



**Convention on the Elimination
of all Forms of Discrimination
Against Women**

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Eighth session

SUMMARY RECORD OF THE 134th MEETING

Held at the Vienna International Centre, Vienna,
on Tuesday, 21 February 1989, at 2 30 p m

Chairperson Ms EVATT

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Convention

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The meeting was called to order at 2 40 p m

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of Gabon (CEDAW/C/5/Add 54 and Amend 1)

1 The CHAIRPERSON said that the representative of Gabon, who was present to introduce his Government's report and answer questions from the Committee, had asked whether he could respond at a later stage if he was unable to do so immediately. She wondered whether the Committee would be willing to receive written replies and, if so, how they should be dealt with.

2 Ms CORTI said that the Committee's work had already been considerably delayed. She suggested that any written replies that might be necessary should be incorporated in the Government's next report.

3 Ms BERNARD endorsed that suggestion.

4 The CHAIRPERSON said she took it that the Committee was willing for any replies that could not be provided in the course of the meeting to be incorporated in the second report.

5 At the invitation of the Chairperson, Mr Lekounda-Boumy (Gabon) took a place at the Committee table

6 Mr LEKOUNDA-BOUMY (Gabon), introducing his Government's initial report, said that any shortcomings in the format should be attributed to inexperience. It had been compiled by a new government department, the State Secretariat for the Advancement of Women and for Human Rights, set up in 1983 to monitor progress in regard to the status of women in Gabon. In that context, the seminars organized by the Committee could be very useful for improving national reports.

7 In recent years, Gabon had embarked on a major programme of legislative and other reforms in connection with the status of women. He believed that future reports would reflect those efforts more fully. In the mean time, he would attempt to provide an overview of the major objectives of his Government's policy in regard to women.

8 Gabon had resolved, on obtaining independence, to set up a State based on justice and democracy. The Constitution solemnly reaffirmed the rights and freedoms set forth in the Universal Declaration of Human Rights. The determination to establish a State based on the rule of law was reflected in respect for the principle of equality of men and women in all aspects of social life. Gabon had acceded unreservedly to the Convention on the Elimination of All Forms of Discrimination against Women in 1983. Under the Constitution, sovereignty emanated from the people, who exercised it directly through the vote and indirectly through the organs and institutions of government. Every citizen was entitled to develop freely, subject to respect for the rights of others and for public order. The Constitution protected and guaranteed political and trade union freedoms, freedom of thought and religion, and economic and social rights on the basis of full equality.

9 The principle of equality between men and women enshrined in the Constitution was upheld by law. Gabon regarded the principle as a dynamic one, taking into account changes in society and at the same time aiming to preserve the country's

(Mr Lekounda-Boumy)

cultural heritage Both men and women were assured of free access to education and the right to employment Women participated in all aspects of national life and were represented at senior levels in the Government Women were active in diplomacy, business and the armed forces, in addition to their traditional role in the home

10 Under the Constitution, education in Gabon was compulsory for both boys and girls from the age of six Both sexes had access on an equal footing to all forms of education Public education was free and all fields of study, including physical education, were open to girls as well as boys With regard to higher education, he noted that, in 1988, almost half the students enrolled in the Faculty of Medicine were girls

11. As far as health was concerned, women enjoyed special protection under the social security and social welfare systems In principle, all workers, regardless of sex, were covered by the Social Security Code The system also provided for the needy, who were defined as those without employment or having an income of less than the minimum wage They too were entitled to State benefits and free health care Benefits included family allowances, maternity allowances, coverage for accidents at work and occupational diseases, disability pensions and death grants Pregnant women were entitled to pre-natal and post-partum care in town and country alike

12 Under the Constitution, work was both a right and a duty The State recognized the importance of the role of both men and women in national development and encouraged their participation The State guaranteed equal pay for work of equal value without discrimination on the grounds of sex Vocational training and apprenticeship were provided by the State Special conditions applying to the employment of women included the right to maternity leave During such leave, women were entitled to free medical care and full pay

