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*Sylvia Bongo Ondimba Foundation Newsletter*

## Special issue International Widows Day

### Table of contents



*The President of the Foundation with some widows.*

- 1. EDITORIAL**
  - Our plea for widows

- 2. INTERNATIONAL WIDOWS DAY**
  - Review of the conference-debate on the situation of widows in Gabon

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## EDITORIAL

On 21 December 2010, under the aegis of Mrs. Sylvia Bongo Ondimba, the United Nations General Assembly unanimously decided to dedicate June 23 of each year, to the celebration of an International Widows Day.

The tireless struggle of the first lady of Gabon on behalf of vulnerable people and widows in particular has proven successful.

Indeed, it is these years of efforts on her part that have made it possible to highlight the dramatic situation of millions of women around the world, already hard hit by the loss of their spouse, and who must look on in almost general indifference, as they are deprived of their rightful property.

These women are also victims of all forms of inhuman violence, stigmatization and discrimination, exposed as they are in a state of vulnerability and distress, which especially causes enormous difficulties in the management of their family. As a result, family cohesion is shattered. These mothers are unfortunately no longer able to offer their children education and healthcare opportunities that they had come to think of as normal. Desocialization, dropping out of school and an increase in juvenile delinquency for orphans are therefore indirect consequences of this situation.

Predatory embezzlers take over, disregarding the rules of inheritance and customary law, plunging widows and orphans into a vicious circle of poverty. Mrs Sylvia Bongo Ondimba firmly believes that the family is the bedrock

of the development of a country and a nation and she has become aware, as a mother and a wife, of the situation of these women, and has decided to act to restore their dignity and their rightful place in society to widows.

Several measures have already been taken, politically, legally and socially. The legal instruments in the fight against the spoliation of widows have multiplied and evolved decisively in a social environment that is nevertheless still dominated by ancestral customs and traditions that deserve to be questioned. However, despite the progress already made, the spoliation of widows persists.

That is the reason why the Sylvia Bongo Ondimba Foundation for the Family has initiated a number of awareness raising initiatives, educational actions and exchanges as part of the 8th International Widows Day: a debate-conference and an awareness day in partnership with the UNESCO Chair, the LCC (Language, Culture and Cognition Lab) and the Omar Bongo University.

The conference-debate, focused on the situation of widows in Gabon, is one of the numerous actions that have been undertaken by the Gabonese First Lady for almost a decade to protect and preserve the rights of widows and orphans in our country.

It is important, even capital, to establish an ongoing dialogue with all the parties concerned, such as government, parliament, judicial authorities, civil

society and populations, in order to keep awareness-raising activities going in communities where these practices are common.

Ultimately these actions aim to allow the parties concerned to highlight the improvements or clarifications that would be desirable in order to bring this scourge to a definitive end.

## >> Continued

During the conference-debate, national experts attempted to provide keys, which, in a calm, concerted framework, can put an end to all forms of violence against widows and to the spoliation they suffer.

In this special issue dedicated to International Widows Day, we will review the interventions of the various experts who attended the conference-debate.



*Family photo of all the stakeholders.*





### Intervention by Pr Etienne NSIE (Lawyer, University Agrégé)

According to the speaker, the spoliation of widows in Gabon finds its roots in the country's civil code.

The current civil code denies Gabonese women any form of responsibility, especially since it places them under the «absolute» authority of their husband. Should the husband die, the situation remains the same, in view of the provisions that maintain the widow under the authority of her in-laws.

To illustrate inequality between spouses or, in general, between men and women in Gabonese society, Professor NSIE mentioned the following facts:

- the prohibition of polyandry for women, in contrast to polygamy that is allowed for men;
- the fact that the marital residence is necessarily that of the husband;
- the assistance owed by the husband to his wife; a provision contained in the civil code, which contributes to establish the domination of the husband and establishes, from the start, a balance of power that is unfavourable to the wife.

To remedy this, we must reformulate two pillars of the concept of family: kinship on the one hand, and parentage on the other.



