



Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-ninth session

SUMMARY RECORD OF THE 756th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 17 January 2002, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Gabon (CRC/C/41/Add.10; CRC/C/Q/GAB/1 (list of issues); written replies (document without a symbol distributed in the meeting room in English and French); HRI/CORE/1/Add.65(Rev.1) (core document))

1. At the invitation of the Chairperson, the members of the delegation of Gabon took places at the Committee table.
2. Mr. MISSONGO (Gabon) said that his country had submitted its initial report in 2000 and had supplied its written replies to the questions in the list of issues in 2001, but regrettably, it had been unable to provide all the data requested owing to the holding of elections.
3. Since ratification of the Convention in 1994, a genuine political will had been shown in Gabon to ensure systematic and lasting implementation of the rights of the child. Since 1990, the significant institutional steps taken in the context of democratization had enlarged the scope for the enjoyment of political rights, providing civil society with freedom of action and expression through associations and non-governmental organizations (NGOs) working in the field of child welfare. The creation of the Ministry of the Family and legislative and regulatory reforms concerning the trafficking and economic and sexual exploitation of children had strengthened the policies implemented by the Government to promote children's rights.
4. Despite the difficulties common to all developing countries, Gabon had made significant progress in ensuring respect for the rights of the child. With regard to education, the principle of non-discrimination enshrined in the Constitution had been strengthened by the law of 9 August 1966 introducing free and compulsory education for all children aged under 16 years, without distinction as to sex, origin or social status. The net enrolment rate stood at around 94 per cent for primary schools.
5. With the support of the World Bank, his country had conducted a study on poverty to identify the factors that led to economic discrimination. In 2000, it had also carried out a demographic and health survey.
6. The juvenile justice system was not yet consistent with international standards, but efforts were being made to enhance legal protection for children, for instance by appointing juvenile judges and establishing a rehabilitation centre for juveniles serving prison sentences.
7. Gabon had strengthened its legislation to prevent the scourge of trafficking in children for the purposes of economic exploitation, a problem that it experienced as a host country. Two laws were about to be passed, one amending the Penal Code to set heavier punishments for such trafficking, and another prohibiting child labour. In July 2000, the Government had adopted the common platform of action drawn up during subregional consultations in Libreville on the development of strategies to combat child trafficking in Western and Central Africa. An interministerial commission, responsible for implementing the programme, had been established, together with a follow-up committee.

8. Gabon was planning to set up a special vaccination fund to replenish its stocks on a regular basis and gradually build up the logistical capability of its extended vaccination programme. It had signed an agreement with the United Nations High Commissioner for Refugees on guaranteeing access to health care and educational services for refugee children. In addition, it had adopted laws on maternal and child welfare and was, in particular, implementing a revised national action programme for the period 2000-2002 focusing on primary health care.
9. In 1995, with a view to enhancing the effectiveness of social expenditure, Gabon had joined in the 20/20 Initiative, adopted at the World Summit for Social Development, under which 20 per cent of budgetary expenditure and 20 per cent of foreign assistance must be allocated to the financing of basic social services. It had yet to reach that objective, however, since the proportion of the budget set aside for social services had not exceeded 10.2 per cent between 1990 and 1997 and official development assistance to the same sectors accounted for no more than 8.4 per cent of total assistance.
10. Ms. OUEDRAOGO said that although submitted several years late, the initial report had been drafted in accordance with the Committee's guidelines. Even if not quite critical enough, the State party had nevertheless highlighted a number of obstacles to implementation of the Convention, and pointed out the measures required to overcome those obstacles. It had not, however, provided any details of the strategy or timetable adopted for taking those measures.
11. The report contained a number of comments, some misguided, on the interpretation of each article of the Convention, and it would have been preferable to provide detailed information concerning its implementation. There was no information about the HIV/AIDS pandemic, juvenile justice or budgetary allocations, although the written replies did make up for some of those shortcomings.
12. The report underlined the importance of customary laws that presented an obstacle to implementation of the Convention, but did not indicate whether or not steps had been taken to overcome those problems or to bring about a change in people's attitudes and behaviour.
13. Regarding the background to implementation of the Convention, the State party was endowed with enormous resources, particularly from oil, mining and forestry. However, despite its rich potential, there were marked socio-economic imbalances. Its wealth in resources had made it an intermediate-income country (it ranked second only to South Africa on the African continent), but debt servicing accounted for over 70 per cent of State resources and the poverty rate remained high. Apart from the female literacy rate, social indicators did not reflect the country's wealth. The urbanization rate was very high, general government was excessively decentralized and the State party suffered from problems linked both to its weak institutional capacity and to corruption.
14. Gabon had ratified the six main human rights instruments, but not the Optional Protocols to the Convention. Under article 47 of its Constitution, ratified instruments could be invoked in the context of judicial and administrative proceedings. Did that mean that the Convention took precedence over domestic law? Had its provisions ever been invoked before a court and,