13 In Gabon, the human person was the subject of law from birth onwards and enjoyed all public and private rights Any voluntary limitation on the exercise of those rights was null and void in the eyes of the law Marriage thus did not impair the legal capacity of women Although the husband was the legal head of the family, the wife worked with him in managing the family property and bringing up the children Women were entitled to open bank accounts in their own name and to administer their own property In principle, unless the spouses had explicitly agreed otherwise, family property was jointly owned and women had a duty to take part in its management Wives did not need their husbands' permission to engage in trade, and women with professions were able to take out loans and mortgages With regard to equality between men and women in family relations, he noted that women were free under the law to marry or not, as they chose, and to seek or refuse divorce Divorce in Gabon was not by mutual consent but granted only on the grounds of the fault of one or other spouse A wife who was not at fault could thus be given custody of the children

14. In conclusion, he hoped that the Committee would excuse any failure of the report to conform fully to article 18 of the Convention He felt certain that in future his Government's reports would be richer and more comprehensive

15. Ms OESER said that she appreciated Gabon's situation as a developing country. Clearly, it took time to change the deep-rooted patterns of society. She noted, however, that the Government's concept of equality seemed to differ from that in the Convention. According to the report, the lack of measures specifically intended to enhance the status of women indicated a determination to make no distinction between the sexes. Unfortunately, there appeared to be a gap between de jure and de facto equality. The relationship between spouses was defined in the Civil Code, which stipulated inter alia that the husband was the head of the family and was entitled to prohibit his wife from exercising her profession or leaving the national territory. She would be glad of further information and comment on that point.

16. In the conclusions, it was stated that the authorities in Gabon had given women the same opportunities as men. In order to do so, the emphasis had been placed on educating, training and informing girls and women, as prerequisites for their effective participation in national development. In that connection, she asked whether there was any plan to set up day-care centres to make it easier for women to work and enjoy the rights they were said to possess.

17. Ms SOUMARE congratulated the Government of Gabon on its efforts for the advancement of women. She was anxious to know, however, whether the Government regarded family planning for women as a right. In many developing countries, family planning needed to be approached from the point of view of health protection. While she understood the Government's demographic concerns, she would like to know whether women enjoyed the right to space out births as well as the right to seek abortion where there were social and medical reasons for it.

18. Ms GUAN Mingqian congratulated the Government of Gabon on its comprehensive, frank and detailed report. Women in Gabon had a long way to go before full equality was attained but the Government had several achievements to its credit. She was glad to see that there was already a strong women's organization and an independent government department devoted to the cause of eliminating discrimination against women. She wished it every success.

19. Ms AKAMATSU welcomed the establishment of the State Secretariat for the Advancement of Women and for Human Rights in Gabon. Considering that Gabon was a large country with a small population, its policy of encouraging high fertility was understandable. However, for women, early marriage and frequent childbirth implied a shorter education and the disruption of their careers. Furthermore, expressions such as "the head of the family" in the Civil Code suggested that there was still discrimination against women even in the legal system of Gabon.

20. Referring to the conclusion that the situation of women in Gabon remained "comfortable", she wondered how the author of the report had come to that conclusion and whether it was not for men that the situation was really comfortable.

21. Ms CORTI said that although the report on the situation in Gabon was incomplete, it was informative and frank, notably in stating that there were still many obstacles to equality between men and women owing to lack of qualifications and prevailing mental attitudes. She welcomed the establishment of the State Secretariat for the Advancement of Women and for Human Rights, but regretted that it was not represented at the meeting.

22. There seemed to be a contradiction between the attention given to women by the Government of Gabon, on the one hand, and the legislation in force on the other.

(Ms Corti)

Not only did the latter fail to conform to the Convention, but it also failed to meet the needs of women. In particular, an effort should be made to amend the Civil Code of Gabon, which discriminated against women both as human beings and as subjects of law. It was difficult to understand why a relatively wealthy country like Gabon, which had done so much for women in its development process, did not act more rapidly to meet its international obligations and the needs of the country itself. Lastly, she too questioned the use of the word "comfortable" in reference to the situation of women, because although women contributed greatly to the economy they did not enjoy adequate protection.

