

## CONGO

### **CEDAW, A/58/38 part I (2003)**

142. The Committee considered the combined initial, second, third, fourth and fifth periodic report of the Congo (CEDAW/C/COG/1-5 and Add.1) at its 606th and 607th meetings, on 27 and 29 January 2003 (see CEDAW/C/SR.606 and 607).

#### Introduction by the State party

143. In introducing the report, the representative of the Congo stated that, since the ratification of the Convention in 1982, much had been accomplished in respect of the advancement of women, although economic constraints and the social and political conflicts that had been affecting the country since 1993 had placed women in a vulnerable situation. The present Government's policy had made it possible to re-establish confidence and trust in the minds of Congolese women.

144. The representative informed the Committee that officials in the Department for the Advancement of Women, representatives of the administration, non-governmental organizations, associations and individuals had been involved in the drafting of the report, which had been presented to the public and adopted by the Government. The Government adhered to the principles of the Beijing Platform for Action and the Dakar Plan of Action to ensure the effective advancement of women and girls. Women's rights, violence against women, poverty eradication, health and environment were identified as priority areas in the Government's policy for the advancement of women and its action plan adopted in 1999.

145. The legal system remained dualistic. Customary law existed alongside modern law and, thanks to the efforts of the Government, provisions were in place to ensure the effective application of the latter. The country had known various political regimes and now had a multiparty system. The new Constitution of 20 January 2002 upheld the tradition of the country's earlier constitutions in clearly recognizing equality between men and women in all areas of life. All citizens were equal before the law and any discrimination based on origin, social or material circumstances, racial, ethnic or departmental affiliation, gender, education, language, religion, philosophy or place of residence was prohibited. Furthermore, the law provided for women's representation in all political, elective and administrative functions.

146. The Congo had ratified several international human rights treaties and recognized the primacy of international public law. Although, in principle, gender equality was ensured, some de jure and de facto discrimination still existed. For example, under the Family Code, men were heads of the family and decided on the choice of the conjugal domicile in case of disagreement between the spouses. Furthermore, husbands could prohibit their wives from performing certain jobs in the interest of the family. There had been progress, but inequality persisted in matters of retrograde taboos and customs, such as widow rites and levirate.

147. The representative indicated that there had been an evolution in the national machinery for

the advancement of women. The Secretariat of State within the Ministry of Agriculture, Rearing, Fisheries and the Advancement of Women was responsible for the advancement of women and the integration of women into development. Focal points had been set up within various departmental offices, adding a gender dimension to the public administration. The ministerial department responsible for women's issues, set up in 1992, had worked very closely with some 450 non-governmental organizations and associations. A number of activities had been carried out, including the holding of a general conference on women in 2001, which enabled some 1,000 Congolese women of all political affiliations and from all regions to examine their commonalities and their political, economic and sociocultural concerns. Another achievement was the creation of a centre for research, information and documentation on women, called "The House of Women".

148. Stereotyping was a source of concern to both the Government and non-governmental organizations which endeavoured to empower women and make them aware of their rights. Sexist stereotypes existed within the family, in the media and in the workplace. Certain stereotyping could also be seen in school textbooks that tended to reproduce the sexual division of work. The female illiteracy rate was very high. Women often fell victim to sexual harassment, and the media, which was male-dominated, sometimes broadcast negative images of women.

149. Women were assured equal access to high-level posts under the Constitution and electoral law. The representative indicated that there had been an increasing number of women candidates in various elections as a result of awareness-raising campaigns. Of the 1,205 women participating in legislative, senatorial and local elections, 89 women had been elected. Women made up 9.3 per cent of the National Assembly and 15 per cent of the Senate and their percentage at the local level stood at 8.55 per cent. There were no women ambassadors. However, there were five women in the new Government team. While equality between women and men was provided for in legislation in the areas of access to employment, promotion and pay, women generally held middle-level jobs because of the inadequacy of their qualifications. Women's share in agricultural labour, such as food production, traditional processing of agricultural products and marketing of products, was high.

150. The representative informed the Committee that, according to Congolese legislation, women had the right to keep their nationality upon marriage and in cases where their husbands changed nationality. Legislation gave girls and boys equal access to education, and public schooling was free and mandatory until the age of 16. The proportion of girls in primary schools was almost equal to that of boys. The attendance of girls in secondary schools was low because of poverty and early pregnancies. Girls generally did not enrol in technical institutions. At the level of higher education, girls represented 18.6 per cent of students at Marien Ngouabi University. Their share in scientific courses was low, with 11 per cent enrolled in natural sciences, 18 per cent in economics and 21 per cent in medicine.

