



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-second session

Summary record of the 670th meeting

Held at Headquarters, New York, on Thursday, 13 January 2005, at 3 p.m.

Chairperson: Ms. Schöpp-Schilling (Vice-Chairperson)

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In the absence of Ms. Manalo, Ms. Schöpp-Schilling, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

1. *At the invitation of the Chairperson, the members of the delegation of Gabon took places at the Committee table.*

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined second, third, fourth and fifth periodic reports of Gabon (continued)
(CEDAW/C/GAB/2-5,
CEDAW/PSWG/2005/I/CRP.1/Add.3 and
CEDAW/PSWG/2005/I/CRP.2/Add.2)

Articles 10 to 14

2. **Ms. Dairiam** noted that although according to the report (p. 20) there was no sex discrimination with regard to the right to obtain bank loans and mortgages, there were nevertheless strict criteria some of which were extremely subjective, such as the requirement to be of good character, and in fact few women had been able to meet the conditions to obtain credit. If the actual situation for women was negative then the conclusion must be that discrimination in fact existed even if none was intended. The State party should reflect closely on the nature of de facto discrimination in its efforts to ensure equality for men and women.

3. She requested more data on the number of women who had benefited from the initiatives described in the report to provide women with access to financial resources (p. 21) and on whether any mechanism existed for women to file a complaint if they felt that they had received unfair treatment from the banks. Microcredit schemes were all well and good, but they did not address the root causes of poverty and asked whether the effects of macroeconomic trends, structural adjustments, gender, ethnicity and skills levels on the poverty levels of women had been studied and whether there was any coordinated approach or methodology for the elimination of poverty among women.

4. **Mr. Flinterman** welcomed the constitutional guarantees of equal access to education and the fact that primary education was provided to all, including girls, although he wondered whether that also applied

to minority groups. He expressed concern, however, that despite the fact that elementary education was theoretically compulsory, only 39.94 per cent of girls attended junior high school while the figures for upper high school and higher education were only 7.2 and 2.63 per cent of girls respectively. It was commendable that measures were planned to promote education for women, but he wondered whether the State party had considered the possibility of adopting temporary special measures to encourage girls to stay in school.

5. **Ms. Saiga** wondered how the delegation could explain the fact that in spite of the measures taken to combat stereotypes described in the delegations' written responses (p. 5), including for example criminal sanctions against parents who failed to send a child between the ages of 6 and 16 to school, fewer than 40 per cent of girls in fact attended junior high school. Furthermore, if the legal age of marriage for girls was 15, but the girls were supposed to attend school until the age of 16, she asked whether day-care facilities were provided for them so that they could continue their education. It was also urgent to raise the legal age of marriage for girls.

6. **Ms. Shin** said that although it was commendable that education was compulsory for all children up to the age of 16, the reality was quite different. Girls were often kept home to perform duties around the home or for other reasons; temporary special measures should be used to provide incentives to parents to send their children to school. Although there was no discrimination for the awarding of scholarships in general, special scholarships could be awarded to provide parents and girls with an incentive to ensure the latter attended school. Girls and women must be made more aware of their rights in general; given the key role played by education, innovative and creative ways must be found to encourage girls to continue their education.

7. **Ms. Patten** said that although the relevant legislation banned discrimination against women in employment, the report recognized that at times employers preferred men (p. 15). She wondered how the State party intended to tackle the problem of employment discrimination against women, whether it intended to ban discrimination on the basis of sex, pregnancy and marital status and whether the relevant International Labour Organization conventions had been ratified. She also asked whether mechanisms existed to protect the labour rights of women in the

informal sector and requested data on the representation of women in the civil service.

8. **Ms. Belmihoub-Zerdani** requested information on the situation of rural women, who were often illiterate, lived in precarious conditions and had little access to health care. She wondered whether they received information on family planning and whether the State party envisaged encouraging doctors to practice in rural areas or facilitating the travel of rural women to health centres. She also asked whether any information was available on demographic trends which might indicate a need for family planning.