23 Ms LAIOU-ANTONIOU said that the fact that the representative of Gabon had asked for the Committee's indulgence simply reflected men's poor knowledge of the situation of women in their countries. The system of reporting under the Convention was helpful in that respect, since it placed national representatives, who were usually men, in an awkward position. She congratulated Gabon for taking an interest in women's affairs and for establishing the Secretariat for the Advancement of Women and for Human Rights despite economic difficulties, and hoped it would be given every assistance. As she saw it, despite what was stated in the conclusions, political will was more important than economic considerations when it came to the advancement of women. For example, it would cost nothing to amend the family law of Gabon. However, the necessary political will appeared to be emerging and the authorities should be encouraged to bring their legislation into line with the Convention.

24 With regard to Gabon's desire to increase its population, many Governments made the mistake of prohibiting abortion and family planning in the belief that birth rates would consequently rise. Not only had that approach proved a failure in other countries, but it was also contrary to women's rights. In order to overcome such demographic problems, both parents must have the right to plan their family and an adequate social infrastructure must be provided. Otherwise, an increase in the birth rate would simply lead to greater poverty. In conclusion, she observed that despite an emerging political will for progress, an erroneous ideology still prevailed with regard to the actual social role of women, especially in connection with schemes to increase the population. She asked the representative of Gabon whether he really regarded the prohibition of abortion and contraception and the lack of family planning as effective means of increasing the population, and whether there was any link between that approach and early maternity and the low age at which girls dropped out of school.

Article 2

25 Ms GONZALEZ MARTINEZ, welcoming the frankness of the report under consideration, said that it was informative and reflected the progress made in Gabon. The amended version provided additional information on legal instruments adopted on the status of women and the application of the Convention. It was gratifying that the Constitution appeared to be the main basis for the application of the Convention. Yet, the amended version of the report raised some doubts. Why had it been necessary to submit it?

26 Although the legal framework for the implementation of the Convention, as a legally binding instrument, seemed adequate, it might be more effective to set up specific programmes covering areas such as information for women in order to disseminate knowledge about the Convention and the national legislation giving effect to it.

Article 3

27 Ms BERNARD commended Gabon for ratifying the Convention and submitting its initial report, which had been usefully supplemented by the oral introduction. Noting that there were women serving in the country's political administration and Government, she asked for the exact percentages.

28 The CHAIRPERSON inquired whether any measures had been taken to publicize the Convention in Gabon and to inform women about its provisions concerning the protection of equality.

Article 4

29. Ms ILIC, referring to the action taken by the Government of Gabon to implement the Convention and eliminate discrimination against women, welcomed the honesty of the report. It reflected traditional attitudes, according to which young women were regarded as the property of their families, and later, after a dowry had been paid, of their husbands. Such attitudes were a legacy of the past and no one could be blamed for them. However, the Convention made it incumbent upon States parties to take measures to bring about equality between the sexes. In Gabon inequality stemmed both from the laws governing the status of women and men, and from the discrepancy between the de jure and de facto situation of women.

30 She regretted the lack of information on the mandates and programmes of the National Council of Gabonese Women, the Union of Women of the Gabonese Democratic Party and the State Secretariat for the Advancement of Women and for Human Rights and requested further clarification. Furthermore, although the representative of Gabon had mentioned in his introduction that major legal reforms were under way, no specific details had been given as to their nature.

Article 5

31 Ms AKAMATSU, referring to the prevalence of traditional values concerning the roles of men and women, asked whether there were any plans to change the role of women in Gabon, or whether it was government policy to maintain the status quo.

32 Ms ILIC observed that the basic attitude of society seemed to be that maternity was the primary function of women and that their status depended on the number of children they had. What measures did the Government intend to take to broaden that view of women and make them members of society in the full sense?

33 The CHAIRPERSON suggested that the reporting State should give more attention to the section of the report concerned with information, which was crucial to the elimination of discrimination. Indeed, the author appeared to doubt the ability of women to take an interest in the media and to receive information from them. Yet the media could be used to change attitudes - an opportunity which was being missed.

Article 6

34 Ms OESER, noting that debauchery had been punishable by law since 1984, asked how many people in Gabon earned their living in that manner. Was debauchery a social problem? Had the laws introduced in 1984 had any effect?

