



**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 fourth and fifth periodic reports of States parties**

**Democratic Republic of the Congo\***

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\* The combined fourth and fifth periodic report of the Democratic Republic of the Congo was received by the Secretariat on 11 August 2004.  
For the initial report submitted by the Government of the Democratic Republic of the Congo (formerly known as Zaire), see CEDAW/C/ZAR/1, which was considered by the Committee at its twenty-second session. For the second periodic report submitted by the Government of the Democratic Republic of the Congo, see CEDAW/C/ZAR/2 and CEDAW/C/ZAR/2/Add.1, which were considered by the Committee at its twenty-second session. For the third periodic report submitted by the Government of the Democratic Republic of the Congo, see CEDAW/C/COD/3, which was considered by the Committee at its twenty-second session.



**Democratic Republic of the Congo**

**Ministry for the Status of Women and the Family**

**United Nations Development Programme**

**Combined fourth and fifth periodic report of the Democratic Republic of the Congo on the evaluation of the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women**

*May 2004*

*Evaluation of the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the Democratic Republic of the Congo*

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## Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
PC	Penal Code
LC	Labour Code
FC	Family Code
MSWF	Ministry for the Status of Women and the Family
PRSP	Poverty Reduction Strategy Paper
FAO	Food and Agriculture Organization of the United Nations
STI	Sexually transmitted infection
MICS	Multiple indicator cluster survey
MSF	Médecins sans frontières (Doctors without borders)
STD	Sexually transmitted disease
NGO	Non-governmental organization
PNPFC	National Programme for the Advancement of Congolese Women
MEPR	Multisectoral Emergency Programme for Reconstruction
WAN	Women's Action Network
DRC	Democratic Republic of the Congo
UNS	United Nations system

## Foreword

As we prepared the report on the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women, we were encouraged by the faith of the Secretary-General of the United Nations in the potential of African women and his appeal for their advancement.

On 3 January 2003, to mark the New Year's celebrations, Kofi Annan delivered a message entitled "If we want to save Africa, we must save Africa's women first", in which he declared:

"Women, the backbone and main victims of the forgotten continent, keep African societies going. Their work makes up the economic foundation of rural communities.

For decades, we have known that the best way for Africa to thrive is to ensure that its women have the freedom, power and knowledge to make decisions affecting their own lives and those of their families and communities.

Study after study has shown that there is no effective development strategy in which women do not play a central role. When women are fully involved, the benefits can be seen immediately ...".

Our main concern is to see how far the Secretary-General's act of faith has been reflected in the official texts governing the life of the nation, the acts of stakeholders and decision-makers in various fields and the behaviour of ordinary citizens.

We want to know whether Congolese society's view of women has evolved enough to give rise to positive behaviour towards them.

Furthermore, we are aware of the fact that women, the primary targets of the Convention, must internalize Kofi Annan's message. Consequently, we have studied the dual role of the machinery for the advancement of women: advocating for women in national and international forums but also, and above all, helping women understand that they must fight hard to overturn sexist stereotypes and receive wisdom which for centuries has led to discrimination against them and relegated them to a position of inferiority.

Women, who account for the majority of the national population, must no longer be excluded from decision-making bodies.

It should be pointed out that, prior to the preparation of this report, a national survey was conducted which made it possible to collect data relating to the Convention from a number of provincial administrative departments and civil society organizations.

Subsequently, a multidisciplinary working group, consisting of a statistician, a sociologist, an educator and a secretary, was established to analyse the responses to the survey and the data and to carry out documentary research.

We would like to express our profound gratitude to the members of the working group for their contribution.

We would also like to thank the staff of the Support Project for the National Programme for the Advancement of Women for their assistance.

We would also like to express our thanks to the United Nations Development Programme (UNDP), whose financial support has made it possible to prepare this report. Thanks to each and everyone.

*(Signed)* Faïda **Mwangilwa**  
Minister for the Status of Women and the Family

## Introduction

The Democratic Republic of the Congo is currently undergoing a period of transition following two serious wars which broke out, one after the other, in 1996 and 1998 and which heralded a long period characterized by armed conflicts, for which women and children paid a heavy price.

Those conflicts also exacerbated the deterioration of the country's economic and social fabric, already weakened by previous social and political crises, and gave rise to misdeeds on the part of a number of administrations, the legally constituted Government and several rebel movements.

Thus, to put an end to the political crisis, the country's leaders, thanks to the encouragement and support of the international community, met in South Africa and took part in a forum entitled the Inter-Congolese Dialogue, consisting of political negotiations on the peace process, the reunification of the national territory and the management of the transition period.

During the forum, the participants concluded a Global and All-Inclusive Agreement which established the basic principles governing the transition period. Those principles formed the backdrop to the Transitional Constitution, which was signed on 4 April 2003.

That Agreement provided for the implementation of a new institutional order, inter alia a Transitional Government, a bicameral Parliament and the following five institutions supporting democracy:

- The Independent Electoral Commission;
- The High Authority for the Media;
- The Truth and Reconciliation Commission;
- The Human Rights Observatory;
- The Ethics and Anti-Corruption Commission.

Under the Agreement the Government was charged with the following mandates:

- To implement mechanisms designed to speed up national reunification in order to achieve lasting peace;
- To improve the macroeconomic situation so that the DRC, which is ranked among the world's poorest countries (ranked 167th of 175 countries), can rapidly alleviate the poverty affecting its 60 million inhabitants, 80 per cent of whom are surviving on less than 80 cents a day;
- To find solutions to the problems caused by the war, namely:
  - Massive population displacement;
  - Destruction of dwellings;
  - Destruction of social, health and economic infrastructures;
  - Destruction of fauna and flora;
  - Rape and violence against women.



As far as women are concerned, the texts governing the transition period have, in general terms, taken into consideration issues relating to gender equality.

Article 51 of the Constitution stipulates that: “The State has the duty to see to the elimination of all forms of discrimination against women and to ensure respect for and advancement of their rights.

The State has the obligation to take all appropriate measures in all areas, particularly the economic, social and cultural spheres, to ensure the full participation of women in the development of the nation.

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

Women have the right to significant representation in national, provincial and local institutions”.

But another fight must be fought: the fight to eliminate from legislative texts earlier discriminatory provisions, which have already been condemned in previous reports.

The major difficulty in this connection lies in bringing about a significant change in attitudes among political leaders, within society and among women themselves.

This report comprises four main sections:

1. Policies designed to end discrimination between men and women and secure the advancement of women;
2. Analysis of legal texts in the light of the Convention;
3. Analysis of the measures taken in implementation of the Convention and the obstacles preventing its implementation;
4. Recommendations.

## **Chapter I**

### **Policies designed to eliminate discrimination between men and women and ensure the advancement of women**

#### **1. Global and All-Inclusive Agreement**

Since its ratification of the Convention pursuant to Act No. 85-040 of 6 October 1985 the Democratic Republic of the Congo has always affirmed its will to put the Convention into practice by adopting various constitutional and legislative texts.

This will has just been expressed yet again in the texts adopted at the close of the Inter-Congolese Dialogue. These consist, in particular, of the Global and All-Inclusive Agreement, the Transitional Constitution and the Decree on the duties and responsibilities of the ministries, as will be shown in the detailed analysis of the legal texts in the light of the Convention.

The participants in the Inter-Congolese Dialogue signed the Global and All-Inclusive Agreement in Pretoria, capital of the Republic of South Africa, on 17 December 2002. The Agreement not only ended the war but also set out the basic principles for governing the transition period. Those principles were the underpinning of the Transitional Constitution signed on 4 April 2003, which currently governs the country.

It should be noted that the first principle of the aforementioned Agreement takes the gender issue into account when it states: "To ensure a peaceful transition, the institutions that will be put in place during the transition must guarantee appropriate representation of women at all levels of responsibility".

#### **2. Transitional Constitution**

Like previous Constitutions, the Transitional Constitution signed on 4 April 2003 is consistent with the philosophy on which the Convention is based.

The preamble speaks of the determination "to guarantee the fundamental rights and freedoms of Congolese citizens and in particular to protect the rights of women and children". This determination is affirmed in article 17, which provides that all Congolese citizens are equal before the law and entitled to equal protection of the law:

"In education, access to public services or any other area, no Congolese citizen shall be subject to discrimination, whether on the basis of law or executive action, on the grounds of religion, sex, family origin, social status, residence, political opinions or convictions or of belonging to a race, ethnic group, tribe or cultural or linguistic minority."

However, article 51 clearly shows the significant evolution in the Government's commitment, setting forth *expressis verbis* the will of the State to respect the Convention. This article provides:

"The State has the duty to see to the elimination of all forms of discrimination against women and to ensure respect for and advancement of their rights.

The State has the obligation to take all appropriate measures in all areas, particularly the economic, social and cultural spheres, to ensure the full participation of women in the development of the nation.

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

Women have the right to significant representation in national, provincial and local institutions.”

By addressing the gender question very directly the Transitional Constitution, the expression of national aspirations, reaffirms the country’s commitment to pursuing the policy of equality and gender equity it has already embarked on.

Ideally, this principle should have been applied to the composition of the delegation of politicians assembled for the dialogue, and a minimum quota of 30 per cent should have been set for women. Unfortunately, of the 318 members admitted to the session, only 49 were women, i.e. 15 per cent. Their many claims for greater recognition did nothing to alter the situation.

### **3. Decree No. 03/027 of 16 September 2003 identifying the duties and responsibilities of ministries**

The country’s commitment to conform to the spirit of the Convention was also translated into action by the upgrading of the office responsible for the advancement of women from a department to an autonomous ministry with specific responsibilities and ranked in fifth place within the Government. Article 1, para. B.5 provides for the establishment of the Ministry for the Status of Women, responsible for:

- Protection and promotion of the status of women and the family;
- Study and implementation of measures designed to eliminate discrimination against women in order to guarantee them equality with men before the law;
- Establishment of the legal and institutional framework to guarantee the participation of women in the development of the nation and significant representation in national, provincial and local institutions;
- Collaboration with the Ministries of Human Rights and Education;
- Effective integration of women into the various policies and programmes in the Democratic Republic of the Congo.

It is worth pointing out that at this stage Ministry offices have not been established throughout the country and exist only at the district level. Consequently, Ministry activities in the field are conducted mainly by civil society non-governmental organizations (NGOs) and the services of other ministries.

