



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-sixth session

7-25 August 2006

### List of issues and questions with regard to the consideration of a periodic report

#### Democratic Republic of the Congo

The pre-session working group examined the combined fourth and fifth periodic report of the Democratic Republic of the Congo (CEDAW/C/COD/4-5).

1. Please provide information on the process of preparation of the report, including on whether non-governmental organizations, particularly women's organizations, were consulted.

#### General

2. What measures has the Government taken to ensure that the promotion of gender equality and the full implementation of the Convention are an integral part and priority goal of the State in the rebuilding of the country after years of conflict?

3. Kindly describe the manner in which the provisions of the Convention are reflected in national development strategies and in instruments such as the poverty reduction strategy papers and the Millennium Development Goals reports.

#### Legislation and national machinery for the advancement of women

4. Please indicate the Government's plans, and timetable, for undertaking a comprehensive law review and reform process, including the establishment of a Law Reform Commission that will give priority attention to revising discriminatory laws that are in violation of the Government's obligations under the Convention.

5. According to the report (p. 21), "a draft revised Family Code has been submitted to the Ministry [for the Status of Women and the Family]. A referendum will be held on the new text before it is referred to Parliament". Has the referendum been held? Please provide details.

6. The report (p. 14) indicates that “in fulfilling its mandates, the Ministry for the Status of Women and the Family faces the problem of limited credits allocated to it in the State budget ... [and that, even though] the Ministry’s advocacy led to a raise in the allocation from 1 to 6 per cent in the budget for 2004 ... [, this] still falls short of the amount required to implement the [National Programme for the Advancement of Congolese Women]”. What percentage of the State budget has been allocated to the national machinery for the advancement of women for the years 2005 and 2006? And has the Government sought financial assistance from the United Nations Development Programme (UNDP) and if so, what was the amount of the contribution?

7. Please describe the responsibilities of sectoral ministries, in particular those dealing with education, health and the economy, in the implementation of the National Programme for the Advancement of Congolese Women.

### **Violence against women**

8. The report (pp. 47 and 48) states that “there are still no functional mechanisms to deal with [caring for victims of violence]”, and that “the effectiveness of ... measures [taken] has yet to be felt”. How does the Government intend to enhance the effectiveness of its efforts to combat all forms of violence against women and girls and provide support and assistance to victims of violence, including women and girls who were victims of all forms of violence during armed conflict? Has the Government sought, or considered seeking technical and financial assistance from the United Nations Children’s Fund (UNICEF)?

9. Does the Government intend to establish a national programme to combat violence against women and girls? Also, does the Government intend to use all media for supporting such a programme and has it established a specific budget for that purpose? Please provide details.

10. As indicated in the twentieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (see S/2005/832, para. 61), the Conduct and Discipline Team within MONUC was established in November 2005, *inter alia*, to prevent and address sexual exploitation and abuse of women and girls by MONUC personnel. In what ways does the Government collaborate with MONUC in order to address sexual exploitation and abuse of women and girls by United Nations staff and related personnel? Please provide details.

11. According to the report (p. 16), under Act No. 015/2002 of 16 October 2002, incorporating the Labour Code, “Sexual or psychological harassment (arts. 73 and 74) and intimidation are now considered gross professional misconduct on the part of the employer or worker, and may lead to the termination of the employment contract”. How many cases of sexual or psychological harassment have been reported, how many have been successfully completed and what penalties were handed down since the entry into force of the Act?

### **Exploitation of prostitution and trafficking in women and girls**

12. In its previous concluding comments, the Committee expressed concern about the extent of prostitution, in particular the prostitution of girl children, and recommended the adoption and enforcement of laws that prohibit the prostitution of

girl children and the introduction of appropriate measures for the social rehabilitation of prostitutes and the provision of psycho-educational and health services for prostitutes. Please provide information on progress made to put in place legislative provisions to combat the exploitation of prostitution as well as measures to assist and rehabilitate prostitutes. Has the Government sought or considered seeking technical and financial assistance from the World Health Organization (WHO)?

13. The report (p. 29) notes that “trafficking in women is not a widespread phenomenon in the Democratic Republic of the Congo”. The Special Rapporteur of the Commission on Human Rights on violence against women and girls, however, noted that “trafficking is a problem; the country is a source for trafficked women and children” (see E/CN.4/2003/75/Add.1, para. 196). Has the Government undertaken any research in order to assess the extent of the problem of trafficking in women and girls?

### **Health**

14. In its previous concluding comments, the Committee noted with deep concern the high rates of maternal and infant mortality, the low rate of contraceptive use, particularly in the rural areas, and the decline in health services. From the report, it emerges that no improvements have been made in these areas. Please describe what is being done to lower maternal and infant mortality rates, improve women’s and men’s use of contraceptive methods, provide sex education to young people and strengthen the health services. Has the Government sought or considered seeking assistance from WHO and the United Nations Population Fund (UNFPA), in particular for the supply of contraceptives?

