



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Combined sixth and seventh periodic report of States parties**

**Democratic Republic of the Congo\***

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\* The present document is being issued without formal editing.



## Foreword

The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly of the United Nations in 1979 and was ratified by the Democratic Republic of the Congo in October 1985.

Since then, in compliance with the States parties' obligation, pursuant to article 18 of the Convention, to submit at regular intervals to the Commission on the Status of Women of the United Nations, for consideration by the Committee on the Elimination of Discrimination against Women, a report evaluating the relevant legislative, judicial, administrative or other measures which they have adopted, the Democratic Republic of the Congo has presented a succession of five reports, namely an initial report in 1987, a second and third report in, respectively, 1995 and 1999, and combined fourth and fifth reports in 2004.

This document constitutes the country's combined sixth and seventh report and is opportune for several reasons. First, its preparation coincided with the commemoration of the thirtieth anniversary of the international adoption of the Convention. Moreover, while providing specific replies to the observations formulated by the Commission on the Status of Women in relation to the country's preceding report, this document constitutes the first evaluation of the state of implementation of women's rights since the democratization of national institutions, given that the country's first general elections (presidential, and national and provincial legislative polls) were held in 2006, and that the next elections are scheduled to begin in November 2011 with the active participation of women in line with the Gender Parity Implementation (in all Sectors of National Life) Act, currently in the process of adoption, and the subsequent revision of electoral law.

Moreover, this report constitutes direct follow-up to the main documents published recently in the country to underscore women's gender-specific rights and needs, namely the National Policy on Gender Issues (PNG), the National Strategy against gender-based violence (SNVBG), the National Strategy on maternal and child mortality (SNGFE) and the National Strategy for women's political participation in democratic governance (SNPFGD). Furthermore, the report is closely linked to the various women's empowerment processes in progress in the country, including the review of the Family Code from a gender perspective and the establishment of a national action plan and a steering committee for the implementation of Security Council resolution 1325 (2000).

The contents of this report reflect steps taken by the Government as the document was drafted, namely the creation and operationalization of various national public structures for upholding the rights and improving the status of women, in particular the Strategic Studies and Planning Unit for the promotion of women, the family and the protection of children (CEPFE); the National Agency for eliminating violence against women and adolescent and very young girls (AVIFEM); the National Fund for the promotion of women and the protection of children (FONAFEN); the Great Lakes Regional Research and Documentation Centre for women, gender and peacebuilding; and a related national centre (CENADIF).

In addition to the above tools and national legal instruments, this report aims to present the progress made since the preceding report in the area of gender

equality and protection of women's rights, taking into consideration the relevant observations formulated with regard to that report by the Committee.

This report is the outcome of work carried out in record time by a team of national experts from technical ministries, public and specialized services of the Government, and civil society entities, particularly women's organizations and associations, which I thank on behalf of the Government for their valuable contribution in their specific areas.

On behalf of the Government, I also thank all of the country's development partners, one of whose main missions is the promotion of women's rights, particularly the United Nations Population Fund (UNFPA) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), for their support during the drafting and validation process and in disseminating the report.

I express my sincere thanks to all those who directly or indirectly participated in the preparation of this document.

Kinshasa, 8 March 2010

Marie-Ange LUKIANA MUFWANKOLO  
Minister for Gender Issues, the Family and Children

## Introduction

In response to United Nations recommendations requesting States parties to ensure women's equality with men in the law and in actual practice, the Government of the Democratic Republic of the Congo has always been highly attentive to the status of women and the role that they should play in the country's development.

The various initiatives undertaken to that purpose include in particular the ratification of the Convention on the Elimination of All Forms of Discrimination against Women on 6 October 1985.

Under the country's Constitution, duly ratified or approved international treaties and agreements prevail, upon publication, over national legislation, provided that they are implemented by the other party. Accordingly, the Democratic Republic of the Congo has an obligation to abide by the Convention.

Pursuant to article 18 of the Convention, under which States parties should periodically proceed with an evaluation of compliance with the Convention, the Government is steadfastly committed to presenting regularly to the Secretary-General of the United Nations a national report on the Convention's state of implementation in the various areas affecting women's daily life. In line with the recommendations contained in the Convention, the Ministry for Gender Issues, the Family and Children, in its capacity as the Government entity responsible for, inter alia, protecting the rights and promoting the status of women, established an inter-agency interdisciplinary team for the preparation of this report.

In order to ensure women's full development and progress and thereby guarantee them the exercise and enjoyment of human rights and fundamental freedoms on an equal footing with men, the Democratic Republic of the Congo has been implementing since 2009 the National Policy on Gender Issues (PNG) and other strategic documents promoting the status of women in various areas of national life.

