



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

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**Committee on the Elimination of Discrimination
against Women**

Twenty-second session

Summary record of the 454th meeting

Held at Headquarters, New York, on Tuesday, 25 January 2000, at 10.30 a.m.

Chairperson: Ms. González

Contents

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

*Initial, second and third periodic reports of the Democratic Republic of
the Congo*

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The meeting was called to order at 11.15 a.m.

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

Initial, second and third periodic reports of the Democratic Republic of the Congo (CEDAW/C/ZAR/1, CEDAW/C/ZAR/2 and Add.1 and CEDAW/C/COD/1)

1. *At the invitation of the Chairperson, Ms. Moliwa (Democratic Republic of the Congo) took a place at the Committee table.*

2. **Ms. Moleko Moliwa** (Democratic Republic of the Congo) said that 52 per cent of her country's current estimated population of 50 million were women. It was a young population with 59 per cent of its inhabitants under 20 years old, and a diverse population, with some 450 tribes divided into five major ethnic groups. Sixty per cent of the population lived in the rural areas.

3. The role and social status of women were basically identical under the two main systems of marriage obtaining in the country: the matrilineal and patrilineal systems. The importance of women depended on their reproductive role and the role they played in food production. While there was freedom of religion, traditional religious practices and a belief in sorcery constituted serious impediments to the development of the most vulnerable members of society, primarily elderly women and children.

4. Although the mainstay of the economy of the Democratic Republic of the Congo was copper, gold, diamond and malachite mining, the bulk of the population was involved in agriculture. There were very few industries. The informal sector, which employed chiefly women, accounted for more than 80 per cent of the gross domestic product. The GDP had declined considerably in recent years, while the inflation rate had risen sharply — to as high as 489 per cent in 1999.

5. That situation, which was in part due to the crisis on world markets, had been worsened by the impact of the recent war of liberation and the war waged against the Democratic Republic of the Congo by its eastern neighbours — Burundi, Rwanda and Uganda. Since the assassination of President Habyarimana of Rwanda in 1994 and the ensuing war between the Hutus and Tutsis, the eastern part of her country had been

swamped by a massive influx of Hutu refugees, compounding a situation of insecurity and poverty which made living conditions, especially for women, increasingly precarious.

6. On 17 May 1997 there had been a change in policy direction following the war of liberation, which had been won with the military support of Rwanda and Uganda. Yet in 1998, when the Rwandan and Ugandan armed forces were asked to return to their respective countries, they had not only refused but had enlisted the support of Burundi to declare war on the Democratic Republic of the Congo.

7. The Government which had been in power since 1997 was moving towards a presidential and democratic system of governance. An updated minimum triennial programme had been put in place for the period 1999-2001; it gave priority to the restoration of peace and the stabilization of the macroeconomic framework. However, that programme and the entire process of democratization had been seriously undermined by the war of aggression that the country had been grappling with since 1998. Resources which could otherwise have been used for economic and social development, including the advancement of women, were being channelled to the war effort.

8. Since the accession of the Democratic Republic of the Congo to the Universal Declaration of Human Rights, successive Governments had worked to promote the human rights of Congolese citizens without distinction as to sex, age, race, tribe or religion. Furthermore, the principle of equality of men and women had been embodied in all the Republic's successive constitutions.

9. Recognizing the need to raise awareness of women's rights among the general population and the competent authorities, her Government had produced several radio and television programmes on the subject, and the text of the Convention had been reproduced in "*Libota*", a newspaper published by the Ministry of Social Affairs and the Family. Also, seminars on the theme "Women's rights and gender" were being conducted in the administrative centres of those provinces that were not under occupation. The Convention was being translated into the Republic's national languages with the support of the United Nations Children's Fund. Private radio and television companies, newspapers, magazines, women's reviews, churches and non-governmental organizations were

also involved in the efforts to disseminate its provisions.

10. The national policy with respect to the promotion of women was defined by the Ministry of Social Affairs and the Family, while the National Women's Council, a government advisory body, and the Provincial Women's Councils were responsible for ensuring its implementation. There were also national and provincial Children's Councils.

11. Although the principle of equality of men and women was embodied in the Constitution, a number of laws contained provisions that discriminated against women. Thus, the Family Code established the principle of married women's legal incapacity and set the minimum age for marriage at 18 for males and 15 for females. Similarly, under the Penal Code, women were punished more severely than men for the crime of adultery. The Ministry of Social Affairs and the Family, in partnership with non-governmental organizations, was drafting amendments aimed at modifying the discriminatory provisions.