151. The representative said that an awareness-raising campaign had been launched covering reproductive health, including sexual health, family planning, HIV/AIDS and sexually transmitted infections. The National Health Development Plan, Act No. 14-92 of 29 April 1992, served as the framework for the national policy in the field of health, with women and children occupying a privileged place. The maternal mortality came to 890 per 100,000 live births and the fertility index

stood at 6.3 children per woman. The prevalence of contraception was about 3 per cent. Legislation dating from 1920 prohibited abortion and propaganda relating to contraception. Therefore, deaths were caused by clandestine abortions. A bill was being discussed in Parliament to repeal that legislation on abortion.

152. Women suffered from various forms of violence, including domestic violence, but they did not dare to complain. The Government, non-governmental associations and institutions, such as the International Relief Committee, the Red Cross, the Congolese Association for Family Well-being, the Association of Women Lawyers of Congo, and Women of Hope, had carried out awareness-raising campaigns and assisted in providing material, legal, medical and psychological services. The Government had also set up six health centres run by psychologists, sociologists, doctors and midwives for victims of sexual violence.

153. In concluding, the representative stated that the situation of women in the Congo had improved markedly. The activities of the Department for the Advancement of Women, carried out in partnership with various civil society groups, including non-governmental organizations, were continuing to bear fruit. Women in the country were becoming increasingly mobilized and aware. Nonetheless, much still remained to be done.

#### Concluding comments of the Committee

##### Introduction

154. The Committee commends the State party for its combined initial, second, third, fourth and fifth periodic report, which, although long overdue, was in accordance with the Committee's guidelines for the preparation of reports. It also commends the State party for the oral presentation made by the delegation and its written replies to questions posed by the Committee that sought to clarify the current situation of women in the Congo, and provided additional information on the implementation of the Convention.

155. The Committee appreciates the frank responses provided by the delegation to its questions and the constructive dialogue that took place between the delegation and the members of the Committee.

##### Positive aspects

156. The Committee commends the State party for having initiated a three-year plan of action for the advancement of women and for initiating the review and reform of domestic legislation that is discriminatory to women.

157. The Committee is also pleased to note the involvement of non-governmental organizations and civil society in the preparation of the combined initial, second, third, fourth and fifth periodic report.

#### Principal areas of concern and recommendations

158. The Committee expresses concern that, while article 8 of the Constitution guarantees equality between women and men, no specific definition of discrimination has been incorporated into domestic legislation.

159. The Committee recommends that a definition of discrimination against women in line with that set out in article 1 of the Convention be incorporated into the domestic legislation of the Congo.

160. The Committee expresses concern at the continued existence of legal pluralism with discriminatory components and obsolete provisions in customary law and statutory law, the latter including criminal law regarding adultery; the labour and taxation laws; and family law, particularly with regard to the difference in ages at which women and men may enter into marriage.

161. The Committee urges the State party to accelerate the process of law reform in order to bring its laws into conformity with the provisions of the Convention and with the principle of equality between women and men enshrined in its Constitution.

162. While noting the various programmes and policies being initiated by the institutional machinery for the advancement of women, the Committee expresses concern that no information has been provided on the impact of these measures on women in the Congo.

163. The Committee requests the State party to provide detailed information regarding the impact on women in the Congo of measures taken for the advancement of women in its next periodic report to be submitted under article 18 of the Convention.

164. The Committee notes with concern the continued persistence of stereotypical attitudes in respect of the role and responsibilities of women and men that undermine women's human rights.

165. The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women and girls. These should include educational measures at all levels, beginning at an early age; the revision of school textbooks and curricula; and awareness-raising campaigns directed at both women and men — designed, where relevant, with the involvement of the media and civil society, including non-governmental organizations — to address stereotypes regarding the role of women and men with a view to combating discrimination against women. The Committee also calls upon the State party to periodically review the measures taken in order to identify shortcomings and to adjust and improve those measures accordingly, and to report thereon to the Committee in its next report.

166. The Committee expresses concern about the high incidence of violence against women and the apparent lack of clear policies and programmes to address this violation of women's human rights. It is particularly concerned about domestic violence, rape, including marital rape; sexual harassment in the workplace and in institutions of learning; and other forms of sexual abuse of women.

167. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact or review, as appropriate, legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual harassment as soon as possible in order to ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence or sexual harassment have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends gender-sensitive training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and health service providers. It also recommends the establishment of counselling services for victims of violence and sexual harassment; the implementation of public awareness campaigns through the media and public education programmes; and the adoption of a zero-tolerance policy on all forms of violence against women.

168. While noting a slight increase in the number of women elected to parliament, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary and the civil service. The Committee is particularly concerned at the absence of women in decision-making positions in the foreign service.