In that connection, the Ministry for the Status of Women and the Family has instituted close cooperation with women’s groups and NGOs working for the advancement of women and organized into 10 thematic networks, each pursuing specific goals contained in the National Programme for the Advancement of Congolese Women (PNPFC), as follows:

1. Education
  - Literacy skills for 30 per cent of women by 2005;
  - School attendance for 15 per cent of girls each year;
  - Requisite skills in various trades, relevant technologies and management methods for 137,500 Congolese women each year.
2. Legal status of women
  - Achieve the revision of discriminatory legal provisions;
  - Provide information on legal texts in force to 30 per cent of women each year;
  - Achieve and support the effective implementation of legal provisions favourable to women contained in the Penal Code, Family Code and Labour Code.
3. Women's leadership
  - Enable women to occupy 30 per cent of decision-making positions at all levels;
  - Ensure that 30 per cent of women have access to national resources;
  - Increase the knowledge of 25,000 women in all fields by 2005.
4. Access to economic resources
  - Reduce the number of women affected by poverty to 30 per cent over five years.
5. Women and health
  - Reduce the maternal mortality rate from 1,289 to 500 women per 100,000 live births within five years;
  - Reduce the sexually transmitted infection (STI) and HIV/AIDS rates among women by 30 per cent.
6. Women, culture and the media
  - Encourage the media to play a role in reducing the inequalities between men and women in Congolese society;
  - Improve and enhance the image of women;
  - Combat practices and customs that denigrate women;
  - Promote cultural values.
7. Women and the environment
  - Guarantee the supply of safe drinking water to 50 percent of the rural population and 10 per cent of the urban population within five years;
  - Guarantee environmental sanitation and a better environment.
8. Women, agriculture and food security
  - Increase the agro-industrial production of women by 50 per cent within five years;

- Progressively ensure food security.
9. Women and peace
- Promote a culture of peace by encouraging the participation of women in the process of conflict resolution and peacekeeping;
  - Guarantee the protection of women victims of armed conflict in all areas;
  - Encourage the participation of women in the process of conflict resolution and peacekeeping.
10. Girls and adolescent girls
- Guarantee protection of the rights of 60 per cent of girls and adolescent girls in all areas.

It should be noted that the 10 networks referred to above correspond to the subprogrammes of the PNPFC established by the Government in 1999 in response to the Fourth World Conference on Women, held in Beijing in 1995.

The programme was developed at the initiative of the Ministry for the Status of Women and the Family with technical and financial support from the United Nations Development Programme (UNDP).

It was devised on the basis of results obtained following a wide national collaborative effort involving surveys in the country's 11 provinces and the recommendations of the National Forum on the Rights and Leadership of Congolese Women, held in Kinshasa in 1996 and attended by 200 representatives from all provinces of the country.

The purpose of the PNPFC is to advance the status of women by eliminating legal discrimination against women and progressing towards parity with regard to access to economic resources and to power.

A project to support PNPFC was launched in 2002 with technical and financial assistance from UNDP. Its three principal activities consist of the following:

- Strengthening the institutional mechanism (Ministry for the Status of Women and the Family) with a view to implementing the PNPFC;
- Increasing the amount of available information concerning the situation of women;
- Enhancing women's participation in the implementation of local strategies to combat poverty.

Within that context, the following have been achieved:

Strengthening the institutional mechanism

- Reorganization of the National Women's Council;
- Training in advocacy and gender issues for staff of the Ministry for the Status of Women and the Family;
- Provision of computer equipment;
- Circulation in the media of information about the PNPFC;
- Technical support in defining the network of focal points;

- Launch of the PNPFC Steering Committee;
- Placement of gender focal points in all ministries, civil society NGOs and public and semi-public companies.

Increasing the amount of available information concerning the situation of women

- Creation of a database concerning the situation of women;
- Training of Directorate of Planning and Studies personnel in computing, indicator calculation and software applications.

Another project supported by the United Nations Population Fund (UNFPA) was launched in December 1983. It provides training in gender issues, enhanced technologies, microcredit management and the establishment of legal clinics.

Enhancing women's participation in the implementation of local strategies to combat poverty

- Identifying NGOs and associations working in the field of microcredits;
- Informing agricultural workers' associations of the objectives of PNPFC;
- NGO participation in the conference on microcredit organized by the International Organization for Migration (IOM);
- Providing training in microcredit management and methods of developing and executing existing projects.

The Ministry for the Status of Women and the Family has established offices at the national and provincial levels:

At the national level:

- The Steering Committee is the body responsible for providing guidelines and follow-up for the technical and financial implementation of the PNPFC;
- The National Women's Council is an advisory body responsible for advocacy, awareness-raising and mobilization with regard to gender issues.

It is worth noting that the national forum held from 1 to 6 December 2003 led to the setting up of thematic networks of women's groups.

At the provincial level:

- Provincial Women's Councils are responsible for the physical performance of the programme in the provinces. Provincial offices are not yet functional for lack of financial resources. However, the thematic networks of women's groups have been established at the provincial level.

In fulfilling its mandates, the Ministry for the Status of Women and the Family faces the problem of limited credits allocated to it in the State budget, which generally amount to no more than 1 per cent of the national budget.

Nevertheless, the Ministry's advocacy led to a raise in the allocation from 1 to 6 per cent in the budget for 2004. This obviously still falls short of the amount required to implement the programme.

Under these circumstances, the Ministry has difficulty in fulfilling the tasks entrusted to it without the support of United Nations agencies and bilateral cooperation.

For this reason the various national and international legal instruments have not been sufficiently disseminated among the population. In particular, the Convention, the Family Code and Labour Code and the Constitution should all have been translated into the four national languages to make them more easily understood by the majority of women.

Points to be remembered concerning conformity of legislation with the Convention

- There has been a significant increase in awareness of gender issues in new legal texts. The message is therefore beginning to penetrate.
- Efforts to change old laws that do not conform to the spirit or the letter of the Convention must continue.
- The PNPFC is a valuable tool for the Ministry for the Status of Women and the Family, allowing it to achieve its objectives of working for the advancement of women and supervising the activities of the various actors involved in gender issues.
- The establishment of 10 thematic groups at the national and provincial levels offers women the opportunity to coordinate strategies for their advancement.

## **Chapter II**

### **Analysis of Congolese legal texts in the light of the Convention**

#### **1. Labour Code**

Act No. 015/2002 of 16 October 2002, incorporating the Labour Code, is a response to the numerous demands for stronger measures to combat discrimination against working women by eliminating the inequalities which have so often been criticized.

In addition to the favourable provisions contained in the old Labour Code, the new legislation has introduced innovations designed to ensure equal opportunities and equal treatment for workers regardless of their gender, which thereby help to promote the rights of working women.

These innovations are:

- Article 1, which states that the Code is applicable to workers and employers regardless of gender and marital status;
- Abolition of the husband's right to expressly oppose his wife being hired. Under article 3, paragraph C of the old Labour Code, a married woman could not enter into an employment contract if her husband expressly opposed it;
- Sexual or psychological harassment (arts. 73 and 74) and intimidation are now considered gross professional misconduct on the part of the employer or worker, and may lead to the termination of the employment contract;
- Right to housing: in the old Labour Code, married women who were employed had no right to housing. Article 138 of the new Code stipulates that working women are entitled to housing or housing benefit. Marital status is no longer an obstacle to the enjoyment of this right, which is tied to the employment contract;
- Article 62 of the new Code expressly excludes the following as valid reasons for dismissal: gender, marital status, family responsibilities, pregnancy and its consequences and absence from work during maternity leave.

#### **2. Family Code**

The Family Code promulgated on 1 August 1987 marked a positive change in the situation of women, in comparison with the former Civil Code. It introduced improvements in relation to consent to marriage, inheritance and the existence of reciprocal rights and obligations in marriage.

However, it also contains provisions which conflict with the spirit of the Convention, for example:

##### **Volume II: Personal status**

Article 59 (1), which deals with the naming of children, gives pre-eminence to the father in case of disagreement. This article conflicts with the provisions of



article 16 (1) (c) and (d) of the Convention,<sup>6</sup> which give equal rights and responsibilities to both parents in matters relating to their children.

Article 148 (1), relating to the issuance of the family record book to the father only when the marriage is celebrated or registered, conflicts with the provisions of article 16 (1) (c) of the Convention,<sup>7</sup> which gives equal rights and responsibilities to spouses during marriage and at its dissolution.

Article 150 gives the husband alone the right to request the reissue of the family record book in case it is lost. This article conflicts with the provisions of article 16 (1) (c) of the Convention,<sup>8</sup> which gives equal rights and responsibilities to spouses during marriage.

Article 165, which provides that a married woman is domiciled at her husband's home, conflicts with articles 15 (4)<sup>9</sup> and 16 (1) (h)<sup>10</sup> of the Convention.

Article 190, paragraph 4, which emphasizes only the woman and not the surviving spouse in relation to obtaining the temporary continuation of one of the two matrimonial property regimes in case of a judicial declaration of absence, conflicts with article 15 (2) of the Convention.<sup>11</sup>

Articles 198 and 200, which deal with the temporary absence of the father and do not recognize the parental authority of lone mothers, requiring a relative of the father to be involved, conflict with the provisions of article 16 (1) (d) of the Convention,<sup>12</sup> which gives the same rights and responsibilities to both spouses as parents.

Article 215, which restricts the legal capacity of married women, conflicts with article 15 of the Convention.

Article 223, which states that a legal guardian must be a competent person, excludes married women, who are considered incompetent. This article conflicts with article 5 of the Convention.<sup>17</sup>

Article 264, relating to the composition of guardianship councils, specifies that they must include at least one woman among the six members. This conflicts with the spirit of article 16 of the Convention.

Article 275, concerning the "legal father", may contribute to presumptions and attitudes which are discriminatory towards women, and may conflict with article 16 (1) (d) of the Convention.

Articles 288, 289 and 292, which deal with the emancipation of girls at age 15 for the purpose of marriage, conflict with article 16 (2) of the Convention.

Article 317, paragraph 2, gives primacy to the father in case of disagreement between the parents concerning their joint authority over their children. This conflicts with article 16 (1) (d)<sup>21</sup> of the Convention, which gives the same parental rights and responsibilities to both father and mother in matters relating to their children.

Article 322 refers to article 198, which requires a woman whose husband is absent to be accompanied by a relative of the husband in matters concerning her authority over her minor children. This conflicts with article 16 (1) (d) of the Convention.