if so, when? With regard to the harmonization of domestic legislation, had the Civil Code and the Penal Code, for instance, been revised? Given the importance of customary law, what happened when a conflict arose with the provisions of the Convention?

15. The initial report did not contain information on the coordination of endeavours to implement the Convention. The Ministry of the Family seemed to have wide-ranging responsibilities in that regard, but the report did not explain clearly the modalities of cooperation between the various ministries. She asked whether the State party had established a body or mechanism with responsibility for coordinating, monitoring and supervising implementation of the Convention. The National Human Rights Commission, set up in 2000, had yet to become operational and she would be interested to learn about any remaining problems that prevented it from functioning. The delegation should also explain the status of the Commission, and why there were no representatives from NGOs. She asked whether there were plans to create a post of ombudsman. Furthermore, what were the respective roles of the National Committee for Children and the committee of NGOs and representatives of the Ministries of the Family and Social Affairs set up by the General Directorate of Human Rights? In general, how did the State party intend to coordinate the activities of all the existing mechanisms - ministries, committees, NGOs (including the NGO coalition set up to combat trafficking in children) - in order to obtain a clear overview of application of the Convention?

16. She asked whether the authors of the National Charter of Freedoms had drawn their inspiration from the Convention and how implementation of the Charter was guaranteed. She pointed out that the statistical data provided did not cover the 15 to 18 year-old age group, making it impossible to gain an accurate picture of the situation of the country's adolescents. As the age of civil majority was set at 21, she asked whether the programmes aimed at children applied to young people up to that age. Lastly, she would like to know how the Government intended to reduce school drop-out rates and enforce the legislation making education compulsory until the age of 16.

17. The report also mentioned the creation of the National Children's Parliament in 2000. Had its charter been adopted? In view of the fact that the Parliament was composed solely of school children, how were other young people represented? Had an authority been made responsible for examining the results of its activities?

18. Contrary to the provisions of the Convention, the minimum legal age for marriage was different for girls and boys. The State party indicated in its report that the President could grant a dispensation from the age requirement if there were good grounds for doing so. What were those grounds and what measures had been taken to reduce the number of early marriages?

19. Ms. EL-GUINDI welcomed the fact that the State party had started to harmonize its legislation with the provisions of the Convention. Regarding customary law, she would like to know what measures had been taken to facilitate the application of the Convention. She also asked whether there were any plans to adopt a general code on children, reflecting the guiding principles of the Convention.

20. Noting that the National Committee for Children came under the authority of the Ministry of Justice, she would like to know what kind of relationship existed between that body and the other ministries concerned with child-related issues, and what measures had been taken to coordinate and monitor implementation of the Convention.

21. Ms. CHUTIKUL said that she would like to know more about the National Committee for Children, in particular whether it had provincial branches, and about the National Human Rights Commission mentioned in the written replies by Gabon. What was being done to facilitate the coordination between the various bodies and to ensure that the complaints received were addressed? Had a national plan of action been prepared after ratification of the Convention in 1994?

22. She then asked what kind of a relationship existed between the Government and NGOs and whether there was a framework organization representing all NGOs working with the various committees that had been established at the national level. Lastly, she would like to know the results of the study conducted by Ms. Nze Biteghe, a judge and UNICEF consultant, on the conflicts that existed between customary law and statutory law and whether the recommendations made had been acted upon.

