

Gabon, CEDAW, A/60/38 part I (2005)

210. The Committee considered the combined second, third, fourth and fifth periodic report of Gabon (CEDAW/C/GAB/2-5) at its 669th and 670th meetings, held on 13 January 2005 (see CEDAW/C/SR.669 and 670).

Introduction by the State party

211. Introducing the report, the representative of Gabon clarified certain points relating to the consideration of the initial report, submitted in 1989. Continuing, she informed the Committee that the Ministry for the Advancement of Women dealt with women's issues across the board. In outlining the main features of the report to the Committee, she mentioned improvements as well as current problems concerning the situation of women in Gabon.

212. At the legal level, an inventory of the main texts that discriminated against women had been compiled in 1997 and submitted to the Council of Ministers. An inter-ministerial committee had been given the task of reviewing the texts. In 2000, a law liberalizing contraception and defining other health-protection measures had been adopted. In July 1998, the Nationality Code had been revised. A provision had been introduced authorizing both spouses to obtain the nationality of the other. A revision of the organic law on the Constitutional Court authorized women to raise the "exception of non-constitutionality" of a law in any court. In September 2004, the law to prevent and combat trafficking in children had been adopted and promulgated.

213. In the social field, the representative touched on improvements in the process of mainstreaming the approach to gender, equality of treatment between the two sexes in respect of the same qualification, the introduction of coordination among women's non-governmental organizations and the creation of a ministry to oversee the campaign against poverty. In addition, a national commission to combat poverty and illicit gains had been set up, and an intensive drive against HIV/AIDS had been launched by the Government, various associations and non-governmental organizations.

214. At the political level, the representative emphasized that there was no discrimination based on gender in respect of the participation of women in public life. She added that important posts of responsibility were held by women. In 2002, the President of the Republic had requested that each electoral list must include at least three women eligible for election. In 2003, he had required each ministerial department chief to nominate at least four women counsellors out of 10.

215. In the economic field, she recalled that the "Grand Prix of the President of the Republic for the promotion of the socio-economic activities of women" was granted on 17 April each year on the occasion of National Women's Day. She also mentioned various projects launched by the Government and the activities of the associations movement with the aim of ensuring women's economic independence and of resolving difficulties with banks.

216. With regard to education, the representative noted an improvement with respect to compulsory education of children aged 6 to 16 years. She mentioned the creation of a committee to combat AIDS in schools, the existence of a budget for promoting literacy in rural areas and the suppression of indecent conduct and offences against morals in order to protect the sexual life of young girls.

217. The representative acknowledged, however, that sociocultural obstacles were delaying the process of eliminating discrimination against women. She recalled that various kinds of traditional resistance could be found in legal texts and in everyday practice. She stressed that the inertia of customs, the lack of combativity and solidarity among women, the non-functioning of certain government structures and lack of relevant human and financial resources constituted obstacles, but it was not impossible to overcome them. She mentioned that the training of women in rural areas was a matter that concerned the Government.

218. In the health field, she mentioned that, in 2003, the State had developed and adopted a national reproductive-health policy and that a national survey on the availability and use of emergency obstetric care was being undertaken. In 2004, health personnel had been offered training in contraceptive technology.

219. In conclusion, the representative reaffirmed her Government's undertaking to make every effort to ensure that the provisions of the Convention were implemented. The recent accession to the Optional Protocol to the Convention testified to that.

Concluding comments of the Committee

Introduction

220. The Committee expresses its appreciation to the State party for its combined second, third, fourth and fifth periodic report, while regretting that it was long overdue. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation in response to the questions posed by the Committee.

221. The Committee commends the State party for its high-level delegation, which was headed by the Minister for the Family, the Protection of Children and the Advancement of Women and which included representatives of other ministries with responsibility for implementation of the Convention, as well as the President of the Observatory for Women's Rights and Equality. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

222. The Committee welcomes the declared commitment and political will of the State party to implement fully the provisions of the Convention and to overcome the obstacles to women's equal participation in all aspects of public and private life.

223. The Committee notes with satisfaction that, following ratification and official publication, international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, prevail over national laws and are directly applicable at the national level.

