



The Global Initiative
for Economic, Social and Cultural Rights

**PARALLEL REPORT TO THE UNITED NATIONS COMMITTEE ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

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Submitted by:
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The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is an international non-governmental human rights organization which seeks to advance the realization of economic, social and cultural rights throughout the world, tackling the endemic problem of global poverty through a human rights lens. The vision of the Global Initiative for Economic, Social and Cultural Rights is of a world where economic, social and cultural rights are fully respected, protected and fulfilled and on equal footing with civil and political rights, so that all people are able to live in dignity.

I. Women's Land and Property Rights in Gabon

1. While the Constitution in Gabon recognises men and women as equals before the law, there remain persistent barriers for women in terms of realizing equal rights to land and property. In its recent Concluding Observations on Gabon, the Committee on Economic, Social and Cultural Rights expressed concern over “provisions that discriminate against women, including the possibility of applying customary law in matters of succession and the non-recognition of married women as independent landowners, have been maintained in domestic legislation (art. 3).” It recommended “that the State party revise its legislation and amend any provisions that are discriminatory or likely to lead to direct or indirect discrimination once enforced, ensuring that it prohibits any form of discrimination in the exercise of economic, social and cultural rights” (UN Doc. E/C.12/GAB/CO/1, at para. 13).
2. Since the time of that review, the discriminatory legal provisions in question have yet to be changed, and within the family, the Civil Code provides that husbands are considered the head of the household. The State party's current report acknowledges that there are discriminatory provisions of domestic law, specifically as dealing with inheritance and that steps are underway to amend legislation, and notes that “a draft revision of the second part of the Civil Code dealing with inheritance has been prepared by the Ministry for the Family and the Advancement of Women with the support of United Nations Population Fund (UNFPA), and two workshops have been held to rewrite the first part of the Civil Code in collaboration with the Parliament” (State party report at para. 14). The State party report also acknowledges that “... in the conclusion of contracts and the management of property, when the spouses are married under the regime of community of property, the husband is the chief manager of the community and his wife supplements him,” and that “[u]nder all property regimes, the choice of residence lies with the husband” (State party report, at paras. 140 and 141).
3. The Social Institutions and Gender Index (SIGI) of the OECD Development Centre also provides that in Gabon approximately 50% of the country's population in unofficial customary marriages, where legal inheritance rights do not apply. It is reported that in most cases, widows cannot inherit property from their husbands without written authorisation of the family of the deceased. Moreover, they are deprived of their right to live and work on the land if they remarry into a family other than that of their deceased spouse. In practice this means that widows are obliged to marry within their deceased husband's family if they wish to receive any benefits.¹
4. In addition, while land laws in Gabon do not distinguish between men and women with respect to access to land for building purposes, in the event they are married, the land itself is always considered the property of husbands and married women are in practice unable to own land independently.²

¹ SIGI, ‘Gabon: Discriminatory Family Code,’ <http://genderindex.org/country/gabon> [last accessed 13 January 2015].

² Ibid.

5. In light of the above information, the Global Initiative respectfully suggests that the CEDAW Committee urge the State party to take the following measures:

- 1) Take immediate steps to address and remedy negative customs and traditional practices, especially in rural areas, which affect full enjoyment of women's land and property rights.
- 2) Repeal all discriminatory provisions of the Civil Code, including provisions that recognize the male as the head of the household and which restrict women's rights to inheritance and land.
- 3) Recognize the equal rights of women in customary marriages to land, property and inheritance, and the independent rights of all married women to land and property.
- 4) Ensure that local traditional authorities are trained to protect women's land rights at the community level and are held accountable when they fail to do so.
- 5) Take positive steps to ensure that women have access to productive land, agricultural training and extension services, seeds, tools and other necessary resources to make their farming practices sustainable and productive.