9. The Beijing Platform for Action had called for adequate resources to be allocated to the developing countries, especially in Africa, and for the developed countries to meet the target of allocating 0.7 per cent of their gross national product to development means. She wondered whether Gabon had received any significant international assistance following the Beijing Conference, in particular from the G-8 countries.

10. **Ms. Tavares da Silva** asked whether any steps were being taken to address the high rates of maternal and infant mortality. Turning to family planning, she said that the report was unclear (p. 18); it spoke of the unmet need for contraception and of cultural resistance to family planning. She wondered what the real situation was and also requested more information on diseases affecting women in particular, including HIV/AIDS.

11. **Ms. Ngoma** (Gabon) expressed regret that although the Beijing Platform for Action had stressed the need for the developed countries to provide assistance to the developing countries in their efforts to meet the needs of women, a point which had been reiterated in 2000 at the Beijing+5 special session of the General Assembly, the financial and human resources available to the developing world, including Gabon, for that purpose were still woefully inadequate. Following the Beijing Conference, a seminar had been held in Gabon to develop a national plan of action and although financial assistance had been requested from various international donors, including the United Nations Development Programme and the United Nations Population Fund, sufficient funding had not been forthcoming.

12. She noted that it was often women and children who paid the heaviest price for the constraints imposed by the structural adjustment plans adopted since 1986.

Following the World Summit on Sustainable Development in Johannesburg in 2002, which had underscored the need to meet women's development needs, the Ministry of Mines had implemented a project to provide pumped clean water in rural villages; pumps had been installed in 80 per cent of villages and the remaining 20 per cent would likewise soon have pumps.

13. The results of a study undertaken in 2000 of the representation of women in the civil service had been provided to the Committee, which was why those statistics had not been included in the report. The study showed that 34.2 per cent of positions in the civil service were occupied by women, mostly secondary positions with relatively few at the decision-taking level. Although further study was necessary, recommendations had been made to the administration as well as to civil society and private employers regarding the employment of women.

14. She recognized that for some positions, often involving physical strength, for example mason, employers tended to hire men. Women were also often employed in the informal employment market; the Ministry of Trade was studying the extent of the problem of the informal economy with a view to bringing all workers, including women, into the formal, regulated economy where their rights could be protected, which would likewise provide increased revenue to the State. She informed the Committee that Gabon had ratified the relevant International Labour Organization conventions.

15. It was unfortunately true that because of strict requirements for guarantees such as a bank account or minimum income, it was difficult for women to obtain bank loans. In order to provide women with access to credit, the Government had established mechanisms such as the Fonds d'Aide et de Garantie (FAGA) and the Fonds d'expansion économique (FODEX). The purpose of such efforts was to provide women with the resources they needed to improve their businesses.

16. The Government was making great efforts in the area of education; it was required by law to provide compulsory basic education to all children between the ages of 6 and 16. As indicated in the report, it was however fully aware that there was room for improvement and was prioritizing better education and training along with improved basic health care. Boys and girls had equal access to school but unfortunately

many girls eventually dropped out of school; a plan of action had therefore been developed to implement measures aimed at increasing the number of girls who attended and stayed in school and encouraging girls to study subjects such as the sciences. To date, however, no evaluation of the effects of such measures had been undertaken.

17. Programmes had also been implemented to meet the special needs of certain groups. In rural areas, community education initiatives had been instituted for children between the ages of three and five and scholarships for girls were available from civil society groups. It was also possible for young mothers who were not able to continue in the regular programme to receive specialized technical or vocational training to provide them with marketable skills; day-care facilities were being developed so single mothers could attend school and a fund had also been established to assist economically disadvantaged young mothers. It had been recommended that the minimum age for marriage for girls be raised to 18, which should help address the problem of young mothers. Her Government estimated that some 186 million CFA francs was necessary to provide scholarships to encourage girls to continue their studies.

