



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

Distr.: General
27 February 2012

English only

**Committee on the Elimination of Discrimination
against Women
Fifty-first session**

Summary record of the 1021st meeting

Held at the Palais des Nations, Geneva, on Tuesday, 14 February 2012, at 3 p.m.

Chairperson: Ms. Pimentel

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Sixth periodic report of the Congo (continued) (CEDAW/C/COG/6; CEDAW/C/COG/Q/6 and CEDAW/C/COG/Q/6/Add.1)

1. *At the invitation of the Chairperson, the delegation of the Congo took places at the Committee table.*

Articles 10 to 14 (continued)

2. **The Chairperson** invited the delegation of the Congo to continue its replies to questions raised by the Committee members at the previous meeting.

3. **Mr. Mbossa** (Congo) said that detailed statistics and information on the causes of the significant school dropout rate among girls were given in the State party report (CEDAW/C/COG/6) and were evidence of the willingness of the Congo to find ways to remedy the situation.

4. There was no gender pay gap in the Congo, thanks to a raft of measures adopted to prevent inequalities in remuneration between the sexes. For example, Act No. 45/75 of 15 March 1975 revising the Labour Code ensured women's equal access to employment and remuneration and the right to maternity leave, and Act No. 021/189 of 14 November 1989 on restructuring the civil service contained regulations governing the implementation of measures to protect pregnant and breastfeeding women working in the public sector. Moreover, the draft revised Labour Code had first been reviewed by the Ministry for the Advancement of Women and the Integration of Women in Development before being submitted to parliament for adoption.

5. A contributory factor to the high maternal mortality rate was that some women chose not to use the antenatal care available. Steps taken to reduce maternal mortality included free health care and caesarean sections; while other surgical procedures associated with reproductive health were available to all women free of charge. Some rural women experienced problems in accessing health-care clinics due to distance, but integrated health-care units were being set up throughout the country to address the issue.

6. Responding to the question of why women were more exposed to HIV/AIDS, he said that a major factor was that, as borne out by relevant statistics, women were most affected by poverty, which made them more vulnerable. The Government was taking steps to alleviate the problem, including by providing antiretroviral drugs and HIV screening free of charge. Moreover, its priority for 2012 was to promote income-generating activities for vulnerable women.

7. **Ms. Adou Ngapi** (Congo) said that the Government's programme to prevent mother-to-child transmission of HIV had been running for a number of years and an awareness-raising campaign on preventing man-to-woman transmission of HIV had recently been launched.

8. Providing social protection for women working in the informal sector was a major concern for the Government and it was developing strategies to help women move to the formal sector to ensure that they benefited from social security and a reasonable wage. One idea under consideration was setting up businesses as part of the State party's plans for modernization and industrialization, which could provide employment for women.

9. Access to credit for rural women was an ongoing problem, especially as the strict requirements of the formal banking sector disadvantaged them because they lacked

economic resources and could not provide the necessary guarantees to obtain credit from traditional banks. Often, the only option for rural women was to access credit through microfinance, but the Government was taking steps to help women obtain credit by approaching banks to advocate on their behalf.

10. Access to land ownership was not a real problem for women because Government policy and legislation were in place to ensure equal rights in land use and ownership.

11. With regard to addressing the needs of women with disabilities, the Government's policy was to treat all women equally; thus women with disabilities were not excluded and a ministry dealt specifically with issues relating to persons with disabilities, including women.

12. **Ms. Ameline** asked what steps were being taken to expedite change to ensure that women were fully integrated in development and in the economic transformation process, and participated in decision-making. She wished to know whether specialized training was envisaged to involve women in the dynamics of the economy and how the Government's strategy for combating poverty would be linked to its economic development policy.

13. She asked whether the camps set up in the Congo for displaced persons were still there and, if so, what measures were being adopted to support women living in those camps.

14. **Ms. Rasekh** said that she wished more detailed information on the steps being taken to prevent man-to-woman transmission of HIV. Given that women were highly affected by HIV/AIDS, she wondered whether the Congo received funding for programmes to prevent HIV/AIDS among women, similar to the funding received from the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria for programmes to prevent HIV/AIDS among school children.