**Volume III: The family**

Article 352, which deals with the legal capacity to marry (age 15 for girls and 18 for boys), by discriminating between girls and boys, conflicts with article 16 (1) (a)<sup>23</sup> of the Convention, which gives both men and women the same right to enter into marriage.

Article 355 deals with remarriage following the expiry of a 300-day period following the dissolution or annulment of the previous marriage. This waiting period is required for women only.

The justification for this is the possibility of a pregnancy. This article conflicts with the provisions of article 16 (1) (a) of the Convention,<sup>24</sup> which gives both men and women the same right to enter into marriage.

Article 407 of the Family Code, which deals with the celebration or registration of marriage for a man aged under 18 or a woman aged under 15, conflicts with article 16 (2) of the Convention, which states that “the betrothal and the marriage of a child shall have no legal effect”.

Article 412, which prohibits the customary practice of polyandry, makes no mention of polygamy and therefore conflicts with article 2 (c) of the Convention.

Articles 420-422 of the Family Code state that the legal age of puberty for girls is 14. This implies that early marriages may be entered into by girls under 18.

Articles 444 and 445, which state that the husband is the head of the household, conflict with article 16 (1) (c)<sup>31</sup> of the Convention, which gives the same rights and responsibilities to spouses during marriage and at its dissolution.

Article 448, which requires married women to obtain marital authorization for any legal acts whereby they enter into an obligation, conflicts with article 15 (2) of the Convention.<sup>32</sup>

Article 450, which requires married women to obtain marital authorization to go to court in a civil case, or to buy or sell property or enter into any obligation, conflicts with article 16 (1) (h) of the Convention,<sup>33</sup> which provides for “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”.

Articles 454 and 455, which require wives to follow their husbands wherever he sees fit to reside or to go to court, conflicts with article 16 (1) (d) of the Convention.<sup>34</sup>

Articles 467 and 468, relating to adultery, which make a distinction between adultery by the wife and by the husband, conflict with articles 2 (g)<sup>35</sup> and 15 (1) of the Convention, which require States to give women equal rights before the law.

Article 490, paragraph 2, provides that regardless of the matrimonial regime which applies to a particular marriage, the management of both joint and individual property is presumed to be entrusted to the husband. This conflicts with the provisions of article 15 (3) of the Convention, under which “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”.

Article 497, paragraph 2, and articles 515, 524 and 531 of the Family Code, which entrust to the husband the management and administration of property acquired by the wife in the exercise of her profession, conflict with the provisions of article 16 (1) (c) of the Convention,<sup>38</sup> which gives equal rights and responsibilities to spouses during marriage and at its dissolution. Indeed, women are increasingly the ones who manage the household, and they do it better than men.

### **3. Penal Code**

Theoretically, the Penal Code contains no discriminatory provisions, since penalties are established in an impersonal manner.

Indeed, the Code defines and penalizes offences likely to harm the dignity of women, such as:

- Incitement to debauchery (arts. 172, 173 and 174, Vol. II);
- Rape (arts. 170 and 171, Vol. II);
- Procuring (art. 174 bis, Vol. II);
- Indecent assault (arts. 167 and 168);
- Abortion (art. 165).

The laxness which has been observed in the enforcement of penalties by courts and tribunals does not relate only to laws for the protection of women; it is a scourge currently affecting the Congolese judicial system, and is thought to be linked to poor working conditions.

The issue of adultery, however, remains a legal distortion which must be remedied. Article 3 of the additional provisions of the Penal Code provides that the penalty for a woman convicted of adultery shall be one month to one year's penal servitude, a fine of 100,000 zaires, or both.

A husband convicted of adultery is subject to the same penalties "if the adultery has taken place in circumstances which make it a serious affront".

This section of the Penal Code violates the Constitution, which provides for equal protection of all citizens before the law, the Family Code, which requires mutual fidelity of both spouses and article 15 of the Convention.

### **4. Staff Rules for career civil servants**

Act No. 81-003 of 17 July 1981, the Staff Rules for career civil servants employed in State bodies sets the conditions for recruitment, remuneration, promotion and other benefits without discrimination based on gender.

The only departure from this principle concerns article 25 of the Act, which denies the social function of motherhood by preventing women from enjoying their right to annual leave when they have already taken maternity leave in the same year.

## **5. Legislation on nationality**

Congolese nationality is currently governed by Decree-Law No. 197 of 29 January 1999, amending and supplementing Act No. 81-002 of 29 June 1981, which constitutes Volume I of the Family Code.

It should be noted that the innovations introduced in Volume I of the Family Code have been retained.

- The new Act confirms the principle of the singleness and exclusivity of Congolese nationality.
- Article 5 of the new law enables women to transmit Congolese nationality through filiation in the same way as men, and is therefore in compliance with the terms of articles 2 and 3 of the Convention.
- The departure from the Convention concerns article 30, which provides for the loss of Congolese nationality following marriage to a foreign national, but only in the case of women. This conflicts with article 9 of the Convention, which requires States parties to grant women equal rights with men to acquire, change or retain their nationality.

## **6. Property Act**

Act No. 73-021 of 20 July 1973, which lays down the 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.

The right to land concessions is given to men and women without distinction, within the boundaries of 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.

Also of note are the legal constraints enshrining the legal incompetence of married women. In the case under consideration, when a married woman seeks to acquire a right of concession on a piece of land, she is required to obtain prior marital authorization.

## **7. Political Parties Act**

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

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

Emphasis should instead be placed on the level of involvement of women in political campaigning. The overall picture shows that, despite the advent of multi-party politics, women are still reluctant to join or establish political parties.

Currently, there are only eight women among the founders of political parties, compared to 392 men, hence the proportion of women is only 2 per cent. Congolese women appear to be more inclined to establish non-governmental organizations and other associations, rather than political parties.

The major challenge is to make women aware that, in order to enter political positions, they must first have a political programme to offer and a space in which to market that programme. Political parties are the ideal place for such an exercise. Under the former regime, which was characterized by a one-party system, appointments to political functions were generally the preserve of the ruler; with the advent of a multi-party system, however, people must fight to keep their places in the political arena.

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

Efforts to improve political awareness are essential. In this regard, we should acknowledge initiatives by a number of politically active women who have conducted a laudable campaign to promote awareness through highly active networks and platforms. Their experience is worthy of sharing with the rest of the country.

In order to coordinate their grass-roots activities and work together in synergy, 28 women's networks have formed a thematic group called "Women and Leadership", under the auspices of the Ministry for the Status of Women and the Family. The group was set up on 14 May 2004.

In accordance with the programme of the National Programme for the Advancement of Congolese women (PNPFC), this thematic group has the following goals:

- To enable women to occupy 30 per cent of decision-making positions at all levels;
- To ensure that 30 per cent of women have access to national resources;
- To increase the knowledge of 25,000 women in all fields by 2005.

The effective functioning of this group will provide women with a structure in which they can exchange, discuss, consider and share their experiences and construct common campaign strategies. To that end, it will benefit from the experience and support of the Network of African Women Ministers and Parliamentarians, established on 26 January 2004.

What conclusions can be drawn from this chapter?

At the legal level, the State is endeavouring to bring its laws into line with the Convention, but legal distortions remain in a number of instruments. Women's organizations, under the auspices of the Ministry for the Status of Women and the Family, are endeavouring to eradicate those distortions. The Commission on Congolese Law Reform is aware of them, and a draft revised Family Code has been submitted to the Ministry. A referendum will be held on the new text before it is referred to Parliament.

The danger is that these distortions may remain in place for a considerable period, because the current parliamentary schedule is focused on issues relating to the organization and management of the country's transition and on preparations for the elections, rather than on legal and civil issues.

In practice, the political will reflected in the relevant texts has not been translated into action.

## **Chapter III**

### **Actions, measures and obstacles relating to the implementation of the Convention**

Chapter 3 contains a review of the measures taken to improve women's situation with regard to work, home, health, education and access to national and international civil service. Similarly, the factors impeding women's development, such as backward customs and attitudes and violence, are held up to criticism.

#### **1. Women and employment**

As stated above, the new Labour Code has introduced some features that eliminate inequalities based on sex. In so doing the legislator has met most of the women's concerns and demands, which basically relate to the following:

##### **The right to work**

Article 1 confirms the fact that the new Code is applicable to workers and employers whatever their sex or marital status.

Article 2 grants everyone, without discrimination, the right to work, and article 7 improves the definition of the concept of "worker", defined as any natural person old enough to enter into a labour contract, whatever his or her age or marital status.

##### **The right to be hired**

Article 6 sets the minimum age of admission to employment at 16 for workers of both sexes.

The provision relating to the husband's right to expressly oppose his wife being hired has been removed.

Under article 128 pregnancy tests or certificates of such tests when a woman is applying for employment are prohibited, with the exception of jobs that pregnant women are fully or partly prohibited from performing or that involve an established or significant risk to the health of the woman or the child.

##### **Duration of work**

In the previous Labour Code, women's actual work time could not exceed eight hours per day or 48 hours per week; article 119 of the new Labour Code provides that the legal duration of work time for white- or blue-collar workers of either sex cannot exceed 45 hours per week or nine hours per day.

Article 120 of the Code states that, by ministerial order, temporary or permanent derogations may be granted for certain categories of workers and certain categories of work and indicates the conditions for granting such derogations.

##### **Work by pregnant women**

Article 129 states that pregnant women may terminate their work contract without prior notification and without penalty. They may do so for a period of eight weeks following the birth.

According to article 130, a woman may be absent from her work for 14 consecutive weeks, i.e. six weeks prior to the birth and eight weeks following.

During this period, whether or not the child is born live, a woman who is a salaried employee is entitled to two thirds of her pay and to retain her contractual benefits in kind.

During the same period, the employer may not break the contract.

#### **Work by breastfeeding women**

Women breastfeeding their children are in all cases entitled to two rest periods of one half-hour per day for breastfeeding. Such rest periods are remunerated as working time (art. 132).

#### **Arduous work by women**

The Labour Inspector may require women to be examined by a doctor to verify whether the work they are doing does not exceed their strength.

If it is found that the work exceeds their strength, they must be assigned to appropriate work; if not, the contract must be terminated at the employer's initiative with payment of compensation in lieu of notice.

#### **Night work**

Article 124 prohibits night work by women in public or private industrial establishments.

