



**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 455th meeting

Held at Headquarters, New York, on Tuesday, 25 January 2000, at 3 p.m.

Chairperson: Ms. Kim Yung-Chung (Vice-Chairperson)

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In the absence of Ms. González, Ms. Kim Yung-chung, Vice-Chairperson, took the Chair.

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)*

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

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

General observations

2. **Ms. Aouij** commended the efforts of the Democratic Republic of the Congo to restore the rule of law and to honour its obligations under international treaties, particularly the Convention on the Elimination of All Forms of Discrimination against Women. She was certain that women would be very valuable agents of development and members of civil society once peace and legislative reform were achieved. She wondered whether the Government had carried out any evaluations of its Minimum Triennial Programme 1997-2000. She also enquired about initiatives to amend discriminatory laws which, inter alia, restricted a woman's freedom of movement and choice of domicile and her right to conclude contracts, work, administer her property or take up a career as a magistrate without her husband's consent and perpetuated the degrading practice of dowries. Women were more severely punished than men for infidelity and the report made no mention of efforts to deal with the widespread practice of polygamy. However, she welcomed the creation of the National Women's Council, together with Provincial Women's Councils close to the situation on the ground, and of a ministry responsible for women's affairs, as well as the drafting of a new Constitution with clear provisions on equality and women's rights. Ultimately, all national legislation, including the Family Code, the Penal Code and the Labour Code, would have to be harmonized with the provisions of the new Constitution.

3. **Ms. Manalo** congratulated the State party on its clear, transparent and honest reports and on its efforts to implement the Convention and restore democracy.

She echoed appeals for a rapid peace, which was essential for guaranteeing women's rights; already, the reports indicated that the country's lack of a universal education programme and a Parliament was attributable to the state of war. She would appreciate information on specific programmes or measures to bring about the de facto equality of women, particularly by combating customary and traditional practices, such as genital mutilation and polygamy, and stereotyped images of female inferiority. The State party should clarify which ministry was actually responsible for women's affairs. She wondered whether the Democratic Republic of the Congo was making efforts to strengthen non-governmental organizations, which played a key role in the strengthening of civil society and the achievement of women's rights. It was regrettable that the Democratic Republic of the Congo had no programmes for assisting women in micro-enterprises, which accounted for a large proportion of the national product, and no mechanisms for safeguarding women in conflict situations and from polygamy, trafficking, prostitution and domestic violence. Lastly, she would be interested in learning what specific action the Government planned to take to mainstream women in post-conflict development efforts.

Article 2

4. **Ms. Goonesekere** said that it was crucial to monitor women's and children's human rights in time of war, particularly in a country where nearly half the population was under 14 years of age and girl children accounted for more than a third of that age group. She agreed that there was a need to harmonize all branches of law, including civil, criminal and customary law, with the new Constitution, in keeping with article 2 of the Convention. In that connection, the State party might wish to study the experience of South Africa, which had not only adopted a new Constitution but also provided for its enforcement.

5. She questioned the discrepancy between the constitutionally guaranteed precedence of international treaties over domestic law and the authorities' failure to comply with certain provisions of the Convention on the Elimination of All Forms of Discrimination against Women, as well as International Labour Organization (ILO) Conventions. Lastly, she supported the view that, under article 2, paragraph 9, of the Convention, the State party should repeal its discriminatory legislation on adultery.

Article 3

6. **Ms. Ouedraogo** asked whether the State party had sufficient resources to implement its programmes for women. She would appreciate information on the percentage of the national budget allocated for that purpose and noted that women deputies could play a vital role in lobbying for funding. She stressed the need to maintain the status of the ministry responsible for women's affairs and enquired how the Convention would be implemented under the plan of action now being prepared by the Democratic Republic of the Congo. She would appreciate details of the country's machinery for the protection of women's rights and of any affirmative action taken by the National Women's Council to that end, given the existing obstacles to women's participation in public life. Referring to the State party's initial report, she said that a description of how the legislative branch had functioned during the government transition would help the Committee to make recommendations on quotas and other means of ensuring women's rights.

