspapers and suspending their publication simply because they report on and publish stories that challenge the actions of the authorities.
- Ensure that journalists are able to work freely and without fear of retribution for expressing critical opinions or for covering topics that the government may find sensitive.
- Take adequate steps to lift restrictions on freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Refrain from censoring social and conventional media, particularly in politically sensitive periods and ensure that freedom of expression is safeguarded in all forms, including the arts.

6.2 Concerning the protection of human rights defenders

- Civil society members and human rights defenders should be provided a safe and secure environment to carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation against them and bring perpetrators of such offences to justice.
- Stop the intimidation harassment and judicial persecution of civil society activists, including those who advocate for environmental and land rights.

6.3 Concerning the right of assembly

- Review and if necessary update existing human rights training for police and security forces with the assistance of independent civil society organisation to foster more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Carry out independent investigations into the violent response to peaceful protests after the proclamation of the results of elections held on 27 August 2016 and hold the perpetrators accountable.
- Reveal the whereabouts and the state of all those who remain unaccounted for after the use of extreme violence against protesters who denounced the outcome of the August 2016 elections.
- Release all those still in detention for participating in peaceful protests before and after the August 2016 elections.

- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.
- Ensure that security forces abide by the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.¹⁷ Force should not be used unless it is strictly unavoidable, and if applied it must be done in accordance with international human rights law.¹⁸

6.4 Concerning freedom of association

- Replace Law 35/62 which governs the functioning of associations with a more enabling law for the registration and operation of associations.
- Rescind Order (No. 006 / MISPD) prohibiting the activities of the National Confederation of Unions in the Education sector and allow all associations and labour unions to carry out their activities without intimidation and fear or reprisals.
- Take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures which unwarrantedly limit the right to association.

6.5 Regarding access to UN Special Procedures mandate holders

- The government should prioritise official visits with the: 1) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 2) Special Rapporteur on the Independence of Judges and Lawyers; 3) Special Rapporteur on extrajudicial, summary or arbitrary executions; 4) Special Rapporteur on Human Rights Defenders; 5) Special Rapporteur on the Right to Freedom of Association and Assembly and 6) Working Group on Arbitrary Detention.

¹⁷Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
<http://www.ohchr.org/Documents/ProfessionalInterest/firearms.pdf>

¹⁸Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, UN Doc. A/HRC/31/66, February 2016,
http://freeassembly.net/wpcontent/uploads/2016/02/A.HRC_.31.66_E_with_addendum.pdf

6.6 Regarding State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with civil society organizations on all issues mentioned above and enable more effective involvement of civil society in the preparation of law and policy.
- Systematically consult with civil society on the implementation of UPR recommendations including by holding periodical comprehensive consultations with a diverse range of civil society actors.
- Incorporate the results of this UPR into Gabon’s action plans for the promotion and protection of all human rights, taking into account the proposals of civil society and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

Assessment of implementation of civic space recommendations:

<i>Theme: A22 Cooperation with treaty bodies</i>			
101.33 Extend a standing invitation to all special procedures of the Human Rights Council and submit regular reports to the treaty bodies (Czech Republic); Source of position: A/HRC/22/5 - Para. 101	Supported	A22 Cooperation with treaty bodies A24 Cooperation with special procedures Affected persons: - general	Status: Not fully implemented Source: See Paragraph 5.1
<i>Theme: A24 Cooperation with special procedures</i>			
101.35 Continue the cooperation with the international human rights protection system by extending an open standing invitation to the Human Rights Council Special Procedures (France); Source of position: A/HRC/22/5 - Para. 101	Supported	A24 Cooperation with special procedures Affected persons: - general	Status: Not fully implemented Source: See paragraph 5.1
101.37 Issue a standing invitation to all special procedures of the Human Rights Council (Portugal); Source of position: A/HRC/22/5 - Para. 101	Supported	A24 Cooperation with special procedures Affected persons: - general	Status: Not fully implemented Source: See paragraph 5.1

Theme: A61 Cooperation with civil society			
101.80 Encourage functioning of its civil society; in particular human rights NGOs (Slovakia); Source of position: A/HRC/22/5 - Para. 101	Supported	A61 Cooperation with civil society H1 Human rights defenders Affected persons: - human rights defenders - general	Status: Not fully implemented Source: See paragraph 3.1
Theme: D43 Freedom of opinion and expression			
101.73 Ensure compliance with article 19 of the ICCPR and works towards an environment conducive to a free and open press (Norway); Source of position: A/HRC/22/5 - Para. 101	Supported	D43 Freedom of opinion and expression Affected persons: - media	Status: Not fully implemented Source: See paragraphs 2.1, 2.2 and 2.3
101.75 Discontinue overly broad restrictions on the media and freedom of expression, and engage in regular dialogue with journalists to create an environment that encourages free expression without fear of censure (United States of America); Source of position: A/HRC/22/5 - Para. 101	Supported	D43 Freedom of opinion and expression A41 Constitutional and legislative framework Affected persons: - media	Status: Not implemented Source: See paragraphs 2.3, 2.4 and 2.7
101.78 Undertake further measures to ensure freedom of the press based on the decriminalization of press offences and respect for the legitimate rights of the press (Australia); Source of position: A/HRC/22/5 - Para. 101	Supported	D43 Freedom of opinion and expression A41 Constitutional and legislative framework A42 Institutions & policies - General Affected persons: - media	Status: Not fully implemented Source: See paragraphs 2.4 and 2.7

<p>101.79 Respect the plurality and freedom of the press, particularly the application of neutral sanction measures by the regulatory organs, such as the National Communication Council (Spain);</p> <p>Source of position: A/HRC/22/5 - Para. 101</p>	Supported	<p>D43 Freedom of opinion and expression</p> <p>A42 Institutions & policies - General</p> <p>Affected persons:</p> <p>- media</p>	<p>Status: Not fully implemented</p> <p>Source: See paragraphs 2.3 and 2.12</p>
<p>101.76 Adopt legislative and other measures to guarantee in law and practice protection of freedom of expression and independence of journalists (Czech Republic);</p> <p>Source of position: A/HRC/22/5 - Para. 101</p>	Supported	<p>D43 Freedom of opinion and expression</p> <p>A42 Institutions & policies - General</p> <p>A41 Constitutional and legislative framework</p> <p>Affected persons:</p> <p>- media</p>	<p>Status: Not implemented</p> <p>Source: See paragraph 2.4</p>
<p>101.77 Take the necessary measures to ensure freedom of expression, the press and peaceful assembly, inter alia by ensuring that those responsible for acts of intimidation, harassment or violence against persons for having exercised their rights are held accountable (Canada);</p> <p>Source of position: A/HRC/22/5 - Para. 101</p>	Supported	<p>D43 Freedom of opinion and expression</p> <p>D44 Right to peaceful assembly</p> <p>B51 Right to an effective remedy</p> <p>Affected persons:</p> <p>- general</p> <p>- media</p>	<p>Status: Not fully implemented</p> <p>Source: See paragraphs 2.7, 2.8, 2.10 and 2.13</p>