



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Summary record of the 1701st meeting

Held at the Palais des Nations, Geneva, on Tuesday, 9 July 2019, at 3 p.m.

Chair: Ms. Gbedemah

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The meeting was called to order at 3.05 p.m.

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

Eighth periodic report of the Democratic Republic of the Congo (continued)
([CEDAW/C/COD/8](#); [CEDAW/C/COD/Q/8](#) and [CEDAW/C/COD/Q/8/Add.1](#))

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

Articles 7 to 9 (continued)

2. **Ms. Safou Lopusa** (Democratic Republic of the Congo) said that, following the issuance of a prime ministerial decree, the different ministries involved in gender issues would appoint delegates to an interministerial committee responsible for implementing the Parity Act in conjunction with civil society organizations. Given that the President of the National Assembly had spoken of the need for legislative reform, it was possible that the Electoral Act would be amended at some point in the future. At present, however, the Government had no concrete plans to amend that Act.

3. No men or women of the Democratic Republic of the Congo were currently serving as members of any United Nations treaty body. When vacancies for the treaty bodies were announced, they were publicized through the various ministries and on social media so that interested parties could submit an application. Within the African Union, where certain key positions were allocated on a rotating basis, the Democratic Republic of the Congo was currently chairing the specialized technical committee on gender and the empowerment of women.

4. **Ms. Verges** said that she wished to know what concrete steps had been taken to promote the participation of women in political parties and ensure that they had opportunities to stand for election.

5. **Ms. Safou Lopusa** (Democratic Republic of the Congo) said that, although legislation had been adopted to promote the participation of women in political parties, such parties were private bodies that had their own views on how they organized themselves. The question of gender equality tended to receive greater attention in the very few parties that had women leaders. Although certain groups, such as the women's leagues of the various political parties, always had a woman leader, it was rare to find women in senior positions in those parties. The Ministry of Human Rights and the Ministry of Gender, Family and Children's Affairs often held meetings with women's organizations in order to foster women's participation in political life. Within the Nairobi Framework, the former President of the Central African Republic, Catherine Samba-Panza, had visited the Democratic Republic of the Congo in order to discuss the question of women's political participation with party leaders and encourage them to include women on electoral lists.

Articles 10 to 14

6. **Ms. Leinarte** said that the Committee was concerned to note that, although the Government had increased its financial commitment to education, around 3.5 million children of primary school age were not in school, 44 per cent of children in school had started their schooling late, only 67 per cent of children entering first grade would go on to complete sixth grade and only 75 per cent of those who reached sixth grade would pass the final exam. Given that parents were responsible for the vast majority of the costs associated with their children's education, free education could not be said to be available in the State party. Around 68 per cent of children in the third and fourth years of primary school could not read, fewer than half of fifth year students had a rudimentary understanding of French and fewer than 60 per cent of fifth year students were able to meet the requirements for mathematics. In view of the fact that academic attainment was particularly low among girls, she asked what was being done to improve enrolment and retention rates for women and girls in higher education, particularly in science, mathematics and technology.

7. Schools regularly expelled pregnant girls, contrary to the guidelines contained in the education sector strategy (2016–2025), and one in five girls had faced pressure from a teacher to engage in sexual acts. In view of that situation, she asked what steps would be taken to tackle discrimination against pregnant students and the sexual and gender-based violence faced by girls in educational establishments. The Committee would welcome information on any measures taken to train teachers and implement reporting mechanisms in schools for victims of sexual exploitation.

8. **Ms. Ameline** said that she wished to know whether any plans were in place to establish a policy on equality in the workplace that was based on indicators and would provide for decent work and vocational training in sustainable development, the digital sector and other more traditional areas of employment. It would be interesting to learn whether the Government had established links with the private sector in order to step up the recruitment of women in all sectors of the economy, including the extractive industries. She wondered whether an inspection system had been set up to monitor women's working conditions, including in urban areas. The Committee would welcome information on the Government's policy on deforestation and any measures it was taking to bring informal work within the formal economy. In view of the strong partnership that the Government had established with the International Labour Organization (ILO), it would be interesting to know whether that partnership had identified any key actions that should be taken for the benefit of women and, if so, what those actions were. What was being done to encourage girls to occupy positions of responsibility in the labour market?