Article 5

7. **Ms. Khan** congratulated the State party on its honest and clear reports but stressed the need for Government action to modify discriminatory traditional and cultural practices. In that connection, she wished to have a clearer picture of the situation with regard to polygamy in the Democratic Republic of the Congo and, in particular, to know what was the legal status of additional wives. She wondered whether the authorities would consider prohibiting the dowry system under a revised Family Code. The State party had impressive machinery for women's rights, including a ministry responsible for women's affairs and a National Women's Council and, in its third report, had successfully identified obstacles to progress in such areas as health and education. It was therefore not entirely clear why it was having such difficulty implementing its programmes. An analysis of the reasons (for example, lack of resources, insufficient coordination) would be helpful.

8. **Ms. Ouedraogo** said that, according to the stereotypes unfortunately prevailing in many African countries, women were valued only as wives and mothers. Worse still, traditions in which women were treated as objects, such as the levirate, whereby a woman on her husband's death became the wife of her husband's brother, persisted. Nevertheless, some

traditions in Congolese culture had positive aspects. According to the country's initial report, for example, among the Lunda it was to women that the chief had traditionally entrusted his coat of arms when he died, for transmission to his successor. Popular tales and legends recounting such traditions could, if widely disseminated in the media, help to change attitudes over the long term. She suggested that the national machinery for the advancement of women should enlist the aid of the ministry responsible for culture or communications in disseminating positive images of women.

9. The country's committee on female genital mutilation could benefit from the experience of similar committees in other African countries. Her own country, Burkina Faso, had pursued a strategy of disseminating information on the adverse consequences of female genital mutilation to leaders of opinion in all parts of the country, including traditional chiefs, Muslim religious leaders and heads of rural women's organizations, and asking for their cooperation in spreading the message. The considerable success achieved showed that even with deep-rooted and sensitive problems a clearly defined national policy, if vigorously pursued, could make a difference.

Article 7

10. **Ms. Corti** said that it was admittedly difficult to make progress on women's rights in a time of conflict and expressed her solidarity with all the women and children who had died in the unjust war being waged in the Democratic Republic of the Congo. On the other hand, Congolese women had managed to demonstrate that they could contribute to the war effort and fulfil non-traditional roles, thereby gaining political goodwill that they could turn to good account when peace was restored. The Ministry of Social Affairs and the Family should remember that no progress was possible without political will and political pressure.

11. Among the obstacles to women's political participation, the report had mentioned ingrained attitudes and a lack of solidarity among women themselves which made them reluctant to vote other women into office. That was a familiar pattern in women's development in many countries and must be overcome through education in empowerment. The national machinery for the advancement of women should undertake a major campaign to educate women in democracy and politics, in order to overcome the

“democracy deficit” evident from the statistics provided to the Committee, even in the newly created people’s committees designed to decentralize the exercise of power.

12. The State party should elaborate further on the partnership with non-governmental organizations mentioned in the reports. There seemed to be no lack of organizations dedicated to women’s issues, and greater dialogue and liaison between the Government and such organizations might make their work more effective. In its presentation, the delegation had mentioned a group of non-governmental organizations which had united around a common platform on violence against women in order to secure passage of a law on that issue. She would like to know more about that platform, the groups involved and their chances of success.

Article 9

13. **Ms. Goonesekere** said that the State party was to be congratulated for its rules making nationality transmissible through the mother or the father and allowing a woman to retain her nationality regardless of the nationality of her husband. However, the rules on nationality were somewhat weakened by being part of the Family Code, which contained provisions severely restricting the legal capacity of married women, including their power to obtain a passport without their husband’s authorization. Consistency required the elimination of the passport restriction. Since the issue of nationality was so fundamental, it should perhaps be dealt with in the Constitution or in a separate nationality law.

Article 10

14. **Ms. Corti** commended the State party for embodying education for all as a fundamental right in its Constitution, even though the actual situation in the country was very far from that goal. Her chief concerns were those recognized in the reports, the very low rates of school attendance and completion of schooling for girls and the very high illiteracy rates for rural women. Even allowing for the war, it was disturbing that the proportion of the national budget earmarked for education had declined steadily.

15. In its oral presentation, the delegation had said that the education system was a combination of old and new. She would appreciate clarification of that statement and would also like to know to what extent

schooling was free and what the ratio was between public and private schools. Information would also be welcome on access to specific educational information, to help ensure the health and well-being of families, including information on family planning (art. 10 (h) of the Convention).

