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

Pre-session working group  
Thirty-sixth session  
7-25 August 2006

**Responses to the list of issues and questions for consideration of the  
combined fourth and fifth periodic reports**

**Democratic Republic of the Congo\***

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\* The present document is being issued without formal editing.



## List of issues and questions raised during the consideration of the periodic reports of the Democratic Republic of the Congo

1. The report of the Democratic Republic of the Congo was prepared in accordance with the following procedure:

A Committee of experts from the following ministries and other bodies was established: Ministry on the Status of Women and the Family, Ministry of Education, Ministry of Higher and University Education, Ministry of Labour, Ministry of Social Affairs, Ministry of Justice, and Ministry of Human Rights, and non-governmental organizations (NGOs) such as Réseau Action Femme and PAAF, the 10 thematic groups created to back up the National Programme for the Advancement of Congolese Women (PNPFC), and the UNDP-funded Women's Project set up to support the PNPFC (with the consultant recruited for this purpose).

It must be pointed out that the 10 thematic groups draw their membership from women and men working in civil society (NGOs) in the 12 Beijing areas.

### Background

2. The following measures were taken by the Government to ensure that the promotion of gender equality and the full and comprehensive implementation of the Convention become an integral part of the State's priorities for the reconstruction of the country after the years of conflict:

- The creation of an independent ministry for the advancement of women;
- The adoption by the Government of a strategy paper on gender mainstreaming in development policies and programmes in the Democratic Republic of the Congo;
- The inclusion of the principle of parity in the new Constitution adopted by the referendum and promulgated by the President of the Republic.

### *Legal framework (core principles); article 14 of the Constitution:*

The public authorities shall ensure the elimination of all forms of discrimination against women and guarantee the protection of their rights. They shall take, in all fields but especially in the civil, political, economic, social and cultural fields, all appropriate measures to ensure women's comprehensive advancement and their full participation in the Nation's development.

They shall take steps to combat all forms of violence against women in public and private life.

Women shall be entitled to equitable representation in national, provincial and local institutions.

The State shall ensure parity between men and women in such institutions.

The modalities of the exercise of these rights shall be fixed by law.

### *Regional*

The signature in July 2004 by the Heads of State and Government of the States members of the African Union of the Solemn Declaration on Gender Equality in Africa: the African Union and gender: a big step forward.

The participation of the Democratic Republic of the Congo in the International Conference on the Great Lakes Region, culminating in the forthcoming signature of the non-aggression pact and the protocols on the elimination of sexual violence against women and girls, which are designed to punish the perpetrators of crimes of sexual violence in situations of peace and of armed conflict, genocide, crimes against mankind, and war crimes.

3. The Ministry on the Status of Women and the Family is a member of the Inter-ministerial Committee responsible for drafting the poverty-reduction strategy paper on the basis on the Millennium Development Goals. In addition, all the working parties having responsibilities in this area take women's specific needs into account. Unfortunately the paper has not yet been finalized, and the Millennium Development Goals remain far from attainment.

#### **Legislation and other national action for the advancement of women**

4. The Ministry of Justice already has a committee working on the reform of national legislation, but this body is not very operational and has not begun its scrutiny of the laws requiring amendment. And the priority measures chosen during the Inter-Congolese Dialogue at Sun City do not include the revision of discriminatory legislation. But the draft family code is scheduled for amendment, as is the code on the protection of children.

5. It should be noted that the results of the national consultations conducted to date with UNICEF support by the Ministry on the Status of Women and the Family, the Ministry of Justice and human rights NGOs have not yet been delivered to the Parliament office: they are at the stage of finalization.

6. The State budget allocations to the Ministry on the Status of Women and the Family for 2005 amounted to 562, 671,065 Congolese francs, or 0.69 per cent of the total budget, and for 2006 they amount to 1,086,365,970,124 francs, or 0.56 per cent of the total budget. As these amounts are still insufficient, the Government requested financial assistance of \$1,083,720 from UNDP and of \$800,663.20 from UNFPA under the back-up project for the National Programme for the Advancement of Congolese Women.

7. The following are the responsibilities of the sectoral ministries for the implementation of this National Programme:

#### *Education*

This sector has no specific responsibilities for the advancement of women. In general terms, such responsibilities derive from the following texts:

- The Convention on the Rights of the Child;
- The African Children's Charter;
- The framework act on primary, secondary and vocational education;
- The Millennium Development Goals;

- The poverty-reduction strategy paper;  
With the objective of
- Providing competent men and women with a full training in the moral, spiritual and civic values of mankind;
- Producing builders of a new democratic, united, prosperous and peaceful Congolese society.

