



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Thirty-sixth session

Summary record of the 740th meeting (Chamber B)

Held at Headquarters, New York, on Tuesday, 8 August 2006, at 3 p.m.

Chairperson: Ms. Manalo

later: Ms. Belmihoub-Zerdani

later: Ms. Manalo (Chairperson)

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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 fourth and fifth periodic reports of the Democratic Republic of the Congo (continued)
(CEDAW/C/COD/4-5,
CEDAW/C/COD/Q/5/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. Patten**, noting that articles 12, 13 and 14 of the Constitution of the Democratic Republic of the Congo were in keeping with article 7 of the Convention, drew attention to the disparity between the *de jure* and *de facto* situations and lack of political commitment to increase the level of women's participation in decision-making positions described in section 4 (a) on women and political life of the periodic report (CEDAW/C/COD/4-5). Several impediments to such participation had been identified in the report. Although such factors might be obstacles, she was concerned that the delegation of the Democratic Republic of the Congo had not addressed the major impediments to women's participation in public life such as the traditional working patterns of the political parties and Government structures. She would appreciate hearing its views on those patterns, as well as the discriminatory attitudes and practices which discouraged women from seeking political office, the high cost of seeking and holding public office and the family and child-care responsibilities linked to the unequal power relations between women and men within the family.

3. Equality in political decision-making entailed more than a simple call for justice and democracy; it was also a necessary condition for women's interests to be taken into account. Women in politics could help to redefine political priorities and place new items on the national agenda which would address women's gender-specific concerns, values and experiences.

4. There were no specific measures mentioned in the report or in the introductory statement to improve women's participation. Although women's leadership was among 10 areas of focus of the national

programme for the advancement of Congolese women, it was unclear which measures were planned to achieve the goals set out in that programme, including to enable women to occupy 30 per cent of decision-making positions at all levels.

5. She would like to know whether there would be a review of the impact of the electoral system on the political representation of women in elected bodies and whether reform of the electoral system was planned. It would be useful to hear whether any studies had been conducted on party structures and procedures with a view to removing all barriers which discriminated directly or indirectly against the participation of women. More information was needed on the specific measures to build leadership and increase women's capacity to participate in decision-making, as it was mentioned in the report that women were afraid to launch themselves in politics. She would appreciate information on any leadership and self-esteem training provided to women. Lastly, she would also like to know whether any temporary special measures were envisaged.

6. **Ms. Belmihoub-Zerdani** said that the very presence of the delegation of the Democratic Republic of the Congo, made up exclusively of women, was a genuine response to the work of the Committee. Now that the war had ended, the Constitution of 18 February had become a tangible reality and the country was reunified, women were entitled to demand all their rights. The Democratic Republic of the Congo had ratified virtually all the human rights instruments of the United Nations, including the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, among others. It had made considerable progress, including the holding of parliamentary elections.

7. She would like to know the number of women and ratio of women to men standing for election to the parliament. It was unclear whether the women who ran for election came from non-governmental organizations or were political party candidates. It would be useful to know whether the party in power had put forward women candidates in large numbers. If the election outcome figures were not yet available, she would appreciate receiving such information at a later date.

8. She drew attention to the table in the report on women's representation in decision-making posts within the transitional institutions established

following the Inter-Congolese Dialogue. It was surprising, given the considerable progress made in the area of women's participation in political life during a period of conflict, that there had been a setback in the representation of women in office, and further explanation was needed concerning the decline in the number of women in senior political positions. If the Democratic Republic of the Congo had been able to increase the representation of women during a difficult period, it should be able to do so in much more peaceful times. She therefore suggested that the delegation should transmit the outcome of the discussions held with the Committee to its Government and assert all of the rights of women.