A key element of PNG is the recognition of the crucial role played by Congolese women in the country's economy. More than 70 per cent of the women, especially in rural areas, work in the agricultural sector. They participate in the entire production process, from clearing land to ploughing, sowing, weeding and harvesting. The Constitution provides women with all human and political rights on an equal footing with men. Congolese women have the right to vote and be elected, and are as entitled to fulfil all administrative and political functions (including those of, inter alia, President of the Republic, member of the legislature or of the Government, regional office holder and military officer) as men. Yet women are still inadequately represented in the country's main decision-making bodies, while at the social level they are subject to various cultural constraints, including backward customs preventing full enjoyment of women's rights. This situation reduces women's participation in the country's development efforts.

The cultural attitudes and practices in question affect the status of women, exacerbate men's superiority complex at the social level and underpin the stereotypical roles in which women are generally cast by Congolese society.

Accordingly, an effort is required to address women's concerns effectively in the framework of development policies and programmes, through awareness-raising campaigns aimed at a change in attitudes.

To that end, considerable resources must be channelled into supporting social mobilization activities and women's involvement in decision-making at all levels in order to enable women to participate tangibly in remodelling the State.

It is in that context that a multidisciplinary team, consisting of experts and leading members of women's organizations and associations, was set up at the request of the Government and with technical support from the development partners in order to prepare this evaluation report on the state of implementation of the Convention.

## **Section I**

### **Review of legal instruments on the promotion of Congolese women in accordance with the Convention**

#### **Part I**

##### *Article 1*

*For the purposes of the Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

##### *Article 2*

*States parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*

*(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*

*(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*

*(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*

*(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*

*(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*

*(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*

*(g) To repeal all national criminal provisions which constitute discrimination against women.*

##### *Article 3*

*States parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*

**National statutory and legal instruments promoting the status of women**

Article 14 of the Constitution of 18 February 2006 is worded as follows:

“The public authorities shall ensure the elimination of all forms of discrimination against women and guarantee the protection of women’s rights. They shall take, in all fields but especially in the civil, political, economic, social and cultural fields, all appropriate measures to ensure women’s comprehensive advancement and their full participation in the nation’s development.

They shall take steps to combat all forms of violence against women in public and private life.

Women shall be entitled to equitable representation in national, provincial and local institutions.

The State shall ensure parity between men and women in such institutions.

The modalities of the exercise of these rights shall be determined by law.”

Article 15 of the Constitution is worded as follows:

“The public authorities shall ensure the elimination of sexual violence.

Without prejudice to international treaties and agreements, sexual violence committed against any person in order to destabilize or to break up a family or to bring about the disappearance of an entire people shall constitute a crime against humanity and be punishable under the law.”

The Government has drawn up a draft Act on gender-parity implementation in all sectors of national life.

In cooperation with civil society, the Government has also drawn up the National Policy on Gender Issues (PNG) in order to create an institutional, social, cultural, legal and economic framework conducive to the realization of gender equity and equal access of men and women, and boys and girls, to society’s resources; and to ensure effective gender-mainstreaming in all stages of processes involving study and research on the socio-economic conditions of the population and analysis, planning, implementation, follow-up and evaluation of development policies, programmes and projects.

Recently, the Government also launched the National Strategy against gender-based violence (SNVBG) in order to combat the phenomenon in question; and to contribute to the prevention and reduction of gender-based sexual violence and to the improvement of comprehensive care for the surviving victims and the rehabilitation of the perpetrators of gender-based violence.

Act No. 06/018 of 20 July 2006 amending and supplementing the Decree of 30 January 1940 on the Criminal Code provides for stiffer penalties for sexual violence, which was used as a weapon during armed conflicts in the Democratic Republic of the Congo.

The Act defines and punishes offences against the dignity of women.

Before the adoption of the Act, the country's criminal law did not contain all of the acts constituting offences under international criminal law.

The main innovation introduced by the amendments to the Criminal Code is the incorporation of international humanitarian law provisions on sexual violence.

The provisions in question aim at the protection of the most vulnerable persons, particularly women, children and men victims of the crime of sexual violence.

The above amendments consist mainly of articles on the crimes of rape and indecent assault.

These articles fill gaps by criminalizing various forms of sexual violence, which earlier were not provided for in the Criminal Code, and define such offences in accordance with the relevant international standards.

Act No. 06/019 of 20 July 2006 amending and supplementing the Decree of 6 August 1959 on the Code of Criminal Procedure amended and supplemented certain provisions of the Code of Criminal Procedure in order to speed up punishment, safeguard the dignity of the victims and provide them with legal assistance.

