



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
25 August 2006

Original: English

Committee on the Elimination of Discrimination against Women

Thirty-sixth session

7-25 August 2006

Concluding comments of the Committee on the Elimination of Discrimination against Women: Democratic Republic of the Congo

1. The Committee considered the combined fourth and fifth periodic report of the Democratic Republic of the Congo (CEDAW/C/COD/4-5) at its 739th and 740th meetings, on 8 August 2006 (see CEDAW/C/SR.739 and SR.740). The Committee's list of issues and questions is contained in CEDAW/C/COD/Q/5, and the Democratic Republic of the Congo's responses are contained in CEDAW/C/COD/Q/5/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for submitting its combined fourth and fifth periodic report, in spite of the country's difficult economic and political situation, which gives a candid picture of the overall situation of women and the challenges to realizing equality between women and men. It notes that the report does not make reference to the Committee's general recommendations, contains little statistical data disaggregated by sex and does not fully comply with the Committee's guidelines for the preparation of reports.

3. The Committee expresses its appreciation for the responses to the list of issues and questions of the pre-session working group. The Committee also expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee, which provided further insights into the current situation of women in the country.

4. The Committee commends the State party for its delegation headed by the Secretary-General of the Ministry on the Status of Women and the Family. In the light of the persistence of prejudices and of stereotypes with respect to the role of women in society and of the idea of male superiority, the Committee regrets that the delegation did not include any men.

5. The Committee notes that after many years of armed conflict, which has resulted in the destruction of the socio-economic infrastructure and the majority of

the population living in extreme poverty, the presidential and parliamentary elections of June 2006 mark the beginning of a process of recovery for the country and the enhanced implementation of the Convention.

Positive aspects

6. The Committee welcomes the commitments expressed by the State party in the aftermath of the armed conflict towards the realization of de facto equality for women and the full implementation of the provisions of the Convention.

7. The Committee notes with appreciation the efforts undertaken by the State party aimed at achieving gender equality and eliminating discrimination against women, notably through the adoption of the new Constitution, the national programme for the promotion of Congolese women of 1999 and the gender mainstreaming document of 2004.

Principal areas of concern and recommendations

8. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

9. The Committee is concerned that in the post-war transition period, the promotion of women's human rights and gender equality is not seen as a priority, in particular in efforts to address the consequences of the armed conflict and in the peacebuilding and reconstruction processes. It is also concerned about the small number of women in leadership positions in the transition process.

10. **The Committee urges the State party to ensure that the promotion of women's human rights and gender equality is a central goal of all aspects of the transition process and to raise the legislature's awareness of that important goal. It further urges the State party to give serious attention to the specific needs of women in the post-conflict period and ensure women's equal participation in decision-making, in conformity with Security Council resolution 1325 (2000) on women, peace and security, with direct relevance to article 3, article 4, paragraph 1, and article 7 of the Convention.**

11. The Committee is concerned about the state of the judicial system in the Democratic Republic of the Congo and the fact that, although women's access to justice is provided for by law, their ability in practice to exercise this right and to bring cases of discrimination before the courts is limited by factors such as illiteracy, legal costs, lack of information on their rights and lack of assistance in pursuing their rights.

12. **The Committee requests the State party to strengthen the judicial system and to remove impediments women may face in gaining access to justice. The Committee urges the State party to provide legal aid services, and sensitization about how to utilize available legal remedies against discrimination, as well as**

to monitor the results of such efforts. It also encourages the State party to ensure that the judiciary is familiar with the Convention and the State party's obligations. The Committee requests the State party to seek assistance from the international community in order to implement such measures.

13. The Committee is deeply concerned about the continuing occurrence of rapes and other forms of sexual violence against women and the ingrained culture of impunity for such crimes, which constitute grave and systematic violations of women's human rights. It is concerned about the insufficient efforts to conduct thorough investigations, the absence of protection measures for witnesses, victims and victims' families, the lack of information and data regarding cases and the lack of appropriate medical care, including rehabilitation measures, for victims.