#### **Equal pay**

Article 86 of the new Code provides for equality of treatment in determining the salary established in article 72 of the repealed Code. It provides that, under equal conditions of work, professional qualification and output, workers' wages shall be equal, whatever their origin, sex or age.

#### **Right to housing**

Whereas the former Code did not entitle women workers to housing, article 138 of the new Code grants women workers this right regardless of their marital status, thereby redressing a terrible injustice.

#### **Protection of the social function of motherhood**

Article 128, paragraph 2, provides that motherhood shall not constitute a source of discrimination in employment.

Under article 129, a pregnant woman whose condition is medically attested may leave her work without notice and without having to pay a fine for breach of contract.

Finally, childbirth cannot be used as grounds for terminating a contract.



**Sexual harassment**

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

**Day nurseries**

There are virtually no day nurseries in the Democratic Republic of the Congo. This is a serious shortcoming which must be rapidly corrected to make it easier for women to work.

**2. Women and culture**

The survey conducted in November 2003 by the Ministry for the Status of Women and the Family with support from UNDP as part of the evaluation of the implementation of the Convention shows that, even today, society, especially rural society, is strictly regulated by customs and traditions.

There are positive customs that are validating to women, such as respect for women: a child addressing an older woman will call her "Mama" even if she is not the child's biological mother.

Consequently, whatever her age, a woman is considered to be a symbol of wisdom, which she must transmit from generation to generation.

There are numerous and varied positive customs, which deserve to be used more widely.

Others, however, are degrading to women and prevent self-actualization, and should be denounced and vigorously combated.

There are many such customs, which vary from one province to another and even from one tribe to another. An exhaustive list is therefore difficult, if not impossible.

However, generally speaking all practices that undermine women's status are based on biases in society, of the following four types:

- Metaphysical/religious
  - Woman was made from man's rib, and should therefore be subservient to him;
  - Nature made women inferior to men;
- Sociocultural
  - Women do not build villages, i.e. they are not capable of managing a community;
  - Men pay the bride price rather than women: men take women in marriage;
- Psychological
  - Women are less intelligent than men;

- Women are emotional beings;
- Biological
  - Women are the weaker sex;
  - Women are the receptacle for the seed that engenders children;
- Economic
  - Women are financially dependent on their husbands.

On a purely indicative level, the following are a few of the customary practices held up to criticism:

- Patrilocal residence

According to this practice, it is customary for couples to reside in the man's village. This custom is based on patriarchy, which grants men power over women and all descendants. The woman's opinion is not taken into account in choosing the place of residence.

- Obligatory stay by an engaged woman in her fiancé's home

According to this practice, during the engagement period a young woman can go to live with her fiancé's family, where she is asked to perform a number of activities aimed at testing her capacity to be a wife and mother. The marriage cannot take place until this period is over and the tasks have been performed satisfactorily.

- Trial marriage

This practice is similar to that of the obligatory stay in the fiancé's home. In this case, the fiancés live as man and wife. If the trial period does not prove satisfactory, generally because of sterility or incompatibility, the union is terminated.

In such cases the young woman is left in a delicate situation as far as finding another suitor is concerned.

- Excessively high bride price

According to the Family Code, the bride price consists of one or more gifts given to the girl's family as a token of marriage. It is even a basic condition of marriage.

The bride price is not in itself a bad institution; however, an exorbitant amount is sometimes set by the girl's family, giving the fiancé the impression that he is buying her.

To avoid such abuses, the Government should follow the provisions of article 363 of the Family Code, which asks the President of the Republic to set the maximal amount by presidential order. The bride price will then retain its symbolic value.

- Female genital mutilation

- Excision is practised infrequently in the Democratic Republic of the Congo; it has been observed in Equateur province among old women in predominantly rural areas.

This practice should be eradicated, not only because it is painful and risky; but because it makes women frigid and can be a source of health problems.

- Elongation of labia majora

Practised especially in the provinces of Katanga, Kasai occidental and Kasai oriental. Women apply to their labia majora a substance developed from roots. The labia majora then become swollen and, when the swelling subsides, they become elongated. Elongated labia majora apparently increase the man's sexual pleasure.

This practice must be combated, as the treatment is painful for the woman, who is in fact mortifying her flesh in order to please her partner.

- Levirat and sororat

- These practices persist in some traditions. However, they are tending to fall off in urban areas, due to the education of women and awareness-raising activities by the Christian churches.
- The Churches are being increasingly proactive in protecting parishioners against such mortuary rights, by explaining to them that failure to observe them will not have any ill effects.
- Anti-AIDS campaigns are also critical of such practices as being high-risk behaviour for the spread of HIV.

- Arranged, or forced, marriages (Ketuil)

This is a widespread practice among the Yansi of Bandundu. Its social justification is that it ensures the optimal management of girls both within the clan and for alliances with other clans.

It also ensures that no girls remain single by providing every girl in the clan with a spouse.

In actuality, however, this is a hidden form of forced marriage as it takes place without the consent of the girl, as she is automatically considered to be the wife of her grandfather, who may give her to one of his nephews, even if he is already married.

According to a survey conducted by Professor Gambembo in 1999, "with the intermingling of population groups the practice has become less rigid. Young people are no longer imposed on one another. Both the boy and the girl are allowed to choose their spouse, provided that the young man who was to marry the girl according to custom is compensated.

The practice consists of paying a symbolic amount of money or goods above the value of the bride price".<sup>5</sup>

- Religious practices

Religion seems to play an ambiguous role. Some religious teachings advocate the dignity of the human being created in God's image. Such teachings are opposed to backward practices, especially those inflicted on widows during mourning.

However, these churches also spread teachings that perpetuate ideas about the women's inferiority. They use Biblical verses to demonstrate the role and place of women in society. The man is the head of the family and the woman must obey him. This is not open to discussion. The woman must resign herself to obedience.

It is probably because of this philosophy that, in most churches, women do not hold leadership posts.

- Media activities

Sustained efforts must be brought to bear concerning the media, which continue to propagate ideas that undermine women through perverted pictures and songs and licentious advertisements and films.

Women must mobilize to ensure that the national board responsible for censoring songs and shows plays its role.

One way to ensure that the message about women is understood is to have a critical mass of women in the media.

In this connection mention should be made of the Women and Media thematic group and of the election of a woman to the office of vice-president of the Congolese Journalists' Association.

The High Authority for the Media, one of the five institutions supporting democracy, whose tasks include work for the production of educational programmes and documentaries which respect human values, including the dignity of women and young people, must also play its role fully.

It should be noted that the High Authority has taken to task the directors of companies that produce and distribute skin lightening products used in particular by women, some of which are harmful to physical integrity because they cause desquamation of the skin.

It has also taken to task the marketing and publicity departments of brewing and tobacco companies for saturating the radio and television stations with advertisements in an all-out effort to sell their products, with a view to raising the awareness of parents and educators about the negative effects, especially on girls, of such aggressive advertising.

The various surveys conducted on degrading practices have shown that the intermingling of cultures, higher education levels for women and awareness-raising campaigns have already begun to lessen their negative impact on women's status.

However, one way of eliminating this negation of values is to place the teaching of gender issues primarily in the hands of parents.

Couples should take gender issues seriously and serve as examples for their children where such issues are concerned.

The assimilation of this message at the family level will mark the beginning of radical changes in attitudes.

Mothers will understand that they can ask boys as well as girls to perform household chores, rather than burden the girls only.

Fathers will understand that it is their duty to educate all children without distinction, and that in case of financial difficulties the boys should not necessarily be favoured, as girls can also support the family satisfactorily.

In doing so, they will guarantee a harmonious society that respects both women and men. This was the goal of the general meeting on the family held on 19 May 2004 by the Minister for the States of Women and the Family.

### **3. Women, trafficking and prostitution**

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 prostitute.

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 are seemingly respectable women, sometimes in paid employment, who engage in hidden prostitution, selling their bodies for economic 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.

Prostitution remains a nebulous phenomenon in the Democratic Republic of the Congo, perhaps because it is not an offence. 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.

### **4. Women and political life**

As was emphasized above, there are no legal obstacles to prevent women from pursuing a career in politics.

The Transitional Constitution and the Political Parties Act contain favourable provisions in this regard and are in conformity with article 7 of the Convention.

Women may vote in elections and run for elected office.

In society, prejudices against women politicians are ever less evident.

The obstacles to the advancement of women thus lie elsewhere. They include:

#### **(a) The disparity between the de jure and de facto situations**

The Government's desire to further women's advancement has not been translated into reality: its expression has been confined to elegant laws and

discussions of policies and strategies in the media. Out of conformism, the gender approach has been integrated in some programmes. However, this intent has not found its reflection in daily life.

Male politicians do not appear to have internalized gender issues. The table below is sufficient proof of this. Indeed, when one examines the make-up of the institutions established following the Inter-Congolese Dialogue, there is no evidence of the commitment expressed in the laws. On the contrary, there is a glaring imbalance in the distribution of senior posts, to the detriment of women.

The following table shows that the political actors, doubtless preoccupied with their own advancement, made virtually no reference to article 51 when the Transition leaders were appointed.

**Women's representation in decision-making posts within the transitional institutions established following the Inter-Congolese Dialogue**

<i>Institution</i>	<i>Overall number</i>	<i>Number of women</i>	<i>Percentage</i>	<i>Number of men</i>	<i>Percentage</i>
Office of the President	5	0	0	5	100
Ministers	35	5	14	30	86
Deputy Ministers	23	1	4	22	96
Governors	11	0	0	11	100
Deputy Governors	22	11	50	11	50
National Assembly	500	70	14	430	86
Office of the National Assembly	8	2	25	6	75
Senate	120	3	2.5	117	97.5
Office of the Senate	8	0	0	8	100
Institutions supporting democracy	5	0	0	5	100
Judges	1 199	160	13.35	1 039	86.65
Offices of Secretaries-General in the public administration	49	7	14	42	86

Moreover, this situation changed recently with the new appointments to the territorial Government: pursuant to Decree No. 04/41 of 16 May 2004, 12 governors were appointed and 20 deputy governors, 3 of whom were women. This is a step back compared with the previous situation, when 11 of 22 deputy governors were women.

**(b) Reluctance on the part of women**

Women are afraid to take the risk of launching themselves in the political arena because that would mean accepting setbacks and defeats. The need to engage women in politics was discussed above.

There has, nevertheless, been a raising of consciousness owing to the activities of certain women leaders, as was explained earlier. Thus, some initiatives aimed at

bringing female politicians together have led to the creation of manifestos and networks to undertake lobbying and advocacy for the advancement of women.