In this vein, he considered that marriage should not result in the creation of a family, but rather of a household. Similarly, it would be useful to institute what he called an «alliance agreement», which would be a synthesis between customary marriage and civil marriage. This effort would be geared towards giving a framework to marriage and dowries. As far as filiation is concerned, it should be considered with the child placed at the heart of the interests at hand. The position of children born out of wedlock must be reconsidered

during this revision of the civil code. In addition to the measures mentioned above, he moves that the levirate be removed from the civil code. As it stands, a widow can no longer claim inheritance, if she remarries outside the family of her deceased spouse. Professor Nsié concluded his presentation by expressing a desire for a fruitful discussion and strongly insisted on improving the Civil Code for the benefit of all, especially widows.



### Intervention by Mme Marie-Anne MBOGA QUENUM (High Court Judge)

As a lawyer, Ms Mboga gave a rundown of the legislative developments that have taken place since 23 June 2011.

Legal achievements since the institution of the International Widows Day in 2011 have allowed for legislative changes to the first part of the civil code.

Thus, she singled out the categorisation of the heirs, i.e.:

#### **Descendants** (art 687 and 688)

They share equally among themselves the full ownership of 1/4 of the estate, and the bare ownership of shares allocated in usufruct to the spouse, and to the father and mother.

In the absence of a living spouse, or father and mother, the rights of the descendants over this part of the inheritance are exercised immediately in full ownership. The same applies in case of a simultaneous absence of spouse, fathers and mothers.

#### **Surviving spouse(s)**

(art 691)

In any and all cases, the remaining spouse inherits a quarter of the estate in usufruct. He/she exercises this right on the share allocated to the legal heirs. It is shared equally between the remaining spouses in case of a plurality of surviving spouses.

If the surviving spouse had joint property with the deceased (even in the case of a separate assets spousal agreement), the judge shall first rule as to the share each one commands, before giving an overall ruling on the estate. If the spouses were



under a joint assets spousal agreement, the surviving spouse must refer the matter to the judge before the estate council is held;

If the spouses were under a joint assets spousal agreement and if the disposal of said assets was not handled before death, the surviving spouse who was separated or divorced, must be allocated their share of the estate (art 692 al).

If there are joint bank accounts, the estate council must ensure that the surviving spouse's share is paid to them (art 701)

#### **The ascendants** (art 689 and 690)

The father and the mother of the deceased are usually granted a usufruct right on a ¼ of the estate. This share will be divided in half between them. In the absence of one, his/her share reverts to the other.

- In the presence of a surviving spouse, they shall exercise the rights pertaining to their usufruct upon the property attributed to the father and mother.



## >> Continued

- In the absence of descendants, and if there are siblings, the father and mother receive a usufruct over half of the estate.
- Exceptionally, when the father and mother are the only legal heirs called to the succession, they receive rights of full ownership over half of the estate.
- In the presence of a surviving spouse, they shall exercise the rights pertaining to their usufruct against the property attributed to the father and mother.

### **Obtaining the Death Certificate drawn up by the Civil Registrar**

Article 181 of the Civil Code gives the list of persons who must obtain a copy of the death certificate upon request.

### **Estate Council**

It is a meeting held after the death of a person to decide on the management of property (assets and liabilities) and the fate of the widow and orphan. \*This council is comprised of the surviving spouse(s), the descendants, ascendants or representatives acting on their behalf (article 699).

**Filing of the Minutes of the Estate Council** with the Clerk of the Civil Court to obtain Court approval. This is the stage during which the court certifies the decisions taken by the Estate Council.

**Judicial Pathways** established within the courts to administer records of estates since 2011; an Inheritance Court headed by a Court president and an officer in charge offences arising from breaches of the law.

**Establishment of a Fund (FNSS)** to assist economically weak widows towards a measure of autonomy.

And as of 2012 a decree on the organization of **illegal aid**.

Starting in 2012 Decree No. 251/PR/MBCFP, 19 June 2012, setting the terms and conditions for the allocation and calculation of the **death benefit** owed to the beneficiaries of a deceased public official.

### **Article 79 Caisse Nationale de Sécurité Sociale (CNSS) :**

Now gives a right to a pension to the surviving spouse who has a professional occupation.





### Intervention by Dr Fabrice AGYUNE NDONE (Anthropologist)

In order to identify the real issues surrounding the question of widows and the spoliation they are subjected to, Dr. Fabrice Agyne Ndone offered an anthropological analysis of the problem.