9. She recalled that the Government of the Democratic Republic of the Congo had ratified the Convention on the Elimination of All Forms of Discrimination against Women without reservation. Discriminatory electoral laws and the law on political parties should be changed by giving subsidies to parties which encouraged women to stand for election and punishing those which did not. Parties would thereby wish to include women in all of their lists. Care must be taken to distinguish between the notions of parity, equity and equality without discrimination as provided for in article 1 of the Convention, which should be the starting point for all efforts to promote the rights of Congolese women.

10. Lastly, she commended the amendments made to the legislation on nationality, which enabled the women of the country to transmit their nationality through filiation in the same way as men. She encouraged the delegation, however, to work towards amending that law to ensure that women enjoyed equal rights with men to acquire, change or retain their nationality and that neither marriage to an alien nor change of nationality by the husband during marriage should automatically change the nationality of the wife, in accordance with article 9 of the Convention.

11. **Ms. Gabr** said that she would like to know whether any efforts were being made by the Congolese Government to increase the numbers of women occupying diplomatic posts. She wondered whether the small number of women pursuing such careers was owing to stereotypes or a lack of encouragement. More information was needed on the conditions and whether there were competitive examinations for entering diplomatic service. It would also be useful to have further information on the participation of women in

international conferences and bodies, which was particularly important in the light of the ongoing reform of the United Nations, including the establishment of the Human Rights Council and Peacebuilding Commission. She would welcome greater participation by Congolese women in the work of such United Nations mechanisms, which would be particularly useful in the light of Security Council resolution 1325 (2000) and their considerable and painful experience concerning the issue of women and peace.

12. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo), with respect to the question raised concerning the lack of political will of her Government to increase the level of women's participation in decision-making positions, said that the current political climate was favourable to the establishment of equality. It should be recalled, however, that the men currently involved in politics had considerable cultural baggage to overcome. Change was always slow when it came to mentalities. Although the political commitment was present, time was needed for men, at all levels of power, to grow accustomed to working with women and having women occupying high-level posts. There were awareness-raising campaigns aimed at increasing sensitivity to women's issues among political officials and showing them the necessity of accepting women's participation at all levels of the decision-making and political process.

13. Her delegation was heartened by the Committee's encouragement and support, and would raise with her Government the concerns expressed regarding article 9.

14. Congolese women did attend international forums, especially forums concerning women, in large numbers, but were not highly represented at scientific, cultural and other forums. Her delegation would nevertheless give increased attention to the issue, as women were involved in all fields, including the social and natural sciences, and were present in every profession. There was therefore no reason why they should not participate on an equal footing with men in international forums.

15. Concerning women in the diplomatic corps, although she did not have precise figures, the number of women represented was indeed small. Nevertheless, the increase in the number of Congolese women ambassadors and heads of diplomatic mission was a step forward. Until recently, diplomacy had been

reserved for men. Women had been educated not to speak in public or to raise their voices in places where men gathered. The fact that there were women in Parliament who dared to speak out was an accomplishment in itself.

16. *Ms. Belmihoub-Zerdani, Vice-Chairperson, took the Chair.*

17. **Ms. Kamwanya Biayi** (Democratic Republic of the Congo) said that the very fact that the principle of equality was enshrined in the Constitution was an immense step forward. It provided women with a basis for defending their rights during negotiations at all levels and it was hoped that, with the passage of time, conditions would improve.

18. The Committee had asked about biases and prejudices and why the delegation had not referred to governmental structures as an obstacle to further progress. There was a law on political parties, which encouraged them not to discriminate against women. However, the problem arose from the learning process that Congolese women had to undergo, because for many years they had been accustomed to the one-party system. Currently there was a multi-party system and women were becoming active in political parties. During the recent pre-electoral period, training programmes had been offered by the independent Electoral Committee responsible for organizing the elections to convince women to stand as candidates.

19. The efforts of UNIFEM should also be underscored; they had helped train women at all levels and made it possible for many women to run for office. She herself had been a candidate in the recent elections, proposed by her party, and was waiting to learn whether she had been elected. It had not been an easy process, because it had been necessary to convince the party leaders of the need to involve women; however, eventually, of the approximately 9,000 candidates for 500 seats, around 1,000 had been women.