9. **Mr. Safarov** said that he wished to know whether the Government would consider amending Act No. 16/013 of 15 July 2016 to ensure that the social benefits available to the families of male civil servants were also available to the families of women civil servants. The Government might consider amending the discriminatory provision contained in article 444 of the Family Code, which provided that the husband was the head of the household.

10. The Committee wished to know whether any research into the question of equal pay for equal work had been carried out and, if so, what the outcome of that research had been, whether the Government would take steps to eliminate horizontal occupational segregation and when the State party would ratify ILO Workers with Family Responsibilities Convention, 1981 (No. 156). It would welcome information on the coverage provided by the insurance system for workplace illnesses and accidents, any recent measures taken to increase maternity pay for women working in the public and private sectors and any programmes set up to support Congolese women working abroad. It would be interesting to learn what the unemployment rates were for men and women and what measures would be taken to improve the collection of gender-disaggregated data on employment. The Committee would appreciate information on any measures taken to promote land ownership among women.

11. **Ms. Safou Lopusa** (Democratic Republic of the Congo) said that the adoption of certain pieces of legislation on education had enabled illiteracy rates to be reduced. Progress in the area of education had been bolstered by loans obtained through partnerships established by the Ministry of Primary and Secondary Education. Owing to the size of the country, it was difficult for the Government to ensure that regulations on the retention of pregnant girls in school would be respected everywhere. In some cases, however, the actions of the authorities, in partnership with civil society organizations, had made it possible for pregnant girls to remain in school and continue their education after the birth of their child. In that regard, a subsidiary budget had been established to support government-approved organizations in their efforts to assist pregnant girls and young mothers. Vocational and skills training were provided to young mothers who did not wish to return to school. The National Office for Family Affairs, which had recently been established, worked to raise awareness of the Family Code, the importance of education in girls' lives and the need for families to support pregnant girls so that they could continue their studies.

12. The Ministry of Gender, Family and Children's Affairs, together with the National Agency for the Elimination of Violence against Women and Girls, and other bodies, made every effort to combat rape and sexual abuse and ensure that the perpetrators of such acts did not go unpunished. In accordance with the National Strategy to Combat Sexual and Gender-based Violence, plans were in place to provide training on the prevention of such

violence to teachers and any persons responsible for conducting awareness-raising activities at the grassroots level. Every year, the Ministry of Gender, Family and Children's Affairs held a forum at which representatives of the 26 provinces shared their experiences of combating sexual violence. Media outlets and schools raised awareness of the issue of sexual violence and made efforts to establish a culture of zero tolerance towards it.

13. The Government had established an important partnership with ILO that enabled it to make progress in key areas. The Ministry of Gender, Family and Children's Affairs had established women's centres, which school groups could visit in order to learn about the history of Congolese women. The principle of equal work for equal pay was established in labour legislation. The Government acknowledged that it was necessary to review the unfair provisions in the law governing the allocation of social benefits to civil servants and their families.

14. **The Chair** said that the Committee would welcome further information, provided in writing within 48 hours, on several issues. First, it would be useful to know what measures, if any, the Government would take to eliminate horizontal occupational segregation. Second, it was unclear whether any programmes had been established to support the women of the country's diaspora. Third, it would be interesting to hear about any measures in place to improve the collection of disaggregated data on employment. Fourth, details of any system set up to inspect and monitor working conditions, particularly in urban areas, would be helpful. Fifth, further information on the fact that parents met the vast majority of the costs associated with their children's education would be welcome. Lastly, it would be useful to hear what was being done to improve enrolment and retention rates for women and girls in higher education, particularly in science, mathematics and technology.