While these efforts are commendable, there has not yet been sufficient progress, taking into account the share of women in the population.

**(c) Lack of solidarity among women**

A study aimed at identifying the obstacles to women's advancement conducted in September 2003 by Mr. Kanika with financial assistance from UNDP demonstrated that it is difficult for women to accept one another and to collaborate in a spirit of openness and sincerity. In fact, they tend to exclude one another. (5)

There is also the genuine problem of women's sense of inferiority: they prefer, for example, to join political parties established by men, rather than those established by women.

**(d) Leadership conflicts**

The above-mentioned study also found that women who are recognized as leaders constitute a barrier to the advancement of other women. The first women leaders to be identified, who have the first opportunity to establish contact with partners, believe that other women should follow them, rather than overtake them.

- In conclusion, the situation with respect to women's representation in public office has changed little.
- Moreover, while the Government is adopting courageous laws, it is not enforcing them.
- Women did, however, welcome the proactive decision to appoint women to deputy governor posts in all the provinces because this was a significant step in itself, although the ideal would have been to appoint women governors, too.

Unfortunately, these hopes were dashed by the latest appointments, made on 16 May 2004 pursuant to Decree No. 04/41, which left women with only three seats in the territorial Government.

For their part, women must stay the course so as to ensure that the hopes created by the establishment of the thematic group Women and Leadership are not disappointed. Those who are already engaged must encourage a raising of consciousness among those who have not yet grasped the meaning of the struggle for power.

## **5. Women and international life**

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

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

In 1986, there was only one woman representative of the Democratic Republic of the Congo to a foreign Government or international organization; today, of 64

ambassadors and heads of diplomatic missions, 8 are women, including 4 ambassadors and 4 chargés d'affaires, or 12.5 per cent.

This is certainly a small improvement, but it remains below the required minimum of 30 per cent.

As to women's participation in international organizations, it is especially high in forums devoted to typically women's issues.

## **6. Women and education**

### **(a) Legal framework**

- Article 17, paragraph 2, of the Transitional Constitution provides that, in education, no Congolese citizen shall be subject to discrimination, whether on the basis of law or executive action, on the grounds of religion, sex, etc.
- Articles 44 to 48 of the Constitution oblige the authorities to protect the right to education and to eradicate illiteracy.
- Article 5 of Framework Law No. 86-005 of 22 September 1986 on national education, which is currently in force, confirms the equality of boys and girls with respect to access to education.
- The legal provisions governing education are thus in conformity with article 10 of the Convention.

### **(b) General context**

The analysis conducted by the Ministry of the Plan in 2002 showed that the various reforms undertaken since the country gained independence in order to streamline the education system have failed to produce the expected results. There remains an imbalance between the demand for education, which continues to grow, and the State's resources, which are ever more meagre. (7)

In addition, successive wars have left the school infrastructure severely damaged, while pupils and teachers fleeing the horrors of war have been forced to leave their places of origin and have ended up in displaced persons camps.

Also, the scantiness of budget allocations for the education system has in recent years led parents to assume responsibility for paying teachers' salaries and school running costs. However, most parents are themselves living in precarious conditions and, consequently, are unable to pay their children's school fees.

Lastly, there is a lack of interest in education, particularly in mining areas, in the two Kasai provinces and Bandundu province, for example, and currently in Lubumbashi, where children are abandoning their studies to work mines by hand.

In Equateur province, children are turning to fishing because it is apparently more remunerative than jobs that require school diplomas. (8)

There has thus been a sharp deterioration in the public education sector characterized by:

- Overcrowding of facilities;
- Dilapidation of infrastructure;



- Lack of teaching materials;
- Failure of the education provided to meet the needs of society;
- Loss of value of the products of education at all levels.

**(c) Consequences**

- Reduction in the enrolment rate

The net enrolment rate for children aged 6 to 11 years is declining. It fell from 56 per cent 1995 to 52 per cent in 2001. This reduction has affected both girls and boys, although the following comparative table shows that girls have been harder hit.

**Net enrolment rates in primary education (6-14 years)**

<i>Period</i>	<i>Urban areas</i>		<i>Rural areas</i>	
	<i>Boys</i>	<i>Girls</i>	<i>Boys</i>	<i>Girls</i>
1995	77.1	76.5	57.0	45.7
2002	73.2	71.6	47.1	43.3

Moreover, according to the MICS2 survey, in the 2000-2001 school year, 45 per cent of children aged 6 to 14 years did not go to school.

The figure is higher for girls than for boys: 49 per cent compared with 41 per cent.

There are two main reasons for this state of affairs:

- First, poverty is widespread. Household income has an impact on children's schooling, and enrolment rates are higher among children from wealthy families (81 per cent) than those from poor households (39 per cent);
- Second, at the sociocultural level, the reduction in the enrolment rate reflects the fact that education, which used to be regarded as a prerequisite for acquiring a certain social status, is losing some of its importance, while less and less value is being placed on diplomas.

Many parents, particularly those in rural areas, no longer attach such importance to sending their children to school, which they regard as a waste of time.

- Educational wastage

The number of school dropouts is very high in the Democratic Republic of the Congo. Of every 100 children who enter primary school in the first year, only 25 reach the fifth year.

The most frequently cited causes are:

- Inability to pay school fees;
- Remoteness of schools;
- Excessive workload.

In addition to these factors, which affect all pupils, for girls there is also the problem of early pregnancy and the influence of socio-cultural notions of women's inferiority. For example, when parents struggle to pay school fees and are forced to make a choice, generally it is boys' studies that are prioritized.

The authorities are making almost no effort to assist girls who drop out of school.

The Mama Marie Antoinette Women's Centre, which organizes sewing, secretarial, office management, sales and literacy classes, is an isolated case.

The private sector and NGOs are trying to fill the gap, although their resources are limited. Thus, several initiatives have been launched to provide training for girls who have not had a normal school career. For example, NGOs such as the National Women's Union and Action, Informations, Femmes et Famille are providing training for teenage mothers and literacy classes for adult women.

In September 2003, with the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Mama Soki Education and Social Centre, an NGO, organized an awareness-raising seminar on schooling for vulnerable girls, under the patronage of the Ministry of Social Affairs and the Ministry for the Status of Women and the Family. The seminar brought together several NGOs involved in providing training for girls from deprived families.

- Illiteracy among adults

According to studies conducted in the context of the MICS survey (10), the illiteracy rate in the Democratic Republic of the Congo is very high and remained virtually unchanged between 1995 and 2001.

It fell from 33 per cent in 1995 to 32 per cent in 2001 for the country as a whole; for men it increased from 18 to 19 per cent, while for women it fell from 46 to 44 per cent. (9)

Overall, one in three adults is illiterate: one in two women and one in five men.

In 2003, the Government launched a campaign to promote education for girls with the support of the United Nations Children's Fund (UNICEF).

Radio and television spots are being broadcast to encourage parents to send their daughters to school. Likewise, posters have been put up and murals painted along the main roads in the city of Kinshasa.

- Clearly, the widespread poverty that characterizes the Congolese population today is an obstacle to education.
- Also, a large section of the population believes that education is more important for boys than for girls.

The State must therefore assume its responsibilities for subsidizing education, paying teachers and creating the conditions for economic recovery.

There is also a need for an awareness-raising initiative on the value of education for girls as well as boys.

## 7. Women and health

### (a) Legal framework

Article 50 of the Constitution establishes the State's obligation to provide health care and food security.

### (b) General context

The problem of providing women with health care is not a matter of discrimination but rather the health-care system of the Democratic Republic of the Congo itself, which is ailing and suffering from serious shortcomings.

The overall context of widespread crisis that prevails in the country has brought to a halt the granting of subsidies to the health sector, with the following consequences:

- Decline of infrastructures;
- Dilapidation of equipment;
- Shortage of medical personnel;
- Low quality of services;
- Lack of essential medicines;
- High cost of doctor's visits and treatment;
- Unpleasant behaviour of health-care providers, inter alia, owing to inadequate and sporadic pay.

Similarly, most of the health zones that were established to make care more accessible in terms of both costs and distance have since been abandoned. Only 30 per cent of such zones are still functioning. Because of this situation the remoteness of health-care facilities has again become a problem.

In the countryside, for example, one of every three women must travel a distance of more than 15 kilometres to reach the nearest health centre.<sup>5</sup>

Estimates of the coverage of health-care facilities show that today at least 37 per cent of the population has no kind of access to health care whatever.

The State's withdrawal created job opportunities for private practitioners who also opened health centres. When they are effective, the prices charged are prohibitive for modest households. When they are affordable for everyone the care provided is of unreliable quality.

This is the context surrounding the review of the implementation of article 12 of the Convention, calling on States parties to take all appropriate measures to eliminate discrimination against women in the field of health care and ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period.

Overall, the state of health of the people has deteriorated greatly during the past 10 years. There has been a resurgence of multiple epidemics and new outbreaks of emergent and re-emergent diseases, essentially infectious and parasitic diseases.

That has resulted in high morbidity and mortality and decline in life expectancy from 52 to 39 years (55.5 years for women versus 48.9 years for men).<sup>6</sup>

Infant and child mortality has gone from 190 per cent to 213 per cent. The average for Africa is 174 per cent.

The main causes of women's mortality and morbidity are, as follows: malnutrition; sexually transmitted diseases and AIDS; genital cancer (of the uterus) and breast cancer; multiple and frequent pregnancies; diabetes; high blood pressure; and heart disease.

The status of women remains precarious also because of overly heavy work schedules, ignorance of basic sanitary measures and lack of education.

#### 1. *Prenatal care*

The 2001 multiple indicator cluster survey (MICS) suggests the following:

- 68 per cent of pregnant women receive their prenatal care from skilled personnel;
- 27 per cent do not receive prenatal care;
- 4 per cent consult non-skilled personnel (traditional midwives).

The percentage of women who make medical visits is very high as is, paradoxically, the maternal mortality rate. Such a result suggests that there is little connection between access to prenatal care and mortality. The thematic group *Femme et Santé* (Woman and Health) established by the Ministry for the Status of Women and the Family is indeed working to reduce the maternal mortality rate from 1,289 women to 500 per 1,000 births within five years.

#### 2. *Attended births*

Throughout the country, 61 per cent of women are attended by skilled health personnel at the time of birth, including 3 per cent by a doctor, 20 per cent by a nurse and 37 per cent by a midwife.