*« Contrary to popular belief, the status of the widow did not exist in traditional Gabonese Bantu societies. This brings to the direct consequence of calling into question the existence of spoliation practices towards widows in said societies; not because they were particularly well meaning, but simply because they were organized differently from our current society. »*

In traditional societies marriage was more of an agreement between two clans than between two individuals. Hence the indissolubility of the agreement.

This state of affairs is observable in the provisions of the customary rules: levirate (when the surviving spouse was a woman) and sororate (when the surviving spouse was a man). The purpose of these rules was to maintain the alliance. Even in the event of death, death does not entail the dissolution of marriage.

Therefore, it is not absurd to infer from this situation that the status of a widow or a widower did not exist as such in traditional societies. The spoliation of widows, which we all agree is unconscionable, thus appears more as a product of the tensions, misunderstandings and contradictions of the intercultural situation of present day Gabonese society.



### **Ancient rituals of widowhood and violence against widows**

Can the violence suffered by some widows during the so-called widowhood rituals be described as a survival of ancient practices?

Beyond the cases of violence currently observed, the rituals related to the death of a spouse did not, in traditional Gabonese societies, aim to cause violence or bullying towards the surviving spouse, especially widows. Insofar as these rituals did not concern only the surviving spouse but, rather, all the members of the clan who had just lost one of its members.

These were rituals that allowed all members of the clan to mourn the deceased; they were, in a way, rituals of collective or group therapy. This is the reason why, in the same way as in the cases of spoliation, the violence denounced in widowhood rituals is not a substratum of traditional Bantu Gabonese societies, in that their main motives is to harass widows and marginalize them.



### Intervention by Dr Chimène NTSAME MBOULOU (Clinical Psychologist)

A clinical psychologist plays a vital role in caring for the surviving spouse. This care is related to the distress, shock and disorientation of widows.

Thus, psychological work is done to foster acceptance of the death of the spouse. In this respect, the speaker agrees with the anthropologist that the woman needs to go through the widowhood stage that appears as a collective therapy in order to enable her to come to terms with the death of her husband. Despite the fact that widowhood is a painful moment, she asserts that it is important to overcome the loss of a companion from a psychological point of view.

The Clinical Psychologist suggests doing substantive work to bring the surviving spouses out of denial of their partner's death







## Intervention by

Mme Agnès

**GNANGUI**

(Director of Family Affairs at the Ministry of Health and Family)

Several initiatives have been put in place since 2010 to support widows who are victims of spoliation:

1. **Establishment of a widows counselling unit (over 3000 requests received)**
2. **Family mediation (out of 1550 cases, 60% of cases resolved through family mediation)**
3. **Psychosocial assistance**
4. **Legal assistance**

### Up to 2014 :

- Convention signée avec deux cabinets dont l'un d'Avocat et l'autre d'Huissier, pour assister, conseiller et défendre les veuves et les orphelins économiquement faibles au niveau du tribunal.

Cependant, les paiements des émoluments des cabinets par le Ministère du budget n'ont pas toujours été totalement effectifs. Ce qui a entraîné la rupture tacite des contrats.

- Une centaine de dossiers transmis dans ces cabinets, dont 65% de procès gagnés, ont permis aux veuves et aux orphelins spoliés de rentrer dans leurs droits.



### Starting in 2015 :

All legal aid files are referred to the legal aid office set up at the Ministry of Justice. Unfortunately none of the claims have been successful as there was no feedback; hence the disappointment of the widows. This legal aid was not only intended for widows but extended to all vulnerable groups, unlike the legal assistance scheme set up with the two law firms.

### 5. Psychosocial care

- Counselling
- Provision of food kits and medicine to families of surviving spouses and economically weak orphans;
- Provision of school kits and payment of school fees to economically weak orphans.



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### 6. Administrative support

Assistance to surviving spouses and orphans in their administrative procedures.

It involves :

#### In the case of a deceased civil servant :

- Court, to obtain Court approval;
- Public Service administration, for the General records of performance for deceased civil servant spouses;
- Budget and Treasury, to calculate the death benefit and pension liquidation, today at the Pension and Family Benefits Fund for State Agents (CPPF) for their pension.

#### In the case of a deceased private sector employee :

- National Social Security Fund (CNSS for the surviving spouse pension).

#### In the case of a deceased member of the military :

- General Staff Headquarters of the corps he was assigned to.

