



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

Distr.: General  
26 February 2024

Original: English  
English, French and Spanish only

## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the eighth periodic report of the Congo\*

#### Women's rights and gender equality in relation to the pandemic, recovery efforts and global crises

1. Please describe efforts made and mechanisms put in place to respond to the coronavirus disease (COVID-19) pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity, the energy crisis and other relevant areas. Please provide information on strategies taken to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises and in elaborating adequate responses, such as policies, the scope of essential services, assistance programmes, recovery efforts and the application of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in those processes and to ensure that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

#### Legislative framework

2. With reference to the Committee's previous concluding observations ([CEDAW/C/COG/CO/7](#), para. 11) and paragraph 9 of the State party's report ([CEDAW/C/COG/8](#)), please indicate the time frame to finalize and adopt the eight draft revised codes, in particular the Civil Code, the Personal and Family Code and the Penal Code, with a view to ensuring women's rights and alignment with the provisions of the Convention.

#### Definition of discrimination

3. With reference to the Committee's previous concluding observations ([CEDAW/C/COG/CO/7](#), para. 13) and paragraphs 11 and 12 of the State party's report ([CEDAW/C/COG/8](#)), please indicate whether any steps have been taken to develop dedicated anti-discrimination legislation that covers all prohibited grounds of discrimination, including direct and indirect discrimination in the public and private spheres, and intersecting forms of discrimination.

\* Adopted by the pre-sessional working group on 21 February 2024.



**Access to justice**

4. With reference to the Committee's previous concluding observations ([CEDAW/C/COG/CO/7](#), para. 15), please indicate the steps taken to establish a single unified legal system throughout the territory of the State party that complies with the provisions of the Convention in order to prevent the continued and exclusive resort to traditional courts in many areas, often resulting in discriminatory decisions against women and girls. Please also:

(a) Provide updated information on steps taken to review Act No. 001/84 of 20 January 1984 on the reorganization of legal aid, in order to ensure that all women without sufficient means have access to free legal aid so that they can claim their rights;

(b) In relation to paragraphs 19 and 20 of the State party's report ([CEDAW/C/COG/8](#)), inform the Committee about cases of corruption that have been addressed by the bodies mentioned and whether perpetrators of corruption have been brought to justice;

(c) Specify any capacity-building measures conducted to prevent judicial gender stereotyping;

(d) Indicate any awareness-raising measures in place, including those that are accessible for women and girls with disabilities, to ensure that women and girls, including women and girls subjected to intersectional discrimination, are knowledgeable about their rights under the Convention and how to claim them.

**Women and peace and security**

5. Please indicate whether the 2021–2023 national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security has been updated and indicate the resources allocated to its implementation and linkages with the priorities of security sector organizations. Please provide detailed information about how the women and peace and security agenda is integrated into the national peace architecture.

**National machinery for the advancement of women**

6. Please indicate the outcome of the evaluation of the National Gender Policy (2017–2021), whether the policy has been renewed and whether the results of the evaluation have been taken into consideration. How is the national machinery for the advancement of women, as part of its coordinating mandate, integrating women's rights priorities into the national development plan, with a particular emphasis on access to health care, job markets, social protection and social security, leadership and participation in decision-making bodies and a life free from violence? With regard to paragraph 22 of the State party's report ([CEDAW/C/COG/8](#)), please specify the measures taken, beyond advocacy efforts, to increase the functionality of the gender observatory. Please also indicate any plans to adopt a gender-responsive budgeting system across all sectors and whether an increase in the resources of the Ministry for the Advancement of Women and the Integration of Women in Development is envisaged.

**National human rights institution**

7. Please indicate the steps taken to review Act No. 5-2003 of 18 January 2003 establishing the terms of reference, organization and functioning of the National Human Rights Commission, with a view to strengthening the independence, effectiveness and visibility of the institution, in line with the principles relating to the

status of national institutions for the promotion and protection of human rights (the Paris Principles), and providing it with sufficient human and financial resources.