15. She asked what measures had been implemented to prevent illegal and clandestine abortions, especially among young women. Expressing concern that abortion was being used as a birth-control method, she enquired about the status of the new law to advocate and allow the use of contraception, which had been due for adoption in 2010. She asked whether a sex education programme had been developed for schools to help prevent early pregnancies.

16. She requested information on the provision made for mothers imprisoned for committing infanticide because they could not afford to keep their babies. What steps were being taken to prevent unwanted pregnancies?

17. **Ms. Zou** Xiaoqiao asked whether measures adopted to improve rural women's access to credit included amending provisions in the Constitution that restricted their access to credit.

18. She wished to know when the State party envisaged ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities. What protection did the Government provide for women with disabilities?

19. **Ms. Rasekh** said that the fact that some women did not use the antenatal care available must be due to obstacles preventing them from doing so, such as problems of access, poverty or lack of infrastructure. It was the Government's responsibility to outreach such women and provide mobile health-care units and awareness-raising programmes. The Ministry of Health should research and follow the best practices of other countries in the region to improve access to antenatal care. She pointed out that carrying out caesarean sections did not constitute antenatal care or a way to prevent maternal mortality; it was a birth method and more harmful than natural birth.

20. Referring to the State party's response that poverty was a major cause of HIV/AIDS among women, she said that poverty was a major problem among women in many countries, but that they were not all infected with HIV/AIDS. The State party should conduct research to identify the true reasons for the high incidence of HIV/AIDS among Congolese women.

21. **The Chairperson**, speaking in her capacity as an expert, said that it was not enough to state that women with disabilities were not excluded from the Government's programmes. There should be special programmes in place for women with disabilities which took account of their difficulties and ensured their full inclusion.

22. **Mr. Okio** (Congo) said that there were no restrictions in the Constitution preventing women from having access to credit.

23. The Congo had benefited from funding for HIV/AIDS programmes — primarily to prevent mother-to-child transmission of HIV — from many organizations such as the Joint United Nations Programme on HIV/AIDS (UNAIDS), the International Drug Purchase Facility (UNITAID) and the World Bank. The Congo was grateful for their much-needed support, as it could not afford to run such programmes alone, but had adopted national measures to find innovative financing streams. For example, it had introduced a tax on air tickets, which had raised approximately US\$ 700,000 in revenue. The Congo had donated that amount to UNITAID, which had used it to purchase medicines.

24. With regard to outreaching rural women, poor communications remained a serious challenge because many roads, especially in rural areas, were not well maintained and unusable in the rainy season. However, improvements to the infrastructure throughout the country were being made under the Government's modernization plans. An added problem was that indigenous women were often nomadic, making it difficult to provide mobile health-care clinics in the right places.

25. Every effort was being made to address the problems of early pregnancies and illegal and clandestine abortions, including the distribution of free contraceptives in schools, awareness-raising campaigns in local health-care centres and advertising campaigns in major cities and on television.

26. A policy was in place to address the needs of persons with disabilities and ensure that they were included in all Government programmes. Improvements were still needed to reach the desired level of inclusion, but efforts were moving in the right direction.

27. **Ms. Adou Ngapi** (Congo) said that to combat the economic situation in the country, the Ministry for the Advancement of Women and the Integration of Women into Development had arranged for women to be given training in trades that were usually the preserve of men, such as bricklaying and automobile repairs. While there were only four centres offering such training, Ministry policy was aimed at enabling women to access that sector of the labour market.

28. **Mr. Mbossa** (Congo) said that women, children and elderly persons who had fled to the Congo from the Democratic Republic of the Congo were considered to be displaced persons. They were accommodated in camps and received the required support from the Congolese Government and NGOs. As the situation in the Democratic Republic of the Congo normalized, some might return there, while others might wish to remain in the Congo. The case of those who wished to remain in the Congo was under consideration and anyone granted asylum or refugee status in the Congo enjoyed the same rights as any other inhabitant of the country.

