



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

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

Twenty-eighth session

Summary record of the 606th meeting

Held at Headquarters, New York, on Monday, 27 January 2003, at 3 p.m.

Chairperson: Ms. Ferrer Gómez

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In the absence of Ms. Açar, Ms. Ferrer Gómez, Vice-Chairperson, took the Chair.

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)

Combined initial, second, third, fourth and fifth periodic reports of the Republic of the Congo (CEDAW/C/COG/1-5 and Add.1)

1. At the invitation of the Chairperson, Ms. Emmanuel-Adouki and Ms. Mavoungou-Makaya (Republic of the Congo) took their places at the Committee table.

2. **Ms. Emmanuel-Adouki** (Republic of the Congo) said that although the Republic of the Congo had been a party to the Convention since 1982, it had not reported to the Committee. The Minister for women's affairs had been keen to remedy that omission.

3. The advancement of women and girls was guided by the Dakar Platform for Action and Beijing Declaration. Despite the progress the Republic of the Congo had made, economic constraints and recurring conflict had made women more vulnerable.

4. The population of the Republic of the Congo was overwhelmingly young, with 75 per cent under the age of 45, and 45 per cent under the age of 15; women represented 52 per cent, and 57 per cent lived in urban areas. The Constitution of 20 January 2002, adopted by referendum, had introduced a bicameral parliament and prohibited discrimination on grounds of origin, social or material situation, social, ethnic or geographical ties, gender, education, language, philosophy or place of residence.

5. The Constitution gave international conventions to which the country had become a party primacy over domestic law. However, in the case of equality between men and women, de jure and de facto discrimination remained because of legislative provisions and customary law. A man was legally the head of the household, chose the family home, could prevent his wife from taking up a particular profession, and could accuse his wife of adultery. Polygamy was permitted by law. Married women were treated more favourably than men in taxation, could not work at night, and had a right to 11 consecutive hours of rest per day. Custom dictated how women should behave, imposed strict

rituals for widows, allowed levirate marriage and left women vulnerable to violence. Married women were not obliged to take their husband's nationality.

6. The law gave boys and girls equal access to education, and education was free and compulsory until the age of 16. However, armed conflict had reduced school attendance. The number of girls in secondary education had fallen because of psychological barriers, customs, early pregnancy and poverty. Women were underrepresented in higher education. Women teachers were common in primary schools, but their numbers fell at each successive level of the school system. The Republic of the Congo provided equal access to scholarships, and development agencies and the Government were working to provide funds for secondary and university-level study for girls from low-income backgrounds. Adult literacy programmes were being restored after the long period of conflict, and damaged school infrastructure was being repaired. The education of children, particularly girls, from minority groups was a major concern.

7. Before 1992, the Ministry of Social Affairs had been responsible for women's issues. A ministry to promote the involvement of women in development had been established in 1992. The current structure had a State secretariat for the advancement of women and the involvement of women in development under the aegis of the Minister of Agriculture, Livestock-Rearing and Fisheries, with sub-offices for each department of the country. The State secretariat worked closely with 450 NGOs and with development agencies. A Government plan of action had been introduced in 1999; its priorities were promoting women's rights, preventing violence, combating poverty and improving health and the environment. An evaluation of the Plan was under discussion.

8. Prostitution was illegal. The Government and NGOs were focusing on raising awareness of sexually-transmitted diseases and HIV/AIDS among prostitutes, who tended to be younger and younger. Although the Constitution provided guarantees of equality, and the number of women candidates in elections had grown thanks to awareness-raising by the Government and NGOs, there were only 89 women in the National Assembly, Senate and central and local government, and very few in the country's diplomatic missions and in international organizations.

9. Congolese law and the international treaties to which the country was a party gave men and women equal access to employment, and equal rights in promotion and pay. However, in the civil service, lack of qualifications hindered the career progress of women, who represented one third of the staff. Women were entitled to maternity leave, and were barred from working at night or in dangerous professions. They provided 70 per cent of agricultural labour and did most of the processing and selling of agricultural products.

