

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
36th SESSION (NEW YORK, 7 TO 25 AUGUST 2006)**

**DEMOCRATIC REPUBLIC OF THE CONGO (COMBINED 4th AND 5th PERIODIC
REPORTS)**

Information submitted to the Committee

On 8 August 2006, the Democratic Republic of the Congo (the DRC) submitted its combined 4th and 5th reports¹ to the Committee on the Elimination of Discrimination against Women (the Committee). The report provides an overview of existing and new legislation and policies and contains recommendations prepared by a consultant directed at the Government, non-governmental organisations (NGOs), women and international organisations. In light of the DRC's recent emergence from two decades of conflict, a significant portion of the report and the delegation's introduction deals with the Transitional Constitution signed on 4 April 2003. The State Party stresses that the Transitional Constitution and its precursor, the 2002 Global and All-Inclusive Agreement, were meant to establish basic principles in accordance with international instruments, including the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention). In contrast to this claim, a joint NGO shadow report² submitted by the African Association for the Defence of Human Rights and the World Organisation against Torture, stresses that the DRC's courts and tribunals do not uphold international law, nor do they provide training or educational material to promote adherence to international legal standards.

The DRC's periodic report also highlights *Decree No. 03/027* signed on 16 September 2003, which outlined the specific duties of ministries and inaugurated the Ministry for the Status of Women and the Family (the Ministry) and an umbrella organisation within it, the National Programme for the Advancement of Congolese Women (PNPFC). The report briefly outlines the goals of the PNPFC, emphasising that the lack of funding for the Ministry is the main obstacle to achieving these goals. The also report focuses on new provisions to combat discrimination against women in existing legislation, particularly in the *Labour Code* and the *Political Parties Act*. However, it concentrates more on outlining new provisions and legislation than on discussing the actual implementation of these laws, again citing the social and political upheaval of the last two decades as an obstacle to implementation. Furthermore, the delegation admits that the Government has yet to eradicate all discriminatory provisions from its legislation and acknowledges the need for a change in attitudes towards gender issues among political leaders in the country. The delegation emphasises that a lot of legislation is currently in the process of being re-evaluated, such as legislation on marriage rights, adultery and parental authority. Special temporary measures taken to implement the Convention include a sexual emergency rehabilitation programme to deal with different kinds of violence, especially war-related violence, and awareness-raising campaigns. Although the periodic report was comprehensive in scope when describing the situation of women at all levels of society and political life, the Committee criticised the lack of consistent, disaggregated statistical data. It also stated that the inclusion of recommendations in the report did not follow the Committee's reporting guidelines.

¹ CEDAW/C/COD/4-5 <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/COD/4-5&Lang=E>

² http://www.peacewomen.org/un/ecosoc/CEDAW/36th_session/CEDAW36_DRC_en.pdf

In its list of issues and questions³, the Committee inquired about the plan to review laws that may be in the contradiction with the Convention. The Committee noted the prevalence of violence against women and asked the Government about measures to combat this phenomenon, punish the perpetrators and educate the public about the unacceptability of violence against women. The Committee also probed the Government on its plans to address widespread poverty, high levels of mortality, limited access to health facilities and the prevalence of AIDS, which all hinder the process of women's emancipation. The State Party's responses⁴ listed various measures, such as the establishment of the Ministry on the Status of Women and the Family and the creation of a rehabilitation programme to address the physical and psychological consequences of war-related and other forms of violence.⁵ However, it stressed that the continued instability severely influences the process of implementation of the Convention.

Even though the DRC was one of the first countries to ratify the Convention in 1980, they have yet to ratify the Optional Protocol to the Convention.

Themes and Issues⁶

Legal Reform

The Committee raised concern over the inconsistent implementation of the Convention and anti-discriminatory laws and requested a timetable for legal reform. The dialogue continued with a discussion of the actual content of the legal reform itself with the Committee discouraged by the absence of provisions to implement the legislation. Committee expert Ms. Shanthi Dairiam pointed out that 'the law did not act as a deterrent to sexual harassment in the workplace, because there was no punishment to the perpetrators'.⁷ Additionally, the Committee addressed the need for the DRC's legislation to provide an explicit definition of the term 'discrimination' and pointed out the necessity of adopting a general law on gender equality to ensure the promotion of women's rights in this post-conflict transition period. Furthermore, several Committee members noted the absence of special temporary measures⁸ that would accelerate *de facto* equality and urged the DRC to adopt such measures, particularly in the areas of education, employment and political participation at the national and local level.

