



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

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**Committee on the Elimination of Discrimination  
against Women**  
**Twenty-second session**

**Summary record of the 463rd meeting**

Held at Headquarters, New York, on Monday, 31 January 2000, at 3 p.m.

*Chairperson:* Ms. Gonzalez

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*The meeting was called to order at 3.15 p.m.*

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

*Initial and second and third periodic reports of the Democratic Republic of the Congo (continued) (CEDAW/C/ZAR/1, 2 and Add.1 and Corr.1 and CEDAW/C/COD/1)*

1. *At the invitation of the Chairperson, Ms. Moleko, Ms. Mavuela, Ms. Bolie, Ms. Kingwaya, Mr. Fita, Ms. Bakanseka and Mr. Kamanda (Democratic Republic of the Congo) took places at the Committee table.*

2. **Ms. Moleko** (Democratic Republic of the Congo), replying to general questions on the initial and second and third periodic reports of the Democratic Republic of the Congo, said that the lack of statistics in the reports was due to the disruption in the work of the National Statistical Institute caused by the successive conflicts which had destroyed the nation's economic infrastructure. The Institute was now being restored to normalcy with support from the agencies of the United Nations system, and the Committee's observations concerning the lack of statistics and the proper format for the preparation of reports would be taken into account in the preparation of her country's fourth periodic report.

3. Certain discriminatory laws had indeed remained unchanged since the submission of the initial report in 1993. That was attributable to the absence of stable institutions in the Democratic Republic of the Congo during the period from April 1990 to May 1997 and to the state of war, which had thwarted the new Government's national reconstruction efforts. Prior to the submission of the fourth periodic report, however, every effort would be made to amend discriminatory laws, in accordance with the Committee's recommendations and in keeping with the spirit of the Convention. The various social partners working to improve the status of women in the Democratic Republic of the Congo had always participated in the preparation of the reports submitted to the Committee.

4. In addition to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, her Government had ratified the following international human rights instruments: the Universal Declaration of Human Rights, the International Covenant on Civil and

Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees and the Convention on the Political Rights of Women.

5. The alleged contradiction between the existence of a Ministry of Human Rights and the silencing non-governmental human rights organizations stemmed from a misunderstanding. A number of non-governmental human rights organizations were active in the Democratic Republic of the Congo and had been instrumental in drawing public attention to the tragic situation of the Congolese population in general and Congolese women in the occupied territories in particular. It was true that a number of non-governmental organizations had been found to be in violation of the legislation governing their activities and that action had been taken to ensure their compliance. In addition, two human rights workers had been questioned by police for misleading the public by means of disinformation and untruthful reporting, but they had been released following the intervention of the Ministry of Human Rights. A human rights platform was being put in place to ensure better cooperation between the Government and non-governmental organizations.

6. With regard to the recommendation that women should be mobilized to ensure the full implementation of the Lusaka Agreement, Congolese women had already launched a programme for the restoration of peace through their *Femme et Paix* committee. The documentary film to be shown later in the meeting reviewed the various actions taken thus far by the women of the Democratic Republic of the Congo, including marches, sit-ins and prayer services.

7. With regard to the recruitment of child soldiers, the Democratic Republic of the Congo had solemnly pledged to begin the demobilization of child soldiers and their reintegration in society.

8. The objectives of the Government's updated Minimum Triennial Programme 1999-2001 included the economic advancement of women through support for the women's enterprise initiative, the social advancement of women through training and the enhancement of their social status, women's legal advancement, the promotion of women's health and the provision of technical, material and financial assistance to rural women. To that end, the Government had, inter alia, rehabilitated several national highways and farm-to-market roads, provided materials and advice on cultivation techniques to women market gardeners and farmers in various districts, adopted a National Programme for the Advancement of Congolese Women and undertaken various child health and food security measures.

9. A gender approach had been introduced into national development programmes just five years previously, but real efforts were being made not only in the areas of training and awareness-raising but also in the execution of development projects. All members of the National and Provincial Women's Councils had received gender-sensitivity training so that the gender approach could be passed down to the grass-roots level.