224. The Committee welcomes the adoption of Law No. 09/2004 to prevent and combat trafficking in children; of Law No. 1/2000, which, among other matters, liberalized contraception by repealing Ordinance No. 64/69 of 4 October 1969 forbidding the use of contraceptives; and of Act No. 37/98 on the new Nationality Code establishing equal rights of men and women in regard to nationality.

225. The Committee notes with appreciation that in 2004 the State party acceded to the Optional Protocol to the Convention.

Principal areas of concern and recommendations

226. The Committee notes the State party's obligation for the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on these areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

227. The Committee expresses concern that, while article 2 of the Constitution guarantees equality before the law to all citizens without distinction, including on the basis of sex, neither a definition of discrimination in accordance with article 1 of the Convention nor the principle of equality between women and men, as set forth in article 2 (a) of the Convention, have been included in the Constitution or other appropriate legislation. The Committee is also concerned about the State party's limited understanding of its obligations under the Convention to eliminate discrimination and ensure the practical realization of the principle of equality of women and men.

228. The Committee recommends that a definition of discrimination against women in line with article 1 of the Convention and the principle of equality of women and men in line with article 2 (a) of the Convention be included in the Constitution or in other appropriate domestic legislation. The Committee urges the State party to elaborate and implement without delay a comprehensive national strategy and plan of action for the full implementation of all the provisions of the Convention. The Committee also urges the State party to include a gender perspective in existing sectoral policies and plans, and to enhance programmes for the advancement of women with temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general

recommendation 25 on temporary special measures, whenever appropriate.

229. While noting that women's access to justice and redress for alleged violations of their rights is provided for by law, the Committee is concerned that their ability to exercise this right in practice and to bring cases of discrimination before the courts may be inhibited by economic or cultural obstacles.

230. The Committee urges the State party to remove impediments and ensure access to affordable, effective and expeditious means of redress for women, including through awareness-raising about the availability of remedies against discrimination, and the provision of legal aid. The Committee also encourages the State party to monitor the effectiveness of such efforts.

231. The Committee is concerned about the persistence of discriminatory legal provisions, particularly pertaining to marriage and family relations, in the Civil and Penal Codes, including in respect of minimum age of marriage, separation and divorce, custody of children, equal-inheritance rights of widows and equal choice of residence and profession. The Committee is also concerned that the Civil Code recognizes the option of polygamy. Although an inventory of discriminatory legislation was compiled in 1997 and a number of studies have been undertaken on the discriminatory impact of legislation, the Committee is concerned about the lack of progress in amending discriminatory laws, in particular the Civil and Penal Codes.

232. The Committee urges the State party to accelerate the process of legal reform to eliminate discriminatory provisions, especially in the Civil and Penal Codes to ensure their full compliance with articles 2 and 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations. The Committee urges the State party to establish a concrete programme and timetable for such a reform process and to activate fully the inter-ministerial committee established for the purpose of reviewing the discriminatory aspects of the various codes. The Committee also encourages the State party to step up its efforts to increase awareness about the importance of legal reform for achieving de jure and de facto equality for women in accordance with its obligations under the Convention.

233. The Committee is concerned about the lack of specific legislation to eliminate violence against women, including domestic violence.

234. The Committee regrets that the report does not provide sufficient statistical data on the situation of women in all areas covered by the Convention or information on the impact and results of measures taken.

235. The Committee calls upon the State party to put in place a comprehensive system of data collection and of measurable indicators to assess trends in the situation of women and progress towards women's de facto equality. It invites the State party, as

necessary, to seek international assistance for the development of such data collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of measures and the results achieved.

236. In accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, recognizing that such violence is a form of discrimination against women and constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including domestic violence, so as to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that the State party also implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health providers, social workers, community leaders and the general public, in order to ensure that they are sensitized to the unacceptability of all forms of violence against women. It also recommends the introduction of measures to provide medical, psychological and legal assistance to victims of violence.

237. While welcoming the adoption of a law to prevent and combat trafficking in children, the Committee is concerned that similar measures have not been undertaken with regard to trafficking in women.

238. **The Committee urges the State party to intensify its efforts to combat trafficking in women and girls, including the adoption and implementation of a comprehensive strategy to prevent trafficking, punish offenders and protect and rehabilitate victims.**

239. The Committee expresses its concern about the prevalence of entrenched adverse customs and traditions, including early and forced marriage, polygamy, widowhood practices and levirate, as well as the persistence of stereotypes that discriminate against women and constitute a violation of women's human rights under the Convention. The Committee is particularly concerned about the State party's limited efforts to address directly such discriminatory practices and stereotypes and its position that the current widespread support for and adherence to these practices would prevent compliance with legislative measures designed to eliminate them.