In urban areas 83 per cent of women are attended versus 51 per cent in rural areas.

#### 3. *Maternal nutrition*

A report of the Food and Agriculture Organization published in 2002 indicates that malnutrition affects 33 per cent of the population of the Democratic Republic of the Congo.

It affects 41 per cent of children living in conflict zones.

According to MICS, the state of maternal nutrition is still a matter of concern: 17 per cent of mothers are malnourished and 2 per cent are obese.

Unfortunately, there is an association between the malnutrition of children and the malnutrition of mothers. Children of poorly nourished mothers are themselves malnourished and suffer from being underweight and emaciated.

#### 4. *Women and HIV/AIDS*

In 1996, women accounted for 40 per cent of infected persons in the world.<sup>8</sup>

A United Nations report in December 2002 shows that women now comprise 50 per cent of HIV-infected persons worldwide; in Africa that figure has since reached 58 per cent. That has prompted the United Nations Secretary-General to say that today AIDS has a woman's face.

The Democratic Republic of the Congo, unfortunately, has not escaped this sad reality, as the current prevalence rate is around 5.1 per cent.

The National Programme for HIV/AIDS control must therefore intensify its efforts to raise awareness and spread the acceptance of preventive methods among the people as well as to train staff and provide care for affected persons.

Many NGOs are involved in awareness-raising campaigns, and today women living with HIV are willing to speak openly about it.

The aforementioned multiple indicator cluster survey shows that only 10 per cent of women have a sound knowledge of the modes of AIDS transmission.

Moreover, many women still practise high-risk behaviour, as follows:

- 11 per cent of women of reproductive age have had casual sexual relations between 2000 and 2001;
- 13 per cent of them have had safe sex;
- 24 per cent of the women polled had their first sexual relations before the age of 15.

In addition, the women are more exposed to HIV than elsewhere because of rape, especially in zones that have experienced armed conflict. A report by the National Programme for HIV/AIDS Control shows a prevalence rate of 16.3 per cent among blood donors in Goma in 2002.

#### 5. *Family planning*

Family planning is part of the national reproductive health programme of the Ministry of Health, which was established for the purpose of:

- Improving the quality of life of individuals, couples, families and communities in all areas relating to reproductive health;
- Promoting good reproductive and sexual health based on gender equality and justice;
- Combating practices in the area of sexuality and reproduction which have a harmful impact on the body.

The population does not appear to have taken full advantage of this service given that the contraceptive prevalence rate dropped from 8 per cent in 1991 to 4.4 per cent in 2002. That has led to high birth rate, at times unchecked, which exacerbates the phenomena of street children and malnourished children.

In addition, 27 per cent of women use modern contraceptive methods versus 4.4 per cent of men.

Such a state of affairs is owing mainly to the following constraints:

- *Cultural and religious constraints*

Children are a gift from God and considered precious, and their coming into the world cannot be hindered by any human means. In addition, it is difficult for women to use contraceptive methods without their husbands' consent;

- *Constraints involving geographic accessibility*

While there are several maternity centres in Kinshasa where women have access to family planning information and services, the interior of the country is poorly served. Services therefore do not cover the entire population.

- *Financial constraints*

The programme suffers from an overdependence on international organizations which support its activities.

## **8. Women and the economy**

As emphasized above, life in the Democratic Republic of the Congo has been characterized by a widespread crisis for two decades. The crisis has been exacerbated by two instances of pillaging in 1991 and 1993 as well as by successive wars which broke out in the eastern part of the country in 1996 and 1998. Productive capacities were destroyed at that time, leaving thousands of persons unemployed.

The decrease in employment opportunities stemming from the economic crisis has shifted a large share of responsibilities onto women, who are obliged to contribute more to household income.

Many households now survive only through the resourcefulness of women, who are often involved in activities that generate insufficient income. As women work mainly in the informal sector (agriculture, small animal raising and trade), they have almost no access to credit.

### **In agriculture**

Women experience gruelling workdays of 14 to 16 hours. As noted above, they always use rudimentary tools to produce, process and preserve agricultural food products.

They do not have access to improved plantings and seeds or to fertilizer. They are involved in the entire production line and do their own marketing.

Getting the products to market also involves hardships given the poor state of rural feeder roads. Often women are forced to travel in dangerous overloaded trucks.

### **In trade**

Women are not trained in accounting and bookkeeping.

They do not have easy access to financial credits. They generally turn to the voluntary system of group savings, the tontine, to start businesses.

More and more NGOs are investing in the area of microcredits. Women prefer to use those structures, which seem within their reach.

At the level of the Ministry for the Status of Women and Family, the National Programme for the Advancement of Congolese Women identified 50 NGOs and associations working in the area of microcredit. In June 2003, 77 women representing those NGOs were able to take part in the conference on microcredit organized by the International Organization for Migration.

The organization Développement Information Recherche Action Femme et Famille (DIRAF) is among the NGOs that are operational working on the ground.

The project was launched in 1998.

Thanks to small start-up funds amounting to 19,209,869 Belgian francs, DIRAF and groups constituting microenterprises have established a system based on mutual savings and credit.

The 2001 progress report shows that the structure is still functional, because DIRAF was able to organize training sessions for women in microfinance and entrepreneurship, the organization and operation of mutual savings and credit institutions, the management of microenterprises and the development of business projects. Today the thematic group Access to Resources enables businesswomen to unite to defend their interests and seek loans together.

#### *Case of Kinshasa*

Table 1  
**Banking institutions and NGOs that extend credits to women**

<i>Institutions</i>	<i>Year</i>				
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
BCD	0	2	2	8	1
UBC	0	4	10	2	2
FPI	-	-	-	0	1
BCDC	-	-	1	0	-

*Source:* Institutions described in column 1.

Table 2  
**Conditions of access to credit by women**

	<i>Credit granted</i>	<i>Monthly interest rate (percentage)</i>	<i>Length of credit (in months)</i>	<i>Number of beneficiaries</i>	<i>Reimbursement rate (percentage)</i>
1	\$50	5	3	166 women	100%
2	\$50	3	3	40 women	100%
3	Rice seeds and farm inputs	50	6	323 women	20% monthly savings
4	\$100	2.5	4 to 6	10 women	10% credit granted
5	\$50 to \$100	15	1	633 persons (544 women)	60 to 90%
6	\$100	5	3 to 12	201 including 127 men and 74 women	83%
7	\$10 to \$200	5 to 25	3 to 6	133 women and 27 men	20%
8	\$30 to \$120	10	1 to 6	42 women	85%
9	\$30 to \$50	5	3 to 12	76 women and 4 men	98%
10	\$50 to \$100	5	6	19 women	67%

Table 3  
**Status of microfinance projects in North Kivu**

	<i>NGO</i>	<i>Type of credit</i>	<i>Number of beneficiaries</i>	<i>Target group</i>	<i>Interest rate</i>	<i>Report quality</i>	<i>Project status</i>
1	APPRONA	In-kind	1 000	Rural households	100%*	Satisfactory	Completed
2	SIFRENA	Financial	200	Poor	100%*	Satisfactory	In progress
3	AFEVESA	Financial	150	Food vendors	100%*	Satisfactory	In progress
4	ALCIM	Financial	489	Displaced widows and teenage mothers	65%*	Weak	In progress
5	COOFCO	Financial	220	Disaster victims	95.7%*	Satisfactory	In progress
6	ADCIC	Financial	80	Diabetics	100%*	Satisfactory	In progress
7	AEDD	Financial	114	Displaced	84%*	Satisfactory	In progress

\* Rate recorded after the completion of the 1st rotation, over 2 months\* and 7 months\*\*.

### **Women entrepreneurs**

According to the report on strategies for mainstreaming the gender perspective into development policies and programmes, prepared by the National Programme for the Advancement of Congolese Women (PNPFC) in November 2003, only 8 per cent of women run their own businesses, most of which operate in the informal sector (dressmaking, hairdressing, soap making, fish processing and catering).

At present, only 5 per cent of businesses operating in the formal sector are run by women, compared with a figure of 95 per cent for men.

The Association of Congolese Women Business Owners (ASSOFE) has survived the years of crisis and is still working to strengthen its members' technical skills by providing technical training and teaching in business ownership.



It should be noted that here, too, women entrepreneurs face problems due to the failure to fund their activities.

However, the Gender Network for Women in State and Semi-State enterprises (REFEC) carries out a number of activities within both public and private companies.

## **9. Rural women**

The Secretary-General of the United Nations has said that women are the backbone of society and that 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.

In 1988 the Ministry of the Status of Women and the Family launched a number of projects, with the backing of the United Nations system, aimed at improving women's working conditions. These projects focused on appropriate technologies and the construction of windmills.

With the outbreak of rioting in 1991, structural cooperation broke down and these projects were abandoned because of lack of funding.

The United Nations Population Fund recently revived the training aspect of this project by training women in appropriate technologies.

### **Access to health care**

The country's rural clinics and health centres are in a deplorable condition. Everything is in short supply, including medical equipment, pharmaceutical products and, sometimes, qualified staff.

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 PNPFC in 2002, "most rural women must travel 15 km to reach the nearest health centre".

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

### **Access to arable land**

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

Mention should be made in this context, of the actions of the Food and Agriculture Organization of the United Nations (FAO), which donated a total of \$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, in the areas of rice growing, fish farming, market gardening and poultry and small livestock breeding.

Although women were not the only beneficiaries of this project, they certainly did derive 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 fertilizer. Others were provided with hens and chickens to make a start in poultry and small livestock breeding.

### **Improving agricultural equipment**

Another challenge is to determine how women can be given the opportunity to use farming machinery in order to improve their crop yields.

Unfortunately, women continue to use manual farm tools.

Moreover, even our partners tend to provide tools such as hoes and machetes.

### **Access to drinking water**

In order to make it easier for women to fetch water, the Ministry of Rural Development was able to attract financing from USAID, Japanese overseas development assistance, the United Nations Children's Fund (UNICEF) and the European Union.

These funds were used to construct 1,954 drinking-water fountains and dig 736 wells, benefiting an estimated 1,534,700 inhabitants throughout the country.

The programme was delayed as a result of the breakdown in structural cooperation that occurred in 1991 due to the rioting.

Since 1999 international NGOs have been renewing their involvement in projects to provide drinking water to rural areas. Notable in this regard are Oxfam, World Vision, Memisa Belgium and the Belgian Red Cross.

