



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-sixth session

Summary record of the 739th meeting (Chamber B)

Held at Headquarters, New York, on Tuesday, 8 August 2006, at 10 a.m.

Chairperson: Ms. Manalo

later: Ms. Belmihoub-Zerdani (Vice-Chairperson)

later: Ms. Manalo (Chairperson)

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The meeting was called to order at 10.05 a.m.

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

Combined fourth and fifth periodic report of the Democratic Republic of the Congo (CEDAW/C/COD/4-5; CEDAW/C/COD/Q/5 and Add.1)

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

2. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo), introducing the State party's combined fourth and fifth periodic report (CEDAW/C/COD/4-5), reiterated her Government's commitment to the principles enshrined in the Convention and its desire to ensure that, pursuant to article 17 of the Transitional Constitution, women and men were equal before the law.

3. Following a long period of political instability, which had led to significant economic and social difficulties, the Democratic Republic of the Congo had signed the Global and All-Inclusive Agreement on 17 December 2002, thereby bringing the war to an end and initiating the reconstruction process. Under that Agreement, and pursuant to article 51 of the Transitional Constitution, the Government was bound to ensure that women were adequately represented at all levels and that they participated fully in the development of the nation. However, while efforts were under way to abolish the discriminatory legislation described in previous periodic reports, much remained to be done to change the mentality not only of political leaders but also of women themselves.

4. The Democratic Republic of the Congo had ratified the Convention in 1985, and the texts adopted at the close of the Inter-Congolese Dialogue reflected the country's willingness to implement its provisions. In particular, Decree No. 03/027 of September 2003 had upgraded the office responsible for the advancement of women from a simple department to the autonomous Ministry for the Status of Women and the Family, which was responsible, inter alia, for ensuring the achievement of the specific goals set out in the National Programme for the Advancement of Congolese Women (PNPFC), launched in 2002. Within the framework of its strategy paper on gender

mainstreaming in development policies and programmes, the Ministry had launched awareness-raising campaigns throughout the country and established focal points and gender networks within various ministries, women's organizations and private companies. Unfortunately, the Ministry had insufficient resources to implement its mandate effectively, but the majority of its activities on the ground were supported by the United Nations or other bilateral partners, such as NGOs and women's organizations.

5. At the legislative level, a number of measures had been taken to eliminate discrimination against women, such as the introduction of a new Labour Code designed to ensure equal opportunities and treatment for male and female workers. The Family Code, adopted in 1987, had strengthened women's rights in the areas of consent to marriage and inheritance. However, it contained a number of provisions that ran counter to the object and purpose of the Convention, and therefore a standing committee was currently considering a draft law designed to bring it into line with the relevant articles of the Convention.

6. The Penal Code, the Nationality Act and the Political Parties Act all provided for equal rights for women and men. However, while the Staff Rules for career civil servants provided for equality in almost all areas, article 25 did not recognize motherhood as a social function. Under the Property Act, all individuals, regardless of gender, were entitled to land concessions, but married women wishing to exercise that right were obliged to obtain prior consent from their husbands.

7. In order to overcome the obstacles to women's participation in the labour market, the Government had adopted a Poverty Reduction Strategy Paper (PRSP) with a view to promoting universal employment as a way of improving living conditions. To that end, campaigns had been conducted to raise awareness of the importance of enrolling girls in school, and a number of microcredit schemes geared specifically towards women had been implemented.

8. Since discriminatory attitudes and customs persisted in Congolese society, efforts had been made to ensure that the media portrayed women in a positive light. In particular, the High Authority for the Media was pushing for the production of programmes and documentaries that promoted respect for women's dignity.

9. Human trafficking was not widespread in the Democratic Republic of the Congo. Nevertheless, under the auspices of the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS), the Congolese authorities were in the process of adopting a joint plan of action to combat trafficking in persons, especially women and children. In July 2006, representatives of the Democratic Republic of the Congo had attended a workshop in Abuja with a view to discussing the conclusion of a multilateral cooperation agreement on that issue. While there were almost no formal prostitution networks in the State party, the practice did exist. In order to address that problem, a public hygiene service had been established to offer advice and counselling. In addition, the National Programme to Combat HIV/AIDS provided for the distribution of condoms.

