

DEMOCRATIC REPUBLIC OF THE CONGO

CEDAW A/52/38 (1997)

344. At its 317th meeting, on 16 January 1997, the Committee, on the recommendation of its Bureau, considered an oral report presented on an exceptional basis by the representative of Zaire (see CEDAW/C/SR.317).

345. The Committee had originally scheduled to take the initial report of Zaire at its sixteenth session. However, as a result of a breakdown in communication between New York and Kinshasa, the Government did not inform the Secretariat that it was ready to present its report. As a result, the initial report of Zaire was not included in the Committee's agenda.

346. However, as the representative of Zaire arrived in New York expecting to present the State party's initial report, the Committee instead agreed that the representative of Zaire would make an oral report on an exceptional basis on the situation of women in Zaire. The Committee agreed on the understanding that the regular report of Zaire would be rescheduled for consideration by the Committee at a future date.

347. The representative stated that eastern Zaire was in a state of rebellion, and as many as 600,000 Zaireans, predominantly women and children, were displaced within the country. At the same time, Zaire was host to a significant number of refugees from Rwanda and Burundi. Many persons, including women and children, both Zaireans and refugees, had fallen victim to violence, including murder, rape and other abuses.

Comments of the Committee

348. The Committee reiterated that the oral report had been heard on an exceptional basis and as a matter of courtesy for the delegation of Zaire and that the regular report would be rescheduled. It expressed its particular concern for the situation of Zairean women in those areas where conflict had occurred and where refugee populations were high.

349. The Committee regretted that the oral report by the State party had not sufficiently reflected the close link that existed between discrimination against women, gender-based violence and violation of the rights and fundamental freedoms of women, particularly in the light of the current situation in the country.

350. The Committee was of the view that effective and immediate measures needed to be taken to protect the physical and moral integrity of refugee and displaced women and of all women victims of armed conflict.

351. The Committee encouraged the State party, when presenting its initial and subsequent reports, to provide information on the consequences of armed conflict within Zaire for the lives of Zairean women, as well as for the lives of refugee women from countries neighbouring Zaire.

CEDAW A/55/38 (2000)

194. The Committee considered the initial report and the second and third periodic reports of the Democratic Republic of the Congo (CEDAW/C/ZAR/1, 2 and 2/Add.1 and Corr.1 and CEDAW/C/COD/1) at its 454th, 455th and 463rd meetings, on 25 and 31 January 2000 (see CEDAW/C/SR.454, 455 and 463).

Introduction by the State party

195. The Minister of Social Affairs and the Family of the Democratic Republic of the Congo noted that her country attached great importance to the issue of the advancement of women, despite the current difficult situation her country was facing. She recalled that after becoming a sovereign nation in 1960 her country experienced a dictatorial regime from 1965 to 1990 and that mismanagement during that time was the cause of various difficulties. A transition period began in 1991, when the National Sovereign Conference adopted the Constitutional Act. In 1994, civil unrest in Rwanda triggered mass displacement of refugees to the Democratic Republic of the Congo and, since August 1998, armed conflict had further aggravated the situation. As a result, the socio-economic situation, already hampered by the impact of economic globalization, had further deteriorated and the population, and women in particular, had experienced growing insecurities and poverty.

196. The representative referred to the legal framework for the protection of human rights. She noted that her country had ratified international treaties to promote the human rights of women and children without reservations. Structures to define policies and programmes to promote the rights of women and families had been established, including the Ministry of Social Affairs and the Family, the General Secretary for the Family, the Ministry of Justice, the Ministry of Human Rights and national and provincial councils on women and children. Significant efforts had been made to implement the recommendations arising from regional and global conferences on women, including the Fourth World Conference on Women, in which the Democratic Republic of the Congo had participated.

197. Although the fundamental principle of equality between men and women was enshrined in the Constitution, discrimination against women still prevailed, owing to traditional mentalities and negative customs. The representative emphasized that certain laws contradicted that provision of the Constitution, notably, article 448 of the Family Code, which still denied legal rights to married women. Discrimination also existed in the areas of pensions and in the Penal Code, which established more severe penalties for women who committed adultery than for men. The right to ownership of land was granted to all, without distinction. However, discriminatory attitudes and customs persisted, particularly in the rural areas, and women did not take advantage of their right to land.

198. A national forum on the rights and leadership of women was organized in 1996 to sensitize women with regard to their rights and to elaborate a plan of action. The Ministry of Social Affairs

and the Family, in collaboration with non-governmental organizations, had modified discriminatory provisions and conducted sensitization campaigns on women's human rights and on violence against the girl child and women. The Government had established a national programme for the advancement of women, which aimed to strengthen the economic power of women, to improve their legal and social status, formal education, health and access to economic resources, to provide assistance to rural women and to eliminate customs that negatively affected women.

