



**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 607th meeting

Held at Headquarters, New York, on Wednesday, 29 January 2003, at 3 p.m.

Chairperson: Ms. Ferrer Gómez

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The meeting was called to order at 3.10 p.m.

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

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

1. *At the invitation of the Chairperson, the members of the delegation of the Congo resumed their places at the Committee table.*

2. **The Chairperson** invited the delegation of the Congo to reply to questions raised during the consideration of its initial, second, third, fourth and fifth periodic reports.

3. **Ms. Emmanuel-Adouki** (Congo) said that since 1982, when the Congo became a State party to the Convention, a number of discriminatory laws had been abolished. In addition, laws ensuring the legal equality of men and women had been enacted, including the Family Code, the General Civil Service Statute, the General Law on Disabled Persons, the Business Code, the Education Law, and the Labour Code. The Constitutions of 1992, 1997 and 2002 guaranteed equality between the sexes.

4. Furthermore, the Congo had ratified numerous international human rights conventions, and Congolese women now enjoyed, inter alia, legal autonomy, the freedom to consent to marriage or divorce, free access to the civil service or private employment, equal pay, and equal access to education. The Government had embarked on a reform with a view to eliminating all remaining discrimination, combined with an intense information and awareness campaign. It could not be said that the situation of Congolese women was unsatisfactory, or that the political will to improve their circumstances was lacking.

5. The Government undertook to submit its reports on time in future.

6. With the support of the United Nations Population Fund (UNFPA), the Government of the Congo had examined the legal status of Congolese women, identified discriminatory provisions, and formulated legislative proposals on, inter alia, abortion, adultery, child protection, sexual harassment, rape, and shared household roles. The conclusions of that study

had been published in 2002, and had been widely disseminated. It was hoped that that effort would lead to the abolition of discriminatory texts and to the harmonization of the national law with the Convention.

7. Non-governmental organizations and other associations and groups had been closely involved in the formulation of the report, and had participated in the Government's working group. They had reviewed the draft report, which had then been endorsed at a meeting called by the Ministry responsible for the advancement of women.

8. Each sovereign State had the power to structure its internal affairs as it saw fit. In August 2002, a ministerial reorganization had taken place, and the advancement of women had been attached to the Ministry for Agriculture, Livestock and Fishing. That choice had been made with a view to combating poverty among women, since women made up the majority of the agricultural working population. A food security programme was being conducted by the Food and Agriculture Organization of the United Nations (FAO) and the Vietnamese Government, which should allow the Congo to reduce its food imports and attain long-term food self-sufficiency. That goal could not be met without women, who played a crucial role in the development process. Although women constituted just over half the population, they accounted for 70 per cent of the agricultural work force, and produced 60 to 80 per cent of the food. Thus women, animals and fish had been grouped together in a Government ministry.

9. Within the Ministry, a Secretariat of State had been made responsible for the advancement of women and the participation of women in development, reflecting the will of the Government to pay specific attention to gender questions: in the Congo, all Secretariats of State participated in meetings of the Council of Ministers. Moreover, the Secretariat of State was the entity responsible for handling the advancement of women on a daily basis. That restructuring was mentioned in the addendum to the report (CEDAW/C/COG/1-5/Add.1). The Secretariat of State had 126 employees working at the central and departmental levels in addition to the focal points within the ministries. In 2002, 2.5 billion CFA francs had been allocated for the advancement of women.

10. Although the Congo was determined to root out discrimination, that goal was impossible to achieve without awareness, information, reflection and the

formulation of draft legislation. Any reform must follow that process. The law must anticipate societal change; it must not, however, create a breach with society or it would prove ineffective.

11. The Convention was widely known in the Congo, and its dissemination was part of the ongoing work of the Department for the Advancement of Women. Many efforts had been undertaken to disseminate the Convention to target groups, and explanatory seminars had been held in vernacular languages for grass-roots communities. The Ministry responsible for the advancement of women had issued 5,000 copies of the "Passport to Equality", a text formulated by the United Nations Educational, Scientific and Cultural Organization (UNESCO). Consultants were in the process of translating the Convention into Lingala and Kituba, two of the Congo's vernacular languages. The Convention had also been distributed at 11 regional women's conferences held in 2001.

