



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

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**Committee on the Elimination of Discrimination
against Women
Fifty-fifth session**

Summary record of the (partial)* of the 1135th meeting

Held at the Palais des Nations, Geneva, on Thursday, 11 July 2013, at 3 p.m.

Chairperson: Ms. Ameline

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(*continued*)

*Combined sixth and seventh periodic reports of the Democratic Republic of the
Congo (continued)*

* No summary record was prepared for the rest of the meeting.

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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)*

Combined sixth and seventh periodic reports of the Democratic Republic of the Congo (continued) (CEDAW/C/COD/6-7, CEDAW/C/COD/Q/6-7 and Add.1)

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

Articles 7 to 9

2. **Ms. Nwankwo** asked about the content and status of the Government's strategy on political participation. She wished to know whether the strategy had been evaluated and whether penalties had been established in the Act on the public financing of political parties to punish those that failed to take gender parity into consideration when drawing up lists of candidates. She also enquired if there were any programmes to involve women in the peace negotiations and the post-conflict reconstruction process so as to ensure that the specific needs of women would be addressed.

3. **Ms. Mumba Matipa** (Democratic Republic of the Congo) said that the penalty for failing to meet parity requirements was the withdrawal of funding, but since political parties currently did not receive any State funding, the penalty was not being applied. Thanks to lobbying and advocacy efforts, representatives of women's groups had been specifically invited to attend national meetings and consultations and to take part in the peace process.

Articles 10 to 14

4. **Ms. Gbedemah** said that, although education campaigns had yielded some positive results, school enrolment was still low, the literacy rate among those over 15 was 58.9 per cent for girls as opposed to 85.8 per cent for boys, data for measuring progress was lacking, and a large number of children had been deprived of education by the armed conflict. She wished to know, in percentage terms, what proportion of the national budget was spent on education and the extent to which enrolment had increased in primary, secondary, vocational and higher education. Data on all aspects of education, including attendance and fields of study, broken down by gender, locality and level of education, would be appreciated. She also requested information about the content of the school curriculum, the school dropout rate for girls, the policies in place to help girls to stay at school and resume their education after pregnancy, and the strategies used to ensure that pygmies, persons with disabilities and other vulnerable groups also had access to education.

5. Cultural obstacles to girls' education, including the notion of the inferiority of girls and gender stereotypes needed to be investigated and addressed. She wished to know if measures had been put in place to prevent harassment and bullying from peers and teachers, which reportedly contributed to the low participation of girls in education. Gender perspectives needed to be incorporated into education policy. She enquired if guidelines on sexual harassment, for example, which would not cost that much to draw up and were definitely needed, had been established.

6. The Committee was pleased to hear of the Government's multimillion dollar investment programme to improve school infrastructure since it should reduce the distance girls had to commute to school and hence the risk of being raped on the way. She would like to know if the construction plans included ensuring adequate sanitary facilities and other measures to enhance girls' participation in education.

7. **Ms. Mumba Matipa** (Democratic Republic of the Congo) said that although universal primary education was provided for in the Constitution, school enrolment was still far from sufficient, despite having increased by 39.1 per cent, from some 11 million students in 2006–2007 to just over 16 million in 2011–2012. In terms of primary school completion, the gender parity index was also nowhere near an acceptable level, having improved over the same period from 0.80 to only 0.87. The Ministry of Education was therefore working with partners such as the United Nations Children’s Fund (UNICEF) to raise awareness about the importance of sending girls to school.

8. The Government was strongly committed to improving education. From 2010 to 2012, the proportion of the national budget allocated to education had risen from 5.2 per cent to 7.9 per cent, and the budget for primary and secondary education had doubled. The US\$ 5 million that was to be invested in school infrastructure would undoubtedly help to improve school attendance because many school days were currently lost during the rainy season, especially in rural areas. She would ask her colleagues in the education sector to provide the data requested by the Committee, but collecting statistics in conflict zones was particularly difficult, and data collection was only just beginning to be appreciated as a useful tool for development planning. The Government was, however, working to strengthen the national statistics institute. With regard to guidelines, there were provisions on sexual harassment in the Criminal Code, but not on bullying, which was not an issue that was often raised.