10. *A documentary video on the mobilization of Congolese women for peace was shown.*

11. **Ms. Mavuela** (Democratic Republic of the Congo) said that the documentary showed the press conference convened by the Minister for Social Affairs to report on the barbarous crime committed against 15 Congolese women who had been buried alive in the occupied part of the country. A women's protest march had been organized in Kinshasa by the National Women's Council and a memorandum had been delivered to the office of the United Nations Development Programme (UNDP) for transmittal to the Secretary-General of the United Nations. Copies of the memorandum had also been delivered to a number of embassies for transmittal to their respective Governments. Prayer services had been held in churches throughout the capital city and a delegation had paid a visit to the Republic of the Congo, whose Minister for the Advancement of Women had promised to do all she could to obtain the help of African leaders and of the international community in bringing peace to the Democratic Republic of the Congo.

12. **Ms. Bolie** (Democratic Republic of the Congo), responding to specific questions concerning legal

aspects, said, with reference to article 2 of the Convention, that many domestic legislative provisions were not consistent with the provisions of the national Constitution and of international instruments advocating equality between men and women, and that no progress had been noted in that area in the various reports submitted thus far. That situation was due to the persistence within society of a mentality that considered women to be inferior to men, and to the long and difficult transition undergone by the country. Efforts were being made to change such attitudes, however, and the elimination of discriminatory laws was among the priorities of the National Programme for the Advancement of Congolese Women.

13. Men and women were equal before the law and enjoyed equal access to the courts. With respect to married women, however, a number of exceptions existed that were contrary to the spirit of both the Convention and the draft Constitution. The Penal Code, for example, provided that a woman convicted of adultery was liable to a term of imprisonment ranging from one month to one year and to a fine of 1,000 Congolese francs, while a man convicted of the same offence was subject to the same punishment only if the adultery was committed in circumstances liable to be seriously prejudicial to the woman. Also, women often did not exercise their right to take legal action quite simply out of ignorance.

14. With regard to article 5 and the status of additional wives in a polygamous marriage, the legal regime of marriage in the Democratic Republic of the Congo was monogamy. The State therefore recognized only one husband and one wife in a marriage and considered other women living in a consensual union with the husband to be unmarried, regardless of whether they had children from the union. They were recognized as heads of household because they lived alone with their children, but they had no right to inherit from the husband because only the surviving legal spouse was so entitled. As citizens, however, they enjoyed the same rights as men.

15. With reference to article 9 and the question as to why the legislative provisions governing nationality were contained not in the Constitution but in the Family Code, the Constitution, as the country's fundamental law, enunciated broad principles and guidelines, while the provisions governing procedures and criteria for the granting of nationality were contained in the Family Code. Ongoing efforts were

being made to amend article 448 of the Family Code, under which a married woman must have her husband's authorization to, inter alia, obtain a passport, travel, appear in court or open a bank account.

16. With regard to article 11 of the Convention, national employment legislation had also not been amended. Women on maternity leave still forfeited one third of their wages and women in the public sector were still not entitled to take time off for rest in a year in which they had already taken maternity leave. The Ministry of Social Affairs and the Family was aware of the problem and had given its opinion to the commission for the reform of the regulations governing State employees and the commission for the reform of the Labour Code. In the meantime, it was seeking solutions in the private sector through collective agreements granting equal rights to male and female workers in various companies. The Confederation of Small and Medium-Sized Economic Enterprises (COPEMECO) supported women workers in the informal sector through microcredits and other initiatives.

17. With reference to article 12, there was indeed a contradiction in the legislation governing family planning, since the law setting up the National Council for Planned Births called for the promotion of family planning methods while the Penal Code prohibited it. In practice, however, contraceptives were publicized and distributed without any legal consequences. It was simply a question of repealing the corresponding provision of the Penal Code.

18. With reference to article 15, her delegation agreed that the provisions of the Family Code concerning the legal incapacity of married women and the obligation for them to follow their husband wherever he chose to reside were obstacles to the enjoyment of fundamental human rights. Many campaigns had been organized with the help of non-governmental organizations to promote greater public awareness of that issue, and men were beginning to understand and support the struggle of women.