### **Women human rights defenders**

8. With reference to the Committee's previous concluding observations ([CEDAW/C/COG/CO/7](#), para. 21), please indicate the steps taken to introduce any special measures, including the adoption of legislation, to protect women human rights defenders and to provide an enabling environment for them to participate freely in public affairs, including on issues related to the management and monitoring of natural resources. Please also inform the Committee about the efforts made to investigate all cases of intimidation, harassment and threats against women human rights defenders, prosecute and adequately punish the perpetrators and provide effective remedies to victims.

### **Temporary special measures**

9. With reference to paragraph 33 of the State party's report ([CEDAW/C/COG/8](#)), please indicate whether there are any plans to revise Act No. 1-2016 of 23 January 2016 amending and supplementing certain provisions of Acts Nos. 5-2007 of 25 May 2007, 9-2012 of 23 May 2012 and 40-2014 of 1 September 2014 to extend the quota for local elections to national elections, to raise the 30 per cent quota to 50 per cent and to establish sanctions in the event of failure to comply with these provisions.

### **Gender stereotypes**

10. With reference to paragraph 35 of the State party's report ([CEDAW/C/COG/8](#)), please provide updated information on efforts to remove stereotypes from school textbooks, further details on awareness-raising campaigns to counter stereotypes and the resources allocated to these measures. Please also provide information on the enforcement of article 23 of the Mouébara Act (Act No. 19-2022 of 4 May 2022) to combat violence against women.

### **Gender-based violence against women**

11. Please indicate steps taken to prohibit female genital mutilation. Please also:

(a) Provide information on any follow-up measures to the study on violence in schools and online ([CEDAW/C/COG/8](#), paras. 46 and 47);

(b) Indicate the resources allocated to the implementation of the Mouébara Act, the 2021–2025 National Strategy to Combat Gender-based Violence and the 2021–2025 Action Plan to Combat Gender-based Violence;

(c) With reference to article 40 of the Mouébara Act, provide more information on the sanctions for perpetrators of gender-based violence against women and girls and provide data on the sanctions imposed since its adoption, including with regard to gender-based violence by former combatants in the conflict, especially in Pool Department;

(d) With reference to article 57 of the Mouébara Act, provide information about steps taken to establish a functional gender-based violence management and referral system and provide data on the number of cases handled since the adoption of the Act;

(e) Provide specific information on the measures taken to eliminate gender-based violence against girls, including at school, and sexual violence within the family;

- (f) Provide information on the support provided to victims of gender-based violence, specify measures to encourage reporting of such violence and to prevent reprisals, as well as the resources allocated to the 1444 hotline;
- (g) Clarify whether marital rape is criminalized.

### **Trafficking and exploitation of prostitution**

12. Please provide information on resources allocated to the implementation of the anti-trafficking act (Act No. 22-2019 of 17 June 2019) and provide data about the punishment of perpetrators, including public officials, since its adoption. Please indicate any measures taken to criminalize slavery as a distinct crime. Please indicate whether the State party is taking any steps, including the use of technology, to improve the identification of victims. Please also indicate whether there are specific measures in place to identify and provide services to girls who are victims of trafficking for the purposes of sexual exploitation. Please specify the measures taken to ensure that women who are victims of trafficking, irrespective of their ethnic, national or social background and legal status, are not detained, charged or prosecuted for unlawful activities that they have carried out as a direct consequence of being trafficked and that, regardless of their ability or willingness to cooperate in the legal proceedings against traffickers, they receive effective protection and temporary residence permits. In view of reports that women and girls, in particular Indigenous and refugee women and girls, are at risk of forced labour in agriculture, domestic servitude and market vending, where they are additionally at risk of sexual violence and exploitation, please provide detailed information on how the State party plans to address this situation.

13. Please indicate the resources allocated to exit strategies, including alternative income opportunities and adequate social benefits, to allow women to leave prostitution and to prevent women with limited means to enter prostitution. Please also indicate the steps taken to decriminalize the women exploited in prostitution and how they are protected against risks of violence and extortion, including by law enforcement officers. Please indicate the measures taken to prevent and address child prostitution and punish perpetrators. Please also specify any awareness-raising campaigns to eliminate the demand for prostitution and the objectification of women.