10. There were no legal impediments to women's participation in political life. Indeed, women had been actively involved in the negotiations leading to the establishment of the Transitional Government. However, men were still dominant in the political arena and women themselves were often reluctant to put themselves forward for election. In addition, even female-run political parties had very few women members, and a lack of resources and equipment tended to hinder their advancement. On the positive side, there was currently lobbying to promote the advancement of women, including support for women electoral candidates, and training workshops were organized in all the provinces to provide technical skills to women, etc. Women's representation in diplomacy, international organizations and at international conferences remained extremely low.

11. The new Constitution enshrined free, compulsory primary education and the eradication of illiteracy. The Government had reaffirmed its commitment to the principles of the Convention in the area of education. Schools were being reconstructed and additional funds had been allocated to education. A UNICEF-supported campaign entitled "Every girl in school" had been launched, and an awareness campaign to get girls to go to school was being carried out with the participation of prominent women.

12. In the health sector, the Government's priorities were to reduce maternal mortality and to combat AIDS. The AIDS programmes, in which NGOs were involved,

included awareness-raising, public education and prevention.

13. To improve their economic situation, women were receiving microcredits from the United Nations Population Fund, managerial training from NGOs and financing for microprojects from the Heavily Indebted Poor Countries Initiative.

14. Economic development in rural communities depended on women, who were responsible for 75 per cent of the food production, 60 per cent of which was marketed. Efforts aimed at strengthening the economy in rural areas were based primarily on relaunching the agricultural, livestock and fishing industries, granting land to groups of women, developing clean-water sources and promoting rural radio stations for the broadcast of hygiene and other programmes.

15. On general questions of women's rights and those of housewives in particular, the Ministry for the Status of Women and the Family, with support from UNICEF, had been encouraging the registration of civil marriages since 2001, had held several donor-supported awareness campaigns to promote women's rights and make legal texts better known.

16. A number of measures had been taken to combat violence against women. They included the establishment of a committee within the Ministry of Health to combat violence against women and children, the adoption of a draft law by the Parliament on sexual violence and an initiative involving the Government, NGOs and United Nations agencies for the establishment of a multisectoral programme to prevent and respond to sexual violence against women, youth and children. The programme would contain elements of medical, psychosocial, legal, economic and security assistance.

17. In spite of the progress made in protecting the rights of women, including the action proposed in several draft bills which had been submitted to Parliament to bring national legislation into conformity with the Convention, sociocultural factors that had a negative effect on women persisted. They included customary practices, prejudice, illiteracy, poverty and such consequences of armed conflict as sexual and other violence against women.

Articles 1 to 6

18. **Mr. Flinterman** asked whether the primacy of international conventions over domestic law was established in the new Constitution and what the percentage of women was in the judiciary. Information on measures being taken to familiarize judges with the country's obligations under the Convention would be appreciated, as would examples of cases in which the Convention had been invoked by parties and used by the judiciary as the basis for decisions. Since there was no definition of discrimination in the new Constitution, it would be helpful to know whether the Government's understanding of the term differed from the definition in article 1 of the Convention. It would also be of interest to learn whether the Government intended to enact a general law on gender equality, what remedies were available to women to defend their rights and whether the Human Rights Observatory served as a complaint mechanism for women. He wondered what the Government was doing to strengthen the role of women in the reconstruction process, bearing in mind Security Council resolution 1325 (2000) and article 7 of the Convention.

19. **Ms. Shin** asked about the timetable set by the Government to achieve legal reform, including combating discriminatory laws and adopting laws on equal rights, and drew attention to the need for temporary special measures in that respect. Four years earlier, a National Programme for the Advancement of Congolese Women had been launched. It would be helpful to know whether there had been an evaluation of that programme to see if it was in fact effective.