At the local level, initiatives have been launched together with the Miba Foundation, Action for Development of Infrastructures in Rural Areas and the Centre for Integrated Rural Development.

Thus, between 1999 and 2003, as a result of these various initiatives, 3,130 water fountains were constructed and 466 dug or repaired, benefiting an estimated 129,600 inhabitants.

### **Establishment of rural radio stations**

The Ministry of Rural Development has launched a programme to set up rural radio stations, with a view to improving living conditions in rural areas and increasing awareness of:

- cultivation methods and techniques;
- hygiene and sanitation measures.

Under this programme, two stations have been set up, at Katanga and Mbankana (Kinshasa region). More stations are being set up.

It should be noted that the opening up of the media has led to the establishment of an increasing number of private stations, which also broadcast programmes of interest to rural women. However, efforts must be made to alleviate the burden of rural women so that they can listen to these programmes.

## **10. Women in the home**

The family, which is the basic unit of society, should be a haven of peace in which all family members can live happily.

If this peace is to be effective, these family relationships must be based on respect, equality and equity.

Several factors hamper women's ability to realize their full potential where their home lives are concerned.

The Family Code organizes marital life on a discriminatory basis: the man is the head of household and the woman must obey him. If the husband is ruled absent by a court, or if he dies, the wife must share the running of the household with one of her husband's relatives.

The situation of women within marriage thus derives from this deficiency in the law, which also reinforces backward ways of thinking that consign women to a position of inferiority.

The gender question has not yet been absorbed into the thinking of married couples, even those with some level of education.

The burden of household chores continues to be borne by women, even those who, like their husbands, work outside the home. When the man and the woman return home tired from work, the woman must also do the cooking, while her husband rests and waits to be called to the table.

In addition to ways of thinking that consign women to a position of inferiority, mention should also be made of other obstacles, such as the interference of the extended family in couples' lives. Wives are often treated harshly by their in-laws, especially when the couple has no children.

Overcrowding in the home is another issue of concern. Although it is true that relationships within African families are based on the principle of shared interest, that same principle can sometimes be detrimental to women's ability to realize their full potential.

As a result of the widespread crisis and the population flight to rural areas, couples are often forced to accommodate more family members than they can cope with. It is not uncommon for people to sleep six to a room. Under such conditions, it is impossible for couples to have privacy. This overcrowding is often the source of conflict between the wife and the other occupants.

According to the second multiple indicator cluster survey, 14 per cent of households accommodate one person per bedroom, 43 per cent of households accommodate more than four people per bedroom and 43 per cent of homes have only two bedrooms.

Another concern is that, because of their lack of education, women often commit themselves to de facto unions based only on payment of a bride price or a religious ceremony. Many couples neglect to ensure that their marriage is recorded at the registry office.

In 2001 the Ministry of the Status of Women and the Family, supported by UNICEF, launched a broad-based campaign aimed at sensitizing people to the need to ensure that marriages and births are recorded at the registry office.

All these concerns will be addressed at the national conference on the family presently being organized by the Ministry of the Status of Women and the Family.

## **11. Violence against women**

The Convention cannot be assessed unless the day-to-day violence against women, which hampers their fulfilment, is held up to censure.

Violence against women is a recurring question, and in the Democratic Republic of the Congo it has been exacerbated by armed conflicts. The magnitude of familiar forms, such as rape, has become astonishing. At the same time, new forms are emerging, such as the amputation of limbs, mutilation of genital organs and live burial of women.

Violence against women can be categorized in many ways. A study conducted in 2002 divided the predominant types of violence into the three groups listed below. A fourth category could be added concerning violence caused by the state of war.

### **(a) Domestic violence in civil marriages and consensual unions**

- Insults;
- Assault and battery;
- Sexual harassment;
- Rape;
- Partner's infidelity.

### **(b) Violence at the hands of institutions, caused by the application of laws and rules deemed necessary to regulate the social fabric in the public and private spheres**

- Customary practices unfavourable to women;
- Spousal authorization;
- Preferential or forced marriage;
- Denial of social benefits;
- Complications with respect to inheritance;

- Police harassment;
  - Non-payment of final settlement or survivor’s benefit.
- Factors that encourage violence are, in particular:
- Customs perpetuating the idea of women’s inferiority;
  - Low level of women’s income, which makes them economically and financially dependent on men;
  - Education level: the study showed that educated women are better able to defend themselves against violence. Among the victims questioned, 47 per cent have not completed their education and only 4 per cent attend university;
  - Home environment: overcrowding encourages rape, incest, assault and battery and insults;
  - Work: sexual harassment is predominant in the workplace and in schools and university centres;
  - Marriage: married women are more vulnerable than others (dispossession, assault and battery, spousal authorization, insults, etc.);
  - Summary eviction of the wife from the marital home.

**(c) Tactical violence originating in the constraints of tradition and used to gain an advantage**

- Non-payment of bride price;
  - Forced abortion;
  - Forced prostitution;
  - Homicidal witchcraft;
  - Summary eviction of the wife from the marital home.
- Factors that encourage violence are, in particular:
- Customs perpetuating the idea of women’s inferiority;
  - Low level of women’s income, which makes them economically and financially dependent on men;
  - Education level: the study showed that educated women are better able to defend themselves against violence. Among the victims questioned, 47 per cent have not completed their education and 4 per cent attend university;
  - Home environment: overcrowding encourages rape, incest, assault and battery and insults;
  - Work: sexual harassment is predominant in the workplace and in schools and university centres;
  - Marriage: married women are more vulnerable than others (dispossession, assault and battery, spousal authorization, insults, etc.);
  - Summary eviction of the wife from the marital home.

**(d) Violence linked to the state of war***(1) Sexual violence*

Of all the forms of violence, sexual violence should be highlighted. Its scope and persistence are encouraged by the state of war, mainly in the east of the country.

In a report published in 2002, Human Rights Watch noted that sexual violence was used as a weapon of war. In fact, most of the forces involved in the conflicts raped women and children to win effective control over civilians. The aggressors intended to traumatize, humiliate and terrorize communities, so as to destabilize and punish them for supporting the opposing side.

These barbaric acts were perpetrated on victims of all ages.

In a report published in 2004, *Médecins sans Frontières* (MSF) stated that it had treated victims in Baraka, a village in South Kivu, on the edge of Lake Tanganyika, the youngest of whom was 4 years of age and the oldest 70.

The NGO *Aide Médicale Internationale* reported that 80-year-old women had been raped in Equateur. Pregnant women were not spared.

Many NGOs have reported cases of rape in front of witnesses.

*Location of sexual violence*

Areas most heavily affected by sexual violence are:

- The province of South Kivu: the Governor of the province estimated that between 2,500 and 3,000 women had been raped from the end of 1999 to mid-2001;
- The provinces of Orientale, North Kivu, Maniema, Equateur and the northern part of Katanga;
- In January 2003, the *Centre Olame* received 117 women and girls from the Uvira region of South Kivu who had been raped by various armed groups;
- Within the framework of its project to combat poverty, GTZ (*Deutsche Gesellschaft für Technische Zusammenarbeit*, a German technical aid body) recorded 2,500 rape victims.

*Consequences*

The consequences of sexual violence take many forms, including:

- *Medical consequences*
  - Unwanted pregnancies;
  - STD and HIV/AIDS infection; the risk is higher because forced sexual intercourse involves wounds and bleeding;
  - Serious injuries accompanied by haemorrhaging;
  - Prolapse of genital organs, fistulas;
  - Physical injuries; MSF says that it has treated battered women.

Some women complained of pain in the joints of the hips and back, caused because their legs had been forcibly held apart for prolonged periods.

Many of the women assisted by MSF in Baraka report reproductive health problems subsequent to rapes, including miscarriages and neonatal deaths.

- *Social consequences*

- Stigmatization and rejection by family and community. Some husbands, feeling humiliated by the rape of their wives, simply repudiated them. Thereafter, such wives live in shame and can never again live normal lives.

Other men, fearing dishonour, have kept their wives' rapes a secret. This, however, often leads to an unhealthy climate of silent hostility.

- *Economic consequences*

- Rape victims, who have been traumatized, live in fear and no longer dare to go to the fields or pursue any commercial activity, and their situation becomes precarious.

- *Legal consequences*

- These barbaric acts often go unpunished. The victims sometimes continue to live with their aggressors and are afraid to report them. They have neither the courage nor the resources to institute legal proceedings.

(2) *Amputation of limbs*

At the commemoration ceremony held on 8 March 2004, the theme of which was "Say no to violence against women", a woman who had both arms amputated was introduced to the public in Kinshasa. It is hard to imagine the suffering endured by this woman on a daily basis. She requires total and permanent assistance and no longer has an intimate life. Her life has come to a stop.

This amputation is not an isolated case.

(3) *Live burial of women*

In Mwenga, a village in South Kivu, the military went to extremes of cruelty, burying 11 innocent women alive.

## **Caring for victims**

- The Government

There are still no functional mechanisms to deal with this issue. However, a few initiatives have taken place:

- The Ministries of Justice and Human Rights and the Ministry for the Status of Women and the Family, together with the United Nations system, participated in developing a programme entitled "Joint initiative to combat sexual violence against women";
- In collaboration with the Women's Action Network and civil society organizations, the Government launched a campaign to combat sexual violence

against women and was involved in organizing a fortnight of activism to combat violence against women in 2003;

- The Ministry for the Status of Women and the Family launched awareness-raising activities as part of the PNPFC, publishing an illustrated guide to the Convention;
- The Ministry of Health set up a committee to combat violence against women and children.

The effectiveness of such measures has yet to be felt.

In a report published in 2004, MSF stated that it had treated victims in Baraka, a village in South Kivu, on the edge of Lake Tanganyika, the youngest of whom was 4 years of age and the oldest 70. The NGO *Aide Médicale Internationale* reported that 80-year-old women had been raped in Equateur. Pregnant women were not spared.

## **Violence caused by the state of war**

### **1. Domestic violence in civil marriages and consensual unions**

- Insults;
- Assault and battery;
- Sexual harassment;
- Rape;
- Partner's infidelity.

### **2. Violence at the hands of institutions, caused by the application of laws and rules deemed necessary to regulate the social fabric in the public and private spheres**

- Customary practices unfavourable to women;
- Spousal authorization;
- Preferential or forced marriage;
- Denial of social benefits;
- Complications with respect to inheritance;
- Police harassment;
- Non-payment of final settlement or survivor's benefit.