### **Participation in political and public life**

14. With reference to paragraph 76 of the State party's report ([CEDAW/C/COG/8](#)), please indicate why the draft law on parity in all political, elected and administrative roles is currently before the Supreme Court and why the law reform procedure had to be restarted and indicate the timeline until its adoption. Please also provide additional information on awareness-raising and advocacy campaigns conducted on parity, referred to in paragraphs 78 and 79 of the State party's report, including their outreach, and the resources allocated to them. Please also indicate specific awareness-raising campaigns to eliminate patriarchal attitudes that claim that women are not sufficiently competent to assume leadership positions and to foster an understanding about women's right to equal representation in all decision-making systems and its importance for the effective implementation of the Convention, as well as the political stability and economic development of the country.

### **Nationality**

15. With reference to the Committee's previous concluding observations ([CEDAW/C/COG/CO/7](#), para. 39) and paragraph 85 of the State party's report ([CEDAW/C/COG/8](#)), please clarify whether women can transfer their nationality to foreign spouses on the same basis as men. Please also provide data on birth

registration and provide detailed information on efforts made to implement the Committee's recommendation to ensure timely birth registration and the issuance of birth certificates, free of charge, throughout the territory of the State party, including through awareness-raising campaigns on the importance of birth registration and the use of mobile civil registration units, paying particular attention to Indigenous children. Please also provide additional information on the inter-institutional technical committee for the eradication of statelessness, the resources allocated to its work and the data collected on statelessness since its establishment.

### **Education**

16. Please indicate whether the national action plan for the period 2021–2023 of the education sector strategy 2021–2030 has been extended and specify the resources allocated to implementing the strategy and the plan. With reference to the indication in paragraph 90 of its report (CEDAW/C/COG/8) that Indigenous girls, children with disabilities and orphans cannot be enrolled in regular schools, please clarify why the State party is of this view and specify any measures to discontinue this approach and ensure that all children have access to regular schooling. In relation to the information in paragraphs 95 and 96 of the State party's report, please indicate the measures taken to ensure that all girls have access to secondary education. With reference to the information in paragraph 102 of the State party's report, please also inform the Committee about any awareness-raising measures to counter patriarchal attitudes regarding the "talent" of girls and boys for subjects, which are also often internalized and responsible for choices in relation to study and ultimately careers. Please specify the resources allocated to improve school infrastructure, including the availability of adequate sanitary facilities to prevent girls from missing school when they menstruate, and to increase school feeding programmes. Please indicate the measures taken to eliminate the indirect costs of schooling, notably individual teachers' demanding payments for school materials. With reference to paragraph 117 of the State party's report, please clarify whether literacy programmes aim only for functional literacy of women and whether there are remedial and re-immersion programmes for women and girls who drop out of school.

### **Employment**

17. With reference to paragraph 120 of the State party's report (CEDAW/C/COG/8), please specify the measures in place to address de facto discrimination by employers who might not hire women because of patriarchal attitudes that claim that women are not competent for roles in the formal sector or because of obstacles faced by women who are often responsible for a disproportionate share of caregiving. In that regard, please also specify whether the State party intends to introduce an explicit prohibition of gender-based discrimination at work in relation to hiring, training, promotions and demotions and redundancies, including owing to family status, marital status and pregnancy. Please provide data on the availability of childcare facilities and indicate whether the State party plans to introduce paid paternity leave. Please provide information on steps taken to extend labour law protection pursuant to article 2 of the Labour Code (Act No. 45-75 of 15 March 1975) to the informal sector and the domestic and agriculture sectors, where women are concentrated, and to ensure that all women in these sectors have access to social security coverage. Please specify any plans to adopt legislation on the kinds of hazardous work prohibited for children.