35 Ms GONZALEZ MARTINEZ said that, in view of the overall situation with regard to prostitution as reflected in the report and the reinforcement of women's maternal role, it was surprising that the law should merely regulate prostitution.

(Ms Gonzalez Martinez)

rather than attempt to combat it. Had the Government considered the possibility of setting up a programme of social guidance for prostitutes aimed at changing their attitudes? Had any attempt been made to investigate the reasons for prostitution? If there were not enough jobs, economic activity could perhaps be promoted to remedy the situation, and if the reasons were not economic, it might be possible to guide women towards alternative life-styles

36. Ms LAIOU-ANTONIOU asked whether there was a relation between prostitution and early maternity

Articles 7, 8 and 9

37. Ms ILIC said that she failed to understand why, despite the existence of a very strong women's organization in Gabon, very few women were involved in the country's political and social life. Was there a reason for that apparent paradox?

38. Ms BERNARD asked whether, in view of the fact that a Gabonese woman could not remove her child from the national territory without the father's written authorization, the nationality of the child could pass through the mother or only through the father

39. Ms LAIOU-ANTONIOU requested clarification of the way in which the National Council of Gabonese Women worked alongside the ministerial departments dealing with women's affairs and how policy guidelines with regard to women were established

Article 10

40. Ms GUAN Mingqian asked for information regarding the level of illiteracy in Gabon and some indication of the reason for the failure of the literacy programmes undertaken in Gabon since independence

41. Ms BUSTELO DEL REAL called for further information regarding participation by women in secondary education and asked whether the large increase shown in the statistics reflected efforts to reduce the number of early pregnancies. Since the statistics given were presumably total figures, she would welcome a breakdown between urban and rural areas. She also wished to have more information regarding the availability of scholarships for women and participation by women in technical education

42. Ms GONZALEZ MARTINEZ inquired about the political approach adopted by the Government in promoting female literacy, particularly in view of the shortage of teachers and the lack of perseverance shown by candidates. In her view, overcoming the problem of illiteracy among women would enable them to make a far greater contribution to the country's economy

43. Ms OESER asked whether the General Directorate for Mass Education could provide more information regarding the rate of illiteracy among women. She was also concerned about the decline in the investment budget for education and health

44. Ms LAIOU-ANTONIOU inquired whether the sex education programme in schools, developed by the Interministerial Working Group on Sex Education, had been launched

Article 11

45 Ms AKAMATSU called for more information on the protection given to women by the provisions of the Labour Code, including the duration of maternity leave

46 Ms GONZALEZ MARTINEZ, acknowledging the impact of social tradition on the employment of women in Gabon, inquired about the extent of technical training provided for women. Were there any technical training programmes for women that led to jobs? The report mentioned community work by villagers, such as the carrying of water. Much heavy work of that kind was done by women and she wondered whether any payment was made to them.

Article 12

47. Ms ALFONSIN DE FASAN inquired about the Government's concern for the physical and mental health of the young mother and her child. Were child-care facilities provided to enable young mothers to continue with their work or studies? She also asked whether the programme of sex education in schools had been launched.

48 Ms GUAN Mingqian contrasted the Government's apparent determination to establish Centres for the Protection of Mothers and Children with the downward trend in the budget allocation for health. In view of the prohibition of abortion and the distribution of contraceptives, she wondered whether figures were available for illegal abortions and for the ratio of abortions to live births. What was the attitude of women in Gabon to that legislation?

49 Ms BUSTELO DEL REAL stressed the importance for women of access to scientific methods of family planning and birth control.

50 Ms FORDE expressed an interest in the staffing and organization of the Centres for the Protection of Mothers and Children and asked why women failed to take advantage of them. She felt that placing the burden of increasing the population on young women deprived them of choice and wondered whether there had been any opposition by women to that policy.

Article 13

51 Ms BERNARD sought clarification regarding the position of a married woman seeking credit from a bank and the need to obtain her husband's consent.

52 Ms FORDE asked for further information about the husband's right to object to his wife engaging in work outside the home.