12. Women's status was influenced by such customary practices as arranged marriage, dowry and levirate, which were still prevalent in both urban and rural areas. Stereotypes were deeply ingrained, and girls were brought up to see themselves as inferior to boys. Prejudice severely restricted women's enjoyment of their rights, even where those rights were embodied in law.

13. Beginning in the 1980s, there had been a number of campaigns to promote more positive images of women, and some progress had been made. In 1999, a study had been undertaken on the relationship between customary laws and women's rights with a view to developing strategies for the elimination of practices that were prejudicial to women. Churches and non-governmental organizations, including associations of women in the media, had done much to further the Government's efforts.

14. There were no statutory provisions prohibiting prostitution and the sexual exploitation of women. Procurers could be prosecuted under article 174 bis of the Penal Code, but no penalties were stipulated. There were no official statistics on the incidence of prostitution because there was no authority with responsibility for sex workers. According to a survey undertaken in Kinshasa, most prostitutes were women

aged 20 to 45, although some were girls as young as 8, who had been abandoned by their parents.

15. Women had had the right to vote and to stand for election to public office since 1966, but they remained severely under-represented at all levels of government. Likewise, although the right of women to represent the Democratic Republic of the Congo at the international level and to participate in the work of international organizations was guaranteed in the draft Constitution, few women occupied senior posts in the diplomatic service and women's participation in international forums tended to be restricted to conferences related to women's issues. On the other hand, the Family Code established the principle of gender equality in the acquisition, loss and transmission of Congolese nationality.

16. The right to work was recognized in both the draft Constitution and the Labour Code without distinction as to sex, religion or tribe. Article 3 (c) of the Code stated that a married woman could enter employment unless her husband expressly opposed it. Many employers, however, misinterpreted the article and required the husband's authorization before hiring a married woman. In order to protect their health, all women, irrespective of age, were prohibited from working at night in manufacturing, and their working hours were limited to 8 hours per day and 48 hours per week. But while the national social security institute served over 17,000 enterprises and about half a million workers, workers in the informal sector (which accounted for 70 per cent of the female population) were not covered by social security insurance.

17. The draft Constitution guaranteed the right to health, which was recognized as a fundamental right of all citizens. Her Government's health-care strategy was based on the following elements: division of the country into 306 health zones in order to render health-care services more accessible; training of midwives and health workers within the framework of the "Rural health" project; vaccination of children and pregnant women against endemic diseases; enhancement of the diets of children aged five and under, pregnant women and nursing mothers; dissemination of information on reproductive health and birth spacing; prevention of sexually transmitted diseases and human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS); and establishment of a national committee on genital mutilation. Its efforts were hampered, however, by

extreme poverty. Indeed, the health of the population had declined in recent years because of the discontinuance of bilateral and multilateral cooperation, lack of access to basic drugs, inadequate monitoring of medical practitioners and the deterioration of sanitary conditions.

18. Almost 25 per cent of children under five were suffering from moderate or severe malnutrition, the vaccination rate was 23 per cent, only two thirds of women received antenatal care and the maternal mortality rate was 1,837 per 100,000 live births. The inadequacy of disease prevention and control programmes had created an epidemiological situation characterized by the resurgence of endemic diseases that had previously been brought under control. The emergence of HIV/AIDS had only added to the strain on health-care services. In order to address the situation, her Government, with the support of the World Health Organization, had organized a national conference on health, which had led to the redrafting of the national health-care policy.

19. Women and men had the same right to family benefits, bank loans, mortgages and other forms of credit, but, in practice, married women lacked legal capacity and women's access to credit was limited because they were less able to provide security.

20. The Constitution recognized women's right to participate in recreational activities, sports and all aspects of cultural life. That right was restricted, however, because of poverty, lack of time and cultural attitudes.

21. The matter of gender equality within marriage and the family was regulated by the new Family Code, which established that at the age of 18, all Congolese, regardless of sex, attained majority and were free to marry. The spouses had the same rights and duties vis-à-vis their children and the same rights and obligations both within the marriage and in the event of the death of either spouse. Despite these favourable reforms, a married woman must still obtain authorization from her husband to engage in certain transactions, and was expected to live with her husband in a place of his choosing.