20. Nevertheless, women in her country were still learning; they needed to be given time and when her country produced its next report, it should be able to report on the results of the process.

21. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo) said it was important to stress that, of 33 presidential candidates, four had been women, and several women were among the founders of political parties. Even though the numbers were limited, that

represented an enormous step forward for women in her country.

22. **Ms. Kamwanya Biayi** (Democratic Republic of the Congo) said that women were being encouraged to found and become members of political parties. Also efforts were being made to raise awareness about the concepts of equality and parity to ensure that both men and women understood them.

23. With regard to the presence of women in the diplomatic service, diplomacy was a career and was governed by a statute. If few women were currently involved in that field, it was because they were still going through a learning and a socialization process, since previously women had been taught that the diplomatic service was only for men. However, the Government was now making an effort to consider women for promotions, whenever posts opened up. It was necessary to encourage more women to join the Ministry of Foreign Affairs and to include women in all committees and missions.

24. Attention must also be paid to ensuring that women were represented on committees that took decisions on matters that concerned them. For example, at the time of the elections, special decisions had been taken to facilitate the participation of pregnant women in the voting process.

25. Further efforts would be made to ensure that more women participated in public life and that the notion of equality embodied in the Constitution became a reality.

Part III, Articles 10 to 14

26. **Ms. Popescu** said that education was the most significant factor for the advancement of women, teaching them about their rights and helping to eliminate stereotypes. According to the report, 50 per cent of adult women were illiterate; there was also a problem of school desertion and low attendance, particularly in the case of girls. Clearly the successive wars had had a negative effect on the education system, particularly on the infrastructure and the lack of teachers. However there were two very important articles in the new Constitution concerning education: article 43 which made education free and compulsory and article 44 which declared the need to eliminate illiteracy.

27. She therefore asked about the specific measures that were being taken to find the funds to implement

those two articles and about the measures that would be taken to eliminate illiteracy and improve education. Also, since education was an important factor in the elimination of prejudices, she asked whether textbooks and manuals were being designed to raise awareness of the problem of sexist stereotyping, especially among teachers.

28. The report had also underscored many problems in the area of health, particularly the high rates of morbidity and mortality. The same figures on maternal mortality had appeared in a report two years previously and it would be useful to know if any progress had been made and what the current mortality rate was.

29. According to the report only 10 per cent of women knew how HIV/AIDS is transmitted; she would therefore like to know how many women were infected, how many were being treated, and what measures were being taken in that regard.

30. Few women used any means of contraception, and she asked what measures were being taken to encourage the use of contraception, which would help avoid sexually transmitted diseases and unwanted pregnancies, two fairly widespread problems according to the report. It would also be useful to know the situation regarding sexual education in schools.

31. **Mr. Flinterman** asked whether the Government was developing policies to increase the numbers of girls at the secondary and tertiary levels of education, or considering any temporary special measures in accordance with article 4 of the Convention.

32. He also wished to know whether the Government was envisaging any type of programme to ensure school attendance nationwide, especially in rural areas, and what the competencies of the provincial governments were in the area of education.

33. **Ms. Patten** said that working conditions for women were very precarious; they were poorly represented in decision-making mechanisms and there was discrimination in education and training, remuneration, promotions, job and social security, and sexual harassment. There appeared to be a number of loopholes in the new Labour Code, including the absence of a provision explicitly defining and prohibiting direct and indirect forms of discrimination. She would be interested to know if any cases had been reported and what the court decisions had been; also, how the new Code provided protection against

discrimination in access to employment, and what the role of the Labour Inspectorate was.

34. With regard to the pay gap that affected women, there was need to rectify a loophole in section 86 of the Labour Code, since wage determination was only related to equal conditions of work and did not embody the principle of “work of equal value”.