Article 14

53 Ms GUAN Mingqian inquired whether rural women shared in the income from farming work and asked for clarification about their status in the home.

54 Ms SAYOGYO noted that, in Gabon, women were more involved in food crops, while men were more involved in cash crops, and wondered whether there were programmes to train women in modern farming technology. She also called for information regarding women extension workers and clarification of the reference in the report to modern family farming.

55 Ms GONZALEZ MARTINEZ felt that the lack of participation by men in farming projects and co-operatives, combined with sociological obstacles to the advancement of women, painted a gloomy picture. She wondered whether women in Gabon were aware of their disadvantaged position in agriculture as compared with men and whether they accepted it. Were there any information campaigns or incentives for women to embark on training courses with a view to righting that imbalance?

Article 15

56 Ms CORTI asked whether there was any willingness to change the legislation giving the husband the right to prohibit his wife from exercising her profession or obtaining loans from banks. The spirit of the legislation on residence and domicile was discriminatory in relation to women and she wondered whether the Government intended to take any steps to improve the situation.

57 Ms AKAMATSU noted that in the Penal Code of Gabon the definition of adultery was different for husband and wife, which clearly discriminated against women and contravened the Convention.

58 Ms PILATAXI DE ARENAS said that it was a matter of concern to the Committee that there was clear discrimination against women in the Civil Code of Gabon. Articles 267 and 268 of that Code were particularly discriminatory and injurious to the rights of women. They stated that adultery committed by the wife was punishable wherever it took place, whereas adultery committed by the husband was punishable only if it took place under the conjugal roof, that constituted flagrant discrimination. She wished to know what was meant by the reference to "customary rights", which were said to make proof of such adultery even more difficult.

59 The birth-control policy adopted by the Government of Gabon was a source of concern for the Committee since it was prejudicial to the status of women. The fact that Gabonese women were prohibited from using contraceptives made them bear responsibility for the population policy which was of such concern to the Government. It was spending millions of francs studying the causes of infertility but seemed to have little concern for the sacrifices made by women in biological and psychological terms, which might be a reason for the high level of mortality among young mothers. A number of factors might contribute to the low birth rate in Gabon, and it would help the Committee to have some idea of the life expectancy of men in Gabon as compared with women.

60 Ms ILIC noted that Article 226 of the Civil Code of Gabon, in allowing a woman married under a monogamous regime to oppose the celebration of the husband's second marriage, seemed to represent an inherited practice but also implied the existence of two parallel systems - a monogamous regime and a regime which allowed a husband to have a second wife. She asked if anything was being done to change that situation, which was not strictly in accordance with the Convention.

61 The report suggested that women did not make use of the courts to repair wrongs done to them, and she wondered whether that was because they were uneducated and did not know their rights, because they did not trust courts that were probably headed by male judges, or because they feared rejection by a society that might disapprove of their having recourse to the law. If the representative of Gabon was not able to reply, the answers to those questions might perhaps be included in his country's second report.

Article 16

62 Ms BERNARD asked why widows and orphans were excluded from partition on the death of the husband. She also wished to know who was normally designated an official heir, whether it was a relative of the deceased or whether there were laws governing intestacy which determined who was to be the official heir. She also asked why illegitimate children were not entitled to any alimony from their parents, and whether any steps were being taken to change that situation. The report stated that in the case of a legitimate child it was the parent who was first to acknowledge the child who was vested with parental authority, she wished to know what was involved in acknowledging a child, and how it was done.

63 Ms ALFONSIN DE FASAN asked, with respect to Article 261 of the Civil Code of Gabon, how the husband was able to prohibit his wife from exercising her profession, and whether the wife had the right to prohibit her husband from exercising his profession.

64 Ms CORTI asked what justification there was for the discriminatory legislation contained in Article 253 of the Civil Code, which stipulated that a married woman could not leave the national territory without the written consent of her husband, and that the mother of a Gabonese minor could not remove that child from the national territory without the written authorization of the father.