240. **The Committee urges the introduction without delay, and in conformity with articles 2 (f) and 5 (a) of the Convention, of measures, including legislation, to modify or eliminate customs and cultural and traditional practices that discriminate against women, so as to promote women's full enjoyment of their human rights. The Committee calls upon the State party to develop and implement comprehensive educational measures and awareness-raising campaigns to facilitate an enhanced understanding of equality between women and men and to challenge cultural**

traditions and stereotypical attitudes regarding the roles and responsibilities of women in the family and society. The Committee recommends that these efforts be targeted at women and men in all segments of society, including public officials at all levels of Government, community and traditional leaders, employers and the general public. The Committee encourages the State party to undertake such efforts in collaboration with civil society and women's and human rights organizations, and to seek effective cooperation with the media, including radio and print media. It also urges the State party to make better use of the formal education system, including through revision of school curriculums and textbooks, to further these efforts.

241. The Committee expresses concern that, although education is compulsory for all children aged 6 to 16 under Act No. 16/66 of 10 August 1966, the attendance rates for girls drop precipitously at higher levels of education, with 39.94 per cent in junior high school and 7.20 per cent in upper high school. The Committee is also concerned that the attendance rates for girls drop to 2.63 per cent in higher education.

242. The Committee urges the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women. It recommends that the State party prioritize efforts to ensure equal access of girls and young women to all levels of education and to increase their rates of enrolment and retention, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, by giving incentives to parents and scholarships to girl students. The Committee encourages the State party to use its educational and training systems systematically for enhancing knowledge about the Convention and women's right to equality and non-discrimination.

243. While the Committee commends the State party for introducing temporary special measures to increase the number of women in public life and decision-making, it is concerned at the low level of women's participation, particularly in the National Assembly and the Senate, and at the international level, and the insufficient information provided about the implementation of articles 7 and 8 of the Convention and the Committee's general recommendation 23 on women in public life and decision-making.

244. The Committee recommends that the State party implement temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in decision-making positions. The Committee urges the State party to implement and strengthen training and awareness-raising programmes to highlight the importance of women's participation in decision-making at all levels, including at the international level, and to create enabling, encouraging and supportive conditions for such participation.

245. The Committee is concerned that the report contained insufficient information on measures taken to address infant and maternal mortality, on access to family planning services and on the prevalence of HIV/AIDS.

246. The Committee requests the State party to provide in its next report detailed statistical and analytical information on measures taken to improve women's access to health-related services and information, in particular in rural areas, including in regard to sexual and reproductive health and family planning, and the impact of these measures, in accordance with the Committee's general recommendation 24 on women and health.

247. The Committee is concerned about the situation of rural women, particularly in view of their geographic isolation and lack of access to adequate nutrition and sanitation, health care, education and income-generating opportunities. This situation leads to multiple forms of discrimination against rural women. The Committee is also concerned about the absence of statistical information related to rural and indigenous women.

248. The Committee urges the State party to implement, on a priority basis, measures to ensure that rural women have full access to adequate nutrition and sanitation, health-care services, education and income-generating opportunities. The Committee invites the State party, as necessary, to seek assistance from relevant specialized agencies of the United Nations to improve the standard of living of rural women.

249. The Committee recommends that the State party avail itself of technical and financial assistance from the international community, as indicated in the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, in order to facilitate implementation of the Convention.

250. The Committee recommends that the State party take concrete steps to encourage and facilitate the active participation of civil society in the full implementation of the Convention, including in the follow-up to the concluding comments. The Committee further recommends that the State party consult with non-governmental organizations during the preparation of the next periodic report.

251. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

252. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which was due in February 2004, and its seventh periodic report, which is due in February 2008, in a combined report in 2008.

253. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United

Nations conferences, summits and special sessions, such as the special session of the General Assembly for the overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

254. The Committee notes that States' adherence to the seven major international human rights instruments, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Gabon to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

255. The Committee requests that the present concluding comments be widely disseminated in Gabon, in the French and Bantu languages, in order to make the people of Gabon, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".