Act No. 81-003 of 17 July 1981 on staff rules for career civil servants lays down criteria for recruitment, remuneration, promotion and social benefits without any gender-based discrimination.

Act No. 73-021 of 20 July 1973, which lays down regulations governing property, land tenure, real estate and securities, together with the amendments and additions which have been made to date, contains no discriminatory provisions.

The basic principle is that the State has exclusive ownership of the land and subsoil. Men and women without distinction may exercise the right to land concessions within the boundaries of the law.

In practice, however, few women enjoy this right, mainly because they are not aware of the procedures, and also owing to their modest incomes.

As a result of legal constraints enshrining her legal incapacity, a married woman is required to obtain her husband's prior authorization in order to acquire a right of concession on a plot of land.

Act No. 001/2001 of 17 May 2001 on the organization and operation of political parties, complies with the Constitution and the Convention.

Under article 3 (6) of Act No. 08/005 of 10 June 2008 on the public financing of political parties, gender parity must be taken into consideration by political parties in establishing electoral lists.

The Act requires that there must be no discrimination on grounds of, inter alia, ethnic origin, religion, gender or language in the establishment, organization or operation of political parties.

The climate is favourable for such a drive because there have been positive changes in people's attitudes. Women seeking to enter politics are no longer necessarily stigmatized.

Currently, eight women have founded and chair political parties.



Act No. 08/011 of 14 July 2008 on the protection of the rights of persons living with HIV/AIDS and affected persons stresses:

- The enjoyment by seropositive women of all benefits established by the State within the framework of the National Policy on Reproductive Health;
- The prevention of mother-to-child transmission of HIV/AIDS.

Act No. 09/001 of 10 January 2009 on the protection of children defines a child as any person under 18 and raises the age of marriage for girls from 14 to 18 years.

## **Section II**

### **Initiatives and measures taken for the implementation of the Convention**

This section presents the various steps taken to improve the condition of women in the areas of employment, family life, health, education and access to national and international civil service.

#### *Article 4*

*1. Adoption by States parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*

*2. Adoption by States parties of special measures, including those measures contained in the Convention, aimed at protecting maternity shall not be considered discriminatory.*

Generally speaking, the provisions of the Family Code of 1987 are favourable to woman. However, some of those provisions are under review to ensure that they are aligned with the various international legal instruments ratified by the Democratic Republic of the Congo.

Act No. 06/018 of 20 July 2006 amending and supplementing the Decree of 30 January 1940 on the Criminal Code and Act No. 06/019 of 20 July 2006 amending and supplementing the Decree of 6 August 1959 on the Code of Criminal Procedure refer to sexual violence and protect women.

Note should be made of the adoption of Act No. 09/001 of 10 January 2009 on the protection of children.

Under article 9 of Act No. 08/011 of 14 July 2008 on the protection of the rights of persons living with HIV/AIDS and affected persons, seropositive women are entitled to all benefits established by the State within the framework of the National Policy on Reproductive Health.

#### **Women, culture and the media**

#### *Article 5*

*States parties shall take all appropriate measures:*

*(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*

*(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

Mention should be made of the election of a woman to the presidency of the Congolese Journalists' Association. Moreover, the directors of eight print and other media editorial services and the owners of two television and radio channels are women.

In public debates, women express their views and address issues of public interest.

The first Women's Book Fair was organized in March 2008 as part of the International Women's Month.

As many women as men are active in the fields of music, theatre and religion, among others.

A number of awareness-raising and information campaigns on gender, responsible sexuality and parenthood improved the behaviour patterns and contributed to the disappearance of certain backward practices concerning women.

As a result of sensitization on gender issues, a number of parents currently assign household tasks to their children and have them enrolled in school without taking their gender into consideration.

### **Women and prostitution**

#### *Article 6*

*States parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.*

Act No. 06/018 of 20 July 2006 amending and supplementing the Decree of 30 January 1940 on the Criminal Code prohibits, under book 1, forced prostitution and child prostitution (articles 174 C and 174 N).

Trafficking in women is not a widespread phenomenon in the Democratic Republic of the Congo.

Prostitution, however, is a common practice. There are two distinct categories of prostitutes.

The first category consists mainly of young girls, often poorly educated, who stand at night along main roads or go to bars or brothels in search of potential customers.

The second category of prostitutes consists of seemingly respectable women, sometimes in paid employment, who engage in hidden prostitution, selling their bodies for financial reasons.

In both cases, the main causes of prostitution are poverty, the struggle for survival and/or the quest for a life of luxury.