20. **Ms. Dairiam** expressed concern about the application of the principles of equality and non-discrimination. No time frames had been given for further legislation, and the committee that would be working on legislation reform was not yet operational. Another concern was that sound legal provisions were not always backed up by enforcement provisions. Examples included the law dealing with elections, which called for parity in numbers of male and female candidates, but did not render elections invalid if that requirement went unmet, and the law on sexual harassment, which contained no provision to penalize the perpetrator. Such instances appeared to indicate resistance at the highest levels. It was critical that inequality should not become entrenched during the transition. She wondered if there was the intention to ask the legislature to focus on that issue and whether a programme might be established through thematic

networks of women's groups which would empower women to demand accountability from the Government.

21. **Ms. Kamwanya Biayi** (Democratic Republic of the Congo) noted that the current Constitution and the previous Constitution both stated that international conventions took precedence over domestic law. The Government was set on making those important legal instruments better known. The Ministry had been working with the judiciary for several years and included them in all relevant activities. Magistrates were being trained. The work to familiarize the judiciary with the Convention was showing results. Although the Convention was being applied in the courts, she was unable to give any specific instances. That information would be provided later.

22. It was true that there was no definition of discrimination in the law, but referring to discrimination against women in law was itself an innovation. A definition could be provided. There was a high level of illiteracy among women which prevented them from making legal appeals. Remedies were available when women felt they had not been treated justly. Some of the lawyers with whom the Ministry worked were accessible and provided services to women.

23. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo) said that the Government had established legal clinics to provide women with expert guidance and counsel in the judicial process. The informal legal aid provided by those clinics had enabled many illiterate women to take their cases to court. With the support of partners, legal clinics had been established throughout the provinces.

24. **Ms. Kamwanya Biayi** (Democratic Republic of the Congo) said that the Global and All-Inclusive Agreement, concluded on 4 April 2003, had established the Human Rights Observatory. The role of the observatory was to denounce all human rights violations and to provide the victims with support. The observatory worked closely with women's rights associations and the Women's Action Network in denouncing cases of violence against women. The Human Rights Observatory and the legal clinics had made it possible for a greater number of women to take legal action.

25. Women had played an important role in achieving the reunification and pacification objectives of the

transition period. Women had participated in the negotiations leading to the signing of the Agreement and the cessation of hostilities. Following the negotiations, women had continued to participate in the various institutions that advocated the values of democracy, and the Government had ensured that there was parity between men and women in those institutions. Women had been involved in the preparation of the new Constitution and it was women who had ensured that the concepts of gender equality and parity had been included in that Constitution.

26. Women were involved in all the stages of policymaking and the enactment of legislation. The number of women participating in political life was not yet equal to the number of men, but the Government was taking active steps to increase the political participation of women. In relation to the timetable for the harmonization of legislation, discriminatory laws had not been amended during the transition period to comply with the provisions of the Convention, but there had been pressure on the part of women to ensure that laws were favourable to women. It was envisaged that a timetable could be established following the results of the 2006 elections, though there was a commission that was already working on the harmonization of legal texts to ensure compliance with the Convention.

27. The National Programme for the Advancement of Congolese Women had been initiated in 1999 and during that period the primary objectives of the Government had been reunification and peacebuilding. Given the importance of funding those two objectives, the Ministry for the Status of Women and the Family had been allocated one per cent of the budget. In spite of the assistance that had been provided by partners and donors, it had been difficult to launch a programme of that scale with such limited resources. However, it had been possible to implement three subprogrammes aimed at the strengthening of institutions, increasing women's access to resources and capacity-building for women. It was hoped that the programme could be relaunched in 2006 in the context of a stable political environment. The Convention had not been fully implemented because of the disruption caused by the conflict, but women had become more aware of their rights. It was expected that the concerns of women would be fully addressed in the following three years and that women's competitiveness in the labour market would be strengthened.

28. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo) said that her delegation acknowledged that the combined fourth and fifth periodic report had not followed the methodology recommended by the Committee and steps would be taken to ensure that the next report complied with the Committee's guidelines. It should be clarified that there were adequate recourse mechanisms for women in cases of sexual harassment, and there was a legal provision that enabled women to lodge a complaint before the court. Gender equality had been taken into consideration in all the laws that had been adopted during the transition period, and it had been important to disseminate the concept of gender equality during the formulation of policies and programmes because women had been traditionally viewed as inferior to men. In that connection, it was significant that women entrepreneurs had accompanied the delegation to New York, with a view to learning more about the compatibility of gender concerns and profit in business.