The mission: to ensure the coordinated training of the country's people to become responsible citizens useful to themselves and to society and capable of promoting the development of the country and its national culture.

### *Health*

This sector has the following responsibilities for the advancement of women:

- To reduce the maternal mortality rate from 1,289 to 500 per 100,000 live births within five years;
- To cut by 30 per cent the female incidence of sexually transmitted diseases and HIV/AIDS. In order to reduce the maternal mortality rate the Ministry of Health has adopted a national reproductive health policy under the National Reproductive Health Programme (PNSR), including a road map and strategies to reinforce the health system.

### *National reproductive health policy*

This policy has the following mission:

- Standard setting: to produce, publicize and apply the national policy, the master plan and the reproductive health standards at all levels;
- To coordinate, supervise, monitor and evaluate reproductive health activities throughout the country;
- To engage in advocacy for the mobilization of resources to tackle the main problems:
- High perinatal mortality (80%) and induced abortion rates, especially among adolescent girls, taking future parents (children, adolescents and young people) as the targets;
- High maternal mortality (1,837 per 100,000 live births: two maternal deaths per 100 live births) and unwanted pregnancy rates, taking current parents (adults of reproductive age) as the targets. Rape and other acts of violence against women, and transmission of HIV/AIDS from mother to child (40%);
- Rape and other acts of violence against women, taking older parents (at the end of their reproductive lives) as the targets.

### *The road map*

The road map offers all partners and programmes an opportunity to pool their efforts at two levels of care at which the health sector can make the difference: in the provision of health services and at the grass roots.

Recognition of the fact that the mother/new-born child link is inseparable enables the partners to focus special attention on making emergency obstetrical and neonatal services available to women during pregnancy and childbirth by qualified personnel and on the provision of suitable materials and equipment in adequate amounts and thus help to save the lives of women and new-born babies at all levels.

*The strategy for reinforcing the health system*

The strategy for reinforcing the health system has the following focuses:

- Development and revitalization of the health areas (increased funding, broader coverage, human resources development, etc.);
- Decentralization of funding;
- Policy development (organization of care, human resources, funding, and the issue of a pluralist system).

**Sexual violence**

8. The Government has included a provision in the Constitution (art. 14.3) requesting the public authorities to take steps to combat all forms of violence against women in public and private life. But there is as yet no piece of legislation fixing the modalities of application of this provision. There is, however, a sexual violence act already before the Parliament for adoption.

One other step forward was the creation of the Joint Initiative to combat sexual violence. This Initiative was launched in 2003 and involves the Government, national and international NGOs and agencies of the United Nations system.

The aim is to establish a multi-sectoral inter-agency programme (Government, NGOs, United Nations system) on prevention of and response to sexual violence against women, young people and children, including a suitable arrangement for reference materials and preparation of reports on the basis of an effective partnership.

The many different consequences of sexual violence call for a holistic approach covering medical, psycho-social, legal, social, economic and security arrangements.

*The intervention strategies use the following approaches:*

- Data collection, advocacy and awareness-raising;
- Medical and other health measures;
- Psycho-social support;
- Legal assistance and protection;
- Family, community and social reintegration.

UNICEF has a programme of cooperation with the Government, but the allocated resources are insufficient and do not allow for coverage of the whole country.

9. The Government has put in place a coordination framework. Led by UNFPA, the Joint Initiative has several levels of coordination:

At the central level, there is the thematic group, which includes the ministries and the United Nations system. The thematic group draws its membership from:

Heads of agency of the United Nations system;  
Ministry of Health;  
Ministry on the Status of Women and the Family  
Ministry of Human Rights;  
Ministry of Social Affairs;  
Ministry of Solidarity and Humanitarian Affairs;  
Ministry of Justice;  
Ministry of Defence;  
Ministry of Youth and Sports;  
Ministry of the Interior;  
Bilateral cooperation agencies;  
National and international NGOs.

There is a technical coordination group made up of the various focal points of the agencies of the United Nations system, the ministries concerned, bilateral cooperation agencies, and national and international NGOs.

At the provincial level, there is collaboration among all the members of the provincial offices of the agencies of the United Nations system, divisions of the ministries concerned, NGOs, and religious organizations.