10. Diseases of the reproductive system were the most common reason for women to consult a doctor. Pre- and post-natal care was not widespread. Use of contraception was low, at about 3 per cent. A law of 31 July 1920 prohibited abortion and the publicizing of contraception, but the number of abortions was high, as was the rate of complications. The parliament was debating a bill to repeal that law.

11. Women were reluctant to report the physical and verbal violence which they suffered. The effects of armed conflict in the country had led the Government and NGOs and development agencies to conduct awareness-raising campaigns to provide medical and psychological treatment and legal assistance for victims of sexual violence. A number of people of both sexes, aged 10 and above, had been interviewed at mother-and-child health centres. Confirmation of rape was given in only a few cases. On the other hand almost all cases had involved unprotected sex and some had involved the use of drugs.

12. The personal commitment of the head of State and the minister in charge of the advancement of women, and the efforts of NGOs, women's groups and development agencies had made Congolese women aware of their rights and had made them more visible and more involved in political life. There was much still to be done, but the country's women and leaders would not allow their achievements to be reversed.

Articles 1 and 2 of the Convention

13. **Ms. Shin** wished to know if the Government intended to take action on domestic legislation that enshrined discrimination, since international treaties took precedence over domestic law. The report and oral presentation of the Republic of the Congo had described de jure and de facto discrimination, but it was not enough to acknowledge problems: to comply

with the Convention, programmes and policies to address those problems should be implemented. She asked what plans the Government had for such action. She also requested details on the involvement of NGOs in the writing of the report, and asked if there had been public consultation on the report, either through the media or in the official gazette of the Government.

14. **Ms. Kwaku** pointed out that the Republic of the Congo had taken 20 years to report to the Committee. The country had had its share of political and other crises, but she wished to know if it was aware that assistance was available to help produce reports. She hoped that the Government would request such assistance to avoid delays in future reporting. She also asked why responsibility for the advancement of women lay with the Ministry of Agriculture, Livestock-Rearing and Fisheries.

15. **Ms. Tavares da Silva** said that she was troubled because the report, which was otherwise complete, provided statistics and demonstrated a proper critical attitude, expressed no commitment on the part of the Government to rectifying what were acknowledged to be discriminatory situations. There was a marked contradiction between the principles embodied in the Constitution and the reality in the Congo, where the discrimination against women was very striking. Why, for instance, was there apparently a tolerance of practices like the sexual harassment of girl pupils by their teachers, and why was the abolition of polygamy deemed a long-term matter? The state of unpreparedness of public opinion had been advanced as an explanation, but the Government must change minds as well as laws, and ensure the protection of human rights regardless of public attitudes.

16. **Mr. Melander** observed that although international treaties had precedence over national legislation in the Congo yet so many discriminatory laws were left in place. He had the impression that the Convention was unknown in the country, and would like to know if the Government had plans to train the judiciary, members of Parliament and other key groups about its provisions and if there was any case law where the Convention had been invoked directly, and with what results. The Government should give thought to reinforcing the general constitutional prohibition of discrimination by incorporating the Convention definition of discrimination.

17. **Ms. Kapalata** noted that the value of laws resided in whether they were implemented, a phase which seemed to be lacking in the Congo. The Government appeared to be practising benign neglect, and to be paralysed by tradition and taboos, which might take years before they disappeared. Information should be provided on what immediate steps the Government was prepared to take to begin to sensitize the public to the discriminatory nature of so many of the traditional practices, and to make the people aware of the principles of the Convention. For instance, the text could be translated into Lingala and French.

18. She would like to understand which was the main organ responsible for the advancement of women: the Ministry for the Integration of Women or the Ministry of Agriculture, Livestock-Rearing, Fisheries and the Advancement of Women. Part of the problem might be a failure to draw clear lines of authority.

19. **Ms. Morvai** said that the provisions of the Criminal Code relating to adultery and the murder of an adulterous spouse described in the report (CEDAW/C/COG/1-5, p. 25) were highly discriminatory and in serious violation of the Convention. She asked what the punishment for adultery was under the law and how many persons had been convicted of that crime in the past 10 years. She also wanted to know whether any of the three branches of government had taken, or intended to take, steps to abolish the criminalization of adultery or to justify the murder of wives. Especially in the light of recent events in other African countries with similar laws, she was not very optimistic when she saw that the Government's short- and long-term aims (report, p. 137) made no mention of plans for reforming the criminal legislation.