29. **Ms. Patten**, supported by **Ms. Popescu** and **Ms. Arocha Domínguez**, said that the efforts that had been undertaken by the Ministry for the Status of Women and the Family were commendable in the context of the problems created by the conflict. The most significant challenge was the establishment of the conditions that would enable the Ministry for the Status of Women and the Family to influence government policymaking. In the light of the upgrading of the national machinery from a department to a ministry, it would be interesting to learn if training had been provided to staff and if any steps had been taken to secure increased financial support from political leaders. The reporting State should provide further information on the measures that had been taken to promote gender mainstreaming in the formulation and implementation of all policies and programmes. It would be useful to know if those measures had been coordinated with the central Government's policymaking activities and further details should be provided on the inter-ministerial coordination structure in place.

30. There was a lack of gender disaggregated data in the report, and it would be useful if the national statistics service sought guidance from multilateral institutions and donors in that regard. In relation to article 4 of the Convention, it should be clarified whether any special measures had been adopted. States parties were obliged to implement special measures in

order to accelerate the gains made in achieving gender equality because the enactment of laws was not sufficient to ensure gender equality. General recommendation No. 25 had been formulated to assist States parties in implementing article 4. Temporary special measures were particularly useful in addressing discrimination in political participation, gaps in education and inequality in the labour market.

31. **Ms. Popescu** said that it would be interesting to learn if the Government intended to ratify the Optional Protocol, given that the Democratic Republic of Congo had been one of the first countries to ratify the Convention in 1980. The Optional Protocol would be a very important instrument for Congolese women, women's associations and NGOs. It would be useful to disseminate the provisions of the Convention further and to translate the Convention into the languages spoken in the provinces. Given the high rate of illiteracy, it was important to convey the provisions of the Convention in a simple format so that illiterate women were aware of their rights under the Convention. It was important to follow the methodology recommended by the Committee, take the recommendations of the Committee seriously and discuss them with the Government and NGOs in order to decide upon measures and programmes. In relation to the National Programme for the Advancement of Congolese Women, it was important to review the programme and to redefine the priorities because some of its provisions had been formulated in the specific context of the conflict. Furthermore, it was necessary to implement measures to assist women victims of the conflict and to provide them with rehabilitation programmes.

32. **Ms. Arocha Domínguez** said it was unfortunate that the report had not been drafted in accordance with the methodological order that had been suggested by the Committee. However, it was clear that the Government had made efforts to revitalize the national institutions and the establishment of the Ministry for the Status of Women and the Family in 2003 had represented a step forward. Further information should be provided on the roles and responsibilities of the Ministry for the Status of Women and the Family and the National Women's Council and on the interrelationship between those two bodies.

33. It was important to coordinate ministerial policymaking and the reporting State should clarify which body was responsible for monitoring that

coordination. Further information should be provided on the mechanisms in place for ensuring the accountability of the ministries and respect for women's rights. It would be interesting to learn more about the way in which the ministries were working with provincial bodies and municipalities.

34. *Ms. Belmihoub-Zerdani (Vice-Chairperson) took the Chair.*

35. **Ms. Kamwanya Biayi** (Democratic Republic of the Congo) said that a gender perspective had been mainstreamed into all Government policies and programmes. Consequently, all ministers, as well as the President and the Vice-President, had received training on gender issues and were aware of the need to ensure that women's rights were taken into account at the policymaking stage. The Ministry of Health, in particular, had adopted policies to address the needs of pregnant women and, within the framework of the National Programme to Combat HIV/AIDS, had collaborated with women's organizations, NGOs and other donors to ensure that special attention was devoted to women living with the virus. Furthermore, the Ministry for the Status of Women and the Family had been consulted during the preparation of the country's Poverty Reduction Strategy Paper to ensure that it addressed the major difficulties faced by women and children.

36. Since gender equality and the advancement of women were cross-cutting issues, efforts had been made to appoint gender focal points in every ministry. Those focal points had received specific training and attended regular meetings to take stock of progress made in the area of gender mainstreaming.