65. Ms GUAN Mingqian asked if women in Gabon had the same right as men to ask for divorce, and what the social attitudes were towards divorce for women. Noting that the Government of Gabon seemed to encourage women to have more children, and even to give birth before marriage, she asked how many children there were in the average Gabonese family, and how the number of children a Gabonese woman gave birth to during her life affected her health.

66 Ms LAIOU-ANTONIOU pointed out that family law in Gabon was patriarchally based and should be modified. She asked whether there was any intention on the part of the Government of Gabon to do so. There seemed to be a contradiction between the statement by the representative of Gabon to the effect that anyone - male or female - was free to marry or divorce and Article 226 of the Civil Code, which allowed a woman to oppose the celebration of the husband's second marriage. She asked how that opposition was expressed and whether it amounted to a denial of the husband's freedom to obtain a divorce. Article 252 of the Civil Code stipulating that the husband must protect the wife and the wife must obey her husband typified the patriarchal basis of family law in Gabon and was an offence to Gabonese women. She asked whether a feminist movement was fighting to change the patriarchal nature of the law in Gabon.

67 Ms FORDE asked if there were any plans to alter the legislation with respect to inheritance, so that widows were not so disadvantaged. On the matter of divorce, the report said that a woman to whom a divorce had been granted on the grounds of either the total or partial fault of the husband was entitled to alimony. Would she be entitled to alimony if the grounds of the divorce were the total or partial fault of the wife? In respect of common-law spouses, the report stated that spouses had an obligation of mutual assistance in the event of sickness. Was there an obligation of mutual assistance in the event of need?

68 She asked whether there was a distinction between natural children and illegitimate children. If no such distinction existed, there was an inconsistency between the statement in the report that fathers must pay alimony to their natural children and the statement that illegitimate children were not entitled to any alimony from their parents.

(Ms Forde)

69 The statement that women generally did not dare to make complaints was commendable for its frankness, but in its starkness it was chilling

70 The CHAIRPERSON invited the representative of Gabon to comment on the questions raised by the Committee

71 Mr LEKOUNDA-BOUMY (Gabon) said that African societies were traditionally phallocratic and discriminatory, and unfortunately they largely remained so. However, the developing countries were in the process of reviewing the status of women, which for them was a relatively new problem. The report had been very frank, and in his view its frankness had tended towards exaggeration in that it had not made sufficient reference to the efforts being made by his Government to improve the status of women and to bring national legislation more into line with the precepts of the Convention.

72 If the Minister concerned had been able to attend, she would have dealt with all the Committee's questions herself, but he was not in a position to give entirely satisfactory answers to what were extremely pertinent questions. However, he undertook to report faithfully everything that had been said and every question that had been asked.

73 The CHAIRPERSON said that the Committee understood the difficulties encountered by a country like Gabon which was seeking to bring its legislation into line with the Convention, but it did attach great importance to a constructive dialogue with the representative of a State party whose report was being considered. It was regrettable that the Minister concerned had not been able to attend, but the Committee was confident that the representative of Gabon would pass on to his Government the views expressed. It was important for women in Gabon to be made aware of the questions raised by the Committee. Gabon had ratified the Convention in 1983, and so its second report had been due in 1988, she suggested that, when preparing its second report, the Government of Gabon might incorporate its replies to the Committee's questions concerning the initial report.

74 Ms BERNARD said that States parties did not take the Committee's work seriously until they attended one of its sessions, and it should be made clear to them that when their representatives did attend they should be adequately prepared. Since none of the questions had been answered, the Committee should be given a guarantee that, if Gabon's second report were not available at the next session, the replies to the Committee's questions would be supplied separately and in time for that session.

75 Ms GONZALEZ MARTINEZ praised the frankness and sincerity with which the representative of Gabon had presented his country's report and said that the Committee appreciated that, as a diplomat, he was limited in the extent to which he could reply on behalf of a Ministry. However, consideration of a report was supposed to take the form of a dialogue, since members of the Committee were very anxious to extend their knowledge of the situations prevailing in other countries. She hoped that the replies could be incorporated in the second report or submitted separately in advance of it.

76 The CHAIRPERSON said she understood that the Committee wished the replies to its questions and the additional information requested to be provided prior to the next session.

The meeting rose at 5 35 p m