12. The Congolese Constitution and the national law prohibited discrimination in accordance with the definition contained in article 1 of the Convention. Very few Congolese judges referred directly to the Convention in their decisions; they were more likely to apply the law of the heart. However, the Department for the Advancement of Women was making efforts to familiarize judges with the Convention.

13. Under the Criminal Code, an adulterous woman was subject to imprisonment for a term ranging from three months to two years. The man was subject to a fine ranging from 24,000 to 480,000 CFA francs. The Government, recognizing that that difference was discriminatory, had decided to study the question of adultery within the context of the planned reform of the Criminal Code. The Government's commitment to abolish discrimination was undeniable and unmistakable.

14. The Congo had ratified the principal Conventions of the International Labour Organization guaranteeing employment protection to women. With a view to implementing those obligations, it had set up a committee within the Ministry of Labour and Social Security, charged with formulating proposals to prohibit sexual harassment because it infringed on the dignity and identity of women.

15. The Congo had created focal points for monitoring the implementation of the Dakar and Beijing action plans within each ministerial

department. Those focal points were responsible for strengthening the gender dimension, obtaining sex-disaggregated data, overseeing efforts to abolish discrimination, and monitoring and evaluating progress.

16. The Family Code had abolished discriminatory customs, and an awareness campaign had been undertaken to implement those reforms.

17. The Congolese Government supported resolutions formulated by the Organization of African Unity (OAU) and by the United Nations, calling for 33 per cent and 20 per cent representation by women in decision-making posts, respectively. It affirmed its will to achieve effective representation by women in all decision-making spheres. Moreover, in accordance with a recommendation formulated by the General Women's Conference held in Brazzaville in March 2001, the Government had decided to consider the incorporation of affirmative action measures into law. Currently, girls received a one year advantage over boys at the primary and secondary school levels. Furthermore, girls competing for entry into the Higher Polytechnic Teacher Training College were also granted advantages over boys.

18. A number of programme reforms had been carried out which would help to alter stereotyped ideas and images. The Government had set aside days to celebrate and promote images of female success, had conducted awareness activities for urban and rural target groups, and had used radio broadcasts in rural areas to combat stereotypes. In addition, it had established the Office of the High Commissioner for Civic Education, attesting to its will to create a new civic culture based on equality between men and women.

19. The National Plan to Combat AIDS was implementing a policy to assist prostitutes, since in some areas as many as 25 per cent were infected. The policy sought to identify those who were operating clandestinely and give them medical treatment. Pimps and brothel owners were punishable by law; prostitutes themselves were not.

20. Congolese women were full participants in the reconciliation and reconstruction process, as well as in post-war economic recovery efforts. On behalf of a national peace committee, women had organized marches and masses, and had called on husbands and children to bring an end to armed conflict and to

participate in reconciliation and reconstruction. Despite their diversity, Congolese women were standing together.

21. Moreover, a national refugee committee, the United Nations High Commissioner for Refugees and the Church were providing care and assistance to women refugees, inter alia, in the development of income-generating activities, access to land, housing assistance, payment of school fees for children, and the provision of free medical treatment.

22. The Diplomatic Service Statute governed recruitment to diplomatic and consular posts, and made no distinction between men and women. In accordance with its international obligations, the Government was endeavouring to improve the representation of women.

23. A Congolese man who married a foreigner was not required to take her nationality. A foreigner who married a Congolese woman could become Congolese five years after the marriage was entered in the civil registry. The Congolese Nationality Code established that the child of a Congolese woman or a Congolese man had Congolese nationality.