15. According to the report (p. 37) the 2001 multiple indicator cluster survey shows that “only 10 per cent of women have a sound knowledge of the modes of AIDS transmission”. Please describe the initiatives undertaken or supported by the Government to raise awareness of HIV/AIDS among women and men, including the youth. Please also indicate whether a gender perspective has been included in the National Programme for HIV/AIDS Control. Has the Government sought or considered seeking technical and financial assistance from WHO?

16. Please indicate what treatment is available to women living with HIV/AIDS, and describe the financial support available for such efforts and from what sources.

### **Education and stereotypes**

17. According to the report (p. 33), the net enrolment rate for children aged 6 to 11 has declined from 56 per cent in 1995 to 52 per cent in 2001. Similarly the number of school dropouts is very high: of every 100 children who enter primary school in the first year, only 25 reach the fifth year. The report also indicates that girl children are the most affected. Moreover, one in two women is illiterate. What programmes is the Government setting up to give high priority to the promotion of girls’ access to schools, the reduction of dropout rates, and the promotion of female literacy? Please indicate the financial resources available to the State party, from different sources, in the field of education, in particular girls’ and women’s education and literacy. Has the Government sought or considered seeking technical and financial assistance from the United Nations Educational, Scientific and Cultural Organization (UNESCO)?

18. The report (p. 34) indicates that “a large section of the population believes that education is more important for boys than for girls”, and that “there is ... a need for an awareness-raising initiative on the value of education for girls as well as boys”. What measures have been taken in this regard?

19. The report (p. 28) states that one way of eliminating gender-based stereotypes is “to place the teaching of gender issues primarily in the hands of parents”. What programmes is the Government implementing in order to build the capacity of parents to promote gender equality?

20. Please indicate what steps have been taken to follow up on the previous concluding comments of the Committee that legislation be enacted and information and awareness-raising campaigns implemented to combat traditional customs and practices that are in violation of women’s human rights, such as dowry, the levirate, polygamy, forced marriage, inheritance and female genital mutilation?

### **Participation in decision-making**

21. As indicated in the report, women’s representation in public life, including in the decision-making posts within the transitional institutions established following the inter-Congolese dialogue, remains low. Kindly provide information on the measures taken or planned by the Government to ensure that women, in a phase of rebuilding after years of conflict, become fully involved in political and public life, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25.

### **Employment and economic empowerment**

22. The report (p. 40) states that “only 8 per cent of women run their own businesses, most of which operate in the informal sector” and that “at present, only 5 per cent of businesses operating in the formal sector are run by women”. It also indicates (p. 38) that women do not have easy access to financial credits and are not trained in accounting and bookkeeping. Please describe any initiatives that are under way or envisaged to increase women’s access to credit and their participation in the economic life of the country.

23. Does the Government intend to amend article 124 of the new Labour Code, which prohibits night work by women in public and private industrial establishments (p. 24)?

### **Marriage and family relations**

24. The report (p. 18) indicates that the legal capacity to marry is 15 years for girls and 18 years for boys. Does the Government intend to revise this discriminatory law which contravenes article 16 of the Convention, as well as the Convention on the Rights of the Child?

25. According to the report (p. 44), “because of their lack of education, women often commit themselves to de facto unions based only on payment of a bride price or religious ceremony ... [without ensuring] that their marriage is recorded at the registry office”. What other measures, besides the 2001 awareness-raising campaign implemented by the Ministry for the Status of Women and the Family and supported

by UNICEF, have been implemented to ensure that marriages are recorded at the registry office?

#### **Access to property**

26. The report (p. 20), notes that “Act No. 73-021 of 20 July 1973, which lays down the regulations governing property, land tenure, real estate and securities, together with the amendments and additions which have been made to date, contains no discriminatory provisions”. It also states, however, that “when a married woman seeks to acquire a right of concession on a piece of land, she is required to obtain prior marital authorization”. Please indicate whether the provision requiring marital authorization when a woman seeks to acquire a right of concession on a piece of land has been, or will be, amended.

#### **Rural women**

27. In its previous concluding comments, the Committee expressed concern about the situation of rural women and urged the Government to ensure that rural women benefit from the policies and programmes adopted in all spheres, and that rural women have equal participation in decision-making and access to health services and credits. The Committee also recommended that more studies be undertaken on the situation of rural women and that more statistical data be collected to provide guidelines for policies in this sphere. Kindly describe the measures taken or planned by the Government to implement the recommendations adopted by the Committee in this regard.

#### **Optional Protocol**

28. Please indicate any progress made with respect to ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

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