15. **Ms. Chalal** said that she applauded the progress reported by the State party in relation to girls' and women's health and wished to congratulate the Democratic Republic of the Congo on the award of the Nobel Peace Prize to Dr. Denis Mukwege. She was pleased that the State party had ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in 2018. The enactment of Act No. 15/013 of 1 August 2015, on the means of giving effect to women's rights and gender parity, was welcome, but it was noticeable that the Act's provisions on choice of contraceptive methods contradicted the relevant provisions of the Criminal Code.

16. Given the severe lack of resources in the country's health-care sector, she wondered what budget had been allocated to the programme to overhaul several thousand health-care bodies and services and whether it reached rural areas, which were particularly affected by the above problems. What was the ratio of doctors to inhabitants, particularly in rural areas?

17. In view of the high maternal mortality, despite the national strategy on maternal and child mortality and the campaigns to combat obstetric fistula, she wondered whether the Government was considering making maternity services free of charge, at least for disadvantaged women. Given the large number of early pregnancies and of unsafe abortions in the country, was the Government considering decriminalization of abortion under the circumstances provided for in article 14 of the Maputo Protocol and revising the Criminal Code, under which women who had abortions and anyone helping them could face 5–10 years' incarceration? She would be interested to hear whether there were plans to revise the Public Health Act, promulgated in December 2018, which seemed not to have transposed the provisions of the Maputo Protocol regarding access to a safe abortion and access to family planning. She wondered what measures the Government would take to expand access to safe and accessible contraception services across the country and remove obstacles to women's and girls' access to information on family planning, particularly in rural areas. It was unclear whether there was an age after which the contraceptive pill was not distributed.

18. In the light of reports that a fee was charged for antiretrovirals and that stocks of such drugs were exhausted, it would be helpful to know what provision the national multisectoral programme to combat AIDS made for the availability and distribution of antiretrovirals throughout the country and whether they were free of charge for some categories of vulnerable women.

19. Since just 53 per cent of pygmy women had been aware that information was available from health centres in 2016, she wondered whether the Government could develop mobile clinics in each province to increase pygmy populations' awareness of and access to health-care services and ensure the vaccination of all pygmy children.

20. **Ms. Nadaraia** said that, while the Committee understood the challenges posed by limited budgets, it was regrettable that the State party had not introduced any legislation with limited budget implications to remedy discrimination against women in areas such as land ownership rights system and access to financial services.

21. Given that married Congolese women did not have legal capacity to sign certain forms of legal instrument without their husband's consent, it would be useful to have information about the impact of Act No. 15/013 of 1 August 2015 and the microfinancing strategies that had been introduced on women's economic empowerment.

22. She hoped to hear whether the Government was considering other elements of economic empowerment, such as raising awareness of the importance of eliminating discriminatory practices with regard to women's inheritance of land, and reforming inheritance laws and training local chiefs and decision makers over land allocation on the importance of land rights for women. Would the Government be providing sufficient support for women's economic empowerment, such as through financial literacy campaigns, particularly in rural areas?

23. It would be useful to have statistics offering a comparison of women's and men's participation in recreational, sports and cultural activities.

24. **Ms. Safou Lopusa** (Democratic Republic of the Congo) said that, while there was no segregation in recruitment, the solution to occupational segregation and sexual harassment lay in the relevant legislation that was already in force or was being promulgated. In particularly serious cases, the courts could impose the penalties provided for in the Criminal Code on perpetrators.

25. As was the case for many African countries, it was clear that remittances from members of the diaspora could be of significant benefit to the economy.

26. It was true that parents had to pay for their children's education because, while the Ministry of Primary and Secondary Education strove to ensure that education was entirely free of charge, budget constraints were very tight. President Tshisekedi had emphasized in his inaugural speech that he would work to ensure free access to education.