### **3. Tactical violence originating in the constraints of tradition and used to gain an advantage**

- Non-payment of bride price;
- Forced abortion.



## Joint initiative to combat violence

The Ministries of Justice and Human Rights and the Ministry for the Status of Women and the Family worked together to foster the operation of the Truth and Reconciliation Commission (TRC), one of the five institutions supporting democracy. It is certain to provide solutions given that its tasks are:

- To collect confessions from perpetrators, and any deposition from witnesses concerning crimes and mass human rights violations, in particular those related to the rape of women and girls during wartime;
- To identify victims and determine the extent of the harm suffered;
- To explore any appropriate protection mechanism requested by deponents who fear consequences that would jeopardize their safety following deposition.

## NGOs and the churches

On the ground in areas affected by conflict, civil society has become aware of the need to report acts of sexual violence and to provide support for the victims.

Efforts have been greatest in South Kivu.

In Bukavu, many NGOs are involved in combating sexual violence through awareness-raising campaigns and care of victims. The following are some of the major organizations:

- *Cadre de Concertation des femmes oeuvrant à la base* (CCFOB), an organization composed of 11 NGOs;
- *Centre Olame*, a mechanism of the Archdiocese of Bukavu which cares for victims of sexual violence. In November 2002, this centre assisted 117 women and girls who had been raped by various armed groups;
- *Comité Rayon d'Action Femme* (CRAF) composed of seven NGOs, working with GTZ support. It has set up 33 basic mechanisms called *Cadres d'Alerte et d'Écoute* (CADEAL). They are close to the people and therefore the first mechanisms to learn of cases of sexual violence. They register victims and arrange their medical and psycho-social care. They have thus registered 2,500 victims and arranged health-care services for 943 victims;
- *Réseau des Femmes pour la Défense des Droits et de la Paix* (RFDP);
- *Agissons ensemble*;
- *Fédération des Femmes Protéstantes* (FFP) (Federation of Protestant Women).

Most victims are directed to health centres maintained by the Protestant Church, especially by the *Communauté des Eglises Libres de Pentecôtistes d'Afrique* (CELPA) (Community of Free Pentecostal Churches of Africa);

- The Catholic Church, through the Justice and Peace Committee and the Medical Bureau, arranges health-care and psychological services for victims of sexual violence. In the town of Kalemie, in Katanga, the Justice and Peace Committee of the Diocese is very active.

In other provinces affected by conflicts, NGOs work without coordination. Collaborative efforts are still in an embryonic state.

- Agencies of the United Nations system and national and international NGOs

With regard to combating sexual violence, UNICEF supports local and international NGOs in providing health care and psychological services to women and children who are victims of trauma and violence linked to armed conflicts. It currently supports the Panzi hospital at Bukavu and Cooperazione Internazionale in Ituri in caring for approximately 2,500 victims.

UNDP has included a gender perspective in all its operations and supports the PNPFC.

MSF assumes responsibility for health care and psycho-social services for victims in Baraka and South Kivu.

It is difficult to assess the scope of the disaster caused by the war. Similarly, it is impossible to assess with certainty the number of victims, as most prefer to keep silent about the horrors that they have endured. Figures in the various reports provide nothing more than an indication.

Action to provide care for victims remains insufficient. The Government must become more involved through direct action and by embracing the initiatives of front-line organizations.

The Truth and Reconciliation Commission, an institution supporting democracy, was created to re-establish trust and to promote justice, forgiveness and reconciliation. The national community hopes that it will cause truth to shine on the violations committed during the war, for which women have paid a heavy price, so that reparations can be made to the many victims.

## **Recommendations**

### **I. The Government**

- Rid the legal arena of all remaining legal distortions that continue to hinder the full implementation of the Convention
- Allocate substantial funds to the Ministry of the Status of Women and the Family to enable it to perform its duties
- Ensure a female representation rate of at least 30 per cent in decision-making bodies during the period of democratic transition
- Step up campaigns to disseminate legislative texts concerning women, in particular the Convention, in local languages and make such texts easier to understand by means of the appropriate media
- Build the capacity of institutions and people responsible for collecting disaggregated data on women and evaluate such data on a regular basis
- Consolidate peace and unity in the country in order to kick-start the national economy and thereby curb the growing poverty, which affects women in particular
- Set up, as a matter of the utmost urgency, a national programme to combat sexual violence against women and young girls

- Provide visible support to the national board responsible for censoring degrading images of women in the media and popular language
- Disseminate and implement the document on national strategies to mainstream the gender perspective in national development policies and programmes

## **II. NGOs and associations working for the advancement of women**

- Work together in synergy within thematic groups and networks in order to make action more effective
- Step up awareness-raising and advocacy activities
- Step up efforts to encourage people to reject sexist stereotypes, received ideas and customs and traditions that reinforce the inferiority of women

## **III. Women themselves**

- Assume their individual and collective responsibilities as men's equals and partners
- Invest in educating their children about gender issues
- Change attitudes

## **IV. Organizations for bilateral and multilateral cooperation**

- Significantly step up support for the Ministry of the Status of Women and the Family with regard to the implementation of the National Programme for the Advancement of Congolese Women
- Work together in supporting the National Programme for the Advancement of Congolese Women so that it will have a greater impact

## **Conclusion**

We would like to conclude this report by recounting something that happened on 8 March 2004.

A group of women wearing outfits printed for International Women's Day were waiting for the bus which would take them to the Palais du Peuple, where a number of events were planned.

A man who had no doubt been attracted by their outfits approached them and asked, "*Mamans*, where are you going all dressed up?"

The women replied excitedly, "We are going to the Palais du Peuple. It's International Women's Day. It's our day."

The man replied, "A day in honour of what? Anyway, at the end of the day, you will still be women". In other words, inferior to men.

In telling this story we wanted to show how much work still needs to be done to make society understand that men and women are natural partners who are called to walk together in mutual respect, justice and equity.

## **Reference documents**

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2. Framework Law No. 86-005 of 22 September 1986 on national education
3. Law No. 015/2002 of 16 October 2002 establishing the Labour Code
4. Law No. 04/003 of 31 March 2004 establishing the State budget for the financial year 2004
5. Decree-law No. 197 amending and supplementing Law No. 81-002 of 29 June on Congolese nationality
6. Transitional Constitution
7. Global and All-Inclusive Agreement

### **II. Reports**

1. Human Development Report
2. Report on the appraisal of the situation of women in the Democratic Republic of the Congo, Sangana Biduaya, April 2003
3. Advisory mission report
4. Section 1, Obstacles to the advancement of women
5. Report of the seminar to raise awareness of education for young girls in difficult situations in Kinshasa, September 2003
6. PNPFC annual report 2003
7. DIRAF annual report 2001
8. National report of the Democratic Republic of the Congo on the 10-year review and appraisal of the Beijing Platform for Action
9. MSF press release, April 2004 (situation in Baraka)

### **III. Other documents**

1. Situation of customary laws and women's rights in the Democratic Republic of the Congo
2. Evaluation of the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Zaïre, Bolie Nonkwa, 1996

3. Strategies for mainstreaming the gender perspective into development policies and programmes in the Democratic Republic of the Congo, November 2003
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5. National survey on the situation of women and children in 2001, MICS2
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7. Multisectoral emergency and rehabilitation programme (PMURR) Analyses and fundamental options, May 2003
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12. Violence against women and girls in the Democratic Republic of the Congo, p. 9 et seq.

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## **Recommendations**

### **I. The Government**

Article 51 of the Transitional Constitution is a significant step forward in terms of legislation in favour of women, as it unambiguously affirms the State's commitment to implementing the Convention, a commitment also demonstrated by the fact that the entity responsible for women's issues is now a Ministry.

For the sake of consistency, the State must rid the legal arena of all remaining legal distortions which continue to hinder the full implementation of the Convention.

It must also continue to strive to reach a female representation rate of 30 per cent in decision-making bodies.

To remain credible, the Government must not simply make statements of intent and general policy; it must practice what it preaches and allocate substantial funds to the Ministry for the Status of Women and the Family to enable it to carry out its role of ensuring the advancement of women, by:

- Organizing and/or stepping up campaigns to disseminate the various legislative texts concerning women, particularly the Convention, Family Code and Labour Code;
- Translating the Convention into the four national languages to enable more women to understand it;
- Building the capacity of institutions and of officials at the national and local levels with a view to improving the Convention's monitoring and evaluation mechanisms;
- Standardizing data-collection systems in order to obtain reliable results for the whole country and organizing national surveys on a regular basis.

The State must also consolidate peace in the country in order fully to launch the programme of economic recovery and thereby curb the growing poverty, as there can be no development without peace.

The State must face up to its responsibilities by subsidizing the social sector, in particular education and health.

The Government must make every effort to clean up the media and encourage the Board of Censors to play its role in censoring obscene and degrading images of women, and licentious commercials and songs.

### **2. NGOs and associations**

NGOs and associations working for the advancement of women and belonging to the thematic group entitled "Women and Leadership" must work in greater synergy, be more aggressive in their advocacy activities and step up their awareness-raising activities in order to make women understand the importance of mainstreaming the gender perspective in national programmes.

NGOs and associations should also make women more aware of their potential and rid their minds of any ideas of inferiority so that, in their role as a child's first teacher, they do not in turn transmit such attitudes to children.

### **3. Women**

Women, the Convention's targets, need to understand that they must fight hard to overturn sexist stereotypes and received wisdom which for centuries have resulted in discrimination against them and relegated them to a position of inferiority.

By educating women, we educate a nation. Moreover, women guard the traditions and communicate the moral values of society. While attention needs to be drawn to women's issues, women themselves must also change their attitudes. The question is whether women fully understand the importance of the struggle.

In short, the success of the programme to promote women will also depend in large part on the message that women transmit to children from a young age.

Women must make society understand that they are essential development stakeholders and partners and that shaping and drafting development programmes without consideration for women's issues therefore not only undermines the chances of such programmes succeeding, but also excludes an important social group.

In order for advocacy activities to yield fruit, it is essential for the women who meet the necessary criteria — and their numbers are increasing all the time — to play a more active role in decision-making bodies, so that their voices will be heard at this level too.

### **4. International organizations**

International organizations must continue to support women through the Ministry for the Status of Women and the Family, in line with agreements.

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