22. All children, regardless of sex, race, age or social class enjoyed the right to education. The draft Constitution and the domestic law guaranteed access to education for both girls and boys. In conformity with article 10 of the Convention, the Democratic Republic of the Congo had adopted the Universal Declaration of Human Rights and the Convention on the Rights of the

Child. The new education system, put in place in 1996, laid particular emphasis on the education of disadvantaged girls and on reducing the school dropout rate.

23. The national forum on the rights and leadership capacity of Congolese women, also held in 1996, had concentrated on increasing the enrolment of girls in secondary school and on allowing girls to learn a profession. Although the Government had authorized government institutions, religious societies and private individuals to open primary and secondary schools and institutions of higher learning, many children still lacked access to education because their parents were unable to pay the fees.

24. Most Congolese women were still illiterate. The Government had established a programme for girl dropouts in Kinshasa, Equateur and Province Orientale, which offered courses in sewing, secretarial skills, management, sales, literacy, technology and family sociology. In addition, non-governmental organizations and church groups conducted literacy programmes throughout the country; older women, in particular had shown great interest in learning to read and write.

25. Congolese rights legislation applied equally to rural and urban women. Still, since rural women constituted a large part of the population and played an important role in agricultural production, efforts had been made to identify their needs and to improve their productivity while lightening their work load. The measures taken included establishment of the National Service for Agricultural Popularization, the publication of a magazine for the education of farmers, and especially women, in rural development, the establishment of technology projects, the setting aside of women's houses and social promotion centres, the installation of drinking-water pumps, the provision of primary health care, sanitation reform, the Rural Health programme, and the creation of rural women's mutual aid groups.

26. Although many Congolese women were victims of physical, psychological and moral violence, only a portion of such cases had been reported since many women preferred to remain silent. In collaboration with the Government, a number of non-governmental organizations had been conducting awareness-raising programmes with regard to violence against women, and in 1999 a study had been conducted with a view to identifying effective strategies for combating the practice.

27. Furthermore, the National Women's Council had been created to act as a consultative body for the Ministry of Social Affairs and the Family in the area of the promotion, protection and defence of women's rights. The Council was made up of representatives from public institutions, unions, churches, and non-governmental organizations, with representatives of the United Nations system attending as observers. Similar councils had been created in the provinces.

28. Girls between the ages of 5 and 19 constituted 35 per cent of the female population. Despite the Government's efforts to assure equal opportunities for boys and girls, school attendance rates varied considerably, especially in rural areas. Although the number of girls and boys who enrolled in school was approximately the same, many more girls dropped out. Particularly in rural areas, adolescent girls were expected both to work in the fields and to generate income. In early adolescence girls were also subject to sexual abuse and genital mutilation. With the support of the World Health Organization, the Government had held a national seminar for the purpose of identifying ways and means of combating those harmful practices. The resulting action plan called for the expansion of public awareness-raising campaigns.

29. Failure fully to implement the Convention could be attributed to ignorance of women's rights, the persistence of negative traditional practices and attitudes, the ineffective application of punishments, ambiguities in the law, the economic, social and political crisis prompted by a state of war, and the lack of financial means. The Government had nonetheless established a national programme for the advancement of women, and consultations and studies had been conducted throughout the provinces.

30. That programme had been designed to strengthen women's economic capacities by offering training and assisting in the establishment of women's businesses; to improve the legal and social status of women by abolishing discriminatory laws; to disseminate information on women's rights and obligations in society; to work towards the effective application of laws favouring women; to ensure the provision of formal education to girls; to improve the health of women and children through primary health care and reproductive health-care programmes and by reducing the daily workload of women; to provide women with access to economic resources; to assist rural women in improving their living conditions; and to change

anachronistic attitudes and practices. In establishing those objectives, the Government had taken into consideration the twelve critical areas of concern defined by the Beijing Conference.

31. Despite the crisis in the Democratic Republic of the Congo, the Government had done its utmost to bring about the gradual elimination of discrimination against women and to improve women's conditions of life and work. Its efforts would nonetheless prove fruitless if the Democratic Republic of the Congo continued to be trapped in a war of occupation conducted by aggressors who raped and massacred women and children without opposition or censure from the United Nations. The Government needed the solidarity of the United Nations in order to fight for women's rights. Without peace, the elimination of violence and traditional resistance, discrimination against women could not be achieved.