29. **Mr. Massamba** (Congo) said that ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol had been recommended following the universal periodic review of the Congo, and it was expected that would be achieved by

2013. No information was available with regard to the Optional Protocol to the Convention currently under consideration.

30. **Mr. Mbossa** (Congo) said that numerous campaigns were conducted to raise awareness of the modes of HIV transmission and to prevent male-to-female transmission by encouraging abstinence, faithfulness and condom use. The latter was the most popular method of protection and studies had revealed positive changes in behaviour in that regard.

31. Although banks subjected men and women to the same conditions and requests for guarantees when considering the extension of credit, the fact that women, who comprised over half the population of the Congo, experienced difficulties in providing the guarantees required to obtain credit indicated that the need for legal regulation to improve access to credit was a matter for consideration.

32. **Ms. Adou Ngapi** (Congo) said that programmes to raise awareness of early pregnancy and to discuss reproductive health were run throughout the country by the Ministry of Justice with the support of the United Nations Population Fund. With regard to infanticide and women who were unable to support their children, vocational training was provided to young mothers, since many abandoned their schooling after the birth, as were courses on sexual and reproductive health that were aimed at preventing second pregnancies. Infanticide was criminalized and was not a widespread phenomenon, since families often came together to help infants born to young mothers. As for HIV/AIDS, Act No. 30 had been passed on 3 June 2011 and was designed to combat HIV/AIDS and protect the rights of people living with HIV.

33. **Mr. Okio** (Congo) said that according to the latest data from UNAIDS the prevalence of HIV in the Congo was falling, indicating that policies to curb the spread of HIV were effective. Despite the continuing existence of certain customs, it was both the policy and the ambition of the Congo that women should be viewed as equal partners in economic, political and social life, and in everyday life that was already the case.

Articles 15 and 16

34. **Ms. Schulz** said that she regretted the lack of information provided in the periodic report on the State party's failure, in law and in practice, to comply with articles 15 and 16 of the Convention, particularly given that the Family Code had been in violation of those two articles since the State party had signed the Convention 30 years previously. Although it was indicated in the report that a committee had been created to review three key issues within the Family Code — pre-marriage, the management of family affairs and polygamous marriage — the only further information provided by the Congolese delegation was that the committee was behind in its work. Furthermore, a reading of the Family Code revealed profound discrimination against women before, during and after marriage. She asked how many exemptions had been made to the minimum age for marriage, which was different for men and women. The legal age did not apply to pre-marriage, which was a prerequisite for marriage, and information would be appreciated on the number of women who underwent pre-marriage before the age of 18.

35. Noting that the husband took charge of all the couple's decisions, including the couple's assets, place of residence and the decision to enter into a polygamous marriage, even if no previous declaration of polygamous marriage had been made, she asked whether disaggregated data on types of marriage were available. It would also be useful to have information on monogamous and polygamous marriages, including on the number of marriages that had been originally declared polygamous and those that had initially been monogamous but had later become polygamous.

36. Noting the ceiling of 50,000 CFA francs (CFAF) on dowries, she wondered whether the dowry system was compatible with attempts to erase the stereotype that women were

tradable objects. The Criminal Code provided that women should be imprisoned for adultery, whereas men were fined; statistics on those penalties would be therefore welcome. It would also be useful to know whether the State party intended to amend legislation that left married women open to sexual abuse by their husbands. Information before the Committee indicated that women were often relieved of their assets, including their home, when widowed, despite laws to protect them: were there plans to address that issue through legislation?

37. Despite the difficult choices that the State party was obliged to make between competing priorities, it was clear that the discrimination faced by women and girls in the family was profound, and that if measures to improve the status of women failed, the next generation of girls would grow up as second class citizens rather than as equal partners.

38. The committee set up to revise parts of the Family Code raised a number of questions regarding the time frame for reform, the noted lack of financial resources and whether the committee would focus exclusively on the three topics outlined in paragraph 203 of the report. She wondered whether it had a mandate to examine all legislation relating to the relationship between a couple and their children. Finally, she asked whether there was political resistance to the revision of the Family Code, with regard to monogamy for example, and whether the State party required technical assistance with the removal of discriminatory provisions from legislation.