19. Turning to article 16, the idea that a wife required her husband's authorization for certain acts came from the Belgian Code applied during the colonial period. The idea had found ready acceptance, however, and was now difficult to eradicate. Efforts were being made to follow the example of other African countries which had amended their legislation. The National Sovereign

Conference had recommended that the legal age of marriage for a woman should be increased from 15 to 18 years. Lastly, repealing article 448 of the Family Code, which established the legal incapacity of married women, would end the current situation in which, regardless of the matrimonial regime, a married woman's property was administered by her husband.

20. **Ms. Mavuela** (Democratic Republic of the Congo), referring to article 3, said that the Ministry of Social Affairs and the Family, through its Family Division, was the national machinery for the advancement of women. It had been created in 1980 as a specialized branch of the former Party-State and had become an official part of the Government in 1990, coming successively under the Ministry of Public Health and the Ministry of Social Affairs and the Family. The Ministry of Human Rights was, of course, also concerned with the protection of women's human rights.

21. The financial resources available to the national machinery accounted for 0.8 per cent of the national budget, a small amount compared to the tasks assigned to it. Constant efforts were being made to convince policy makers of the need for a larger allocation.

22. After extensive consultations and surveys of women throughout the country, Government had instituted a National Programme for the Advancement of Congolese Women comprising 11 subprogrammes: education, legal status and rights, leadership, access to economic resources, health, culture, environment, agriculture and food security, the girl child, a data bank and peace. Its objectives were to enhance women's economic power, social and legal status, education and training, and health, to ensure the formal education of girls and to do away with retrograde attitudes to women. Its estimated cost was some \$180 million, 60 per cent of which was to be provided by the Government and 40 per cent by outside sources, chiefly UNDP. Because of the armed conflict, its launching had been delayed until March 2000. The subprogramme on women's access to economic resources, which had the target of reducing poverty among Congolese women by 30 per cent within five years, included training in new technologies, the promotion of female enterprise, management training and the creation of structures for granting credits to women.

23. There was also an advisory body on the advancement of women, the National Women's Council, which had been set up in 1998 with a mandate that included giving guidance on the execution of the National Programme; evaluating the implementation of the Programme and of the recommendations of international conferences; preparing all periodic reports on the implementation of the international instruments on women ratified by the country; and organizing mass demonstrations and the celebration of women's days. The Council had five commissions, on policy, legal matters and violence against women, economic issues, socio-cultural issues, and the girl child. The various provinces had Provincial Women's Councils. The National and Provincial Councils normally met four times a year and were funded from the Government budget.

24. Among its activities to date, the Council had provided gender-sensitivity training to members of the National and Provincial Women's Councils; organized legal clinics for women victims of violence in eight wards in Kinshasa on an experimental basis, reaching 418 people; held a mock trial on violence against women; prepared the third periodic report submitted to the Committee; held a seminar on the National Programme for the Advancement of Congolese Women; initiated a study on violence and customary law; and organized the mobilization shown in the video.

25. The Ministry of Social Affairs and the Family was supporting the efforts of a grass-roots organization, "Réseau-Action-Femme" (RAF), which was campaigning against violence against women. For three years running, RAF had conducted public awareness campaigns not only in Kinshasa but in the provinces as well. It had also drafted a bill on violence against women.

26. **Ms. Kingwaya** (Democratic Republic of the Congo), referring to article 5, said that the Government was aware of the stereotypes and sexist practices rooted in the culture of every ethnic group in the country, which were exacerbated by the media and reinforced by family upbringing. Tradition did, of course, ascribe positive virtues to women, such as wisdom and steadfastness. Prospects for change lay in the new educational system and new textbooks, which would inculcate broader human values, and in women's growing awareness and their campaigns against gender stereotypes.