24. The Education Law guaranteed equality between the sexes. In addition, the most recent Education for All plan, adopted in November 2002, took into consideration the problems of the Pygmy minority, disabled persons, children in difficult situations, school-age children not enrolled in school as a result of the armed conflict, specific measures for girls, and functional literacy programmes for women. In addition, the Government had adopted a civil education programme for the public which addressed all strata of society, including the armed forces, and dealt with such areas as citizenship, human rights, and women's and children's rights. Other educational programmes included literacy centres, women's shelters, post-graduate courses, study abroad programmes and the possibility of auditing university courses.

25. By definition, the informal sector was unregulated. In accordance with recommendations of the International Labour Organization (ILO), the Government was, however, striving to integrate women working in the informal sector into the formal sector. The Food Security Programme and the Poverty Reduction Programme attested to the will of the Government to improve the situation of rural women. In addition, 11 women's savings banks and mutual credit banks had been created, offering loans at special

rates. Incidentally, the reimbursement rate for those loans had been over 90 per cent.

26. The supply of contraceptives did not present a problem and the Congo received assistance from international organizations. Any problems in encouraging contraception stemmed rather from legal obstacles and religion and custom. A bill to repeal the law of 31 July 1920 forbidding the publicizing of contraception had been drafted.

27. Efforts were being made to reduce the current high rate of maternal mortality, which had been lower before the war, by setting up a directorate for family health within the Ministry of Health to shape health-care policy for women by founding primary health-care centres throughout the country, and by establishing awareness-raising programmes to alert communities and mothers to health risks. Infant mortality stood at 90 per 1,000.

28. The Government strategy to combat HIV/AIDS included awareness-raising in schools and the community, establishing outpatient treatment centres, measures to improve the safety of blood transfusions in urban areas, the supply of cheaper antiretroviral drugs, prevention of mother-to-child transmission and placing a focal point for HIV/AIDS and STD within the Secretariat of State for the advancement of women.

29. The Government promoted economic opportunities for women by expanding training in a range of fields from information technology to processing of agricultural products, and by improving women's access to savings and credit facilities. Women played a central role in helping to rebuild the country's seed stocks after the armed conflict.

30. The 11 suboffices of the Secretariat of State for the advancement of women in the departments of the Republic of the Congo implemented Government policy and channelled information from the regions back to Brazzaville. Financing for their activities came from the Government, United Nations agencies and other foreign donors.

31. The Family Code did not set a minimum age for "pre-marriage"; the practice itself was being discussed. If a pre-marriage agreement was broken, and the union had produced children, the mother was entitled to alimony. The law did not discriminate between the children of a married couple and children born out of wedlock.

32. There was discussion of altering the marriageable ages for men and women to take into account that the age of civil majority was eighteen for both sexes. The Family Code stipulated that a wife could withhold consent for her husband to take another wife. If consent was given, it had to be in writing. If consent was withheld, and a new spouse was acquired nonetheless, that marriage was considered null and void under the Family Code. In the case of surviving spouses, inheritance rights varied according to the arrangements made at the time of marriage. There were three options: community of property, community of acquisitions and separation of property. Widows had a right of usufruct over property after the death of their husbands. The Family Code stipulated that the family's domicile should be selected by agreement. Divorce could be initiated by either spouse.

33. The Government of the Republic of the Congo valued the contribution of the Committee, although what was supposed to be a constructive dialogue had sometimes been overly critical. The Republic of the Congo was a sovereign State which had become a party to the Convention because it wished to combat discrimination against women. It had set up appropriate Government machinery and found appropriate funding for the advancement of women. Congolese women had made irreversible gains; by contrast, some women elsewhere could not even defend themselves in court. The Government would consolidate its achievements in order to ensure that it was bolstered by the weight of public opinion. To do otherwise would result in certain failure.

34. **Ms. Morvai** said that she might have misunderstood the explanation of how the phenomenon of polygamy was handled, and asked for clarification.

35. **Ms. Gnacadja** said that she wished to reassure the delegation of the Republic of the Congo that the Committee had not been intentionally harsh in its comments. It had acted out of a desire to be truthful and sincere, since that was the only basis for frank and constructive discussion. She hoped that the representatives of the Republic of the Congo would not continue to have the impression that the Committee had been unduly harsh in its criticism.

