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Committee on Economic, Social and Cultural Rights Fifty-first session

Summary record of the 51st meeting

Held at the Palais Wilson, Geneva, on Tuesday, 19 November 2013, 10 a.m.

Chairperson: Ms. Bras Gomes (Vice-Chairperson)

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Initial report of Gabon (continued) (E/C.12/GAB/1; HRI/CORE/1/Add.65/Rev.1; E/C.12/WG/GAB/Q/1; E/C.12/GAB/Q/1/Add.1)

1. *At the invitation of the Chairperson, the delegation of Gabon took places at the Committee table.*
2. **Mr. Dodo Bouguendza** (Gabon) said that the legal status of Gabonese women had improved thanks to many legislative advances, as stated in paragraphs 33, 36, 37, 38 and 42 of the initial report. The new Nationality Code allowed for reciprocal acquisition of Gabonese nationality through marriage and for dual nationality when a woman married a foreigner. Women could challenge the constitutionality of a law they deemed discriminatory. Pursuant to the Act promulgating the first part of the Civil Code, civil registrars were obliged to issue a death certificate to the surviving spouse instead of to the deceased's family only. The surviving spouse and children were entitled to legal aid. A bill on the practical implications of the legal recognition of customary and religious marriages was currently before the National Assembly.
3. A number of multinational corporations and large foreign companies recruited primarily foreigners and violated the provisions of the Act on the terms of admission and residence for foreigners, the Act on the employment of foreigners and the Labour Code, including on matters of retirement age, work permits and equal pay. The Government had decided to adopt a law on quotas to improve the access of Gabonese workers to such jobs. By way of example, 17 per cent of senior positions in petroleum companies were held by Gabonese and 71 per cent of those companies' foreign employees were in an irregular situation. The situation was at the root of repeated and costly strikes.
4. Youths represented 30 per cent of the unemployed; the Government, in cooperation with the European Union, had established a training and job search assistance programme worth 3.4 million CFA francs. Preparatory classes for the leading international schools had been set up in Libreville. A forum had very recently been held to find more realistic ways of creating jobs. A broad consultation with all social partners was under way to rethink the framework for employing foreigners and amend laws on expatriates in Gabon.
5. In order to counter the informal economy, the Directorate-General of Taxation was working to regulate the sector and mobilize the resources needed to ensure that the approximately 10,000 companies concerned in Libreville and its surrounding area no longer operated illegally and used the Enterprise Development Centre as the single venue for entrepreneurial support. In cooperation with the Libreville public prosecutor's office, the Centre conducted awareness-raising activities and inspections in the field.
6. Gabonese law included a number of provisions to combat child trafficking and protect its victims. Child trafficking should soon become a criminal offence, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Gabon, which was a country of transit for trafficking, had hosted the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children in 2012 and was endeavouring to implement her recommendations. Police departments for the protection of morality and minors had been established.

7. **Ms. Shin** asked whether women had the right to property. She also asked how inheritances were shared between widows and children and why the children in question were referred to as orphans when they had lost only one of their parents.

8. **Mr. Sadi** noted the many amendments to inheritance laws but asked whether, in pursuit of the laudable goal of equality, the Government's guarantee of equality between widows in inheritance matters did not in fact amount to promoting polygamy. He enquired about concrete measures taken to close the wage gap between foreign and Gabonese workers at all levels of responsibility.

9. **Mr. Tirado Mejía** requested further information on how the population was consulted about legislative amendments to eliminate discrimination against women.

10. **Mr. Dodo Bounguendza** (Gabon) said that the National Health Insurance and Social Protection Fund grouped the private sector health insurance fund, which would enter into force on 1 January 2014; the civil servants health insurance fund, established in 2011; and the social protection fund for low-income individuals, which had been set up in 2008 and was financed through an indirect tax, called the mandatory health insurance contribution, levied on mobile phone operators and international money transfers. All categories of the population had access to the same health care; some services were directly covered, such as general health care, while others were subject to prior agreement, including non-emergency dental care.

11. **Mr. Mboumba** (Gabon) said that Gabon had ratified the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and ILO Labour Relations (Public Service) Convention, 1978 (No. 151) and that the Labour Code guaranteed the freedom to join the trade union of one's choosing. Individuals in identical, similar or related occupations had the right to form a union, except for members of the armed forces. Allowances were made for union representatives to conduct their union activities without disrupting business. Foreign workers were permitted to join a union of their choosing, provided that they had lived in Gabon for 18 consecutive months and had a clear occupation there. State subsidies for unions were currently granted on the basis of Order No. 22/MTE of 23 September 2005 — which had ranked Gabon's most representative trade union federations — until professional elections were held, after which a new ranking would be established.