37. The lack of statistical data was being worked on, in conjunction with the Ministry of the Plan. The officials in that Ministry's statistical department had received training in the gender aspect, and in the future it would be possible to provide sex-disaggregated statistics. The donors of development aid, too, required detailed statistical data, and the Ministry for the Status of Women and the Family had profited from that requirement to request, for its part, that relevant data should be broken down by sex.

38. The national programme had been updated and redefined. It had originally been drawn up during the period of conflict, but during the past year it had been revised, and it was now going to be widely publicized and, with the new data, put into practice. One of the

new elements that had been added was the issue of violence. The “Joint initiative to combat sexual violence against women” had four aspects: legal, health, caring for victims and economic recovery, and all four aspects had been incorporated into the current programme.

39. With regard to the functions assigned to the National Women’s Council, the Ministry for the Status of Women and the Family had overall responsibility for all aspects of the protection and promotion of women’s rights, and had put in place structures to help it in that task. Among those structures, the National Women’s Council acted as a consultative body. It was composed of members of civil society, notably women’s organizations, on the one hand, and of representatives of various ministries — Education, Justice, the Plan, Social Affairs and Human Rights — on the other. Its primary function was to deliberate on all major issues relating to the advancement of women, and to provide guidance to the ministries on actions to be taken to further that goal. Similar bodies were established at the provincial level, presided over by the provincial governors.

40. As part of the transition phase, a number of commissions had been set up, covering various ministries. The Ministry for the Status of Women and the Family was under the authority of the commission for politics, defence and security and reported to that commission on everything that it was doing in fulfilment of its mission. It was the commission, in consultation with the other commissions, that evaluated what had been done and gave guidance to the Ministry for the Status of Women and the Family, which then undertook practical measures in response. The same decision and feedback process took place at the provincial, district and commune levels.

41. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo) added that the Ministry had put into place gender focal points whose role was to monitor, within their particular structures, how issues of equality and parity were handled. She also explained that at the beginning of every year, the Ministry drew up an action plan, and at the end of the year it made an evaluation of the degree to which the plan had been carried out. Unfortunately, it was often the case that not even 50 per cent of the action plan has been carried out, resulting in a regrettable lack of visibility, but she expected that in the years to come the degree of completion would be somewhat higher.

42. *Ms. Manalo resumed the Chair.*

43. **Ms. Gabr** recalled the mention, in the oral presentation, of the difficulty of changing preconceived ideas and stereotypes despite the importance of doing so. In her opinion, such changes were essential in order to enable the African woman to play a role in the development of her society and country. Making such changes would entail working through education, planning and the media. Of course, some customs and traditions were positive and worthy of support. The problems arose when they had a negative impact on the role and image of women and on women’s chances of assuming their rightful place in society. She asked whether there was a specific programme and plan for changing preconceived ideas and stereotypes, and whether there was any cooperation in that area at the regional or subregional level. In the responses to the list of issues and questions, paragraph 17 referred to an awareness-raising and advocacy project submitted to UNESCO, on which no action had yet been taken, and she wondered why that project had not yet been started.

44. As there had been mention of cooperation with civil society, she sought further details about it. It seemed that bringing about changes in preconceived ideas and stereotypes would make it possible to modify the Family Code, where some particular changes were definitely needed if women were to be empowered to play their role in society in the economic, social and political spheres. Even the participation of women in the national delegation represented a new way of looking at the role of women at the international level, but it would be desirable to see the same level of participation by women in areas other than women’s issues.

45. **Ms. Shin** wished to reinforce what had just been said about changing the stereotyping of women as inferior beings. Also, with regard to what the delegation had said about the necessity of disseminating information on women’s rights, especially legal rights, she suggested that the Ministry for the Status of Women and the Family might hold a public forum involving women’s organizations, the media and members of Parliament (after the impending elections), as well as representatives of different ministries dealing with policies on women. The Ministry could talk to the forum participants about women’s rights as guaranteed in the Convention and inform them what the Committee had recommended

concerning implementation of the Convention, particularly the kinds of legal reforms that it considered to be necessary.