20. Although the report implicitly acknowledged that the prevalence of sexual harassment was discriminatory (p. 37), the language of the report seemed to convey the Government's complicity with sexual stereotyping, and even a certain prejudice against women held by the authors. More should be said about the obstacles the Government faced in attempting to change discriminatory laws, quite apart from public opposition.

21. **Ms. Šimonović** asked for more information on how the Government had implemented the Beijing Platform for Action and the Beijing+5 outcomes, especially the provision calling for special measures to

be taken to eliminate discriminatory laws by 2005. Having admitted that the Criminal Code of the Congo was discriminatory, especially the laws relating to adultery, the Government must surely be planning to take action.

22. **Ms. Gnacadja** said that it was hard to understand why legal reform was taking so long and why the report was silent on the matter, since the Government — armed with constitutional proclamation of equality and in view of the precedence of international treaties — was in a good position to change the laws.

23. The delegation had spoken of great strides in the structural arrangements for the advancement of women, yet she herself could see from the report (p. 20) only a clear regression: a Directorate, briefly raised to a Ministry, was subsequently demoted to a department within another Ministry; and that Ministry in charge of women's affairs seemed to have held conferences and discussions but taken no action. It would be useful to have an explanation of that reversal, with information on the percentage of the national budget allocated to women, the amount of foreign assistance received by the Congo and the like. A descriptive report was not sufficient because the Committee needed to understand why the status of women was so stagnant. The customs of a country were not immutable and the Government needed to exert pressure in order to change the laws and thus create a transformation.

Article 3

24. **Ms. Saiga** observed that the Ministry of Agriculture, Livestock-Rearing, Fisheries and the Advancement of Women was nowhere mentioned as part of the institutional machinery in the report.

25. **Ms. Shin** said that she too had serious concerns about the national machinery for the advancement of women. The general thrust of Government action seemed to be to advance women in terms of development, that is, to concentrate on income-generation and integration into development, rather than on programmes to establish gender equality and eliminate discrimination against women in compliance with the Convention, and article 3 in particular. She asked how many staff members there were in the Department for the Advancement of Women and what resources were available to it.

Article 4

26. **Ms. Kapalata** said she had the impression that the delegation believed that special measures were needed simply to compensate for biological differences between the sexes, such as maternity leave. Yet article 4 of the Convention called for accelerating equality between men and women, a question the report did not address. The use of quotas, as advocated in article 4, paragraph 1, was a tool the Government should consider to bring about equality in education, health and employment.

27. **Mr. Flinterman** observed that the maternity benefits cited in the report (p. 34) could not be considered to be special temporary measures in the sense of article 4, paragraph 1, but rather special measures of protection under paragraph 2. He would appreciate examples of real temporary special measures adopted under article 4 or any other article.

28. **Ms. Kwaku** said that affirmative action under article 4 was one of the most important things an African Government could do for its women, yet the Congo had hardly taken that approach, and she wondered whether it had any plans to do so.

Article 5

29. **Mr. Melander** asked what specific plans the Government had to change the very stereotypical understanding of the roles of the sexes on the part of both men and women in the Congo.

30. **Ms. Tavares da Silva** said that the report (pp. 35 ff.) had outlined very well the various sexist stereotypes prevalent in a number of fields, culminating in the description of the terrible forms of violence inflicted upon women in the name of those stereotypes. Elsewhere the statement in the report stated (p. 111) that domestic violence was accentuated when women were pregnant, required clarification.

31. Consequently, there was considerable scope for victim support services, an area that the Government seemed to be leaving to non-governmental organizations. Only the Government, however, could punish aggressors, who were apparently extremely numerous. Violence was a basic violation of human rights.

32. **Ms. Shin** said that since the Government was aware of the problem of gender stereotyping, she

would like to know what short- and long-term plans it had to fight it, and to eliminate violence.