36. **Ms. Šimonović** asked whether in addition to implementing the Dakar Platform for Action and Beijing+5 Declaration, the Government was also implementing the regional platform for action.

37. **Ms. Popescu Sandru** thanked the representatives of the Republic of the Congo for their explanation of

the inheritance rights of married women, but wished to know if the three suggested property arrangements made any distinction between men and women.

38. **Ms. Emmanuel-Adouki** thanked the Committee for its constructive dialogue. The impression of harshness had come not from the questions of the Committee but from the written reactions to the report of the Republic of the Congo, and she wished to withdraw her original comment.

39. The Republic of the Congo permitted polygamy rather than polyandry. Thus, women were not free to have more than one husband. Since the law did not allow bigamy, a man wishing to take another wife needed the consent of his original wife. That condition could of course be flouted, but in the eyes of the law, any polygamous marriage entered into without the consent of the original wife was null and void. Practical enforcement of the requirement for consent depended on women's awareness of the law and their ability to assert their rights.

40. As the original oral presentation of the Congo had pointed out, the Congo held the chair of the Sixth African Regional Conference on Women. The African Centre for Women (ACW) regularly evaluated activities covered by the Conference. The implementation of the African platform for action was monitored by focal points.

41. Women's inheritance rights depended on the property arrangements adopted at the time of marriage. If community of property had been chosen, a husband's estate was divided in half. Half was inherited by his wife, and the other half was inherited by the husband's family and by the children of the marriage. Even after the estate had been divided, the widow retained a right of usufruct over the family home for the 300-day waiting period following death. If the late husband's family then decided that his widow should leave the family home, it was obliged to find her a new home. If separation of property had been chosen, a widow had no right to the estate of her late husband, but she retained a right of usufruct. If community of acquisitions had been chosen, the widow had joint ownership of all assets acquired during the marriage. Half of the estate was inherited by the widow, and the other half was inherited by the husband's family and by the children of the marriage. The widow retained a right of usufruct, as already described. Arrangements for the estate needed to be concluded with care so that there was no need for a family council to reach a decision on apportioning assets. The Congo was

perhaps unusual in involving the husband's family in inheritance matters, but the rights of widows were protected by the law. Steps needed to be taken to raise women's awareness of the choice of property arrangements open to them on marriage because in practice it was obvious that many women followed their husband's wishes.

42. There was no discrimination in law between the rights of men and women under the various forms of property arrangement, but in practice, women needed to assert their rights. Otherwise there was a danger that popular custom would dictate the course of events. When a woman died, it was rare for her family to claim a share of her estate. Husbands usually had responsibility for the children of the marriage, and the children's interests discouraged such a claim.

43. **The Chairperson** said that the Committee had had no desire to treat the Republic of the Congo harshly, but to have as much information as possible on the situation of women and to find out what its Government was doing to eliminate discrimination against them. It was of course the right of a sovereign State to decide what structure would be put in place to implement the Convention. The Committee had been struck by the placing of the State secretariat for the advancement of women under the Ministry of Agriculture, Livestock and Fishing, but understood that it was explained by the reality that women provided most of the agricultural labour in the country. The Committee wished to point out that the rights of women went well beyond economic matters, however. The Government's commitment to report regularly to the Committee was a sign that it wished to make progress in implementing the Convention. Mental attitudes would be changed only by making the people of the country aware of the Convention, since despite the plans to reform legislation, discriminatory customs still prevailed. The Committee was aware that the Congo faced difficulties such as poverty and the effects of armed conflict, and it hoped that women would be closely involved in programmes to address those problems.

44. **Ms. Emmanuel-Adouki** thanked the Committee for its comments. The Republic of the Congo's first report in 20 years marked a triumph for Congolese women, and a commitment to implementing the Convention and eliminating discrimination.

The meeting rose at 4.15. p.m.