27. The Government, with the participation of the First Lady, was engaged with the United Nations Population Fund (UNFPA) in a campaign to combat obstetric fistula, which was successfully raising awareness to help prevent early pregnancy, ensuring that women had access to prenatal care services, combating negative stereotypes surrounding the condition and teaching women that it was curable. Funding was a problem because the surgical operation cost \$500, but the Government had strong backing, including from the private sector, and had published a call for funding in June 2019. The Government was working towards provision of maternal care free of charge, since the large number of non-medicalized home births was a contributing factor to fistula.

28. Despite the large number of unsafe abortions in the Democratic Republic of the Congo, it would not be decriminalized. Nevertheless, abortion was permitted under the circumstances detailed in article 14 of the Maputo Protocol, subject to stringent safeguards to ensure that the case in question actually met the relevant criteria.

29. Family planning came under the national reproductive health programme, which even reached isolated rural areas. The programme offered awareness-raising to women, who were encouraged to bring their male partners to learn about family planning too. In partnership with UNFPA, among others, contraceptives were distributed free of charge under the programme for as long as they remained in stock.

30. The Government was making every effort to ensure that antiretroviral drugs were available free of charge through the national multisectoral programme to combat AIDS. They were sometimes sold on the black market, but the authorities were always able to bring those responsible to justice.

31. The Ministry of Health was operating vaccination campaigns alongside the World Health Organization and other partners. Such campaigns did not discriminate against persons in any way and any mobile clinics would go to areas with pygmy populations or those with Bantu populations; sometimes, however, stocks of the drugs were exhausted.

32. Congolese women faced no discrimination in respect of participation in leisure activities and sport. She herself regularly took part in roller-skating, which was increasingly popular among the country's women.

33. Since forcing women to seek their spouses' permission for taking out bank loans was now prohibited under the Labour Code and other legal provisions, women faced no discrimination in respect of access to bank loans. The Family Code provided that such issues should be a matter on which the spouses were to reach agreement. The Government could not interfere in issues relating to land rights, which were a private matter for families. With a view to women's empowerment, the Government was seeking to make microfinance available to them and they were showing a great deal of interest. Microcredit was being offered through a variety of partners, including civil society organizations working on the ground.

34. **The Chair** said that the Committee would appreciate further information, provided in writing within 48 hours, on several issues. First, clarification of whether the Government was considering decriminalization of abortion under the circumstances provided for in article 14 of the Maputo Protocol would be welcome; it was important to note that such legalization did not imply a wider easing of the restrictions on abortion. Second, it would be helpful to hear more about how the State party was attempting to reduce maternal mortality. Lastly, further information on efforts to raise awareness of issues around women's inheritance of land in the Democratic Republic of the Congo would be welcome, since the Committee considered access to land an issue of equality and non-discrimination.

35. **Ms. Chalal** said that she hoped for clarification, within 48 hours, regarding whether the Public Health Act of 2018 had incorporated the provisions of the Maputo Protocol on access to safe abortion and family planning and whether there were plans to revise the provisions of the Criminal Code that made the advertising of contraceptives subject to criminal penalties.

36. **Ms. Nadaraia** said that she would welcome, within 48 hours, written details of any plans to improve the economic empowerment of women, particularly those in rural areas, through financial literacy campaigns, and statistics offering a comparative view of women's and men's participation in recreational, sports and cultural activities.

37. **Ms. Gabr** said that she would be interested to hear how, in its reform of inheritance laws, the Government planned to overcome the obstacles to the women's enjoyment of certain rights represented by some traditional practices, the precedence generally given to customary law over the legislation in force, and the failure of some sectoral regulations and legislation to take into account women's property rights. How would awareness-raising campaigns targeting traditional chiefs be used to give women in rural areas access to land inheritance rights and loans?