Article 6

33. **Ms. Gaspard** noted that the laws relating to prostitution severely punished both prostitutes and procurers (report, p. 39); but in terms of the Convention, which called for the suppression of the exploitation of women, it was problematic to put them on the same footing. The report referred to the role of non-governmental organizations in reducing prostitution and assisting the rehabilitation of women, but did not say what the Government itself was doing. She asked if any prostitutes had actually been jailed and what had been done to reintegrate them into society.

34. In connection with violence against women, the report did not deal with the impact of the recent war on women or the role women were playing in the peace and reconstruction process. She would appreciate information also on women refugees, many of whom the Congo hosted, but who were often the butt of discrimination and exploitation and trafficking as prostitutes.

35. **Ms. Tavares da Silva** asked what punishment the law provided for the clients of prostitutes, who were, after all, the ones really responsible for prostitution. The report advocated helping the victims of exploitation, but the national Plan of Action made no explicit commitment to pursue that objective.

Article 7

36. **Ms. Belmihoub-Zerdani** suggested that the new President of the Republic could give fresh impetus to the participation of women in political life by ensuring that women were represented at high levels of government and constituted a strong presence in his own political party. The appointment of senators by the executive branch, along the lines of the Canadian system, could also do much to equalize the numbers of men and women in Government. The President could make a conscious effort to assign women to the diplomatic corps and appoint female judges, and political parties could be offered incentives to propose female candidates. Considering the valiant role played by women during the war years, they should have an opportunity to assume leadership practices in time of peace and to inspire a younger generation of women.

Lastly, noting that women were the first to lose their jobs in the fallout of structural adjustment, she proposed seeking assistance from international organizations to resolve the country's macroeconomic and external debt problems.

37. **Mr. Flinterman** noted that, according to the section of the report entitled "Representation of Congolese women", women had always been underrepresented in decision-making bodies, including Parliament, the civil service and the judiciary.

38. Referring to the constraints delaying Government action, he pointed out that while some of those constraints were of a structural nature and could be eliminated only over time, others, such as intolerance and insufficient support, encouragement and solidarity among women, insufficient motivation of women to hold decision-making positions, women's fear of failure in decision-making posts (lack of self-confidence), and non-competitive attitudes on the part of women leaders, could be resolved in the short term. He inquired whether there were government programmes to develop women's leadership and management skills in order to promote their participation in political life.

39. **Ms. Tavares da Silva** requested clarification of the sentence in the section entitled "Prospects" which read "... many opportunities for women exist in our country but they do not always lead to the adoption of the desired measures". She wondered why the suggestions for future action on that same page emphasized the development of a democratic culture among women but not among men; there could be no true democracy as long as men predominated in decision-making bodies. Had any measures been taken to change the Congolese political culture that would filter down into the political parties and society at large, and would entail more than simply making an old boys' network more women-friendly? She commended the State party on women's increased participation in political life thus far and hoped that trend would continue for the benefit of all.

Article 8

40. **Ms. Kapalata** said that she was pleased to note that women had served as advisers to tribal chiefs in the fifteenth and sixteenth century and that there had been three women ambassadors in the 1980s. She wondered why there were now no female ambassadors

or ministerial counsellors. Could it be attributed to the war, the new regime or the Constitution? It would be interesting to know what measures the Government was taking to recruit women into the diplomatic service. She recommended applying article 4 of the Convention to that end.

Article 9

41. **Ms. Kapalata**, supported by **Ms. Kuenyehia**, said that, despite the apparent lack of discrimination between men and women with regard to nationality, it was not clear whether Congolese men married to foreign women enjoyed equal rights in that regard.

42. **Ms. Saiga** also requested clarification with regard to the status of foreign men who married Congolese women. Could they become Congolese nationals? She would appreciate more information on the nationality of children. She wondered whether the phrase "of a father born in the Congo and a Congolese mother" in the section of the report entitled "Attribution of nationality" could also be read as "Congolese father *or* Congolese mother".

Article 10

43. **Ms. Achmad** expressed deep regret at the State party's failure to implement the Convention after 20 years. The persistence of stereotypes and discriminatory attitudes, as illustrated in the section entitled "Practical inequalities" and by the constraints outlined on pages 91 and 92 of the report, were shocking. The delegation's frank recognition of that reality was an admirable first step towards reform.