### 7. Financial assistance with

- Payment vouchers (widow's allowance) to economically weak widows, worth 75,000 FCFA by the National Fund for Social Welfare (FNAS), followed by the National Fund for Health and Social Welfare (CNAMGS) after the transfer of competence in 2014;

- Support to Income Generating Activities of associations by the FNAS;

To date, the financial problems that our country has undergone, have not allowed the CNAMGS to liquidate widowed benefits for approximately two years.

### 8. Awareness raising initiatives

(talks and debates, conferences, educational adverts, etc.)



*A view of the conference participants.*



### Intervention by Mme Véronique TCHIBENA MACKOSSO

(Dispossessed widow, member  
of a widows' association)

She recounted all the suffering she had endured, including all the acts of spoliation, especially from the elders of the family.



### Intervention by Mme Carmela NGAYIS

(Sylvia Bongo Ondimba  
Foundation Social supervisor)

Mrs Ngayis focused her intervention on the actions undertaken by the Sylvia Bongo Ondimba Foundation for the Family in terms of information, communication and education.

TV and radio ads, seminars, outreach campaigns (like the first celebration of IWD in the form of a march bringing together women's associations, and private and public administrations around the question of widows).

In addition, the slogan created in 2011 - «Lift the veil» (Levons le voile) - came to mark a new dynamic to allow women to come out of the overwhelming silence that held them, but also to let widows know their rights through a counselling unit, which also acts a relay for information,



in support of the actions of public authorities.

It should also be noted that widowers benefit from the same treatment, as men are not spared by the phenomenon. The Foundation has welcomed several orphans in distress and, over a three-

year period, 1700 widows have benefited from counselling, psychological support and also legal support. Women from the provinces are not left out.





### Intervention by Mme Zéphirine ETOTOWA (Economist)

Ms Etotowa discussed the issues of death benefits and inheritance.

Death benefits refer to a social allowance that the State grants to the beneficiaries of a deceased public servant that was in office at the time of death, after review of their duly constituted claim.

She recalled that any claim on the State due beyond 4 years is subject to a four-year lapse and is therefore no longer due to be paid. Decree 253 of 2012 establishes the terms of allocation and liquidation of the death benefit, and specifies the method of calculation and recovery. However, a number of factors sometimes delay the smooth running of procedures:

- Maintaining the former standard that establishes the death benefit on a basis of the last 12 months of the salary to a larger amount, compared to a new, more restrictive standard, that limits the death benefit to 3 times the last salary of the deceased civil servant;
- Certain categories of civil servants are not taken into account in this death benefit process. They are contract agents of the State, as well as widows and orphans.



- «Overpayment», when the civil servant's salary was paid beyond the date of death should give rise to a refund of along with a receipt of repayment to the Treasury.

She nevertheless pointed out some progress on the procedures of identification and naming of the beneficiaries by the judgment of the Estate council, as well as an acceptance by the parties of the allocation of 50% of the death benefit between widows and orphans. However, it is necessary to reform the Gabonese civil code, with a change of procedure within

the penal code allowing the creation of an association focused on helping the surviving spouses and orphans in situations of common law couples. Unfortunately, the Gabonese parliament was not in favour of this initiative.



## CONCLUSION



*Outreach UOB students.*

Following the discussions, Pr. Patrick MOUGUIAMA DAOUDA, in his capacity as moderator, succinctly outlined the advances achieved in the cause of dispossessed widows. Such advances, for example, are illustrated in the case of heirs who can now receive a death certificate, the establishment of a jurisdictional system designed specifically for widows, not to mention provisions for their empowerment.

However, he pointed out shortcomings that need to be addressed urgently. He mentioned the jurisdictional issues handled by the CNAMGS, the issue of empowerment in relation to social

assistance, the length of procedures pertaining to customary marriages, and so on.

He urged the general public to make this fight theirs, beyond any political divisions. Defending the cause of dispossessed widows means working for a noble cause that places the respect of human dignity at the heart of all interests. The reflections initiated must take the question from all angles, giving the floor to anthropologists, lawyers, associative movements, etc. All this whilst also relying on systematic surveys to measure the impact of measures taken within the population.

Awareness-raising activities continued on 22 June at Omar Bongo University, with the organization of an awareness day on the issue of spoliation of widows in Gabon, in partnership with law and anthropology students.