18. Her Government was also concerned with the situation of HIV/AIDS and had implemented the so-called Access programme to combat that phenomenon. There was also a special presidential fund of 1 billion CFA francs to fight HIV/AIDS, which would increase to 1 billion, 500 million CFA francs in 2005. The cost of treatment for a person suffering from HIV/AIDS was 2,500 CFA francs. In order to provide treatment to those who were unable to get care elsewhere, a mobile treatment centre had been established in the capital to provide out-patient care and treatment centres were gradually being established in the provincial capitals. A national plan had also been implemented to assist children made vulnerable by or living with HIV/AIDS and to provide assistance for food, school costs and health care to the new families created following the deaths of parents, when children could become the responsibility of grandparents or other relatives.

19. **Ms. Makaya Fayette** (Gabon) said that early pregnancy was one of the main causes of declining school attendance among girls. With regard to family planning, there was a very low usage of contraceptives, at just 11 per cent. Act No. 64/69, banning

contraception, had been replaced in 2000 by Act No. 01/2000 liberalizing access to contraception. Implementing legislation for that Act was currently being drafted. In 2004, medical staff had been trained in contraceptive techniques in three of the largest regions of the country, where about 70 per cent of the population was concentrated. The Government, in collaboration with the United Nations Population Fund (UNFPA), had made contraceptives available in those three major regions and women were encouraged to attend family planning centres, which were based in the antenatal clinics.

20. The Ministry of Health was making efforts to address the lack of doctors in rural areas. In that regard, one of the issues on the agenda of the meeting to be held in Libreville in February 2005 of all the sectors dealing with health issues would be the concentration of doctors in urban areas to the detriment of rural areas. The HIV/AIDS prevalence of 8.5 per cent among women was a source of great concern to her Government, which had initiated a pilot project in Libreville to prevent the transmission of HIV/AIDS from mother to child. That project, which had been extended in 2004 to the rest of the country, would be stepped up in 2005 and in future years because Gabon now had access to the Global Fund to Fight AIDS, Tuberculosis and Malaria. Referring to maternal mortality, she said that some 600 women died every year out of a population of 1,200,000 people, an unacceptably high rate. A national study conducted on that issue in collaboration with UNFPA in 2002-2003 had shown that the main cause was induced abortion. That was why the Government was making family planning the main focus of its efforts to address maternal mortality.

21. **Ms. Ngoma** (Gabon) said that, following the submission of the report, a population census had been conducted in 2003, the findings of which were currently being analysed. She hoped that new population figures for Gabon would be available in 2005. Those figures would be communicated to the Committee at a later date. She assured the Committee that her delegation would implement its proposals.

Articles 15 and 16

22. **Ms. Gaspard** said that upon returning home, the delegation should stress and support measures to ensure implementation of article 16 of the Convention. While she understood the cultural resistance to some

initiatives, Gabon had ratified the Convention without any reservations and was now obliged to ensure that its provisions, including gender parity with regard to marriage, were incorporated into its legislation. In that regard, she welcomed the announcement that Gabon intended to align the age of marriage for men and women in the near future and hoped that in its next report Gabon would inform the Committee of progress achieved in that area and in respect of all issues pertaining to personal status.

23. **Ms. Gnacadja** welcomed the Government's intention to raise the age of marriage for both boys and girls to 18 and commended its desire to protect and enhance the status of women by carrying out many surveys and studies. While it was ideal to secure the consensus of society before enacting legislation, at some point in time analysis was no longer needed. It was not necessary to wait for the results of a survey in order to amend legislation which permitted polygamy in one of its articles and prevented widows from inheriting their dead husband's property in another. Since it would be virtually impossible to secure the full support of the extended family with regard to remarriage of the widow, she suggested that Gabon should introduce legislation which would enable widows to get the courts to force families to convene a family council. She urged the delegation to move faster with respect to raising the awareness of women and in the area of legislative reform.