12. **Mr. Dodo Bounguendza** (Gabon) said that the Ministry for the Family and Social Affairs was responsible for monitoring the implementation of the new legal provisions that were less discriminatory towards women. Women could own property and land in Gabon. Children were considered orphans if one of their parents had died. Under the new law, the inheritance of the deceased went to their widower, or widow, and children. Polygamy was part of Bantu and Gabonese culture and was so deeply entrenched in society that the National Assembly had refused to abolish it. However, with the opening up of Gabonese society and urbanization of the population, polygamy was on the decline.

13. Efforts to regulate the informal economy remained insufficient, but registering informal sector workers — who were primarily African migrants — in a central database was a first step. The association of employers and the Government did not wish to close the wage gap between foreign and Gabonese workers but to narrow it between workers with equal skills. The courts ensured that the new legal provisions in that field were enforced. Consultations were organized with pygmies and other local populations affected by economic projects to inform them of the positive and negative aspects of the projects and encourage them to preserve their culture and traditions. The population's opinion was taken into account and some projects had been delayed because consultations had not led to an agreement.

14. Regarding measures against child trafficking, he said that the Government had put in place measures to protect and assist victims, train persons caring for victims and cooperate with other countries. Children who were rescued from trafficking were sent to an education and reintegration centre where they received medical care and psychological support. Most, or 70 per cent, were sent back to their respective countries, while the remaining 30 per cent were reintegrated in Gabon. Combating child labour was governed by the Labour Code and a decree on child labour. Regarding the sexual exploitation of children, the Code of Criminal Procedure stipulated that anyone who gave in customary marriage, or who married under customary law, an unconsenting girl or a girl under 15 was liable to imprisonment for 1 to 5 years. Anyone who had had, or had tried to have, a sexual relationship with a child under 15 was liable to imprisonment for 1 to 10 years. Other measures had been taken to fight incest and sexual assault.

15. In October 2009, the authorities had boarded a ship carrying 34 children from West African countries, namely, Benin, Mali and Togo, for the purpose of their exploitation. They had been placed in shelters and transit centres where they had been identified then repatriated to their countries of origin. The operation had been conducted in cooperation with the countries of origin of the children and traffickers. In addition, a joint operation between the national police and Interpol had been launched in 2010 to strengthen the skills of persons, such as judges, police officers, doctors and social workers, involved in combating child trafficking, child pornography, paedophilia, sexual violence and child labour. Some 142 children of 10 different nationalities had been rescued from exploitation and placed in shelters or transit centres. In February 2013, a ring of pygmy child traffickers had been dismantled. Since 2000, nearly 800 children had been taken out of the trafficking network, 80 per cent of whom had been reintegrated in their countries of origin and most of whom had been girls.

16. **Mr. Ondo Nguema** (Gabon) said that, according to the results of the second demographic health survey carried out in January 2012, 95 per cent of mothers had received prenatal care from a health-care professional and 90 per cent had given birth in a health-care facility or with the assistance of a health-care professional. Infant mortality was 43 per 1,000 and infant and child mortality was 65 per 1,000. Some 33 per cent of women and 23 per cent men had been tested for HIV/AIDS and had received their results. The prevalence of HIV/AIDS was 5.8 per cent in women and 2.2 per cent in men aged 15 to 49.

17. **Mr. Dodo Bounguendza** (Gabon) said that the country had over 14 maternal and infant health units. According to 2008–2009 statistics, two thirds of female upper secondary students had already been pregnant and 60 per cent had had abortions without telling their parents. Given those figures, the Government had adopted a law authorizing the import, distribution and sale of contraceptives. Family planning had become a priority focus of health policy and the Government was working with the United Nations Population Fund to strengthen the capacity of health-care professionals in that area. Reproductive health was included in curricula.

18. Gabon, where 46 per cent of secondary school students were regular smokers, had ratified the World Health Organization Convention on Tobacco Control and had drafted an anti-smoking bill. Selling and consuming alcohol or drugs was prohibited in and around schools. A national alcohol- and smoke-free day had been instituted. The Criminal Code provided for penalties against holders of liquor licenses who served alcohol to minors, and law enforcement officers ensured that those provisions were observed.

19. He said that 23 per cent of children under 5 and 14 per cent of the general population were undernourished. There was a department of traditional medicine at the Ministry of Health, given that that form of medicine was the main source of health care in rural areas, although conventional dispensaries had also been set up. Traditional healers were registered

with the Ministry, which monitored their practice. Undeclared traditional healers, who were often from other African countries, were not permitted to practice.

20. **Mr. Sadi** asked how the State party reconciled its position on polygamy with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which it had ratified without reservations. He enquired about the content of the basic training provided to traditional healers, considering that the lack of scientific knowledge could be prejudicial to patients. He asked whether health insurance covered dental care.

