

GABON

CEDAW A/44/38 (1989)

44. The Committee considered the initial report of Gabon (CEDAW/C/5/Add.54 and Amend.1) at its 134th meeting, on 21 February 1989 (CEDAW/C/SR.134).

45. In introducing the report, the representative of Gabon noted that he personally was not well versed in matters regarding the advancement of women and that the report had been prepared by a newly created ministerial department, the Secretariat of State for the Advancement of Women and for Human Rights. The department monitored all progress made in regard to the status of women and was headed by a woman. Its recent creation explained the delay in the submission of the report and its imperfections.

46. Gabon had undertaken in recent years important legislative and statutory reforms regarding the status of women. Shortly after having attained independence, the country had sought to establish a State based on justice and democracy and respect for the principle of equality between the sexes in all walks of life. Fundamental rights were protected and the Constitution proclaimed equal rights for men and women, which were confirmed by enabling legislation. Like men, women were guaranteed access to free education, employment and vocational training. They could participate in all levels of education; for example, in 1988, women represented almost 50 per cent of the student population enrolled in the faculty of medicine. He said that women participated directly in national and international activities.

47. Social security measures applied equally to women and men, and the State provided free social services to the indigent population, including free pre-natal and post-natal health care for women. The State recognized the importance of the integration of women and men into national development and also guaranteed the principle of equal pay for work of equal value without discrimination. Women were entitled to paid maternity leave. They could choose their profession and employment and had full legal capacity. Personal rights and individual freedom were guaranteed and were not negotiable. Marriage did not detract from the full legal capacity of women. Although the husband was the head of the family, the wife co-operated with him in assuring the moral and material guidance of the family. Married as well as single women were free to follow a profession, to open a bank account and to obtain a bank loan. Women were also free to marry or not, to remarry or to divorce. They could initiate proceedings for divorce and divorce was not by mutual consent but a result of a matrimonial offence.

48. The members of the Committee expressed their appreciation for the comparatively frank report, emphasizing that the additional report (CEDAW/C/5/Add.54/Amend.1) complied much better with the guidelines (CEDAW/C/7). The Committee welcomed the presentation of statistics in the report. While appreciating the clear introductory statement, members of the Committee regretted the absence of the person who was primarily responsible for matters concerning the advancement of women in Gabon and with whom they could have had a more active dialogue. They welcomed the political will of the Government and its positive attitude towards the advancement of women, which

was reflected in the existence of the Union of Women of the Gabonese Democratic Party and the Secretariat of State for the Advancement of Women and for Human Rights. They pointed out, however, that the concept of equality in Gabon seemed to be different from the one enshrined in the Convention.

49. Several members of the Committee requested further details on what was meant in practice by the statement in the conclusions of the report (CEDAW/C/5/Add.54/Amend.1) that “the situation of women in Gabonese society remains a comfortable one”. They stated that the provision in article 253 of the Civil Code to the effect that the husband was the head of the family contradicted the provisions of the Convention.

50. It was asked whether measures had been undertaken to publicize the Convention and members of the Committee underlined the importance of the media in that respect. Further details were requested about the major legal reforms referred to in the report and about the mandate and programmes of the Secretariat of State for the Advancement of Women and for Human Rights and its affiliate bodies.

51. Members of the Committee expressed concern that the Penal Code only regulated prostitution, rather than providing legislation to prevent it. They requested further information in respect of prostitution along with the relevant statistics where possible about the reasons for the existence of prostitution in the country and about the percentage of women who earned a living that way. They inquired whether programmes or institutes existed to counsel prostitutes and whether there was a relationship between prostitution and the high proportion of young mothers.

52. Members of the Committee asked about the percentage of women in the political structure of the country, and to what extent the National Council of Gabonese Women could influence government policy regarding the elimination of discrimination. They also asked whether the attitude of the Directorate for the Status of Women differed from the view, apparently generally held, that the main function of women was to produce children.

53. It was also asked whether the provisions concerning nationality had any implications for the nationality of children.