24. **Ms. Zou Xiaoqiao** said that, since the provision under the Civil Code making husbands heads of households and managers of the common property in the context of marriage violated the spirit of the Convention, she wondered whether the Ministry planned to take measures in that regard. Furthermore, she wished to know whether women had the right to ask for divorce in Gabon.

25. **Ms. Tan**, referring to polygamy, wanted to know whether the Government, as the only authority empowered to make changes, planned to bring the Civil Code in line with the articles of the Convention and to abolish polygamy. She asked why the law was not enforced with regard to the payment of dowries, which was clearly incompatible with the law and discriminatory towards women. Regarding widows' inheritance rights, she wondered what the Government was doing to end the discriminatory practice under which the widow was obliged to marry into her

husband's family if she wished to benefit from her deceased husband's wealth.

26. **Ms. Morvai** said that, judging from the tenor of the report, the Government itself did not appear convinced about articles 5 and 16 (c) of the Convention under which men and women had the same rights and responsibilities during marriage and the dissolution thereof. Indeed, if it sent the messages in the report that women were more attuned and attentive to children's needs, she wondered how it could expect society and prospective employers to think otherwise.

27. **Ms. Belmihoub-Zerdani** pointed out that while in Gabon single men and women each administered their own property, the husband managed a couple's assets, which was a clear example of discrimination. There was also discrimination in the ways in which a marriage could be ended. The report stated that the age for marriage was 15 for girls and 18 for boys, while the age of majority in the country was 21, and that efforts were being made to align the marriagable age for both sexes at 18. Reading further on, she noted that under article 211 marriage had to have the personal consent of each of the spouses, and was not valid if that consent was tainted by illegal actions, while under article 204 of the Civil Code a person marrying under the age of 21 needed the consent of a legally responsible adult. Which, she wondered, was the actual minimum age for marriage, 18 or 21? There was also the problem of a dowry being paid upon marriage, which the report stated was banned under Gabonese law, but which persisted as a custom in the country. Did the fact that it was paid, although it did not exist under civil law, make it an integral part of the marriage bonds? And if that was correct, could a husband refuse to let his wife divorce him unless she repaid the dowry?

28. Concerning polygamous marriage, she noted that a husband who had originally contracted a monogamous marriage could change his mind and opt for a polygamous one. As regarded separation of the spouses, a woman's leaving her husband was equated with adultery, which was clearly discrimination against women. Gabon had ratified various human rights conventions, in addition to the Convention in question, with no reservations to explain all those inconsistencies, and it was proving slow to bring its practices into line with its own legislation. The Civil Code was clear; the age of marriage should be 21, the dowry was illegal and immoral and marriage required

the consent of both parties. There were excellent reasons to sweep away all such anomalies and bring legality and equality to the rights of men and women in Gabon.

29. **Ms. Šimonović** pointed out that since Gabon had ratified the Convention, its women were in a position to challenge the status quo. As the Minister herself had said, the Convention now took precedence over the Civil Code in matters like the stipulations of article 252 that a woman had to obey her husband and article 261, the right to exercise choice of a profession and a domicile. In the case of unequal rights of ownership or inheritance, for instance, article 16 of the Convention and the Optional Protocol could be used as tools to repeal all the discriminatory laws that still existed in the country.

30. **Ms. Ngoma** (Gabon) said that the problem did not lie with the Civil Code, under which women also inherited property, but with the cultural and behavioural traditions of the country. The Committee had referred to Ordinance No. 63/69 on dowries not being applied, but the dowry was seen as a gesture without which parents would be reluctant to give their daughter in marriage. With the help of the international community Gabon was trying to root out such aspects of its culture and customs like the levirate and sororate, but customs died hard. Even as a feminist she still considered that the mother's role was the greater when the children had two parents and was a double one when they had only one. Concerning the lack of women in posts where decisions were taken, Gabonese women had to make sure that decision-makers, whoever they were, saw things from a woman's point of view. Divorce was the most desirable outcome if a marriage was dangerous for the wife or for her children. Statistics on divorce would be made available to the Committee at a later date. On the issue of inheritance, women and children could inherit property under the Civil Code, but the cultural climate in the country inclined it to allow the Family Council to decide such issues. The ideal would be for both to have a part to play. As it was unthinkable for a mother to be unable to inherit anything from a child of hers who had died, it had been decided that the inheritance would be a joint one, in parallel. Recommendations on that issue had been made to the Ministerial Committee.