38. It would be useful to have more information on how women in rural areas would be taught new technical and technological methods to improve their land's yields. She hoped that the Government would take into consideration general recommendation No. 34 (2016) on the rights of rural women, which could serve as a road map for implementation of the Committee's recommendations and article 14 of the Convention.

39. **Ms. Gabr** said that she wished to know how the State party implemented the international and regional instruments on the rights of persons with disabilities to which it was a party and how it ensured the personal independence and development of persons with disabilities in the country, noting that 80 per cent of them had no access to health care, education or vocational training and many were also victims of violence. She also wished to know how the Government addressed the problem of the 4.5 million persons, mainly women and children, who were displaced by conflict and did not receive sufficient humanitarian assistance. Further information on the women who were evicted from their homelands and displaced due to mining activities would also be welcome.

40. She wished to know what impact the drying up of the Lumembe river in town of Sakania, Haut-Katanga Province, brought about by the copper and cobalt industries, had on women's health and how the Government planned to tackle the air, water and land pollution they had caused. The Committee would like the State party to take into consideration general recommendation No. 37 (2018) on gender-related dimensions of disaster risk reduction in the context of climate change.

41. Women who defended human rights faced twofold discrimination because they were women and because of their political positions. Criticized by their families and spouses for encouraging a Western lifestyle, they risked losing their jobs and their households. According to reports, 56 women who had participated in the 2015 protests had been arrested arbitrarily. Since the State party had the reports identifying members of the military and the police who had been responsible, she wished to know whether the State party had conducted investigations and paid compensation to victims.

42. Lastly, the Government had proposed bills on non-governmental organizations, human rights defenders, terrorism, protests, freedom of the press and access to information. She wished to know what it had done to ensure that those bills were compatible with the State's international obligations with the various human rights conventions that it had ratified.

Articles 15 and 16

43. **Ms. Narain** said that she wished to congratulate the State party for revising the Personal and Family Code and especially for Act No. 15/13 of 1 August 2015 with a view to promoting the equality of women before the law. The Committee particularly welcomed the amendments aimed at creating equality between spouses and removing discrimination against wives in terms of their legal capacity, their choice of place of residence and adultery. She wished to know whether the Government had conducted awareness campaigns to disseminate the revised Code, especially among women in rural and indigenous communities and among traditional chiefs. She also wished to know why the Family Code still contained article 444, which stated that the husband was the head of the household, despite campaigns against the article by women's non-governmental organizations. She wondered whether the Government intended to repeal it, and if so, when. She found it distressing that, when discussing patriarchal law, the delegation had said it could not interfere with family matters. She recalled that the State party had a duty, under article 16 of the Convention, to eliminate discrimination against women in all matters relating to family relations.

44. The Committee welcomed the prohibition of polygamy and early marriage in Act No. 16/008 of 15 July 2016, amending and supplementing Act No. 87-010 of 1 August 1987 on the Family Code. Although article 407 of the revised Family Code harmonized the minimum age for marriage at 18 for both men and women and imposed penalties on officials and family members involved in organizing underage marriages, the provisions were not being enforced and no prosecutions had been brought. The Committee wished to know: how much progress the Government had made on its action plan to reduce child marriage by a fifth by 2021; whether quantitative and qualitative studies had been conducted to determine the involvement of children in early marriages and to assess what actions to take; whether the action plan had translated into operational plans for the provinces; whether the incidence of child marriage had decreased; whether priests, chiefs, parents and others were being made aware of the action plan and the new minimum age for marriage; and whether the State party would consider prosecuting those who wilfully broke the law. The Committee also wished to know how the State party was raising traditional leaders' awareness about the importance of eliminating other discriminatory practices, like polygamy and levirate marriage.