27. Turning to article 7, it was true that, although Congolese women had taken an active part in the struggle against the Mobutu dictatorship and for the country's liberation, they were still poorly represented in decision-making bodies. In recognition of that situation, a group of 30 non-governmental women's organizations had adopted a common platform, "Cause Commune", in order to lobby for the appointment of women to political posts and to organize campaigns to encourage women to vote for women candidates.

28. With regard to the situation of rural women (article 14), some 87 per cent of Congolese women worked in agriculture, yet they still had very little control over the management of their products and of the land they cultivated. They still used rudimentary tools and old-fashioned methods. The National Agricultural Extension Service was seeking to reach rural women, as well as rural men, in order to disseminate appropriate technologies and supply improved seed and other agricultural inputs. The plight of rural women was exacerbated by lack of education: 60 per cent of rural women were illiterate. The Ministry of Social Affairs and the Family, with support from the United Nations Children's Fund (UNICEF), was developing a non-formal training programme which emphasized literacy. A number of rural non-governmental organizations were also carrying out literacy initiatives. Rural women also had almost no access to credit. The subprogramme on women's access to economic resources, the aim of which was to reduce the number of Congolese women living in poverty by 30 per cent in five years, would be addressing that problem by granting microcredits to women, creating production, storage and marketing cooperatives and encouraging women to take greater control of their activities. It would also provide training and infrastructures.

29. To improve rural women's access to health, the Government had established 306 health areas with the aim of bringing health care to even the most isolated villages. Another project involved the training of midwives and health workers at rural maternity and health centres.

30. The subprogramme on women, agriculture and food security, designed to increase women's agricultural and food production by 50 per cent within five years, included awareness-raising campaigns for the removal of customary barriers to land ownership by women and training for women in appropriate

technologies and in the management of production, storage and marketing cooperatives.

31. **Mr. Fita** (Democratic Republic of the Congo), referring to article 10, said that the severe crisis affecting the country over the past decade had not spared the education system, which had been hard hit by financial cutbacks. The school drop-out rate among girls had increased at all levels and overall enrolment figures had fallen. A general conference on education, held in Kinshasa in January 1996, had analysed the current education system and had made plans for the creation of a new system, based on a set of principles which included education for all, the teaching of human, moral and national cultural values, the fight against inequality in education, the promotion of continuing education and physical education, and the professionalization and decentralized management of education. Those principles had been confirmed in the debate on national development priorities launched in 1998 by the new Government. Educational policy would henceforth reflect the policy of promoting equal opportunities for social advancement. A national plan for the reconstruction of the educational system had been prepared, with the following priorities: basic education for all, professionalization of teaching, curriculum reform and decentralized management. An assessment of the plan's implementation from a gender equality perspective would be included in the Government's next report to the Committee.

32. The general conference on education had agreed that the principle of free education should be put into practice in basic education as soon as possible in order to reduce the financial burden on parents. That principle was set forth in the national plan, but in the meantime, the level of the parental contribution to the costs of State-run schools was fixed yearly. For private schools, the contribution was determined by negotiation between the management, the State and parents' representatives. Framework Law No. 86-005 of 1986 governed the creation and Government certification of both public and private schools. Religious groups, non-governmental organizations and other private entities could also obtain State authorization to operate schools. The education system thus allowed a considerable level of diversity, but all schools were subject to State oversight. Parents were free to send their children to a school of their choice.

33. Female illiteracy, particularly in rural areas, was one reason why the Government was determined to

reform the education system. In addition to reforming primary education to make it available to all school-age children, the State was implementing literacy programmes in rural areas through the Department of Literacy and Adult Education, using some 1,568 social advancement centres located throughout the country. Traditional functional literacy programmes included modules on literacy and health, literacy and family care, beginners' French, nutrition education for mothers, and housing. There were also special programmes for the pygmies and for refugees. Religious groups and non-governmental organizations were also heavily involved in literacy programmes.

34. Despite all those efforts, literacy activities were being undermined by a lack of motivation on the part of literacy workers, most of whom were unpaid, a lack of teaching materials and a failure to adapt literacy programmes to the economic and socio-cultural needs of recipients.