31. **Ms. Nzet-Bitégué** (Gabon) pointed out that although national legislation had not yet adopted the principle of divorce by mutual consent, women did

have the right to demand a divorce. Concerning the death of a husband and father, legislation governed the convening of the Family Council in order to prevent any abuses. A married woman was supposed to be a part of the Family Council, and a widow whose family ignored her could go to court and have its decisions declared null and void. In cases where the family prevented a Family Council from being convened, for instance when all the children were over 21 and therefore co-inheritors, the children or the widow could go to court. As for the obligation to remarry into the family, covered in article 692 of the Civil Code, the end of the article stated that if there were "valid reasons", that obligation could be waived. One such reason might be that the husband's brother had HIV/AIDS. The State defended women through its laws, but they must also engage on their own behalf within the law. Efforts were made to raise the awareness of women's NGOs and even women judges, who often advised women who could not afford a lawyer, that the phrase "valid reasons" meant that no woman was obliged to marry a family member who she felt was simply out to seize her inheritance. Similarly, although the law stated that the husband administered the shared property of the couple, if he mismanaged it his wife could go to court and ask the judge to separate their property and dissolve their union. As for the age of marriage for girls, the enactment of new legislation was a lengthy process, even though the Minister of Justice had stated that conformity with the Convention and with article 2 of the Constitution was a priority.

32. Concerning the issue of abandonment of the family home being punished as though it were adultery, she said that was the case only if it happened without a valid reason. A woman had only to explain why she had left and she would not be punished, as NGOs should be explaining to the women with whom they worked. Women rarely left their families without a very serious reason.

33. **Ms. Mboga** (Gabon) said that, despite some difficulties stemming from traditional customs, women and children enjoyed guaranteed inheritance rights. In her view, rather than rush into legislative reform, it was preferable to adopt the inheritance arrangements best suited to the culture of the country, which should, of course, be in keeping with international treaties. The age of 21 was the legal age for both civil majority and marriage for both men and women. Allowing girls to marry at 15 and boys at 18 were exceptions to that rule,

and in all such cases presidential authorizations were required. The age of criminal responsibility was 18: children under 13 were not deemed criminally liable; between 13 and 18, they could be prosecuted but with indulgence, and imprisonment was always exceptional; after the age of 18, they were prosecuted as adults.

34. **Ms. Ngoma** (Gabon) said that public and private nurseries were available for the children of all working women. There were also day-care centres run by the State for economically dependent single mothers, students, or any woman with a family crisis. Gabon had ratified the International Labour Organization (ILO) Minimum Age Convention No. 138, which set the minimum age for employment at 14, but its own legislation improved upon that by making 16 the minimum age.

35. **Ms. Šimonović** observed that the delegation's replies to questions about article 16 regarding inheritance and divorce indicated that women had rights but under conditions that were not applicable to men. Women must be given full equality, and Gabon must endeavour to find a way to guarantee it. One suggestion would be to review very carefully each provision of the Convention in conjunction with its own legislation on the subject.

36. **Ms. Gnacadja** asked for clarification as to how the Observatory for Women's Rights and Equality (ODEFPA) could be an independent non-governmental organization, as indicated in the responses to both questions 3 and 4 of the list of issues and questions, if its resource persons worked under the supervision of the Ministry for the Family, the Protection of Children and the Advancement of Women.