35. Under the new Code, provisions had been introduced to abolish a husband’s right to oppose the hiring of his wife; nevertheless, articles 448 and 497 of the Family Code established that a woman had to obtain her husband’s authorization to take up salaried employment, and in relation to a career in the public service. She would like to know if such provisions were still in effect and to know the delegation’s views on the matter.

36. Lastly, she wished to know how compliance with the Labour Code was ensured in the private sector and what efforts were being made to help women who were self-employed and in the informal sector.

37. *Ms. Manalo (Chairperson) resumed the Chair.*

38. **Ms. Arocha Dominguez** noted that data provided by the country and other data publicly available showed that women’s health was either deteriorating or simply not improving. While it was difficult for a country emerging from war to guarantee health services to its population, article 12 of the Convention referred to the State’s obligation to guarantee women’s health. She wondered whether there were data showing health service coverage and whether health education programmes existed which could aid in prevention. Information on maternal mortality and AIDS would be appreciated, as would information about programmes designed to help women who had been raped or mutilated during armed conflicts.

39. **Ms. Dairiam** asked whether the Democratic Republic of the Congo had an integrated rural development policy for women which combined elements such as education, health, improvement of living conditions and livelihood in the context of post-conflict infrastructure reconstruction. There were rural programmes funded by UNICEF but it was not clear whether they had been evaluated and how many women benefited from them.

40. Despite a reasonable level of prenatal care, maternal mortality remained high, and she asked for information on the underlying and immediate causes. It

would be helpful to know the level of access to emergency obstetric delivery services by pregnant women. She wondered whether the Penal Code still banned distribution of contraception to young people and sex education for young people. Finally, she wished to know how poverty was being addressed, what the reasons were for the delay in drafting the poverty reduction strategy papers mentioned in the responses and how the provisions of the Convention would be reflected in those papers.

41. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo) said, in response to questions about eliminating gender discrimination in education, that, increasingly, efforts were being made to remove gender stereotypes from school textbooks, and that, across the country, teachers systematically received gender training. Although schools were open to girls as well as boys, girls would not go to school unless encouraged by their parents. Poverty should no longer be a factor keeping girls from going to school, since free schooling was now enshrined in the Constitution. More and more women were seeking literacy training, having realized, through awareness campaigns, the importance of education to enhance their role in society.

42. In regard to the question posed by Mr. Flinterman on programmes to encourage girls to attend secondary school, it appeared that girls dropped out of school mainly at the primary level. In secondary school and in institutions of higher learning, the numbers of girls and boys were almost equal and girls were currently choosing non-traditional fields of study more frequently.

43. A broad programme supported by the United Nations Population Fund monitored the prevalence of HIV/AIDS among pregnant women. HIV-positive pregnant women were cared for until delivery. There were sex education centres where AIDS screening was available for young people and adult women and centres which took care of prostitutes, both in the capital and throughout the country.

44. There was not a great deal of discrimination in employment. All jobs were open to both men and women. However, the right to maternity leave was not recognized. When a woman gave birth, she lost her right to take vacation time during that same year. A battle to ensure women's right to maternity leave was currently being waged.

45. **Ms. Kamwanya Biayi** (Democratic Republic of the Congo) stated that under the new Labour Code,

discrimination had been eliminated. Men and women had the same opportunities, the same pay and equal access to employment. The clause in the previous code requiring spousal authorization for a woman to accept paying work had been eliminated.

46. Self-employment was governed by the same set of laws which governed all workers in the private sector. Efforts were being made by the Ministry of Labour to include the informal sector of the economy in the formal sector so that people employed in the informal sector would be subject to the same labour laws. Since self-employment was governed by the Labour Code, the same protection was provided for men and women.

47. Data was lacking regarding the extent of health-service coverage, but it was believed that coverage was approximately 40 per cent. Efforts were under way to improve the situation through programmes to combat malaria and HIV/AIDS, as well as a reproductive health programme. Most of those programmes were managed by women, with emphasis placed on their problems and needs. Attention was also paid to prevention, with each programme containing an awareness-raising component. Many NGOs worked with the Ministry of Health, which had asked the NGOs to handle awareness campaigns for voluntary screening and contraceptives use. These programmes were taking hold.