These sex workers act alone, there being no formal networks of procurers. There are, of course, middlemen, who act clandestinely for generally affluent clients.

Prostitutes are not subject to any controls, even health checks. The authorities should establish mechanisms to protect them and society, particularly against HIV/AIDS and sexually transmitted infections.

Mention should be made, however, of the guidance offered by the Government through the relevant ministries and by civil society to young girls in general and to girls engaged in prostitution in particular.

### **Women and political life**

#### *Article 7*

*States parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:*

*(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*

*(b) To participate in the formulation of Government policy and the implementation thereof and to hold public office and perform all public functions at all levels of Government;*

*(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

Progress has been made at the legal level with regard to women's political careers.

A number of statutory and legal instruments favourable to women reflect article 7 of the Convention. In that connection:

- Articles 12, 13, 14 and 15 of the Constitution of the Third Republic provide for:
  1. Equality of all before the law;
  2. Access without discrimination to education and public office;
  3. Elimination of all forms of discrimination against women and protection of women's rights;
  4. Suppression of all forms of violence against women;
  5. Women's entitlement to fair representation in national, provincial and local institutions;
  6. Elimination of gender-based violence.
- Under article 3 (6) of Act No. 08/005 of 10 June 2008 on the public financing of political parties, gender parity must be taken into consideration by political parties in establishing electoral lists. Under article 6 (6) of the same Act, women should stand for elections on equal terms with men.

Currently, women are often under-represented in such decision-making bodies as the Government at the central and provincial levels, the legislature, trade unions, cooperatives, local government, decentralized regional bodies, professional associations and grass-roots organizations.

Women account for 49 (9.8 per cent) of the 500 members of the National Assembly; 5 (11 per cent) of the 45 ministers and deputy-ministers of the Government; 6 (5.5 per cent) of the 108 senators; 0 per cent of the 11 province

governors; 53 (17.9 per cent) of the 296 public representatives; and 7 (12.7 per cent) of the 55 general secretaries of the civil service.

The above figures reveal the inadequate participation of women in decision-making bodies.

In view of that situation, the Government, in cooperation with civil society, has drawn up draft acts and the National Policy on Gender Issues (PNG), designed to ensure the implementation of the parity principles enshrined in the Constitution.

### **Women and international life**

#### *Article 8*

*States parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.*

The problem of women's low representation at the international level, already referred to, persists.

The number of women in the various administrative and other grades remains significantly lower than that of men.

Currently, 5 women serve as ambassadors, 1 as a consul and 7 as chargés d'affaires, thereby occupying 20.3 per cent of the 64 diplomatic posts of the Democratic Republic of the Congo.

As to women's participation in international meetings, the country is regularly represented in most of the regional, African and global events held by women.

### **Women and nationality**

#### *Article 9*

*1. States parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*

*2. States parties shall grant women equal rights with men with respect to the nationality of their children.*

Under article 10 of the Constitution, Congolese nationality is unique and exclusive. It may not be held concurrently with any other. It is obtained by birth or may be acquired on an individual basis.

Accordingly, there is no discrimination between men and women regarding Congolese nationality.

**Women and education***Article 10*

*States parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:*

*(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*

*(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*

*(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;*

*(d) The same opportunities to benefit from scholarships and other study grants;*

*(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*

*(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;*

*(g) The same opportunities to participate actively in sports and physical education;*

*(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

Under article 43 of the Constitution, all persons have the right to a school education. Under the last paragraph of the article, primary education is compulsory and free in public establishments. Article 44 underscores the importance of eradicating illiteracy.

Under article 45 of the Constitution, all persons have access to national education establishments without discrimination based on, inter alia, place of origin, race, religion or gender.

To promote the school enrolment of girls, the Government launched, in cooperation with UNICEF, a 2006 campaign to get all girls into school and reduced the boys/girls ratio in national education primary and secondary schools to, respectively, 1.2 and 1.9.

In higher and university education, the ratio of male to female students is 3.5 in the public sector and 1.6 in the private sector.

The Ministry of Primary, Secondary and Vocational Education has drawn up a gender-sensitive education roadmap and is undertaking a review of all textbooks and programmes from a gender perspective.

### **Women and employment**

#### *Article 11*

1. *States parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

(a) *The right to work as an inalienable right of all human beings;*

(b) *The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*

(c) *The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*

(d) *The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*

(e) *The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*

(f) *The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*

2. *In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States parties shall take appropriate measures:*

(a) *To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*

(b) *To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*

(c) *To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*

(d) *To provide special protection to women during pregnancy in types of work proved to be harmful to them.*

3. *Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.*

A noteworthy change has taken place with regard to gender roles. Currently, 80 per cent of households owe their subsistence to women. Women have become the breadwinners in many families.

