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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

Working Group on Indigenous Populations
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Items 4 and 5 of the provisional agenda

REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF
INDIGENOUS POPULATIONS

STANDARD-SETTING ACTIVITIES

EVOLUTION OF STANDARDS CONCERNING THE RIGHTS
OF INDIGENOUS POPULATIONS

DRAFTING OF A BODY OF PRINCIPLES ON INDIGENOUS
RIGHTS, BASED ON RELEVANT NATIONAL LEGISLATION,
INTERNATIONAL INSTRUMENTS AND OTHER JURIDICAL
CRITERIA

Material received from Governments

	<u>Page</u>
Gabon	2
Thailand	4

GABON

[Original: French]
[2 July 1985]

Gabon reaffirms its support for resolution 1984/20 entitled "Question of the violation of human rights and fundamental freedoms: The human rights of disabled persons" and resolution 1982/31 entitled "Study of the problem of discrimination against indigenous populations".

In the view of the Gabon authorities the two resolutions are a timely contribution to the series of measures adopted in this matter by the United Nations. Having regard to the importance of the two questions, Gabon suggests that the efforts of the international community in this field should be directed more towards the implementation of concrete measures that might at least be coupled with strict sanctions against all countries which, like South Africa, nurture and maintain racial discrimination or unashamedly violate the fundamental freedoms of mankind.

Gabon has always been alive to the urgency of promoting and protecting human rights as well as the fundamental freedoms of disabled persons and indigenous populations, and in view of the magnitude of the problem earnestly appeals to the international community to ensure that the inviolability of, and scrupulous respect for, all those inherent rights of the human person should be safeguarded nationally and internationally.

This appeal is the more significant because the Gabon authorities have consistently advocated the elaboration of standards for the protection of collective and individual human rights with strict respect for the sovereignty of every country.

With regard to its practice in these fields, it should be noted that Gabon has undertaken action at both the national and international levels.

I. At the national level

It should be noted that the problem of discrimination against indigenous populations scarcely arises in Gabonese society.

It should, however, be pointed out that the Government has adopted a number of laws and regulations to protect and promote human rights. Thus article 1 (8) of the Constitution of Gabon provides:

"Any act of racial, ethnic, religious or cultural discrimination, and any regional propaganda which threatens the internal security of the State and the life of its inhabitants shall be punishable by law".

Article 88 of the Penal Code promulgated by Law 21/63 of 31 May 1963 provides:

"Any person inciting racial, religious or tribal hatred shall be punished by a term of imprisonment of not less than six months or more than five years and a fine ranging from 24,000 to 250,000 CFA francs".

The Government has also adopted important measures to assist disabled persons within the framework of its social policy.

In this connection, we would mention the following important legislative texts:

Decree No. 307/PR-MT-AS of 6 October 1965 regulating the provision of individual assistance to the neediest;

Decree No. 00269/PR/SEAS/UNFG of 3 May 1971 providing for social assistance in Gabon for disabled persons of either sex and of any age.

In implementation of these provisions, financial assistance totalling approximately 71,383,000 CFA francs was granted to disabled persons between 1982 and 1984.

Under the labour legislation in force the right to work of physically disabled persons capable of working is recognized and they are given priority in employment.

With regard to health care, disabled persons have the same right to free medical treatment as all other inhabitants.

In the field of education and culture, schools have been set up for deaf-mutes.

Television broadcasts have been adapted for deaf-mutes who thus now benefit from the same rights to information and education as the rest of the population.

II. At the international level

In order to promote human rights Gabon has acceded to the various relevant international instruments. The following may be mentioned:

The Universal Declaration of Human Rights of 1948.

The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights adopted by the United Nations General Assembly in 1966.

The International Convention on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly on 21 December 1965.

Within the framework of this policy, Gabon has responded positively to the obligations created under the United Nations Decade to Combat Racism and Racial Discrimination proclaimed in 1973.

At the regional level, mention should be made of the African Charter on Human and Peoples' Rights adopted at Nairobi on 25 June 1981.

Finally, Gabon has supported the efforts of the international community and consistently given material and moral support to the Namibian people in its struggle for independence. It has done the same for the people of South Africa in its struggle against the shameful policy of apartheid.

THAILAND

[Original: English]

[28 June 1985]

1. The problem of discrimination against indigenous populations has never existed in Thailand;

2. The Government of Thailand views that the report of the third session of the Working Group on Indigenous Populations and the proposals and recommendations contained in the report of the Special Rapporteur could serve as good basic documents for the deliberation in the fourth session of the Working Group.