35. Turning to the State education budget, the share of total Government spending allocated to education had fallen from 3.6 per cent in 1980 to less than 1 per cent in 1999, forcing parents to contribute more to the cost of their children's education; many parents, however, could not afford to do so. That was arousing grave concerns for the country's future and for the achievement of gender equality in particular.

36. During periods of relative economic prosperity in the 1960s and 1970s, spending on education had accounted for as much as 21 per cent of the national budget; school enrolment rates had increased, particularly among girls, and many new schools had opened. However, the education budget had declined from 1982 onwards as a result of structural adjustment measures and had collapsed during the economic crisis which had begun in 1990. Many schools had closed down and the proportion of private schools had increased, as had parental contributions in both the public and the private education sectors. Just when the country's new authorities had been preparing to rebuild the education system, the armed aggression by neighbouring countries had thrown those plans into disarray; defence spending currently took priority over everything else. Clearly, spending on education would not increase until peace was restored.

37. The high drop-out rate for girls was attributable to many factors, including traditional prejudices against the education of girls, early marriage and

pregnancy, widespread poverty and the fact that the current education system did not meet their needs. Programmes had been set up to deal with those factors and various actions had been taken. Social advancement centres had been set up by the Ministry of Social Affairs and the Family, at which girls could take literacy courses and be trained in skills such as dressmaking. A National Service, attached to the Ministry of National Reconstruction, had been set up for the rehabilitation of young drop-outs, including girls; it provided training in areas such as literacy, health, food and nutrition, security, agriculture and livestock-raising, environmental conservation, education for family life and basic problem-solving.

38. Non-governmental organizations working with girls who were not in school were legally recognized. They had created a platform, called "Club Amis de la petite fille", with the aim of playing a catalytic role in training and literacy programmes for girls, providing moral guidance, improving girls' school attendance rates and enabling 25 per cent of girls to receive some life skills education and assistance in finding a job. In 1998, the club had organized awareness-raising activities for girls and parents on sexually transmitted diseases and AIDS and on violence against girls of all ages.

39. The National Children's Council and the Provincial Children's Councils had been set up in 1997 to advise the Government on the protection and defence of the rights of children, particularly girls expelled from the formal school system. A series of programmes on issues relating to women and their education had been broadcast to raise awareness among parents, pupils, teachers and girls who had never attended or had dropped out of school.

40. In November 1998, surveys of school attendance by girls had been conducted in the Kasai Oriental and Kasai Occidental provinces by the Ministry of National Education, with support from UNICEF, in order to measure the extent of the problem of high drop-out rates for girls and to develop appropriate intervention programmes. The fourth periodic report would evaluate the results of those programmes in terms of gender equality.

41. With regard to family planning, women's access to specific information on family health and well-being, including information and advice on family planning, could be gauged from four indicators: rate of

coverage of prenatal care; rate of coverage of assisted births; rate of use of modern contraceptive methods; and rate of coverage of health visits in the home.

42. Recent data on the above indicators had been collected by the Ministry of Health in cooperation with the World Health Organization. The rate of coverage of prenatal care, expressed as the percentage of pregnant women aged 15 to 44 years having visited maternal health services over the past 12 months, was 67.2 per cent nationwide: 63.9 per cent in rural areas and 79.6 per cent in urban areas. Trained health workers had assisted 69.7 per cent of births: 65.6 per cent in rural areas and 91.6 per cent in urban areas. The percentage of women aged 15 to 44 years using modern contraceptive methods was 4.6 per cent nationwide: 3.9 per cent in rural areas and 6.9 per cent in urban areas. Those low levels of contraceptive use were attributable to customs, attitudes and religious views hostile to the use of contraception and to women's subordination to their husbands. The percentage of households having received a home visit from a health worker in the past 12 months was 18.40 per cent nationwide: 12.80 per cent in urban areas and 19.60 per cent in rural areas.