199. The representative emphasized that the Government, through the Ministry of Information, had made special efforts to raise public awareness concerning the Convention on the Elimination of All Forms of Discrimination against Women and other instruments related to human rights. Private television companies, journals and magazines, as well as churches and non-governmental organizations, had also publicized the Convention. With the support of the United Nations Children's Fund (UNICEF), the Convention was now being translated into national languages.

200. Stereotypes about the role of women affected them from early girlhood. Since the creation of the Ministry of Advancement of Women in 1980, several awareness-raising campaigns had been organized to promote a more positive image of the role of women in society and in the family. A study on customary laws and the rights of women had been conducted by the Ministry of Advancement of Women and non-governmental organizations to develop strategies to eliminate all harmful customs and practices.

201. The representative noted that the majority of Congolese women remained illiterate and that literacy programmes had been initiated, targeting girls who dropped out of school and older women. Despite the right of all children to education without distinction based on sex, race, age and social class, the rate of young girls leaving school was very high, especially in the rural areas. Efforts were being made by the National Forum on the Rights and Leadership of Congolese Women, in partnership with the private sector, non-governmental organizations and churches, to increase the enrolment rate of young girls in secondary education.

202. The representative informed the Committee that Congolese women had been victims of physical, psychological and moral violence, but that much of this was unreported and undocumented. Young girls also suffered from various types of sexual violence, including rape and female genital mutilation. In the past several years, awareness-raising campaigns concerning violence against women had been organized by non-governmental organizations in collaboration with the Government. A study had been conducted in October 1999 by the Ministry of Advancement of Women and non-governmental organizations to provide a basis for strategies to address violence against women.

203. In concluding, the representative stated that, despite the difficulties being experienced by the country, her Government was making every effort to eliminate discrimination against women and improve the condition of women's lives, including through the establishment of a national machinery for the advancement of women, the elimination of discrimination through the draft constitution, the adoption of a gender approach in the formulation, implementation and evaluation of all development projects and the elaboration of a national programme for the promotion of Congolese women. She emphasized, however, that even if all commitments were fulfilled, they would have little effect in the absence of peace.

Concluding comments of the Committee

Introduction

204. The Committee expresses its appreciation to the Government of the Democratic Republic of the Congo for ratifying the Convention in 1985 without reservations and for submitting its initial report and second and third periodic reports, together with additional information in 1999 to update these reports, at a most difficult time for the State party.

205. The Committee also expresses its appreciation to the Congolese Government for sending a large delegation headed by the Minister for Social Affairs and the Family, who had made an excellent oral presentation. The Committee appreciates the open-minded attitude with which the report was presented; furthermore, the responses to the questions contributed to the constructive dialogue that took place between the State party and the Committee, leading to a better understanding of the situation of Congolese women.

Positive aspects

206. The Committee commends the efforts of the Congolese Government to continue to implement the Convention despite the ongoing war and the economic crisis.

207. The Committee notes with satisfaction that despite the prevailing difficult situation, a ministry has been set up to deal with matters concerning equality between men and women. The Committee welcomes the establishment of the National Women's Council, which is responsible for ensuring that a gender-specific approach is integrated into development programmes, and in particular its plan of action, which incorporates the Beijing and Cairo Programmes of Action.

208. The Committee expresses its appreciation to the Government for cooperating with non-governmental organizations and, in this regard, hopes that the relations that they have established with the State will help to speed up the peace process in the country.

Factors and difficulties affecting the implementation of the Convention

209. One of the main obstacles to the full implementation of the Convention is the current war. The Committee recognizes that the Democratic Republic of the Congo has been facing economic, social and political problems related to the war, which have had a negative impact on the whole population, particularly on girls and women, who are often victims of rape and gender-based violence, and on most refugees and displaced persons, who are experiencing great hardship. The situation is also being aggravated by growing inflation, which has eroded the quality of life of millions of women who do not have enough resources to survive.

210. The Committee notes that the persistence of prejudices and stereotyped behaviours with respect to the role of women and men in the family and society, based on the idea of male superiority and the consequent subordination of women to men, is a serious obstacle to the implementation of the Convention.

Principal areas of concern and recommendations

211. The Committee notes with concern that despite some legislative gains, the Family Code, the Penal Code and the Labour Code still contain discriminatory provisions.

212. The Committee recommends that the Government give the highest priority to the adoption of legislation to protect the de jure and de facto equality of women, and to the enforcement of this legislation.

213. The Committee is concerned at the fact that the national machinery and the Ministry of Social Affairs and the Family do not have adequate resources to implement their plan of action.

214. The Committee encourages the Government to find the necessary resources to entrench the principle of gender equality, particularly ensuring the equal participation of women and men at all levels of decision-making.