In the formal sector, innovations introduced through the new Labour Code eliminate gender-based disparities, while the Family Code is being revised.

For instance, in the new Labour Code:

- Article 1 establishes that the Code applies to workers and employers regardless of gender and marital status;
- Article 2 grants everyone, without discrimination, the right to work;
- Article 7 provides an improved definition of “worker” as “an individual old enough to enter into a labour contract regardless of gender and marital status”;
- Article 111 removes the requirement for a married woman to obtain her husband’s prior authorization in order to be hired;
- Article 128 prohibits requiring a woman applying for employment to undergo a pregnancy test;
- Article 86 provides for equality of treatment in determining the salary established in article 72 of the repealed Code; and states that, under equal conditions of work, professional qualification and output, workers’ wages shall be equal, whatever their origin, gender or age.

Whereas the former Code did not entitle women workers to housing, article 138 of the new Code grants workers this right regardless of their gender or marital status.

The new Code has introduced sexual or psychological harassment and intimidation as offences of gross professional misconduct providing grounds for the dismissal of the offender.

This provision is reinforced in Act No. 06/018 amending and supplementing the Criminal Code and Act No. 06/019 of 20 July 2006 amending and supplementing the Code of Criminal Procedure by defining such harassment as an offence.

However, certain provisions of the new Code have not yet taken effect because the draft revised Family Code is under consideration by the Parliament, particularly with regard to the legal incapacity of married women.

### **Women and health**

#### *Article 12*

*1. States parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*

*2. Notwithstanding the provisions of paragraph 1 of this article, States parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*



Under article 47 of the Constitution, the right to health and to food security is guaranteed. The law defines the fundamental principles and rules of organization for public health and food security.

In cooperation with civil society, the Government has drawn up the National Policy on Reproductive Health in order to contribute to improving the quality of life of individuals, couples, families and communities in respect of the various aspects of reproductive health.

The Government has signed with UNFPA a country programme action plan on reproductive health, gender and population for the period 2008-2012.

The various programmes which have been launched have led to encouraging results, including the following (based on the national Population and Health Survey):

- Childbirths assisted by qualified personnel increased from 61 per cent in 2001 to 74 per cent in 2007;
- Anti-tetanus vaccination coverage increased from 70 per cent in 2001 to 85 per cent in 2007;
- The take-up rate for antenatal consultations increased from 68 per cent in 2001 to 85 per cent in 2007;
- Maternal deaths per 100.000 live births decreased from 1,289 in 2001 to 549 in 2007;
- The prevalence of modern contraceptive methods is 6 per cent.

## **Women and the economy**

### *Article 13*

*States parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

- (a) The right to family benefits;*
- (b) The right to bank loans, mortgages and other forms of financial credit;*
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.*

Under article 36 of the Constitution, all Congolese have the right and the duty to contribute to building and ensuring the prosperity of their nation through their work. No one may be put at a disadvantage in his or her work on the grounds of origin, gender, views, beliefs or socioeconomic status.

In the new version of the Growth and Poverty Reduction Strategy Paper (GPRSP), the gender perspective is viewed as an asset in the pursuit of the objectives of wealth creation and economic growth.

In cooperation with civil society, the Government has drawn up a microfinance strategy for the period 2008-2012 in order to facilitate access, particularly for women, to sustainable microfinance services.

Through a Council of Ministers decision of 10 February 2006, the State announced its resolve to join formally the Organization for the Harmonization of Business Law in Africa (OHADA).

### **Rural women**

#### *Article 14*

1. *States parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the Convention to women in rural areas.*

2. *States parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:*

(a) *To participate in the elaboration and implementation of development planning at all levels;*

(b) *To have access to adequate health care facilities, including information, counselling and services in family planning;*

(c) *To benefit directly from social security programmes;*

(d) *To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*

(e) *To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self employment;*

(f) *To participate in all community activities;*

(g) *To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*

(h) *To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

According to the Secretary-General of the United Nations, women are the backbone of society and their work is the economic foundation of rural communities.

In other words, the importance of the work carried out by rural women is beyond question. In the Democratic Republic of the Congo, women produce 75 per cent of food in rural areas.

At this stage, efforts must be made to evaluate the mechanisms developed within each community to lighten the burden of rural women and enable them to fulfil their potential on the basis of equity.

All research on the situation of rural women indicates that they work extremely hard, under very difficult conditions.

The health zones established by the Ministry of Health in order to help the sick gain access to medical care are now in a state of total abandonment. According to a survey carried out by the National Programme for the Advancement of Congolese Women (PNPFC) in 2002, “most rural women must travel 15 kilometres to reach the nearest health centre”.