39. **Mr. Okio** (Congo) said that there was an ongoing struggle in the Congo between the old and the modern and that the Government was working with determination to overcome outdated attitudes. Although polygamous marriage did exist, it was increasingly rare. Traditional farming enhanced the value of having extra help through having more than one wife, but as farming techniques evolved that would no longer be the case. Urban areas had lower rates of polygamy since it was less advantageous to have a large family in the city. Disaggregated statistics on marriage were not immediately available and further study would have to be undertaken in order to provide the requested data on types of marriage.

40. While it was possible that some families surpassed the limit of CFAF 50,000 for a dowry, others paid no dowry at all. Different parts of society evolved at different rates; the key point was that attitudes were changing and that children were being educated to ensure that they did not perpetuate the old prejudices and practices.

41. The Family Code was indeed outdated and while it had been clear for some time that the Congo needed to bring its legislation into conformity with its international obligations, such reform took time, and the pace of change in the law was in some cases outstripped by that in practice. The Congo had been an independent country for only 50 years, but was progressing well towards fulfilling its international commitments. Crucially, the necessary political will was in place and significant amendments would be made to legislation in order to advance the full application of the Congo's commitments under the Convention and other international instruments.

42. **Mr. Mbossa** (Congo) said that the committee reviewing the Family Code was charged with revising various legislative provisions, including those discussed with the Committee, in order to ensure that the Congo met all its international obligations, particularly with regard to eliminating discrimination against women. Thanking Ms. Schulz for her comprehensive exploration of discrimination within the Family Code, he noted that legal reform was a slow process and that the stability it required had not always been present in the country. The existence of the committee was evidence of the desire to make the required amendments and there were no political obstacles to reform, merely geographical, financial and technical constraints. Therefore, technical and financial support would be most welcome.

43. **Ms. Hayashi** said that women's lawyers and NGOs played a crucial role in mobilizing society to improve gender equality and asked how the Congolese Government was encouraging and empowering civil society in that regard, particularly the women's lawyers association and the NGO networks working to prevent violence against women.

44. **Ms. Rasekh** asked for data on the extent of polygamy among the Congolese population, disaggregated by religion. The fact that polygamy and other discriminatory customs were still being followed was not sufficient reason for the Government to allow them to run their course. Instead, it should strive to replicate the successful measures adopted in other countries to eliminate them. She asked what initial steps the Government had taken in order to end the practice of polygamy.

45. **Ms. Schulz** said that she was concerned at the wait-and-see attitude of the Government, since legislative reform could often be very slow. While it was gratifying that there did not appear to be any political obstacles to such reform, a more proactive approach by the Government that set specific goals and measured progress was also an expression of political will. She suggested that the work of the National Human Rights Commission might be enhanced by comparing Congolese law with that of France or the French Family and Social Welfare Code, on which the Congo had modelled many aspects of its legal system.

46. **Ms. Halperin-Kaddari** said that, according to information she had received, discriminatory rituals and practices relating to widows, such as levirate marriage, still prevailed in the Congo. She asked for information on the prevalence and precise legal status of such practices.

47. **Ms. Ameline** said that the structural inequalities embodied in Congolese marriage law constituted a form of legalized violence because they deprived women of any sense of equality with men. It was therefore necessary to view efforts to reform the domestic law from a holistic perspective, taking all forms of violence against women or barriers to their emancipation into account. She requested specific information on the national and international expertise and the financial resources that the State party anticipated it would need in order to make greater and more rapid progress in reforming its family law.

48. **The Chairperson**, speaking in her capacity as an expert, asked whether, in certain special cases, the Congolese legal system provided for the possibility of granting a judicial pardon to mothers who had committed infanticide, given the dire socio-economic circumstances and cultural factors that had motivated their decisions to commit such an act. Such pardons had apparently been granted in other countries in similar circumstances.

49. **Mr. Okio** (Congo) said that, despite its imperfections, the current Family Code provided for the right of the widow to inherit a portion of her husband's estate in the event of his death. In practice, however, some widows actually gave up their survivors' rights, leaving their rightfully inherited home out of fear of societal disapproval. Thus, the implementation of modern laws had yet to be reconciled with traditional practices. It was hoped that amendments to the law would help change attitudes that prevented the full implementation of the Convention.