215. The Committee is concerned at the persistence of traditional customs and practices, which are in violation of women's fundamental rights, such as dowry, the levirate, polygamy, forced marriage and female genital mutilation.

216. The Committee urges the Government to enact legislation to prohibit such practices. It also recommends that the Government work with non-governmental organizations and the media to change attitudes through information and awareness-raising campaigns, the teaching of the Convention in schools and the translation of the Convention into local languages so as to accelerate women's enjoyment of their human rights.

217. The Committee is gravely concerned about the reports of women who were raped, assaulted or severely tortured during the war. It is also concerned about the situation of refugee and displaced women suffering from the consequences of war and at the psychological and mental trauma experienced by women and girls as a result of the forced conscription of children.

218. The Committee recommends that the Government adopt specific and structural measures, including legislation to protect women from such acts and provide to women victims of violence psychosocial support and socio-economic integration measures. It also requests the Government to introduce awareness-raising measures to emphasize the importance of maintaining human rights standards in times of war. It calls on the Government to ensure that children are not recruited as soldiers.

219. The Committee is concerned about the extent of prostitution, often resulting from poverty, and particularly prostitution of girl children.

220. The Committee urges the Government to adopt and enforce laws that prohibit the prostitution of girl children as well as to introduce appropriate measures for the social rehabilitation of prostitutes and to ensure that psycho-educational services are provided, in particular to these very young prostitutes. In addition, in view of the HIV/AIDS pandemic in the Democratic Republic of the Congo, full attention must be paid to the provision of health services for prostitutes.

221. The Committee is concerned about the under-representation of women in political life and in the governing bodies of the Democratic Republic of the Congo, including those of the judicial system, and stresses the importance of a social and political environment conducive to improving the situation of women in all sectors of public life and in private life.

222. The Committee recommends the adoption of temporary special measures with specific objectives, in accordance with article 4, paragraph 1, of the Convention.

223. Notwithstanding the efforts made by the Government in the sphere of education, the Committee remains deeply concerned about the low rate of school enrolment of girls, their high drop-out rate and also the high female illiteracy rate, especially in rural areas.

224. The Committee encourages the Government to step up its efforts by establishing specific programmes to reduce female illiteracy and promote the access of girls to secondary schools. The Government should also envisage the provision of free primary education.

225. The Committee is concerned about de jure and de facto discrimination against women with regard to the right to work, particularly the requirement of the husband's authorization of a wife's paid employment and reduction of pay during maternity leave.

226. The Committee urges the Government to amend discriminatory laws in the sphere of employment in accordance with article 11 of the Convention.

227. The Committee notes with deep concern the high rates of maternal and infant mortality, the low rate of contraceptive use, particularly in rural areas, and the decline in health services.

228. The Committee calls upon the Government to make efforts to improve the use of contraceptive methods, to repeal article 178 of the Penal Code, which prohibits the dissemination of contraceptive methods, and to provide sex education for young people.

229. The Committee requests that the Government promote the improvement of health services for women throughout their life cycle, taking into account the Committee's general recommendation 24 on women and health.

230. The Committee is concerned about the situation of rural women, who constitute the majority of the population. In addition, customs and beliefs are most broadly accepted and followed in rural areas, preventing women from inheriting or gaining ownership of land and property.

231. The Committee urges the Government to pay the greatest attention to the needs of rural women and to ensure that they benefit from the policies and programmes adopted in all spheres, including recognition of their status as agricultural employees who should benefit from the rights accorded by labour law. Rural women's equal participation in decision-making, and access to health services and credit should be ensured. The Committee recommends that more studies be undertaken on the situation of rural women and that more statistical data be collected to provide guidelines for policies in this sphere.

232. The Committee expresses concern about food taboos, which are not only detrimental to the health of women, especially mothers, but also have serious consequences for the health of future generations. The Committee recommends that the Government address the issue of eliminating food taboos by raising awareness about their detrimental effects on the health of women.

233. The Committee regrets that the reports do not fully abide by its guidelines on the form and content of initial and periodic reports and do not take into account its general recommendations.

234. The Committee requests that, in preparing its next report, the Democratic Republic of the Congo take into account the Committee's guidelines and general recommendations.

235. The Committee encourages the Democratic Republic of the Congo to deposit its instrument of acceptance of the amendment to article 20, paragraph 1, of the Convention concerning the time of meetings of the Committee.

236. The Committee urges the Government to sign and ratify the Optional Protocol to the Convention.

237. The Committee requests that the Government respond in its next report to the specific issues raised in its concluding comments.

238. The Committee requests the wide dissemination in the Democratic Republic of the Congo of the present concluding comments in order to make the Congolese people, and particularly administrators and politicians, aware of the steps to be taken to ensure de jure and de facto equality for women, and the further steps required in that regard. The Committee also requests the Government 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 the Platform for Action.