Action has been taken under the Joint Initiative in the following areas:

- Training modules and data collection support modules;
- Guidelines for field workers (confidentiality, security, respect for the dignity of victims, non-discrimination);
- Support for data collection (incident reports, consent forms, medical histories, etc.);
- Training modules: on advocacy and awareness-raising, psycho-social care, medical treatment, and judicial and security assistance;
- Establishment of databases in the provinces;
- Capacity-building through training;
- Psycho-social care and medical treatment arrangements at Kindu, Kisangani and Kalemie;
- Psycho-social support; counselling at Kindu, Kisangani, Mbandaka and Bukavu;
- Medical treatment arrangements at Bukavu and training of personnel in all aspects of care and treatment at Lubumbashi;
- Appropriate victim-support arrangements at Goma, Bukavu, Butembo, Kindu, Kalemie and Bunia;

- Advocacy and legal assistance at Kisangani, Kindu and Mbandaka;
- Harmonization of national legislation to combat impunity;
- A workshop on the harmonization of legislation was held at Iyonda-Mbandaka. It resulted in the proposal of two sexual violence bills dealing with the specification of offences, penalties and procedures;
- At least five cases have been brought to court and have resulted in the conviction of the perpetrators at Kalemie, Kindu and Mbandaka; other cases are being processed;
- The sustained advocacy efforts have resulted in the tabling of bills for consideration at the parliamentary session in April 2006;
- Provision of clinical services for victims of sexual violence;
- Supply of essential medicines, contraceptives and laboratory test materials to health units;
- Provision of care for more than 1,500 victims;
- Advocacy and awareness-raising;
- Enhancement of the awareness of sexual violence for all social groups through all the media: television, press and radio;
- Reference to sexual violence in the country's new Constitution;
- Mobilization of funds:

Since 2005 the Kingdom of Belgium has been financing a joint project to combat sexual violence in three provinces (Equateur, Province Orientale and Maniema), for a duration of four years in an amount of 7,820,000 euros.

The Canadian cooperation agency is financing another joint project, due to start in May 2006, in two provinces (Kivu Nord and Kivu Sud), for a duration of four years in an amount of 15 million Canadian dollars.

UNFPA, UNICEF, UNHCHR, UNDP, WHO, UNIFEM, WFP and national and international NGOs have also mobilized funds to combat sexual violence.

10. In 2004 MONUC set up a unit for the prevention of the exploitation of women and the commission of acts of violence against them which works in collaboration with the Government through specialized services: the police, the Ministry of National Defence and the Ministry of the Interior.

11. The problem of sexual and moral harassment does exist in the country but documented cases are very few.

The Ministry on the Status of Women and the Family and human rights NGOs are conducting awareness-raising campaigns on the problem of sexual harassment for the State services, private enterprises, the world of sports, etc., public authorities, and men and women workers.

Little is known about instances of this problem but reprimands are handed out when cases are reported.

12. Progress has been made in this area with regard to the ongoing work on the draft code on the protection of children, which has taken into account the allegations

of child prostitution and trafficking in children. In fact, the Ministry on the Status of Women and the Family, with support from UNICEF and other partners, initiated the work on this draft code, which prohibits the following sexual acts and prescribes coordinated action against them:

- Acts of paedophilia;
- Encouragement of compulsion of minors, especially girls, to commit acts of debauchery;
- Deliberate infection of a child with HIV/AIDS by sexual or other means;
- Compulsion of girls to take part in sex shows;
- Pornography using child actors;
- Sexual harassment;
- Procuring and sexual slavery;
- Deliberate sale of minors for sexual purposes;
- Forced marriage of a minor female;
- Abandonment of a girl in any place whatsoever;
- Recruitment or use of girls in the armed forces, security forces or armed groups or militias.

13. The Government has not yet carried out any research on this question.

#### **Health**

14. The Government has introduced the following policy:

- Promotion of low-risk maternity by providing services for women during pregnancy and for up to 42 days following confinement;
- Revised system of antenatal checks: monitoring of pregnancy and disease; vaccination against tetanus; iron supplements; prevention of the transmission of HIV/AIDS from mother to child; health education; family planning;
- During confinement: assistance for pregnant women; emergency care for mother and baby;
- After confinement: monitoring of breastfeeding and the baby's health; monitoring of genital infections (sexually transmitted infections, HIV/AIDS); continued provision of iron and vitamin-A supplements for mothers; family planning;
- Young people: provision of sex education at the "youth crossroads" (Bomoto Centre in Matonge) in partnership with UNFPA;
- The National Reproductive Health Programme receives most of its support in terms of the provision of condoms and other means of contraception from UNFPA;
- UNFPA supports 132 maternity units with the provision of reproductive health products, including condoms and other means of contraception;



15. The Government has introduced the National Programme to Combat HIV/AIDS; this Programme takes a gender-specific approach facilitating the provision of data disaggregated by sex in order to improve the understanding of the problem in terms of sex, age, environment, etc., and identify ways and means to fight HIV/AIDS effectively. The Ministry on the Status of Women and the Family has just introduced a sectoral programme to combat HIV/AIDS, with special emphasis on women, children and young people.