50. Both national and international NGOs in the Congo participated actively in governmental campaigns.

51. The Government planned to research the practice of polygamy in the Congo in order to supply the Committee with precise statistics. If feasible, it would disaggregate such data by religion. The Government saw no reason why polygamy could not be eliminated in the Congo, despite current resistance. He recounted his own personal experience in order to show how attitudes towards polygamy were changing. Although his father had had three

wives, he himself was monogamous, as were all of his brothers. Moreover, he expected his son to be monogamous as well.

52. **Ms. Abdou Ngapi** (Congo) said that the incidence of polygamy included both polygamous marriages recorded in the civil registry and de facto polygamy. There was a greater tendency towards polygamy in rural areas. Thus, even if amendments were made to the Family Code to abolish it, people might continue to engage in the practice. The end result was that, although the Government wished to fulfil its obligations under international law without delay, it was forced to take certain realities into account and not to react too hastily.

53. With regard to rituals affecting widows, times had changed and, as a result of awareness-raising campaigns, women were becoming increasingly aware of their rights. Women also had the possibility of obtaining legal assistance and representation, which were provided by women lawyers' associations.

54. **Mr. Mbossa** (Congo) said that the tasks of comparing customary law with positive law and abolishing negative customs while retaining desirable ones would certainly require financing.

55. In cases of infanticide, it was possible for judges to take attenuating circumstances into account when handing down a decision. However, because there was a high level of family and societal solidarity in the Congo in terms of adopting children born out of unwanted pregnancies, it was difficult to pardon a woman for killing her child because she lacked the means to provide for it.

56. **Mr. Okio** (Congo) said that he wished to confirm that infanticide was an offence that was punishable under criminal law. With regard to the Government's need for technical assistance in its efforts to reform domestic law, a precise evaluation of the human, material and financial resources required would be undertaken and the information would be submitted to the Committee in due course.

57. Rituals concerning widows were a matter of custom and varied depending on the region and the clan in question. It would be difficult for the Government simply to abolish them without explaining to the people why they were no longer acceptable. At the same time, there were signs that the rituals themselves were becoming less elaborate, and certain practices had already been abandoned.

58. **Ms. Schulz** suggested that the Government might wish to consider implementing legislative reform in stages, by prohibiting the least controversial practices immediately and gradually addressing the others according to the level of resistance against them by traditionalists.

59. **Mr. Okio** (Congo) said that the Government would take due note of that advice.

60. **Mr. Mbossa** (Congo) recounted a personal anecdote in which he had tried to convince a female relative who had been widowed not to comply with a particular practice that he considered to be outdated. She, on the other hand, had preferred to comply with the practice out of fear that otherwise a curse would ensue. That incident had raised doubts in his mind about the advisability of enforcing changes that opposed the weight of tradition.

61. **Ms. Bareiro-Bobadilla** recalled that States parties were required to fulfil their obligations under the Convention; they should therefore not wait for events to run their natural course but should instead take proactive measures to bring them about. The present dialogue between the State party and the Committee was designed to assist the State party in doing just that. She recalled that, as stated in the Committee's general recommendation No. 9, statistical information was absolutely necessary in order to understand the real situation of women in each State party.

62. **Ms. Šimonović** said that, while it was interesting to hear personal anecdotes illustrating the persistence of traditional practices, the issue at hand was the implementation by the State party of its obligations under the Convention. Under article 2, States parties had a clear obligation to pursue without delay a policy of eliminating discrimination against women. Such a policy was much more powerful in its ability to affect change than what could be achieved by an individual in an isolated setting.

63. **Mr. Okio** (Congo) said that his delegation had attempted to demonstrate the persistence of cultural practices that stood in the way of the implementation of the Convention. If it had recounted personal anecdotes, its intention had been to demonstrate that progress was being made in spite of the existence of such practices. The fact that some women renounced rights to which they were entitled out of fear was a challenge that the Government needed to address in its efforts to improve the situation of women in the Congo.

64. **The Chairperson** thanked the members of the Congolese delegation for their constructive dialogue with the Committee, which had provided further insights into the situation of women in the Congo. The Committee commended the State party on its efforts and encouraged it to take all necessary measures to address the Committee's concerns with a view to the full implementation of the Convention throughout the territory of the State party for the benefit of all women and girls.

The meeting rose at 4.45 p.m.