23. Mr. AL-SHEDDI said that he, too, would like to know about coordination between the various ministries and departments involved with child-related issues nationwide. Had the ratification of the Convention led to the institution of accompanying measures at legislative as well as policy level? How was the population, and in particular children, informed about the different provisions of the Convention? Had those provisions been integrated into the school curricula?

24. Ms. AL-THANI noted, on the basis of the information contained in the written replies, that the percentage of the national budget devoted to health was around 7 per cent; that, in her view, hardly sufficed to address the public health problems. She asked whether the Government intended to increase the minimum age of marriage for girls and to draft a law to prohibit the recruitment of boys under 18 into the armed forces.

25. Ms. TIGERSTEDT-TÄHTELÄ asked whether the Government intended to apply an overall strategy or comprehensive plan of action similar to its economic strategy for the implementation of the rights of the child. As the country's economic indicators were improving, she would like to know whether there were plans to increase the budget allocations for health and education. Why was there so little official development assistance, in an environment of economic reform that should have attracted more aid from donors? Was there a nationwide programme to reduce poverty?

26. Ms. KARP asked what criteria had been applied to select the authors of the report, who were mainly academics and representatives of NGOs rather than civil servants from different ministries. Was the Government engaged in a dialogue with the religious and tribal leaders with a view to harmonizing statutory law and traditional practices? What percentage of international

aid was devoted to children and what was the nature of the cooperation that had been established between the Government of Gabon and UNICEF? Lastly, she asked whether the creation of three coordinating committees to address child trafficking, AIDS and health would help the Government to improve the coordination of programmes for children.

The meeting was suspended at 4.20 p.m. and resumed at 4.35 p.m.

27. Mr. MISSONGO (Gabon) said that the two chambers - the National Assembly and the Senate - were in the process of examining numerous pieces of legislation aimed at giving effect to the provisions of the Convention, but the legislative process in Gabon was, however, relatively lengthy. The Convention had been directly applied as part of domestic law as soon as it had been ratified, and there was no conflict between the Convention and customary law. Education was compulsory until the age of 16 and the Government called on a workforce from abroad to ensure that the country's children were not put to work.

28. Ms. NGOMA (Gabon) said that ratification of the Convention had enabled the authorities to strengthen the efforts undertaken for children. A poverty reduction plan had been prepared, giving special emphasis to women and children, in both urban and rural areas. The Government had recently signed an agreement protocol with UNICEF for the training of community-based teachers, with a view to enabling a greater number of children in rural areas to attend school. The agreement protocol was due to enter into force in February 2002. Furthermore, day nurseries were to be created for the children of women facing economic difficulties. The Government was endeavouring, in cooperation with some NGOs, to send children from poor families, particularly those living in the streets, to school. Because the Ministry of the Family and the Advancement of Women had been created only in 1999, the Ministry of Social Affairs was still in charge of issues relating to pre-school-age children.

29. Through seminars, round-table and other panel discussions, Gabon had since 1996 been conducting a far-reaching campaign to raise awareness of the rights and duties of women. Women had to be made aware of their fundamental rights. It was equally important for them to report any cases of abuse or incest that they suffered within the family. In order to raise women's awareness, a film addressing the issue of incest had been produced as part of the cross-sectoral Information, Education and Communication Programme, the main objective of which was to complete the amendment of the relevant provisions of the Penal Code.

30. Ms. BIKE (Gabon) said that a national body did exist in Gabon to coordinate NGOs. The community organization was new to Gabon; since the creation of the first NGOs in 1991, it had grown considerably, currently comprising some 400 NGOs, aimed primarily at protecting the rights of women and children.

31. It was true that there was often some overlap between the activities carried out by the various ministries in the field of child rights.

32. Mr. SAID (Gabon) pointed out that the overall State budget had decreased, mainly because of the decline in oil production. The situation had repercussions on the whole economy, and particularly on education and health. The Government had therefore taken some strategic planning measures in line with its commitment to the 20/20 Initiative, launched during the

World Summit for Social Development, held in Copenhagen in 1995. One Government decision had led to the creation of the 20/20 Initiative Follow-Up Committee and a second had provided for an increased budget allocation to basic social services such as primary health care, education and the supply of drinking water.