Currently, the most fortunate women are able to obtain medical care at centres run by churches or NGOs, while others resort to traditional medicine.

The best land is appropriated by men. Because they lack education, women find it hard to gain access to the fertilizers they need in order to improve their crop yields.

In this context, mention should be made of the activities carried out by the Food and Agriculture Organization of the United Nations (FAO), which donated a total of US\$ 4,247,320 to the DRC/2000/001/A/01/12 farmers’ assistance project.

These funds were used to support 300 groups and associations in the areas around Kinshasa, Kasai Occidental, Kasai Oriental and Katanga with respect to rice growing, fish farming, market gardening and poultry and small livestock breeding.

Although not the only beneficiaries of this project, women derived benefit from it because there are more women than men in the agricultural sector.

In 2000, the Ministry of Agriculture and Stockbreeding launched a programme to support women farmers in the Kinshasa region, who were provided with improved seeds and cuttings and fertilizers. Others were provided with hens and chickens to make a start in poultry and small livestock breeding. The initiative came to a sudden end because of lack of supervision and follow-up.

### **Women and the law**

#### *Article 15*

1. *States parties shall accord to women equality with men before the law.*
2. *States parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*
3. *States parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*
4. *States parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

The Constitution, adopted by referendum, and the international legal instruments ratified by the country stipulate equal rights for men and women.

Furthermore, the Government, the United Nations system and civil society have launched a programme for establishing legal clinics to provide women with free legal assistance and support.

**Women in the home***Article 16*

1. States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) *The same right to enter into marriage;*
- (b) *The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*
- (c) *The same rights and responsibilities during marriage and at its dissolution;*
- (d) *The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*
- (e) *The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*
- (f) *The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*
- (g) *The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*
- (h) *The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*

2. *The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*

Under article 40 of the Constitution, any individual has the right to marry a person of the opposite sex of his or her choice and to found a family.

Accordingly, the Democratic Republic of the Congo is engaged in revising the discriminatory provisions regarding women which are contained in the Family Code of 1987.

However, despite diversity in their beliefs and practices, all ethnic groups share the differentiated perception of male and female roles. Family relations between men and women are built on an underlying inequality between man, the husband and father who is head of the family, and woman, the wife and mother who manages the household.

The Act on the protection of children prohibits child marriage.

Contrary to the Act on the Family Code, which sets the age for marriage at 14 for girls and 18 for boys and provides for the emancipation effect of marriage in the

case of girls under 18, the minimum age for marriage is 18 years for both girls and boys. The discrimination was corrected by the new Act of 10 January 2009 on the protection of children.

## **The problem of the moment**

### **Sexual and gender-based violence**

#### **1. Clarification of terms**

Gender-based violence is generally defined as any prejudicial act or omission occurring against the will of a person as a result of the difference between a man and a woman or, inter alia, between an adult and a child, or a young and an elderly person. Since sexual and gender-based violence is largely perpetrated against girls and women, the Declaration on the Elimination of Violence against Women adopted by the General Assembly of the United Nations in 1993 (A/RES/48/104) focuses on violence against women and adolescent and very young girls and defines it as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.

In that context, a distinction is drawn in the country between the following two types of sexual and gender-based violence:

- Sexual violence as defined in Act No. 06/018 of 20 July 2006 amending and supplementing the Decree of 30 January 1940 on the Criminal Code and Act No. 06/019 of 20 July 2006 amending and supplementing the Decree of 6 August 1959 on the Code of Criminal Procedure. Such violence takes the forms of rape, sexual relations with a minor, non-consensual sexual relations between persons under 18, forced or under-age marriage, sexual harassment, genital mutilation, slavery, sexual exploitation and trafficking, forced prostitution and trafficking in children.
- Other gender-based violence affecting particularly girls and women and consisting in various forms of non-sexual abuse ranging from domestic, physical or emotional violence to, inter alia, sociocultural, professional, institutional and custom-based violence.

#### **2. The current situation regarding sexual and gender-based violence**

Gender-based violence is still a recurrent problem in the country. According to research carried out by Professor Gambembo in urban and semi-urban areas in 1999, women are subjected to various forms of violence, including of a physical, moral, psychological and economic character. The study showed that 53 per cent of women and adolescent and very young girls are insulted verbally by male partners because of their gender, 39 per cent are victims of assault and battery and 27 per cent are victims of harmful traditional practices.

Although research on such gender-based violence began very recently in the country, the statistics so far available are alarming. In the more than one million cases of sexual violence recorded in 2009, including as a consequence of armed

conflicts, approximately 99.2 per cent of the victims are female and 0.8 per cent male.