21. **Mr. Ribeiro Leão** asked whether the State party had adopted a national poverty reduction plan.

22. **Ms. Ravenberg** asked how many cases of child trafficking had been reported, how many had been investigated and how many traffickers had been convicted.

23. **Mr. Dodo Bounguendza** (Gabon) said that, in order to solve the housing crisis, the Government had established the National Urban Planning Agency and, in 2010, had adopted a new master housing plan with a view to simplifying procedures for access to property. To encourage the Gabonese to build, the Government had significantly reduced the cost of building materials and, in January 2012, had raised the access-to-property allowance granted to public servants. Given the high urbanization rate of 85 per cent, the Government had launched a housing construction plan in Libreville and all provincial and departmental administrative centres. In 2009, 46 per cent of families had owned their home, 44 per cent had been tenants, while the remainder had been housed by their employer, had been living for free with a relative or friend or had had staff housing. In addition to social housing, which it had committed to allocating on a priority basis to low- and medium-income households, the Government had implemented a plot development policy in departmental administrative centres to promote the construction of private homes.

24. In Gabon, 33 per cent of the population lived under the absolute poverty line, which had been set at 35,778 CFA francs — or 55 euros — per month, and 73 per cent of the poor lived in urban areas. The age bracket most affected by poverty was 40- to 49-year-olds, with 30.8 per cent. Initiatives undertaken to help the poor were designed to provide quality health care for all and to guarantee rural access to water, through standpipes, and electricity, those services being free for low-income individuals. Free education had led to a 94 per cent enrolment rate among children aged 6 to 15. Since 2000, a general poverty-reduction plan aimed to expand underdeveloped, low-wage sectors, such as agriculture, fisheries and forestry, improve infrastructure in poor areas and to build institutional capacity.

25. **Mr. Mbeng Mendou** (Gabon) said that dental care was reimbursed up to 150,000 CFA francs — or 229 euros — per person per year. As of early 2014, refugees would also benefit from that coverage. The National Health Insurance and Social Protection Fund had already approached the Gabon office of the United Nations High Commissioner for Refugees to obtain a list of the 1,375 refugees in the country and to register them according to their occupational category in their countries of origin, such as employee, self-employed or civil servant.

26. **Mr. Dodo Bounguendza** (Gabon) said that a department attached to the Ministry of Health was responsible for raising traditional healers' awareness of the risks to which they were exposing their patients by using their methods to cure certain diseases such as AIDS. Moreover, it was difficult, in his opinion, to teach such healers the rudiments of modern medicine through training, given that their knowledge was traditionally passed down by word of mouth from father to son. The two branches of medicine were complementary and, although some diseases could easily be treated with plants found in the forest, others required patients to be steered towards modern medicine.

27. The budget allocated to education had significantly increased since 2005 and measures had been taken to improve the quality of teaching, including through training seminars for preschool, primary and secondary school teachers. In order to lower the high dropout rate in rural areas, the authorities had decided to channel primary school students in difficulty towards State-accredited vocational training facilities and to grant them the same scholarships as their peers in the general stream, provided that they passed their course. Furthermore, the entrance exam for junior secondary school had been abolished to ensure that students who failed did not drop out, and tuition fees in public schools were fully covered by the State. The Government, in partnership with civil society, was running campaigns to fight teenage pregnancy so that girls aged 15 to 19 did not have to drop out of education to care for their children. The Government had taken measures to promote the education of children with disabilities, including the establishment of a primary school for those with hearing impairments. There were plans to set up a junior secondary school for children with special learning needs. In the meantime, those children had the option of pursuing their studies in one of two Catholic secondary schools with which the Government had an agreement. Children with disabilities could apply for a specialized scholarship.

28. No social group was excluded from cultural life as access to libraries, cultural centres and museums was free of charge. As a part of civic education, students were taught about a range of societal issues, such as the promotion of peace, sustainable development and the environment, openness to other cultures and civilizations and globalization. Admittedly, scant progress was being achieved in the teaching of the national languages, despite the fact that Gabon had 71. The matter had been broached during the national consultations on education in 2013 and remained topical.

29. **Mr. Marchán Romero** asked whether the State party had adopted a programme to preserve the traditional knowledge of indigenous peoples.

30. **Mr. Dodo Bounguendza** (Gabon) said that it was difficult to preserve that knowledge because it was passed down by word of mouth from father to son, or from person to person within a community, during initiation. Therefore, the Government had to make do with the scraps of knowledge indigenous peoples were willing to share, and the only thing it could do was to ensure that their ancestral traditions and way of life were respected.

The meeting rose at 1 p.m.