Article 11

16. **Ms. Khan** said that she was pleased that the State party recognized women’s right to work and to promotion and job stability. She shared the concerns expressed in the reports about discriminatory labour law provisions, notably the stipulation that a wife could not enter employment if her husband opposed it. The provision denying women State employees the right to take time off in a year in which they had already taken maternity leave reflected a failure to realize that maternity leave was not a special favour but a right which recognized that maternity was an important social function. She had been interested to read that in the private sector some discriminatory provisions of the Labour Code had been corrected by collective agreements. That suggested that trade unions had some influence in the private sector. She would like more information on that point and also wished to know whether steps were being taken to correct those discriminatory provisions in the public sector.

17. The prohibition on night work for women, although intended as a protection, barred women from many occupations and was often an obstacle to their promotion. Accordingly, it should apply only to pregnant women or women with health problems. She wished to know whether any labour law provisions, such as minimum wage provisions, applied to the informal sector.

18. With respect to pensions, another area in which women faced discrimination, the State party should clarify whether, in cases of polygamy, all the wives were entitled to a portion of the survivor’s pension.

19. Since many women engaged in micro-enterprise and it was not clear whether women could have title to land, she asked whether the Government might consider micro-credit programmes which did not require women to offer collateral.

Article 12

20. **Ms. Abaka** noted that, while health services had deteriorated and maternal mortality had increased, that was not surprising in wartime. The armed conflict also made it very difficult to collect data or implement measures in the various areas of concern to the Committee. She hoped that peace would soon be restored and that the State party would then redirect the resources currently being used for the armed conflict towards meeting the urgent needs of sectors such as health and education.

21. Contraceptive use was very low, particularly by comparison with a number of neighbouring countries which had similar cultural traditions. She hoped that the State party would be able to learn from the experience of those countries in order to promote greater use of contraception in family planning. It was confusing that, although the country had a Programme for Desirable Births, article 178 of the Penal Code banned the display, distribution or sale of contraceptives; the State party should specify which of those policies was actually implemented. She wondered whether the incidence of teenage pregnancy was rising because the number of cases of rape had increased during the armed conflict.

22. It was very distressing that in one particular tribe single women were considered to be witches and were subjected to acts of violence. Other African countries where similar superstitions existed had implemented programmes and enacted laws to counteract them; the Government should take urgent action to end that practice by means of new legislation and awareness-raising programmes. Measures to combat female genital mutilation were another area in which the Government could benefit from the successful experience of other African countries.

Article 14

23. **Ms. Ouedraogo** congratulated the State Party on having provided gender-disaggregated data in its reports. The plan of action currently in preparation should be reviewed in order to give priority to rural women, who generally suffered most from discrimination in areas such as health and education. Women's complicity in perpetuating traditional attitudes and practices was often a major obstacle to their advancement, and attention should be paid to the ways in which discrimination was reflected in their

everyday lives, particularly in their childbearing and maternal functions. The most crucial task was to improve women's knowledge and awareness of their rights, especially in rural areas; women should be informed and educated about those rights, and the text of the Convention should be disseminated.

Article 15

24. **Ms. González** said that equality before the law was essential to women's full exercise of their human rights. Women in the Democratic Republic of the Congo faced numerous obstacles in that respect, one of the greatest being lack of knowledge and information about those rights. For example, although domestic violence was illegal, Congolese women seldom had the necessary knowledge, literacy or self-esteem to take legal action.

25. The plight of Congolese girls aged 8 to 12 years who resorted to prostitution out of ignorance or illness or because they had been abandoned by their parents was a matter of very grave concern. Women the world over had an urgent duty to take all possible measures to save such children from that terrible plight, which posed a severe threat to their health because of the risks of exposure to sexually transmitted diseases, including HIV/AIDS.

Article 16

26. **Ms. Goonesekere** said that, although much of the State party's legislation was ostensibly beneficial to women, the notion of the husband's absolute authority within the household was all-pervasive and negated women's human rights in many areas such as nationality and employment. That notion lay at the heart of the discrimination intrinsic in Congolese law and contradicted many key articles of the Convention. She wondered where that concept of marital power had originated, since both the Napoleonic Code and English common law incorporated it only in relation to married women, not in relation to the unmarried women in the household.

27. The age of marriage, which the State party's reports put as low as 15 or even 14, was detrimental to the health and education of young women. The Government should review it in the light of the standards of international law which it had accepted.

The meeting rose at 4.45 p.m.