The assessment of the current situation regarding sexual and gender-based violence in the country reveals the persistence of the following types of violence:

- Violence linked to armed conflicts (inter alia, rape, sexual slavery, under-age pregnancy, undesired pregnancy, genital mutilation, large-scale contamination with HIV/AIDS, large-scale displacements, wandering, family break-ups and marginalization, trauma, exacerbation of poverty among women and massacres);
- Sexual violence committed in non-conflict areas (inter alia, rape, including of minors and very young children in mining zones and at school, incest, sexual harassment, forced prostitution, juvenile prostitution and genital mutilation);
- Social, economic and cultural violence linked to persisting backward social and sexist practices and to the degradation of living conditions (inter alia, mistreatment of widows, despoilment of orphans, under-age marriage, incestuous marriage, genital and other physical mutilation, beliefs related to witchcraft, treatment of women like children, and juvenile or forced prostitution);
- Domestic violence linked to the mistreatment of women and contempt for their contribution to the household and the family (inter alia, subjection of women to beating, humiliation, household chores and obligatory dependence and submission; and discrimination between boys and girls in the family).

The above forms of violence are compounded by inequalities institutionalized through discriminatory provisions contained in legal instruments still in force, including the Civil Code and the Family Code.

Although equal rights for men and women are enshrined in the Constitution, adopted by referendum, and in international treaties ratified by the country, discriminatory provisions and practices persist at the legal level in all areas, and in particular, inter alia, in the Family Code, the Labour Code, the staff rules for career civil servants and the Commercial Code. Progress was made with respect to the Labour Code in 2002, when the requirement for a married woman to obtain her husband's prior authorization in order to be hired was removed.

Congolese society is characterized by rich cultural diversity resulting from the coexistence of various ethnic groups over the national territory. Most of these groups share the same cultural values based on custom and usage.

Thus, despite the diversity of beliefs and practices, most of the groups in question share a differentiated perception of male and female roles. Family relations between men and women are built on an underlying inequality between man, the husband and father who is head of the family, and woman, the wife and mother who manages the household.

Traditionally, man incarnates authority within the household. He defines the rules and the code of conduct and controls and manages the family assets. The woman's social role consists merely in ensuring that the household functions. She carries out the domestic work and takes care of the children and other family members.

The man's role as the authority in the family and the subordinate position of the woman are reflected in various social institutions.

In marriage, for instance, the husband takes the lead and determines the number and spacing of children. In the processes of family upbringing and community education, men and boys enjoy special treatment and are given greater initiative and more responsibilities, while women are restricted and controlled as to their movements and scope of action.

At the level of social activities, the assignment of tasks to girls and boys, and to men and women, reflects a sexist division of labour. Accordingly, men are formally employed on productive jobs whose value is recognized, while women are relegated to auxiliary and care-related tasks to which little value is attributed.

The wars have increased women's vulnerability to sexually transmitted diseases and HIV/AIDS. Vulnerability to HIV/AIDS is greater among women than among men because of rape by aggressors, more than one sexual partners, backward traditions conducive to sexual encounters and limited use of condoms.

Women and children constitute the civil population most affected by war in terms of violence related to armed conflicts. They account for 75 per cent of war refugees and displaced persons.

These conflicts have caused considerable or incalculable damage, sometimes irrevocable, to the country's ecosystems. They also brought about the phenomenon of child soldiers of both genders, and increased the numbers of women and children among internally displaced persons and war refugees, and of widows, orphans and children deprived of care.

Moreover, the conflicts led to large-scale rapes of, mainly, women and girls and contributed to a high prevalence of HIV/AIDS. As a result, women's experience in connection with challenges to the promotion of peace and security in accordance with Security Council resolution 1325 (2000) is invaluable and should be identified and used.

### **3. Causes**

Sexual and gender-based violence is mainly related to customs, traditions, mores, domestic social practices, low enrolment ratio, women's ignorance of their rights and armed and other conflicts which have affected the country.

With regard to the recent causes of most of the occurrences of sexual violence, it has been established that rapes, mutilations, sexual slavery and forced pregnancies have been used as a military weapon and have mainly been linked with conflicts and uniformed combatants. These practices, imposed by foreign armed groups, exacerbated deep social and economic imbalances, which had been created by decades of impoverishment and violence suffered by both men and women.

Gender-based violence is also encouraged by the tenuous status of girls and women, which prevents them from asserting their rights. In particular, the profound security and humanitarian crisis, faced by the country during the last 15 years and affecting mainly women and the children, aggravated dramatically the situation of women, which was already precarious in terms of protection of rights, opportunities and gender relations.