9. **Ms. Patten** enquired about Government measures to ensure that girls in conflict zones had access to education, to reduce the dropout rate of girls in such zones and to help those who had had to leave school early.

10. **Ms. Mumba Matipa** (Democratic Republic of the Congo) said that the Government’s education policies were being implemented nationwide. She did not have specific information on conflict zones. Security issues rather than gender issues were usually the main concern in such areas, since girls and boys alike were affected by conflict.

11. **Ms. Kenda Bakajika** (Democratic Republic of the Congo) said that NGOs were supporting efforts and programmes in the eastern part of the country to get children back to school and prevent girls, in particular, from dropping out. At the community level, remedial programmes had been set up for refugee children and children who had been internally displaced to help them catch up on the schooling they had missed and rejoin the regular education system.

12. **Mr. Bruun** said that, given the size of the mining industry and other economic sectors in the Democratic Republic of the Congo, the Committee had expected to see more employment statistics in the State party’s report. Since most women worked in the informal sector and many were the family breadwinners, he asked if minimum protections, such as paid maternity leave, had been established for them. It was not always clear in the State party’s report which labour law was being referred to, and he wished to know if both direct and indirect discrimination were defined and prohibited in the law. According to reports of the International Labour Organization (ILO), many discriminatory provisions were still in force. Women who took maternity leave, for example, could not take annual leave in the same year. Also, the protective measures excluding women from certain types of work were numerous and seemed to be based on stereotypical perceptions of women’s role in society. He would like to know if steps were being taken to ensure they were strictly limited to maternity protection. ILO had also indicated that the legal definition of sexual harassment needed to be broadened to include the creation of a hostile working environment and that additional means of redress for victims of sexual harassment should be established. Information on the efforts made in that regard would be appreciated.

13. **Ms. Bareiro-Bobadilla** said that, although the health situation for women continued to be extremely difficult, progress had apparently been made in some areas. According to the State party's report, for example, the maternal mortality rate had been more than halved between 2001 and 2007. She wished to know if that trend had continued and what policies had been responsible for the reduction. In its replies to the Committee's list of issues, the State party had listed many of the causes of maternal mortality, but more information on their actual impact would be appreciated, and the absolute prohibition of abortion should be factored in as well since it normally raised maternal mortality rates. Sexual violence had serious consequences for women's health. Mass rapes in the State party had resulted in unwanted pregnancies and the increased spread of sexually-transmitted diseases and even in the criminal prosecution of women because seeking an abortion was illegal. HIV/AIDS was now almost epidemic, and she would like to know whether women had access to antiretroviral drugs and the means of preventing HIV/AIDS.

14. **The Chairperson**, speaking as a Committee member, asked what mechanisms might be put in place to address the mental health issues affecting women who had experienced violence in the conflict zones, not only to address individual suffering, but also the collective trauma.

15. **Ms. Mumba Matipa** (Democratic Republic of the Congo) said that the labour law referred to in the State party's report was the 2002 Labour Code, which prohibited discrimination on the basis of gender or marital status and established the principle of equal pay for equal work. A recent amendment had been introduced to repeal the provision whereby women required their husband's permission to work. The Code now stated simply that women had the right to work. She agreed that the concept of sexual harassment might need to be redefined, and the Government would follow up on the issue. She was unaware of the provision preventing women from taking annual leave and maternity leave in the same year and would look into the matter. A bill ensuring that women could not be dismissed from their jobs because they were pregnant was currently before parliament. Abortion, just like capital punishment, was a controversial issue in the Democratic Republic of the Congo, which was a huge underpopulated country where children were seen as assets. She had no answer for the Committee on the subject.