44. She would appreciate more information on what the Congolese Government was doing to bring about educational reform. Statistics showed that progress had already been achieved in girls' education in science and technology; however, the elimination of stereotypes also involved educating the public at large (parents, teachers, the media, community leaders and law enforcement officers) in order to change attitudes. She wondered whether formal or informal training was offered to that end.

45. **Mr. Flinterman** expressed concern at the particularly high dropout rate among female law students, noting that, female lawyers generally played a vital role in ensuring that legislation was gender sensitive. Was the Congolese Government taking specific measures to increase the number of female

students at all levels of education, including all university departments and faculties within the context of the prospects outlined on page 93 of the report?

46. **Ms. Patten**, referring to the high rate of unwanted pregnancies, the spread of sexually transmitted diseases, particularly HIV/AIDS and the frequency of violence against women, inquired about government awareness-raising programmes for girls and boys. It would be interesting to know about childcare and other support services provided to women desiring to continue their education, or flexible training and retraining opportunities for lifelong learning for women. Citing a discrepancy between the abundance of legislation on women's education and their actual enjoyment of those rights, she requested information on specific government measures to improve employment opportunities for young women and those re-entering the labour market, or to provide job training to women with little or no education, women with disabilities and refugee and displaced women.

Article 11

47. **Ms. Khan** said that women's limited enjoyment of basic rights with regard to work, wages and working conditions was most regrettable. After all, women were the lifeline of the Congolese economy, accounting for 46 per cent of the economically active population, 70 per cent of the agricultural labour force and 100 per cent of the workers engaged in the non-industrial processing of agricultural produce. The constraints on women's work were already acknowledged in the report, together with suggestions for action. Her only recommendation, therefore, was to reform the national legislation and implement it immediately.

48. The report did not indicate whether the Labour Code or the Basic Act applied to the huge numbers of female workers in the informal sector, particularly with respect to their wages and working hours. Referring to Ms. Kwaku's question, she asked whether the Government had combined the responsibility for advancement of women with agriculture, livestock and fishing matters because women constituted such a large proportion of the agricultural labour force. In that connection, she wondered whether the plan of action to improve agriculture also promoted the advancement of women.

49. The delegation should indicate what long-term measures were being carried out to remedy the situation of rural women who had to travel long distances to fetch drinking and irrigation water and had no access to sanitation facilities. She wondered whether there was a lack of political will to improve the status of the female labour force. Were the relevant agencies truly taking initiatives in that connection, and had the country's non-governmental organizations (NGOs) protested against the exploitation of the female labour force, particularly in respect of wages and benefits? Lastly, she wondered whether rural women had access to agricultural or small-business credit without having to put up collateral, since very few had title to land.

50. **Ms. Patten**, noting the State party's claim that the unofficial sector was preferred by women said that, in view of their limited access to education, women's tendency to enter the informal sector reflected a lack of opportunity, not a preference. She wondered how the Government felt about that situation, and whether it would consider rethinking its employment policies or had taken any measures to enhance rural women's income-generating potential by facilitating their access to credit and productive resources such as land and capital. Was there a public policy to ensure equal work opportunities for male and female entrepreneurs or to provide training in such areas as technology, affordable financing, production, quality control, marketing and the legal aspects of running a business? The Government should initiate outreach programmes in those areas for low-income women in the rural and remote areas.

Article 12

51. **Ms. Belmihoub-Zerdani** noted that all developing countries wrestled with problems of insufficient family planning, uncontrolled population growth and, inevitably, poverty. She urged the State party to request bilateral or multilateral development assistance to build a plant to manufacture contraceptives for the entire region. That would be in keeping with the Beijing Platform for Action, which called for developed countries to assist developing countries in promoting women's rights. The World Health Organization (WHO), the United Nations Population Fund (UNFPA), the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and the United

Nations Development Fund for Women (UNIFEM) could be asked to contribute resources to that end. The Congolese women chosen to mobilize public and media support for the project should be courageous, and capable of defying taboos and acting as role models for others.