The Government is working in collaboration with WHO and is receiving technical and financial assistance.

16. The treatment available to women living with HIV/AIDS does not cover all their needs. Some health units supply Niverapine, but only to pregnant women (to prevent transmission from mother to child).

### **Education and stereotypes**

17. The Government has introduced the following programmes through the Ministry of Primary, Secondary and Vocational Education:

- The awareness-raising and advocacy projects on girls' schooling submitted to UNESCO and the Association Internationale Francophile (AIF), on which no action has yet been taken;
- The production of school textbooks taking a gender-specific approach and attacking stereotypes which discriminate against girls;
- The national programme of informal remedial primary education, which is a response to the requirements of "education for all" proclaimed in 1990 at the international conference in Jomtien, Thailand, and is designed to increase the education options. In this connection an inter-disciplinary seminar on children in need of special measures of protection was held from 7 to 10 December 1998, with UNICEF support. The theme was "Why do we need to save children".

#### *Status of the experimental remedial primary education programme :programme implementation*

This programme is being carried out in Kinshasha, Mbuji-Mayi (Kasai Oriental) and Tshikapa (Kasai Occidental).

- It has reached 34,880 children:
 

2000-2001:	1,720
2001-2002:	4,986
2002-2003:	7,614
2003-2004:	10,068
2004-2005:	10,492
- A total of 2,359 children have obtained the primary graduation certificate;
- In the 2004-2005 school year alone 1,361 children took the new primary graduation test (TENAFEP) and 1,261 (92.7%) of them passed;
- TENAFEP results for 2005.

*Kinshasha City*

<i>Sex</i>	<i>Candidates</i>	<i>Passes</i>	<i>Pass rate</i>
Boys	391	391	70.6
Girls	368	358	97.4
<b>Total</b>	<b>759</b>	<b>677</b>	<b>89.1</b>

*Kasai Oriental*

<i>Sex</i>	<i>Candidates</i>	<i>Passes</i>	<i>Pass rate</i>
Boys	413	385	93.2
Girls	189	179	94.7
<b>Total</b>	<b>602</b>	<b>584</b>	<b>97.0</b>

*Total candidates*

<i>Sex</i>	<i>Candidates</i>	<i>Passes</i>	<i>Pass rate</i>
Boys	803	704	87.6
Girls	558	537	96.2
<b>Total</b>	<b>1,361</b>	<b>1,261</b>	<b>29.7</b>

- The primary remedial centres operate with Community support but they are in a very poor way, being denied the resources for teaching the children. For example, the Community contribution for the 2004-2005 school year was 43,717.443 Congolese francs, or \$95.03 per teacher for the whole year;
- UNICEF programme of support for the education system (UNESCO remedial programme):

## Kinshasha City 2005-2006

Girls: 5,595  
Boys: 7,489  
**Total: 13,084**

## Street children

Girls: 403  
Boys: 878  
**Total: 1,281**

## Orphans

Girls: 1,252  
Boys: 1,257  
**Total: 2,509**

## Teachers

Women: 105  
Men: 138  
**Total: 243**

18. The Education Ministry carried out with AIF support an advocacy and awareness-raising campaign aimed at political decision-makers, educational partners (private schools), churches, NGOs, bodies working on youth issues, and traditional chiefs in the following provinces: Kasai Occidental and Kasai Oriental, Katanga and Province Orientale). The aim was to persuade them to introduce equal education opportunities for girls and boys by drawing their attention to female models (teachers, ministers, etc.) and showing them that girls are just as important as boys in social and economic terms.

19. The 2004 campaign to get all girls into school was funded by UNICEF. The campaign resulted in a massive enrolment of girls. For example, it was common to find schools with 80 girls for every 20 boys.

In some schools in Bas-Congo the numbers tripled to almost 60 per cent in the first term. But the Government has not introduced free education.