16. **Mr. Mpinda Munuina** (Democratic Republic of the Congo) said that the Government had mainstreamed a gender perspective in all its health policies and programmes since the adoption of framework legislation on public health in 2001. The law sought to provide increased access to health services for women and girls and reduce maternal morbidity and mortality rates. Provision had also been made for mandatory HIV/AIDS screening of expectant mothers and treatment of HIV-positive pregnant women and their newborn babies. Since the introduction of the law, maternal and infant mortality and mother-to-child transmission of HIV/AIDS had decreased.

17. **Ms. Mumba Matipa** (Democratic Republic of the Congo) said that in the Democratic Republic of the Congo rape was often used as a weapon of war, including the deliberate transmission of HIV/AIDS to women, and the Government was doing everything that it could to put an end to the practice.

18. **The Chairperson** said that the Committee would provide as much support as possible to help the State party to address the issue.

19. **Ms. Patten** said that although the State party had taken steps to eliminate discriminatory laws, some provisions of the Labour Code not strictly limited to maternity protection continued to discriminate against women, such as the prohibition of women's employment in areas deemed to be "beyond their strength". She therefore asked whether a gender impact assessment of the law had been conducted. She also expressed regret that the

State party had not provided any statistical data on the employment of women, especially in the informal sector.

20. **Ms. Bareiro-Bobadilla** asked the delegation to provide up-to-date data on maternal and infant mortality rates. While commending the State party's attempts to prevent mother-to-child transmission of HIV/AIDS, she requested further information on the outcome of such measures and asked whether comprehensive sexual and reproductive health education and contraceptives had become more widely available and accessible. A large number of women in the State party also continued to suffer from vesico-vaginal fistula, often as a result of sexual violence, and the State party must take steps to address the matter.

21. **Ms. Mumba Matipa** (Democratic Republic of the Congo) said that the State party would submit statistical data on maternal and infant mortality rates to the Committee at the earliest opportunity. In order to prevent mother-to-child transmission of HIV/AIDS, the Government provided HIV-positive pregnant women with antiretroviral treatments virtually free of charge and had introduced an HIV/AIDS awareness-raising campaign. With regard to women's employment, she said that gender equality in the workplace was enshrined in the Constitution. The discriminatory articles contained in the Labour Code represented the Government's well-intentioned attempts at protecting women from hazardous or arduous working conditions. The State party was committed to abiding by its international commitments and would therefore make any necessary changes to its legislation to bring it into line with the Convention.

22. Modern mental health services were unfortunately not yet available for victims of sexual violence and, traditionally, families took on the role of providing victims with care and support. Women victims often faced discrimination and prejudice and the Government had taken steps to address the issue. It had requested technical assistance from various development partners in an effort to raise awareness of sexual violence and to combat stigmatization.

23. **Ms. Nwankwo** said that despite the fact that 70 per cent of women worked in the agricultural sector, women continued to face discrimination in terms of land ownership. She therefore wished to know whether the State party intended to repeal the legal provision requiring married women to seek their husband's authorization before acquiring land and whether the Government planned to eliminate customary practices which restricted women's land ownership rights. She also wished to know whether the State party had assessed and monitored the impact on rural women of the integrated rural development policy and of the national strategy on microfinance for 2008–2012. Turning to the issue of State confiscation of land belonging to women, including indigenous women, for public purposes, she wished to know whether the State party intended to provide the women concerned with appropriate compensation for the losses that they had incurred.

24. **Ms. Pomeranzi** asked whether the State party intended to capitalize on women's strengths and pivotal economic role in society in its development plans and whether it planned to implement new development strategies to bring about de facto equality for women. She also wished to know whether the State party had taken gender equality into account at the national and regional level when designing its emergency response programme.

25. **Ms. Gabr** said that the State party's strategies were currently fully dependent on foreign aid and asked how the Government would sustain its integrated rural development policy for women and national strategy on microfinance for 2008–2012 should the level of assistance decrease. She requested further information on the State party's plans for women's political representation and asked whether women could participate in decision-making roles at the local, regional and national levels. In order to adequately address social inequality and the feminization of poverty, the Government must collect more statistical

data on all matters covered by the Convention. Such information would also enable the Committee to make a more accurate assessment of the current situation of women in the Democratic Republic of the Congo.