32. **Ms. Ouedraogo** said that the Democratic Republic of the Congo was to be commended for submitting a frank, clear and transparent report which pointed to progress despite a difficult political situation. The establishment of the National and Provincial Women's Councils, the Ministry for Human Rights and the National Programme for the Advancement of Women were all steps in the right direction.

33. She was concerned, however, by the lack of statistics in the most recent report, in particular on the number and status of women refugees. More information on social and economic measures taken to assist them would also be welcome. The third periodic report had essentially passed over the effects of the war on women. In the fourth report, she would like to see more information on rape used as a weapon of war and on what had been done to help the victims of that crime. The impact of the National Programme for the Advancement of Women on poverty should also be discussed. In the preparation of the fourth report, care should also be taken to follow the Committee's guidelines more closely.

34. **Ms. Kim** said that, on the whole, the new institutional machinery for the advancement of women appeared to be in order, and the participation of women in drafting the new Constitution was particularly welcome. It was up to the Government to provide the resources to operate that machinery however, and she would like to hear how it planned to meet those budgetary needs.

35. From the three reports, it appeared that a number of discriminatory provisions remained in the Labour Code. The churches and non-governmental organizations had become involved in social reform of such practices as polygamy, female genital mutilation, dowry and violence against women, but she wanted to know what measures the Government had taken to eliminate them. More information on refugee women and how to meet their needs and reintegrate them into society would also be helpful.

36. **Ms. Gabr** said that it was commendable that the Democratic Republic of the Congo had ratified the Convention without reservation, but it must be acknowledged that discrimination still existed in that country both in law and in practice. She would like to hear about steps being taken to bring legislation into compliance with the Convention. On a practical level, more information on the programme being undertaken with UNDP, including figures, was needed. It would also be interesting to know who had been involved in the preparation of the report and if input from non-governmental organizations had been requested. The Government had recently ratified the Convention on the Rights of the Child, and she asked if it had plans to sign any other international human rights instruments.

37. The next report should provide more details about the situation of rural women and the practice of female genital mutilation.

38. **Ms. Taya** said that the Ministry for Human Rights had been established in July 1998 to protect the freedom of all citizens, but there were now reports that under a new policy all non-governmental organizations had to register their internal regulations with the Ministry of Justice to determine whether they were in "good standing". Many human rights workers, fearing persecution, had reportedly fled the country, and only a handful of non-governmental organizations had been found to be in "good standing". Furthermore, in July 1999, all media reporting on violations of human rights had been silenced. She asked how the Government explained the contradiction between those repressive policies on the one hand and the establishment of the Ministry for Human Rights on the other. She also wanted to know how it would be possible, in the light of such a media policy, to publish and implement the Committee's concluding comments on the report if they were critical. She would welcome an explanation of the Government's understanding of how the Committee could have an impact on its policy.

39. **Ms. Ferrer** joined other members in commending the Government's decision to present its report even in the current difficult circumstances, thus demonstrating the importance it attached to the Convention. The report had presented a thorough analysis of each article of the Convention and had shown a willingness to deal with problems from a gender perspective. It was very encouraging to note that the draft Constitution to be submitted to a popular referendum in the near future included provisions on equality between men and women.

40. Efforts to change the deeply rooted culture of discrimination against women at all levels were essential, and the establishment of a national mechanism for women at the ministerial level had been an important step in that endeavour. More information on the structure, staffing and operations of that Ministry would be very useful to the Committee. It would also be interesting to learn more about the priority given to gender-related topics in the work of the Ministry for Human Rights, as well as its relationship to the National Women's Council. A discussion of the priorities of the National Programme for the Advancement of Women would also be of interest to the Committee.

41. **Ms. Abaka** said that the major factor impeding the implementation of the Convention was the absence of peace in the Democratic Republic of the Congo. She urged the Government to mobilize its women to participate in the implementation of the Lusaka agreements of July 1999. The excellent oral presentation and the size and high level of the delegation indicated that the political will existed to implement the Convention, but what was needed was an enabling environment for peace and development. The Government had also signed the Convention on the Rights of the Child, and its implementation went hand in hand with that of CEDAW. However, even before the conflict, the Forces Armées Congolaises had continued to recruit children, and some 10,000 were currently serving in that military establishment. That practice was to be condemned in the most categorical terms and the women of the country must be mobilized to put an end to it.

The meeting rose at 1 p.m.