33. Ms. BOUDHOH (Gabon) said that the National Human Rights Commission, created the previous year, had begun to operate in November 2001. Its efforts should become more intense because the Office of the United Nations High Commissioner for Human Rights had recently invited the members of the Commission to prepare a plan of action for the promotion and protection of human rights.

34. Ms. MBOGA (Gabon) said that although the laws relating to marriage allowed the President of the Republic to grant a dispensation from the age requirement so that minors - under 18 years for boys and under 15 years for girls - could marry, virtually no such requests were ever received.

35. Under Gabonese law, children below the age of 16 were not allowed to work. That provision also applied to foreign children living on Gabonese territory, who could be refused a work permit by the Ministry of Labour on account of their age.

36. Any international treaty ratified by Gabon was incorporated directly into the domestic legal order. The Convention on the Rights of the Child had therefore taken effect as soon as it had been ratified.

37. Ms. KARP asked for further information on how the National Human Rights Commission worked. What authority did it have? What guarantees were there that emphasis would be placed on the rights of the child? Was there a special department exclusively responsible for child-related issues?

38. Ms. ONDZAGHE (Gabon) said that the National Human Rights Commission included a representative of the associations involved in the protection of child rights, who was responsible for promoting the interests of children within the Commission.

39. The CHAIRPERSON, speaking in his capacity as expert, asked whether children could apply directly to the National Human Rights Commission to complain about a violation of their rights.

40. Ms. KARP asked whether a special budget was allocated to protect child rights within the National Commission. In her view, a single member did not suffice for protecting the interests of children.

41. Mr. MISSONGO (Gabon) said that violence and other abuse inflicted against children were severely reprimanded under Gabonese law. There was no need to wait for young people to apply to the Human Rights Commission to start proceedings.

42. Ms. NGOMA (Gabon) said that the Human Rights Commission was for the benefit of all citizens - men, women and children - and all received equal attention. Taking into account the nature of the complaints, the Commission forwarded each case to the appropriate authority; it was therefore not possible to calculate in advance the costs that might be incurred.

43. Ms. ONDZAGHE (Gabon) said that the secondary education curricula had been amended in agreement with the national education authorities. Within the framework of the civic education classes provided during the first two years of secondary education, children learned about the Convention on the Rights of the Child and the rights to which they were entitled.

44. The Children's Parliament had been created in 2000 and comprised a national assembly and a senate. All of the provinces were represented, by 28 members for each province (14 of whom were incumbents and 14 were alternates). The young parliamentarians were primary school pupils. It had not yet been possible, for practical reasons, to involve children not attending school in the process. The aim of the forum was to familiarize young people with their civil rights. They introduced themselves, conducted campaigns and were elected on the basis of their manifestos.

45. Mr. MISSONGO (Gabon) said that in order to be able to carry out their duties, the members of the Children's Parliament had to know how to read and write, which was why it did not include illiterate children.

46. Ms. NGOMA (Gabon) said that the Children's Parliament had adopted a charter and had actively participated in the Francophone Youth Parliament held recently in Canada.

47. Ms. NYALENDO (Gabon) said that the trafficking of children was not a Gabonese cultural phenomenon and that it had emerged five or six years previously with the growth of the informal sector, which was controlled by foreigners. Various measures had been taken to address the problem: the trafficking of children was now a criminal offence, the Labour Code prohibited child labour and a decree authorized labour inspectors to monitor the informal sector and to remove from it any minors that were being exploited. As the children working in Gabon were foreigners, the Government repatriated them to their own countries, in accordance with humanitarian regulations, so that they could rejoin their families. On Gabon's initiative, an agreement on the repatriation of such children was to be signed with neighbouring countries in March.

48. An inter-ministerial commission, consisting of representatives of nine ministries, had been made responsible for coordinating the campaign against the trafficking and exploitation of children and for preparing an action plan thereon. Gabon wished to take the opportunity to thank UNICEF for the technical and financial support it had provided in that regard. Two seminars had been organized, one for drafting the above-mentioned regional agreement and the other for raising awareness among the police, NGOs and civil servants of ways to prevent the trafficking of children within a framework of respect for their rights. A public awareness-raising campaign had also been launched to change attitudes. In addition, some shelters had been created, largely by NGOs, to accommodate children in need who had suffered at the hands of traffickers.