45. The legal requirement for a bride price to be paid before a marriage could take place made husbands believe they had bought and owned their wife, thus contradicting article 18 of Act No. 15/013 of 1 August 2015, which stated that a woman's right to marriage and her quality of life in the household should not be hindered because of the bride price. Bride prices also encouraged parents, especially in rural communities, to force their daughters to get married at an early age. She wished to know why the payment of a bride price was a

condition for registration of marriage, whether there were plans to prohibit bride prices and, if so, what the time frame was. She also wished to know what obstacles there were to women's inheriting on an equal basis with men and whether traditional chiefs were being informed about the need to eliminate such discriminatory practices.

46. **Ms. Safou Lopusa** (Democratic Republic of the Congo) said that, in the African Union, it had been determined that the workload of women in rural areas should be reduced with the introduction of mechanized agriculture and new technologies. Under the African Union, a fund had been set up for women's empowerment, and the Government had invited several organizations to submit similar types of projects and would work with them on the ground, including through its role in the African Union specialized technical committees. It had also decided to abandon the term "rural women", because of its negative connotations, and refer instead to them as "women living in rural areas".

47. Humanitarian work was a priority for the Government, which had planned support for various groups and worked with partners on the ground, including UN-Women. Displaced women were a major concern for the President of the Republic, and he intervened personally whenever there were humanitarian problems. The Ministry of Social Affairs, Humanitarian Action, and National Solidarity was also active on the ground and the Government responded when partners sounded the alarm and said what needed to be done. Also, the provincial governments were intervening to protect the population and reduce the damage caused by the polluted land, water and air referred to earlier.

48. When human rights defenders filed complaints, the Ministry of Human Rights always listened and the Government always found solutions when it was made aware of persons who had been arrested arbitrarily. The Ministry of Justice had a budgetary line for compensation and did what it could to award it where appropriate, but did not always have the resources. Nevertheless, if it was unable to pay compensation now, it would do so in the future.

49. Regarding the bills that had been mentioned by the Committee, in every parliamentary session there were always some bills that were not approved, but they would be dealt with during the following session. Even if a new parliament was voted in, the parliamentary administration was there to ensure that any unfinished business was dealt with. As a former parliamentarian, she assured the Committee that the State party always checked to ensure that bills were compatible with existing national laws and the international conventions that the State had ratified.

50. The Government's campaigns to raise awareness about the Family Code targeted all categories in society. The Government recognized that customary authorities had a role to play and worked in partnership with them, holding bilingual seminars and workshops, in French and in their own languages. The new generation of traditional chiefs had understood that they were responsible for many of the issues in society. When the Government had shown them the Family Code they had responded positively and recognized that changes were necessary. The Government also told chiefs that, by arranging early marriages, sometimes before a child was even born, they were condemning the future of that girl, and it asked chiefs who had understood that message to share it with the rest of the community.

51. Acknowledging that some organizations had protested against article 444 of the Family Code, which was left untouched in the revised legislation, she said that the idea was a reflection of people's attitudes, including those of women, and customs and religious beliefs, so the issue needed to be addressed gradually. The delegation would discuss the matter with the speaker of the parliament and tell her that many people disagreed with it. She believed that progress on the matter would eventually happen.

52. Regarding patriarchal law, there had been a misunderstanding. She had said that if the father in a family said he would dispossess his daughters, that was a family matter in which the Government did not interfere. The Government, however, would continue to raise awareness on the ground, including in remote areas, and to fight for land ownership rights, encouraging some land to be given to daughters, but most fathers believed that land should be given to the sons. It would intervene only if, for example, a daughter took her father to court.

53. She wondered what justification there was for banning bride prices. Although some parents would ask for a large amount of money, many parents, recognizing that it was a token payment, would ask, for instance, for a hundred dollars. The Government would not suddenly abolish bride prices but was raising awareness and would encourage families not to ask for too much money. It would also take the Committee's proposal into consideration.

54. **The Chair** said that she wished to thank the delegation for the constructive dialogue and invited the State party to accept the amendment to article 20 (1) of the Convention as soon as possible.

The meeting rose at 5.30 p.m.