52. **Ms. Khan**, noting that Congo had one of the highest maternal mortality rates in the world, and that female longevity was decreasing, inquired whether any real measures had been taken to provide primary health care to the population. She would also like to know whether the maternal mortality rate included only women who had died from complications accompanying childbirth or also those who had died from illnesses during pregnancy, such as AIDS. In view of the high fertility rate and the large number of teen pregnancies, she would also like to know whether Congo had considered lifting the ban on advertisements offering contraceptives. The abortion rate was high: were those illegal abortions? Finally, she requested the State party to conduct a national health survey and to discuss the results in the next periodic report.

Article 13

53. **Ms. Kwaku** remarked that the report made no mention of any programmes or projects designed to empower women economically; she wondered whether the Department for the Advancement of Women would take up that cause. The report did mention the recent establishment of a women's bank. She would like to know what its name was, whether it still existed, how it functioned, whether its clients were solely women, and how many women it had assisted.

Article 14

54. **Ms. Kwaku** said she would like to know how the regional directorates for the advancement of women were established, how they functioned, and whether they were helping rural women to participate in decision-making.

Article 15

55. **Ms. Kuenyehia** said she was concerned about the absence of a minimum age for pre-marriage. She also wondered what measures were being taken to ensure that pre-married couples had inheritance rights. In addition, it would be useful to know what were the

inheritance laws affecting married women. Lastly, she said she was troubled to learn that, in the event of an agreement over domicile between spouses, the man made the decision. There seemed to be no equality either de jure or de facto.

56. **Ms. Gnacadja** said that the Congo had a Family Code, and that the Convention was directly applicable in the country. In her view, those were considerable advantages over some other African countries, and they should be put to use. The Family Code had been enacted after a legislative battle; the need for change was just as strong now as it had been then. Although much awareness-raising work had to be done, the Government should simply implement the texts: it should not fear destabilizing the society.

57. She would like to know whether judges strictly applied legal provisions protecting the rights of women, or tended to bend them. In that connection, Congo should conduct a survey of the relationship between law and practice. Such a survey would help the Government to determine what changes could be accomplished in the short term, and what would require a more extended effort, such as the practice of polygamy.

58. **Ms. Kapalata** said she would like information on the conditions for obtaining a divorce, and on the division of property after divorce. She would also like to know whether the Family Code established sanctions against a husband who did not obtain his first wife's consent before taking a second wife.

59. **Ms. Gaspard** said that the Family Code must be revised to bring it into conformity with the provisions of the Convention. As it stood, it contained vestiges of the Napoleonic Code, such as, for instance, an earlier marriage age for girls than for boys, and the designation of the husband as the head of the family. She would like to know what, if any, were the obligations of the parents towards their children if pre-marriage led to separation. In addition, she would like to know whether polygamy was recognized by the law or merely tolerated. Since polygamy contravened the Convention, it was the responsibility of the Government to outlaw and abolish its practice.

60. **Ms. Gnacadja** wondered whether consent to polygamy must be written or could it be oral?

61. **Ms. Gonzalez** said it was clear that the Family Code was not protecting the rights of women under

articles 15 and 16, and that no measures were being taken to alter that situation. She understood that Congo was facing serious problems in development, security and peacekeeping. The country could not, however, emerge from such problems if women were not accorded equal participation in society. To cite one example of many, she wondered why widows had no right to property or pensions. More information would be welcome on the political will of the Government to confront that rampant discrimination.

62. **Ms. Saiga** asked what short-term measures Congo was taking to set a minimum age for pre-marriage and to make inheritance laws applicable to such unions.

63. **Ms. Kwaku** said it seemed from the report that the State party was aware that pre-marriage ran counter to the provisions of the Convention. It indicated that a minimum age of 18 years might be set for such unions. She would like to know if that suggestion referred to both boys and girls. In addition, she would like to know under what conditions the State Prosecutor was empowered to waive the minimum age for marriage.

64. **Ms. Adouki** (Congo) said she would willingly explain the many reasons for Congo's failure to provide a report to the Committee in the 20 years since it had become a State party to the Convention. Thanking the members for their concerns and interests, she said that her delegation looked forward to providing answers at a subsequent meeting.

The meeting rose at 5.45 p.m.