46. Recalling that Ms. Popescu had already mentioned the necessity of giving assistance to the victims of the war that had ravaged the country, she referred to her own experience of working with the women now known as the “comfort women” of World War II. That experience had taught her the importance of giving such women the opportunity to recount what they had suffered and of punishing the perpetrators to aid the healing of the victims’ wounds. Without that process the victims’ scars would remain for a very long time.

47. **Mr. Flinterman**, focusing on the issue of violence against women, as it related to article 6 of the Convention, said he understood that a number of measures against such violence were being or would be taken in the future, such as the Joint initiative to combat sexual violence. However, he had not heard anything about measures to combat impunity. He asked what specifically the Government was doing to prosecute those who perpetrated such crimes and ensure that they did not escape justice, and what importance the Government attached to combating impunity.

48. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo) thanked the members of the Committee for the specific suggestions made so far, which they would try to implement once they returned home. With regard to the question of changing negative ways of thinking, she explained that there was no one comprehensive plan: rather, given that the issue of traditional customs touched so many parts of women’s lives, from schooling to marriage and beyond, there were programmes and campaigns in many different areas. Where customs affected schooling, for example, it would be the responsibility of the Ministry of Education to try to combat discrimination against girls by parents who thought that education was important only for boys. To counter that culturally induced stereotype, the Ministry ran campaigns directed at both girls who were in school and parents, by presenting, as models, women who had been as successful as men. The results were satisfactory: parents were starting to send more and more daughters to school, even in the provinces where the idea of inferiority of women was well rooted. At the regional level, there were often exchanges of experiences with other countries, to learn

what happened elsewhere and what could be improved at home. It might be necessary to put such exchanges on a more institutionalized or formalized footing.

49. Efforts were under way to identify which traditional customs were positive, which negative. The next step, as part of the dissemination of the whole idea of gender rights, was to combat the notion that because something had persisted for a very long time, it necessarily had to remain in existence. That involved an effort to make people understand that society, which had created the customs, could equally well eradicate them when their effect was negative.

50. There had still been no response from UNESCO concerning the awareness-raising project. There were many projects that the Government had drawn up and submitted to donors for funding but received no response. It might be that the country’s development partners did not respond because a particular project did not correspond to their priorities. From the standpoint of the Democratic Republic of the Congo, it was important that such a programme should continue to advance, and, wherever possible, the Government itself would find the necessary resources to implement it.

51. **Ms. Kamwanya Biayi** (Democratic Republic of the Congo), with respect to the action against impunity, said that the first step taken by the Government was that of judicial reform, to be carried out with help from the World Bank and the European Union, the goal being to ensure that the justice system would operate correctly and that perpetrators of terrible crimes would no longer enjoy impunity.

52. One component of such reform was the training of judges and magistrates at all levels, including familiarizing them with legal concepts held in other countries. Another was expediting the judicial process. Accordingly, the Ministry for the Status of Women and the Family had sent a delegation to a town where men suspected of child rape were in detention and had demanded that the case should be brought to trial and the men sentenced. The request had been acted on, bringing genuine relief to the victims.

53. Such initiatives, some of them carried out in conjunction with the Ministry for Human Rights, were proving very important in encouraging victims to come forward and accuse their attackers, bolstered by an assurance that action would be taken against the perpetrators. The Ministry for the Status of Women and

the Family published printed and video accounts by women who had been the victims of violence and had decided to speak out rather than suffer in traditional silence. Such accounts were having an empowering effect on other victims. The project was being assisted by UNFPA and other United Nations agencies.

54. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo) confirmed that the Family Code was being revised. Many discriminatory articles had been repealed, others were being modified. However, it was noteworthy that sometimes it was not the Code itself that was at fault, but the attitudes of men and women, under the weight of culture and tradition. For example, a woman who was entitled to inherit her late husband's estate might be subjected to threats against herself or her children and might prefer to renounce the inheritance rather than take the risk of insisting on her rights. Thus the critical factor was to make women not only aware of their rights but also ready to claim them.

The meeting rose at 1 p.m.