The delegation then addressed the issue of access to judicial recourse in cases of crimes against women. According to the delegation, legal clinics are in place to represent and provide legal advice to women, especially those victimised by violent crimes. However, because of the high illiteracy rate in the DRC, the population is not adequately informed of such legal options or even the provisions of the Convention. A Committee expert suggested a public forum in the DRC to present the Concluding Comments of the Committee to educate women on the provisions of the Convention. The Committee's Concluding Comments also stressed the need to strengthen the judicial system and facilitate access to

³ <http://daccessdds.un.org/doc/UNDOC/GEN/N06/249/18/PDF/N0624918.pdf?OpenElement>.

⁴ <http://daccessdds.un.org/doc/UNDOC/GEN/N06/352/71/PDF/N0635271.pdf?OpenElement>.

⁵ See <http://www.un.org/News/Press/docs/2006/wom1571.doc.htm>.

⁶ For the summary records of the meeting see

<http://daccessdds.un.org/doc/UNDOC/GEN/N06/459/13/PDF/N0645913.pdf?OpenElement> and

<http://daccessdds.un.org/doc/UNDOC/GEN/N06/459/25/PDF/N0645925.pdf?OpenElement>.

⁷ <http://www.un.org/News/Press/docs/2006/wom1571.doc.htm>

⁸ Article 4 of the Convention allows for temporary special measures to be taken in order to accelerate *de facto* equality between men and women.

justice. The Committee suggested increasing legal aid services and education about how to use available legal remedies.

Violence against women

The Committee was especially disturbed by the magnitude of violence against women in the form of rape, conflict-related violence and emerging forms of violence mentioned in the periodic report, such as amputations, mutilations and live burials. The Committee requested the DRC to publicise the truth about such violence, adopt legislation on violence against women, provide detailed information in its next periodic report on this phenomenon and on measures taken to combat it and compensate victims.

Participation

As the DRC is in a crucial period of transition, the Committee noted the low level of political participation by women at both the national and local levels, as well as in the foreign service. Committee expert Ms. Pramila Patten condemned the Government for failing to address major obstacles to the advancement of women, such as the high cost of seeking office and traditional family responsibilities. The Committee recommended instituting special temporary measures, such as quotas, timetables and gender training for all ministries, to increase the participation of women in public life and decision-making positions.

Education and health

In the area of education, the Committee focused on the need to fight illiteracy among women, which in 2001 remained at 44 per cent for the country as a whole. It further noted the low enrolment rates for women in higher education. The delegation responded by stating that discriminatory references have been removed from textbooks and that teachers are being trained to avoid prejudicial behaviour to improve the chances of women entering higher education. Once again, the Committee recommended temporary special measures be instituted at all levels of education to provide *de facto* equality of women

The Committee also expressed concern over the lack of statistical data on HIV/AIDS among women and the high rate of infant mortality. The delegation responded by describing the DRC's programmes for monitoring pregnancies and tracking HIV/AIDS.

Conclusions and Next Steps

The Committee commended the DRC's commitment to the advancement of women even in the existing turbulent economic and political situation of the country.⁹ However, although the new provisions of the Transitional Constitution and relevant documents have improved the legal protection of women's rights, many discriminatory laws still exist and a full legal review must take place to eradicate such laws that are in contradiction with the Convention. The implementation of the new provisions has been insufficient and legal remedies must be made more available to women. Furthermore, the Committee recommended that the State party include more comprehensive, disaggregated statistical data in the

⁹ For the Committee's Concluding Comments see <http://www.un.org/womenwatch/daw/cedaw/cedaw36/cc/DRC/0647846E.pdf>.

next report, particularly in on political participation, education, health and rural areas. Other areas of particular concern included the gap between the *de jure* and the *de facto* situation and the persistence of prejudices and stereotyped behaviours with regard to women's role in family. These concerns had already been noted by the Committee in 2000, as well as by the Committee on the Rights of the Child.

All in all, the Committee seems to have addressed a comprehensive variety of human rights issues. Moreover the delegation seems to have been quite cooperative, recognising the work needing to be done and lamenting the fact that the country's instability has impeded progress in women's conditions.