### **Health**

18. Please provide updated information on any steps taken to fully decriminalize and legalize abortion and provide women and girls with full access to post-abortion care. Please provide updated information on measures to prevent early pregnancies

and to strengthen access to modern contraceptives free of charge. Please provide data on the prevalence of HIV/AIDS and indicate the measures in place to prevent the spread of the virus, as well as access to anti-retroviral treatment. Please provide updated and detailed information on the Universal Medical Insurance Fund, the number of beneficiaries to date disaggregated by sex, including conditions, if any, in place to access health care under the Fund, and whether the Fund covers access to sexual and reproductive health care. Please also provide detailed information on access to health care for women living in rural and remote areas.

### **Economic empowerment**

19. Please indicate any measures taken to identify women who qualify for social assistance and to ensure their access to it. Please indicate any measures in place to empower women, in particular rural women, to address direct and indirect discrimination in the financial sector, engage in income-generating activities, start their own businesses and access markets by providing them with financial services, including financial technology (fintech), microcredit at low interest rates, start-up and scale-up funds, venture capital, equipment financing and leasing and social security benefits, including buffers for the informal sector. Please specify the level of participation of women in the energy and oil sector.

### **Rural women**

20. With reference to general recommendation No. 34 (2016) on the rights of rural women and general recommendation No. 39 (2022) on the rights of Indigenous women and girls, please also:

(a) Indicate with reference to paragraph 147 of the State party's report ([CEDAW/C/COG/8](#)), whether women, including Indigenous women, have access to any legal aid or other forms of support to enforce their rights under the law on land occupation and acquisition, including with regard to the restitution of lost land;

(b) Indicate measures taken to harness Indigenous women's expertise in and knowledge of traditional farming methods to minimize the use of pesticides;

(c) With reference to the Committee's previous concluding observations ([CEDAW/C/COG/CO/7](#), para. 47) and paragraph 150 of the State party's report, provide updated and detailed information on measures taken to ensure that rural women and Indigenous women have access, on an equal basis with men and with their urban counterparts, to basic services and infrastructure, such as adequate health care, education, public transportation, food, water and sanitation, income-generating opportunities and social protection, in particular in Likouala and Pool Departments;

(d) Indicate how women are involved in the development of policies and programmes on disaster preparedness and response and other emergencies.

### **Climate change**

21. Recalling general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please indicate the steps taken to integrate a gender perspective into climate change mitigation policies and strategies and to ensure that women are equally represented in their development and that the impact on women's livelihoods is equally taken into account in planned interventions.

### **Disadvantaged groups of women**

22. With reference to paragraph 151 of the State party's report ([CEDAW/C/COG/8](#)), please clarify how the Mouébara Act addresses the discriminatory treatment of

widows, in particular discrimination regarding the right of inheritance, the practice of levirate marriage and widows whose spouses have died owing to HIV/AIDS-related illnesses. Please also:

(a) Provide a timeline for the promulgation of the Asylum Act and updated and detailed information on access to housing and basic services, such as health care and education for refugee and asylum-seeking women and internally displaced women;

(b) Indicate the measures taken to protect women and girls with disabilities from gender-based violence, violations of their sexual and reproductive health and rights and other forms of discrimination and ensure that they have equal access to all rights under the Convention;

(c) With reference to general recommendation No. 39, inform the Committee about measures to address the discrimination faced by Indigenous women and girls, including their reported lack of access to basic services and their subjection to gender-based violence, child marriage, forced labour and food insecurity.

### **Marriage and family relations**

23. Please provide a timeline until adoption of the revised Personal and Family Code, giving detailed information on how it will address the Committee's previous recommendations ([CEDAW/C/COG/CO/7](#), notably para. 51 (a) and (b)). Please clarify whether its adoption will be accompanied by training on the new provisions for relevant professionals and by awareness-raising activities for the public. Please provide updated information on the measures taken to enforce the prohibition of child and forced marriage, particularly in rural areas, and to abolish the exception to the minimum age of marriage. Please specify any plans to criminalize forced marriage as a distinct offence to trafficking crimes. Please provide updated information on any steps taken to prohibit polygamy, including by considering introducing such a prohibition in the revised Personal and Family Code and conducting awareness-raising campaigns on the harmful effects of polygamy on women and society at large.