The proliferation of sexual violence among civilians is one of the repercussions of the conflicts. The communities worst affected are those exposed to multifaceted conflicts (involving murder, use of rape as a weapon, deep behaviour changes among men and boys associated with atrocities, and recurring cycles of vengeance and reprisals for the crimes committed). Reference has been made to causes other than those related to armed conflicts, particularly the settling of various scores.

With regard to other forms of gender-based violence, lack of information on their rights reduces women's awareness of the issue and their ability to prevent and take effective action to improve their daily plight. Ignorance combined with sociocultural taboos explains the persistence of such forms of violence.

Precarious living conditions and housing arrangements leave girls and women highly exposed to violence risks.

In the housing sector, for instance, the multiple indicator cluster survey (MICS2) reveals considerable crowding, given that 73.3 per cent of two-bedroom dwellings are inhabited by families with 6-7 children on the average. Of the women heads of household, 15.7 per cent are housed by a relative and 69.3 per cent own their home, compared to, respectively, 8.9 and 75.4 per cent in the case of their male counterparts; while only 5 per cent of women, compared to 13 per cent of men, have access to electric power.

#### **4. Consequences**

The impact of sexual and gender-based violence on Congolese society is far-reaching. Children in non-conflict zones are becoming ever more frequent rape targets and incest is assuming alarming proportions. Other forms of sexual violence have also developed.

In addition to its disastrous effect on women, sexual violence undermines human security. Entire families and communities have been dehumanized and destroyed by various traumas (inter alia, family break-ups, exclusion and rejection of victims, children born of rape, impoverishment of communities, climate of fear and revenge, and abandonment of the land).

The failure of various stakeholders to bring under control this brutal situation of large-scale gender-based violence has led to the following consequences: abduction of women and girls for sexual slavery, under-age marriages, proliferation of unwanted children, large-scale contamination with and use of HIV/AIDS as a weapon, the phenomenon of child soldiers, dropping out of school and increased illiteracy and, moreover, acceptance of impunity, non-compensation of victims and failure to redress the wrongs.

#### **Government action against sexual and gender-based violence**

In view of the above human tragedy, which is marked by sexual and gender-based violence, the resolve of the Republic in the face of the challenges faced, and the international context, which underscores the need fully to eradicate the worst forms violence, the Government has taken the following specific steps:



- Restoration of peace and promotion of democracy through internal and external dialogue;
- Strengthening of specific legal instruments, particularly the Constitution of 2006, the Act on sexual violence (2006), the Act on the persons living with HIV/AIDS (2008) and the Act on the protection of children (2008);
- Promotion of support and oversight programmes, such as the national multi-sector plan on HIV/AIDS (PNMLS) (2004) and the programme for combating impunity (2009);
- Creation of the Strategic Studies and Planning Unit for the promotion of women, the family and the protection of children (CEPFE); the National Agency for eliminating violence against women, adolescent girls and the girl child (AVIFEM) (2009); the National Fund for the promotion of women and the protection of children (FONAFEN) (2009); and the rehabilitation and strengthening of the national councils and centres for women, children and the family (2008-2009);
- Support for women’s ownership of the combat against violence through the large-scale “I Denounce” campaign, currently extended to all countries of the Great Lakes region (2008-2009);
- Building of a women’s centre in Goma, inaugurated in 2009, and in Kindu and Kinshasa, currently under construction;
- Updating of the National Programme for the Advancement of Congolese Women (PNPFC) (2007), and of the National Strategy for gender-mainstreaming in the country’s development policies, programmes and projects (2008); formulation and implementation of the National Policy on Gender Issues (PNG) (2009); and drawing up and adoption, currently in progress, of the draft Gender Parity Implementation (in all Sectors of National Life) Act.

The Government has also contributed to the implementation of various activities launched by the development partners and civil society organizations.

Since 2003, the Government has been participating in a joint sexual-violence prevention initiative launched by the development partners and civil society organizations. In 2007, an inter-agency group on sexual violence issues was established in cooperation with women’s organizations within the Ministry for Gender Issues, the Family and Children in order to ensure that the country’s problem of violence against women is addressed in the framework of national policies, programmes and projects currently in progress, including in particular the implementation of the Growth and Poverty Reduction Strategy Paper (GPRSP).

The formulation and, since November 2009, the implementation of the National Policy on Gender Issues (PNG) by the Government in cooperation with the development partners and civil society organizations reflect the Government’s determination and explicit political will to ensure effective and efficient coordination of prevention, protection, support for victims and survivors and information and data management in that area.

Thank you.