26. **Ms. Belmihoub-Zerdani** said that the State party could request additional technical assistance under the Beijing Declaration and Platform for Action to address gender issues if required.

27. **Ms. Mumba Matipa** (Democratic Republic of the Congo) said that the Government recognized the need for additional statistical data and was taking steps to improve its data-collection mechanisms. Many women's associations had been established in the country and several NGOs focused on women's rights.

28. The national legislation guaranteed equal inheritance rights for men and women. Women often did not exercise their right to land and inheritance, however, owing to pressure to follow customary practices. Therefore, although the law stipulated, for example, that a widow should inherit the family home, other male relatives often claimed the property instead. While the law took precedence over such outdated customary practices, they were entrenched in society and extensive information and awareness-raising campaigns were needed to bring about cultural and societal change.

29. The new Family Code under consideration took into account the need for a climate conducive to women's entrepreneurship. The provisions associated with women's obedience had been removed. Efforts were under way to amend the Code so that married women no longer required permission from their husband to apply for credits or start a business. Governmental microfinance programmes were being drawn up to increase women's access to loans, thereby empowering women. Men and women alike faced difficulties in obtaining loans and credits because of the post-conflict situation in the country, as lenders tended to be risk averse. The Government had made efforts to ensure compliance with the treaty of the Organization for the Harmonization of Business Law in Africa, in particular by providing equal opportunities and a stable business environment for women entrepreneurs, who worked mostly in the informal sector.

30. As agriculture formed the basis of the country's development, current Government policies were centred on boosting productivity in rural areas. Initiatives were also being launched to encourage men to share the workload, especially in rural areas, where much work remained to be done to challenge gender stereotypes. The Gender Parity Implementation Act, which was in the process of adoption, would benefit rural and urban women equally.

31. **Ms. Bakajika** (Democratic Republic of the Congo) said that various relevant ministries had tackled the issue of the feminization of poverty and empowerment of women by providing training to facilitate their incorporation into the formal economy. Administrative procedures for starting up businesses had been streamlined and income-generating activities such as the processing of foods and cosmetics from plants had been encouraged.

32. **Ms. Ameline** emphasized that State funds for start-up businesses could prove particularly useful.

Articles 15 and 16

33. **Ms. Haidar** asked how the Committee could assist the State party to accelerate the adoption of the Family Code, which had been under examination for over a decade and was pivotal to transforming the situation of women's rights in the country. Were further amendments and resistance from parliament expected before the Family Code could be adopted? What practical steps had been taken to generate culture change to prepare the

population for the implementation of the new Family Code? Could the State party clarify whether women's inheritance rights were guaranteed in the new Code?

34. **Ms. Mumba Matipa** (Democratic Republic of the Congo) said that the Family Code provided for equal inheritance rights for men and women. Increasing awareness of the new laws in rural areas remained a challenge, and programmes were being developed to meet it. The adoption of the Family Code would involve further work with UNICEF, extensive discussions and many compromises, especially on the provision relating to men as legally recognized heads of households, which had yet to be amended, before it could be presented to parliament. The stakeholders who were pushing for the adoption of a new Code were a minority and further amendments by parliament were expected before the Code would be enacted.

35. **Ms. Haidar** said that the State party's obligations under the Convention must give impetus to the adoption of a new Family Code.

36. **Ms. Halperin-Kaddari** would like clarification of the scope of customary law under the current Family Code and the new Code under consideration.

37. **Ms. Mumba Matipa** (Democratic Republic of the Congo) said that civil law prevailed over customary practices in all legal cases. However, customary law tended to prevail in rural areas, which comprised the majority of the population. The fact that certain provisions of the current Family Code ran counter not only to international commitments but also to the Constitution made the adoption of a new Code all the more urgent.

38. **The Chairperson** encouraged the State party to continue its efforts to apply the provisions of the Convention. She commended the delegation on its constructive dialogue with the Committee, which showed that women were not only the main victims of violence but also the primary agents of change.

The discussion covered in the summary record ended at 5.05 p.m.