54. As regards education, members of the Committee inquired about the rate of illiteracy and why the literacy programmes undertaken in Gabon since its independence had been judged by the Government to have failed. More information was sought on the participation of women in secondary-school teaching, and in technical-school teaching specifically in rural areas, and on the methods used to increase the participation of women in secondary-level education. It was also asked whether the educational situation was different in urban and in rural areas and whether the Government was undertaking measures to promote the education of women. More information was requested on the programme of the Interministerial Working Group on Sex Education.

55. Members of the Committee enquired whether night work was prohibited for women, whether women received technical or vocational training and what the duration of maternity leave was. As regards community work for obtaining energy and water, which was carried out mainly by women, it was asked whether the women who were engaged in those tasks received any wages.

56. It was considered that the Government put an unusual burden on the shoulders of young women by requiring them to increase the population of the country. More information was sought on the Centres for the Protection of Mothers and Children. It was asked whether the Government considered family planning as a right, whether sex education had been introduced in schools, and whether abortion was illegal. Members of the Committee wanted to know whether many illegal abortions were performed. Inquiries were made about the average number of children in a family and also about plans to build child-care centres.

57. It was asked whether, contrary to what had been stated in the report (CEDAW/C/5/Add.54/Amend.1), married women could in practice open a bank account and be granted bank loans.

58. Information was also sought on the percentage of household chores and farming work carried out by women, and the extent to which rural women had a share in the family income. Some members of the Committee inquired about the existence of female extension workers and asked whether women were also involved in the production of cash crops and what was meant in Gabon by the term “modern family farming” mentioned in the report (CEDAW/C/5/Add.54). Some members asked whether Gabonese women considered their situation in agricultural work as disadvantageous. It was asked further whether efforts were being made to convince women of the usefulness of training.

59. Several members of the Committee stated that several legal provisions referring to marriage relationships and the patriarchal family structure, such as the legislation concerning the family residence or the fact that a Gabonese man could forbid his wife to work outside the home, were absolutely discriminatory and contrary to the spirit of the Convention. Information was requested on how the prohibition by a man regarding his wife’s work outside the home was implemented, as well as on whether there were any signs of change in that respect. Similarly, the provisions in the Civil Code concerning adultery constituted a flagrant discrimination against women. Clarification was sought regarding the reference to “outside those cases allowed by custom” in article 268 of the Civil Code (CEDAW/C/5/Add.54/Amend.1). Some members of the Committee asked whether they were right in assuming that article 226 of the Civil Code implied the simultaneous existence of a monogamous and a polygamous marriage regime. Other members asked why women did not seem to initiate court proceedings in cases of discrimination and whether it was because of a lack of education or a fear of social consequences. It was also asked whether there was a feminist movement pressing for an amendment of the family law. As regards divorce, it was asked whether a woman would be entitled to alimony if the divorce was granted because of the fault of the woman. It was asked further whether common-law wives received any assistance in the case of illness.

60. It was asked why, as stated in the report (CEDAW/C/5/Add.54), the widow and orphans of a deceased male were excluded from the partition of his property, why children born out of wedlock were not entitled to financial support from their parents and what was involved in acknowledging a child. It was also asked whether women had in practice the right to ask for divorce and what the social attitudes towards divorced women were.

61. In reply to the questions raised, the representative of Gabon said that the problems faced by women in developing countries did not differ from those in industrialized countries. African society

was mainly paternalistic, however, and that notion continued to exist even among young people. He regretted that he was not in a position to reply to the questions raised, but he assured the Committee that he would convey the questions to the competent authorities in his country. He noted the usefulness of the meeting in increasing his personal understanding of women's problems, and stated that if the Minister responsible for the report had attended, she would have been able to have had a fruitful dialogue with the members of the Committee to defend her report and to answer their very pertinent questions. In his opinion, the frankness of the report almost bordered on exaggeration and it would have better served the desired ends had reference been made not only to legal provisions, but also to the actual situation of women. He confirmed that his Government was making many efforts to promote the advancement of women.

62. The members, while appreciating the efforts of the representative of the Government to present the report, emphasized the importance of States parties taking their obligations seriously and, furthermore, of having a constructive dialogue with the representative of the State party. They expressed the hope that the replies would be given either in the very near future or included and presented in the second periodic report before the ninth session.