48. **Ms. Kamwanya Biayi** (Democratic Republic of the Congo) said that there was a joint initiative, involving the Government, national and international non-governmental organizations and agencies of the United Nations system, to combat violence against women and girls. When cases of violence against women and girls were identified, the victim was immediately offered an HIV test and was provided with health care. The initiative focused on the health, judicial, social and economic aspects of violence against women. The consequences of the violence were addressed and efforts were made to reintegrate the victim because victims of violence were often rejected by the community.

49. On the subject of integrated development programmes in rural areas, the Poverty Reduction Strategy Paper (PRSP) of the Democratic Republic of the Congo covered all aspects of reconstruction in urban and rural areas. Consultations had been held in all the provinces and the document was in the process of being finalized. Programmes were implemented with

the assistance of bilateral and multilateral partners and United Nations agencies. Assessment mechanisms had been established to monitor those programmes. There was a monthly review and an in-depth annual evaluation was conducted with the partners. The Ministry of Health also carried out an evaluation of each programme. Reconstruction was a difficult task but efforts were being made in all sectors. There was a Government programme for the rehabilitation of infrastructures and several structures and institutions were being rehabilitated.

50. The high rate of maternal mortality was attributable to the consequences of war because several health centres had been destroyed. During the conflict, women who were due to give birth had been forced to cover long distances and sometimes it had not been possible for women to enter certain areas because of the lack of security. The United Nations Mission in the Democratic Republic of the Congo (MONUC) was trying to improve the security situation so that health centres could be rehabilitated.

51. The percentage of women who had access to obstetric services was not very high and efforts were being made to remedy that situation by implementing several programmes to provide women with better medical services. The National Programme to Combat HIV/AIDS had been established to distribute and promote the use of contraceptives, in spite of the fact that the Penal Code did not permit their use. Work was in progress to harmonize the Penal Code with the Programme.

52. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo) said that measures to assist rural women had been hindered by the conflict because programmes in rural areas had almost been abandoned. Her delegation hoped that the programmes that had been launched by the Government in 2006 with the assistance of partners, the ministries, the African Development Bank and the World Bank would improve the conditions of rural women.

Articles 15 and 16

53. **Ms. Belmihoub-Zerdani** said that further clarification was needed in relation to paragraph 24 of the responses provided by the delegation, referring to the “harmonization of the Family Code”, which allowed girls to marry at 15 years of age. It was unclear whether the Family Code had already been

amended to raise the age of marriage to 18. Future reports should clearly specify which laws had been passed and which laws were in the process of being drafted or amended and should provide more information about the Family Code and the personal status of women, focusing on issues such as adoption and inheritance. In view of the economic difficulties in the Democratic Republic of the Congo, it was important to recall that, under the provisions of the Beijing Platform for Action, the Democratic Republic of the Congo was eligible to receive 0.7 per cent of the gross national product of developed countries for official development assistance because it was ranked 167 in terms of income.

54. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo) noted that a code on the protection of children was being drafted in line with the provisions of the Convention on the Rights of the Child. The age of marriage would be 18 for both girls and boys and there would be penalties for non-compliance. The code would be adopted once a parliament had been convened following the recent elections.

55. **Ms. Shin** drew attention to page 10 of the responses to the list of issues and questions. Some of the statistics that related to the primary remedial centres in Kinshasa City and Kasai Oriental were incorrect and those figures should not be provided to other international committees or agencies. However, what was significant about the statistics was that they showed that girls were successful at school once they had been given the opportunity to attend. Every effort should be made to promote girls' access to education in the PRSP.

56. **Ms. Vasika Pola Ngandu** (Democratic Republic of the Congo) said that her delegation would take note of the recommendations of the Committee and would make an effort to ensure the accuracy of statistics in future submissions.

The meeting rose at 5 p.m.