37. **Ms. Simms** noted that when the delegation could say, as it had at the previous meeting, that mothers who themselves had been raped would react strongly to the rape of their children or that fathers would never allow their daughters to be beaten even though they might beat their spouses, there was clearly a value system in place that needed to be changed. She would be interested in seeing gender-disaggregated data on spousal abuse, for she doubted that many women had the temerity to beat their husbands. The high rate of deaths from failed abortions was an argument for the Government not to restrict safe abortions. The next report should clearly address the issue of female genital mutilation, if it existed in Gabon. Also, any effort to discourage early sexual activity was

undermined by a legally permissible marriageable age of 15, and the Government should deal with such age issues. Above all, it should develop a public education programme to counter cultural handicaps and stereotypes and practices like polygamy. It was for women to deconstruct the culture of their country.

38. **Ms. Saiga** said that advocacy or publicizing of the laws was not enough. Laws were often misunderstood or misinterpreted, or the courts were not rigorous enough in applying them. It was the law enforcement officials who needed to be trained to apply the laws as written.

39. **Ms. Morbai** asked whether the delegation acknowledged that any public reference by the Government itself to a hierarchy of responsibility between the spouses in a marriage, which the report seemed also to support, was not in compliance with article 16.

40. **Ms. Tan** said she would appreciate replies to her earlier questions regarding safe drinking water in rural areas and the measures taken to publicize the Convention.

41. **Ms. Belmihoub-Zerdani** observed that the members of the delegation showed determination and courage in overcoming stereotypes. Acting hand in hand, women would in the end triumph.

42. **Ms. Ngoma** (Gabon) said that the Civil Code recognized the man as head of household because he had the main responsibility for the management, security, education and health of the family, which in all respects he shared with his wife; perhaps the law was not well phrased. Certainly, cultural stereotypes created a situation in which the educational expectations and opportunities were different for girls as compared to boys, but, progressively, a gender perspective was being introduced in the educational system and in the thinking of families.

43. In the Libreville seminar organized to implement the Beijing Platform for Action, gender equality had been a main concern and one of the priorities had been to establish the Observatory for Women's Rights and Equality, which under Act No. 1 of 2000 had to receive adequate government funding to allow it to carry out its work independently. The members of ODEFPA, in fact, travelled constantly throughout the country advocating women's issues and conducting consciousness-raising campaigns, for which brochures

had been prepared, and immediately bringing any failings they noted to the attention of the appropriate ministry. ODEFPA was definitely a non-governmental organization that received funding from various national and foreign partners, but at the same time it had to have a corresponding Ministry to which to convey its concerns, hence the link to the Ministry for the Family, the Protection of Children and the Advancement of Women.

44. The Government's statistics on violence had been broken down into six categories, and in the area of domestic violence, there had been a surprising incidence of physical violence of women against their husbands, clearly making it one of the problems that needed to be addressed.

45. Even before the recommendations regarding water which had emerged from the 2002 World Summit on Sustainable Development, the Government had been aware that not all parts of the country had safe drinking water. The Ministry of Mines had accordingly started a village water supply programme that had now extended the coverage to 80 per cent of the country and was expected within two years to have reached even the remote mountain areas.

46. In 1983, the Secretary of State for the Advancement of Women had toured the country in order to familiarize the people with the provisions of the Convention, distributing material on it in various vernacular languages. A number of non-governmental organizations had also published and distributed brochures on the subject. In addition, during the five or six national days held each year focusing on women's issues, the Convention had frequently been featured. The periodic report had received much media attention in the country and had been discussed with civil society organizations and development partners before it had been presented to women in the country.

47. She assured the Committee that her Government was firmly committed to the advancement of women and had even given official recognition to the role of the mother in the family. For all members of the delegation it was a daily combat that they intended to carry on. They had learned much from the dialogue with the Committee and thanked the members for their many positive comments and recommendations, which they would convey to the Government.

48. **The Chairperson** said that the exchange with the delegation, focusing on issues that were crucial for women in Gabon, had been intensive and constructive.

The meeting rose at 5 p.m.