As a result, the numbers declined considerably in the second term: one school with an enrolment of 1,200 had a regular attendance of only 400 pupils. The Education Ministry carried out with AIF support an awareness-raising campaign which included a questionnaire on a list of household tasks which discriminate against girls. The replies show that women themselves cause part of the problem by keeping their daughters at home to look after children or do the cooking.

The purpose of the questionnaire was to persuade parents to change their ways. The Ministry has submitted projects to UNESCO and AIF with a view to covering all the provinces and raising their awareness, forming cells and engaging in advocacy; no action has yet been taken on these projects.

The Ministry is working to eliminate the stereotypes which discriminate against girls in school textbooks.

20. All matters connected with traditional practices and customs inconsistent with respect for women's fundamental rights were taken into account during the recent work on revision of the Family Code.

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

21. It is common knowledge that Congolese women are under-represented in public life and especially in decision-making posts and in the transitional institutions which resulted from the Inter-Congolese Dialogue. But some progress has in fact been seen, notably the political will shown by the Government in the reconstruction phase, i.e. in the text which is to govern the Third Republic, but especially the efforts made by women themselves.

Women have come to realize the equal role which they should be playing and have mobilized themselves: through lobbying, sit-ins, and advocacy with all the social and political actors, decision-makers and leaders they achieved a first in Africa and perhaps even in the world (initiatives of the Network of African Women Ministers and Parliamentarians (REFAM/RDC), WOPPA, RAF and other organizations of women leaders) by securing the inclusion in the Constitution (art.14.5) of a reference to parity between men and women: "Women are entitled to equitable representation in national, provincial and local institutions. The State shall ensure parity between men and women in such institutions."

The purpose here is to correct the disregard of women in the application of the transitional texts resulting from the Global and Inclusive Accord, which speak only of significant representation of women in decision-making bodies: hence women's very low level of representation, estimated at 10 per cent.

As to the implementation of this parity in the electoral act, article 13.3 includes the following provisions: "Each list shall be drawn up, where necessary, on the basis of equitable representation of men and women and promotion of disabled persons."

Attention may be drawn as an example to the democracy-support institutions, in which parity between men and women is respected; but much remains to be done in other areas.

### **Employment and economic resources**

22. No significant progress has been made by the Government:

- The Government no longer grants loans;
- Women can obtain through NGOs micro-credits repayable on fixed dates.

23. Article 124 has been amended and the draft labour code is before the Parliament for adoption. There is a draft ministerial order fixing women's working conditions.

Article 9: For the same work or work of equal value, the remuneration of working hours and overtime shall be the same for female workers as for their male counterparts.

### **Marriage and family relations**

24. The work on harmonization of the Family Code put an end to discrimination in respect of the age of marriage, and proposals were adopted to comply with the Convention on the Rights of the Child by prohibiting marriage by persons aged under 18 years and emancipation by marriage.

25. The following measures were taken to bolster the campaign conducted by the Ministry on the Status of Women and the Family:

- Advocacy work and reinforcement of the Ministries of Justice and of the Interior with a view to establishing sub-offices to reduce the distance which people have to travel to a registry office;
- Elimination of the supplementary-order procedure (*jugement supplétif*), which is very expensive;
- Reduction of the very high cost of registration, which is quite out of proportion to people's low incomes;
- Intensification of the campaigns in the provinces to explain the importance of registering marriages and to combat ignorance.

### **Access to property**

26. The relevant provisions will be amended by adoption of the Family Code currently under to consultation.

**Rural women**

27. The following measures have been taken by official decision:

- The start-up by the Government, through the Ministry of Rural Development and the Ministry on the Status of Women and the Family, of the campaign to increase rural women's awareness of the electoral process. This ongoing campaign is designed to encourage rural women not only to vote but also to stand for election;
- Measures to provide rural women with equal access to credit.

It should be pointed out here that the Ministry of Rural Development has made available to rural women in some towns, through the urban and peri-urban horticulture project (HUP project) seeds, fertilisers and other inputs, which they may purchase on credit to boost their production capacity. Arrangements are being made to provide loans in cash as well as in kind.

The Ministry has also helped rural women to obtain ploughing and other equipment (rollers, chain saws, etc.).

There are no specific programmes for rural women, but women are the main beneficiaries of some of the measures taken to help peasant communities, for example:

- Installation of water pumps;
- Social promotion centres;
- SANRU (Rural Health);
- Ecole Champ.

**Optional protocols**

28. The legal documents for initiating the process of ratification of the Optional Protocol have not yet been prepared.