49. Ms. OUEDRAOGO pointed out that the teaching of child rights at primary level should not, as the delegation had suggested, be left to the discretion of teachers. Children should know their rights, even at that level.
50. It was advisable to involve some children who were not enrolled in school in the Children's Parliament, so that their concerns could be taken into account. It would also be as well if the regular members of parliament did not all come from Libreville.
51. It would be interesting to know what measures were being taken to help disabled children and street children, to guarantee that the poor urban population and minorities, particularly the Pygmies, had access to basic social services.
52. The report indicated that the lack of specialized institutions and organizations, the cultural heritage and backward religious practices were hampering the efforts made by the State to promote the best interests of the child. It would be interesting to know what measures were being taken to remove those obstacles.
53. Abortion was prohibited by law in Gabon but the number of illegal abortions was on the increase, as was the number of mortalities resulting from that practice. The Gabonese delegation should therefore indicate what the Government was doing to reduce the number of illegal abortions, particularly in the context of family planning.
54. The report stated that custom prohibited freedom of thought and conscience within the family. It would be interesting to know what the Government was doing to ensure that children had the right to express their views on all issues concerning them.
55. Lastly, the Gabonese delegation should indicate what the Government was doing to address the problem of registering births in remote regions and among the foreign population.
56. Ms. AL-THANI said she understood that a very high percentage of disabled children were illiterate. It would be interesting to know what the Government was doing to remedy the situation. She also asked what measures were being taken to prevent child abuse and to help abused children.
57. Ms. TIGERSTEDT-TÄHTELÄ asked on what grounds a child could be placed in detention and what procedures applied in such cases.
58. The report revealed that parents lost their parental authority when they were unable to state their wishes or when they had relinquished all or part of their authority by placing the child in the care of a public service, establishment or association. The Gabonese delegation should explain the meaning of the first grounds for losing parental responsibility and indicate whether parents could on their own initiative place their children in an institution.
59. Ms. KARP asked whether the Government intended to create any shelters or rehabilitation facilities for women and children who dared to report cases of violence inflicted against them within the family. She would also like to know whether there existed any

mechanisms that were better adapted than the courts to child psychology, allowing child victims to obtain redress. She asked what measures were being taken to prevent the police and prison staff from committing acts of torture and to prevent violence in schools and within the family.

60. The Gabonese delegation should specify what percentage of international aid was devoted to children.

61. The CHAIRPERSON, speaking as an expert, asked what measures the Government intended to adopt to overcome the obstacles preventing abused children from receiving care.

62. The report indicated that by tradition children in Gabon did not often have the right to speak out and that parents did not respect their privacy because children were traditionally seen as mere objects, not subjects at law. It would be interesting to know what the Government intended to do to remedy the situation.

63. The Gabonese delegation should indicate the role played by the family and society in child protection and outline the impact of the weakening role of the extended family and the severing of the ties of solidarity that came with it.

64. It would be interesting to know whether the efforts to ensure that children deprived of their family environment could remain preferably in their original environment had met with success.

65. The report revealed that 40 children had been adopted by private individuals between 1980 and 1998, while only 4 had been placed in a foster family. Was that an indication that adoption was favoured over placement in foster care? It would also be useful to know in that regard whether foster families formed part of the extended family.

66. The Gabonese delegation should also indicate what measures were being taken to prevent cases of bogus guardianship, arranged with a view to receiving social benefits without fulfilling the corresponding obligations. The report also revealed that children were deprived of affection as a result of polygamy. Did the Government intend to abolish polygamy, in accordance with the recommendation made by the Human Rights Committee?

67. Ms. OUEDRAOGO asked for more information about how the National Communication Council worked and whether the measures intended by the Government to simplify adoption procedures were in conformity with the Convention (para. 184). What was the Government's strategy to prevent the abduction of minors? In particular, did the Government intend to ratify the Hague Convention on the Civil Aspects of International Child Abduction and to reach any bilateral agreements on the matter with neighbouring countries?

The meeting rose at 6.05 p.m.