43. The Ministry of National Education, in cooperation with UNICEF, had undertaken an education for life project which sought to develop in primary and secondary school pupils and adolescents and pre-adolescents outside the school system basic skills and responsible behaviour that would ensure their individual and collective well-being. The project was a response to behavioural problems caused by the abdication of parental responsibilities and problems created by a general lack of hygiene and safety, all of which contributed to truancy, a high drop-out rate and poor performance in school. Several Ministries were involved in the project, as were non-governmental organizations specialized in disease prevention and education for peace. The Government had provided the necessary human resources and premises for the project, while UNICEF had provided essential equipment, financial resources and materials.

44. **Ms. Bakanseka** (Democratic Republic of the Congo), referring to article 12, said that the Programme and Services for Desirable Births had been set up in 1982 to help couples plan their families and improve maternal and child health by preventing high-risk pregnancies, abortions and sexually transmitted

diseases. Little had been achieved, however, owing to cultural and organizational factors.

45. Cultural factors included the fact that family planning was usually understood in the narrow sense of attempting to limit the number of births, something which all Africans were reluctant to do. That was why the term “desirable births” had been used, in order to emphasize responsible parenting rather than birth control. In addition, prevailing attitudes in favour of large families resulted in early marriage and in early weaning to reduce the interval between births. Children were seen as a form of social security and a source of agricultural and household labour.

46. Organizational factors included the low level of organization of family planning services, the low coverage of health services in general and family planning services in particular, and the concentration of services in urban areas. The Programme for Desirable Births was also not receiving the necessary financial support from the Government or external partners, and bilateral and multilateral cooperation had ceased. In practice, family planning services ignored men and concentrated their awareness-raising activities on women although sexuality and procreation were clearly issues for both sexes.

47. Under the current health reform, activities to monitor maternal and child health would be integrated and family planning services would be set up in all health centres, rural and urban.

48. The incidence of feminine genital mutilation was estimated at between 5 and 10 per cent; only a few provinces were involved. The Government had set up a national committee on female genital mutilation, which had developed an action plan involving educational and other activities to help eliminate the practice, taking into account the experience of other countries.

49. The incidence of pregnancy as a result of rape was still high, judging from the many accounts of women from the occupied provinces, but no statistics were as yet available. That was an area for future research.

50. **Mr. Kamanda** (Democratic Republic of the Congo), referring to the situation of women refugees, said that they were treated in accordance with the various international instruments on refugees. In 1998, female refugees of all nationalities, including girls and adolescents, had numbered nearly 150,000. They were

being monitored by the Kinshasa office of the Office of the United Nations High Commissioner for Refugees (UNHCR). Measures for their psycho-social integration included the provision of sites for resettlement, social infrastructures such as health posts and drinking water supply, kits for newborn babies, foodstuffs, technical assistance in the form of tools and seeds, and financial assistance.

51. **Ms. Ouedraogo** commended the State party on its recognition of the problems facing Congolese women and welcomed plans for the reform of discriminatory legal provisions. The State party should ensure that women were well represented in that exercise.

52. No real progress could be made without peace, but as the Committee had seen from the documentary, women were already mobilizing against violence. The Government should take advantage of women’s mobilization and ensure that they were genuinely involved in the peace process and negotiations. She welcomed the reforms planned in education and urged the introduction of modules on human rights, including the Convention, in secondary schools, universities and training institutes. She agreed that some traditions ascribed positive virtues, such as wisdom and steadfastness, to women. Those virtues should be emphasized, wherever possible, in educational and family planning programmes. Lastly, the Convention should be translated and disseminated as widely as possible.

53. **The Chairperson** thanked the delegation for their frank and detailed answers. There were still problems to be solved before the Convention could be implemented fully, but as the documentary had shown, women were reacting to the violation of their rights and to the constant violence to which they were exposed.

54. A frank description had been given of the discrimination that existed in criminal law, particularly with regard to adultery. The delegation had also touched on illiteracy, family problems related to health and employment and difficulties in connection with human rights and the rights of women and children.

55. She suggested that the State party’s reports, the issues and answers and the Committee’s comments and recommendations should be disseminated as widely as possible throughout the country.

*The meeting rose at 5.40 p.m.*