169. The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen and accelerate its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

170. The Committee is concerned at the low rate of female literacy, the low number of girls who complete primary education in both the urban and rural areas, and the high drop-out rate of girls due to, inter alia, pregnancies and early marriage.

171. The Committee urges the State party to strengthen its efforts to improve the literacy level of girls and women to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee further urges the State party to encourage an increase in the enrolment of girls at all levels and recommends that such efforts include further use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.

172. The Committee is concerned that there is unequal access to the labour market and that women are confined to work in agriculture and the informal sectors, which are related to low incomes and wages. The Committee is further concerned at the lack of social benefits and a regulatory framework to protect women's human rights within these sectors.

173. The Committee urges the State party to take all possible measures to ensure that women have access to the labour market on an equal basis with men. The Committee recommends that the State party take measures to provide a regulatory framework for the informal sector.

174. The Committee notes with concern the existence of very high maternal and infant mortality rates in the Congo. The Committee is further concerned at the low contraceptive prevalence rate among women and men and the lack of access of women to adequate pre-natal and post-natal care and family planning information, particularly in rural areas.

175. The Committee recommends that the State party make every effort to raise awareness of and increase access to health-care facilities and medical assistance by trained personnel, particularly in rural areas and particularly in the areas of post-natal care. The Committee further recommends the speedy review and amendment of the Act of 31 July 1920, which prohibits the advertising of contraceptives, thereby limiting women's access to family planning.

176. The Committee expresses concern that the State party has not developed a strategic plan to address the issue of HIV/AIDS as it affects women, nor has it taken measures for the care of women and girls infected with and affected by HIV/AIDS.

177. The Committee urges the State party to take comprehensive measures to combat the HIV/AIDS pandemic, to take strong preventive measures and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance.

178. The Committee expresses concern about the situation of rural women, particularly in view of their extreme poverty and lack of access to health, education, credit facilities and community services.

179. The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making and have full access to education, health services and credit facilities. The Committee also urges the State party to take appropriate measures, including review of legislation, in order to eliminate all forms of discrimination with respect to ownership, co-sharing and inheritance of land.

180. The Committee expresses concern at the continued existence of the practice of polygamy in the Congo, which is discriminatory to women. The Committee wishes to draw the State party's attention to the Committee's general recommendation number 21, paragraph 14, which states:

“... polygamous marriage contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependants that such marriages ought to be discouraged and prohibited. The Committee notes with concern that some States parties, whose constitutions guarantee equal rights, permit polygamous marriage in accordance with personal or customary law. This violates the constitutional rights of women, and breaches the provisions of article 5 (a) of the Convention.”

181. The Committee recommends action without delay by the State party to bring marriage laws, particularly as they relate to polygamy, into compliance with the Constitution and the Convention.

182. The Committee expresses concern about the continued existence of discriminatory family

laws and traditional practices, including those related to dowries and adultery. The Committee is particularly concerned about the practice of pre-marriage in view of the fact that Congolese law, while recognizing the practice, does not stipulate a minimum age for pre-marriage partners.

183. While noting the State party's willingness to abolish pre-marriage, the Committee recommends, as an interim measure, that the minimum age for pre-marriage be brought in line with the legal age for marriage and that all measures be taken to ensure that women in both pre-marriage and marriage enjoy equal rights within and upon dissolution of the union. It also urges the introduction without delay of measures to eliminate negative customs and traditional practices which affect women's full enjoyment of their human rights. The Committee recommends that discriminatory family laws be phased out and that a clear time frame be established for achieving this.

184. Noting the State party's commitment to adhering to the periodicity of submission of periodic reports, and taking into consideration the fact that the sixth periodic report of the Congo will be due in July 2003, the Committee recommends that the State party combine its sixth and seventh periodic reports for submission in 2007. This would allow the State party to adhere to the periodicity of reports thereafter.

185. The Committee requests that specific information be included in the next periodic report on measures taken to implement the decisions of the Fourth World Conference on Women and, in particular, the twenty-third special session of the General Assembly, especially with regard to the 2005 target for the elimination of all laws that are discriminatory to women.

186. The Committee urges the State party to accelerate its efforts to ratify the Optional Protocol to the Convention and to accept the amendment to article 20, paragraph 1, of the Convention.

187. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

188. The Committee requests the State party to respond to the concerns and recommendations expressed in the present concluding comments in its next periodic report to be submitted under article 18 of the Convention and to take into account the Committee's general recommendations in legislation, policies and programmes.

189. The Committee requests the wide dissemination in the Congo of the present concluding comments in order to make the people of the Congo, in particular government administrators and politicians, aware of the steps that have been taken or are intended to be taken to ensure the de jure and de facto equality of women. It also requests the State party to continue to disseminate widely,

in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".