14. The Committee urges the State party to take without delay all necessary measures to put an end to all forms of violence against women and the impunity of perpetrators. The State party should draft and adopt a law on violence against women. The Committee requests the State party to provide in its next periodic report detailed information on the causes, scope and extent of all forms of violence against women and on the impact of measures taken to prevent such violence, to investigate occurrences, to prosecute and punish perpetrators and to provide protection, relief and remedies, including appropriate compensation, to victims and their families.

15. While recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict, including the repatriation, rehabilitation and resettlement of refugees and internally displaced persons, the majority of whom are women, the Committee is concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them.

16. The Committee urges the State party to make the promotion of gender equality an explicit component of all its national reconstruction and development strategies, policies and programmes, in particular those aimed at repatriation, rehabilitation and resettlement and at poverty alleviation and sustainable development. The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women.

17. The Committee is especially concerned about the precarious situation of women in rural areas, who often lack access to decision-making, adequate health services, education, clean water and sanitation services, and justice, and who have suffered so much during the period of armed conflict. In this regard, it is concerned about the lack of an integrated rural development policy.

18. The Committee urges the State party to pay special attention to the needs of rural women by implementing an integrated rural development policy, ensuring that rural women participate in decision-making processes and have access to health, education, clean water and sanitation services and justice. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural women.

19. While welcoming the fact that articles 12, 13 and 14 of the Constitution guarantee equality between women and men and prohibit discrimination on the basis of sex, the Committee is concerned that there is no explicit definition of discrimination against women, in accordance with article 1 of the Convention, which prohibits direct and indirect discrimination, in the State party's legislation.

20. The Committee urges the State party to enshrine in the Constitution or other appropriate legislation a definition of discrimination against women, in line with article 1 of the Convention, so as to create a solid basis for the practical realization of women's de facto equality. It also encourages the State party to include in the law a provision for temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation 25. The Committee encourages the State party to undertake a comprehensive national dialogue on women's rights to equality and non-discrimination so as to strengthen implementation of the Convention.

21. The Committee is concerned about legislative provisions that continue to discriminate against women, including in the Family Code, the Labour Code and the Penal Code, as well as about the lack of legislation in certain areas, including on violence against women. It further expresses concern about the lack of legislation to implement the constitutional guarantees of equality of women and men, including the lack of a law on gender equality. The Committee is also concerned about ambiguities in existing laws such as those on sexual harassment and the election law, which prevent the realization of rights intended by the law for women.

22. The Committee calls on the State party to take advantage of its post-war transition processes to undertake a comprehensive law review process. It encourages the State party to identify all laws that discriminate against women, as well as legislative gaps and ambiguities in the area of equality between women and men, with a view to revising such laws and drafting new legislation, with a specific timetable. It urges the State party to be guided in these efforts by existing international standards and to ensure full compliance with the Convention. It further urges the State party to present to the future parliament the reform of the Family Code as a high priority.

23. While noting the national programme for the advancement of Congolese women of 1999 and the gender mainstreaming document of 2004, the Committee is concerned about the lack of a holistic approach to policies and programmes aimed at achieving women's equality with men, including mainstreaming a gender perspective in all areas. It is also concerned about the limited availability of data disaggregated by sex, which are necessary for effective gender analysis and targeted policies and programmes aimed at the implementation of the Convention.

24. The Committee calls on the State party to further update the national programme for the advancement of Congolese women, to redefine its priorities and adjust them to the post-conflict period, and to address explicitly the needs of the large number of women victimized by the conflict. It calls on the State party to monitor the effectiveness and impact of its policies and programmes for gender equality so as to ensure their long-term sustainability. The Committee encourages the State party to seek international assistance to strengthen capacity to collect sex-disaggregated data in all areas of the Convention and to include such information in its next periodic report.

25. While welcoming the upgrading of the national machinery for the advancement of women into a ministry on the status of women and the family, the Committee is concerned that the national machinery continues to suffer from a lack of authority and adequate human and financial resources, which hinders its effectiveness in the promotion of gender equality and the advancement of women.

26. The Committee recommends that the State party expeditiously strengthen the national machinery for the advancement of women by enhancing its visibility, decision-making power and human and financial resources so that it can effectively implement its mandate, strengthen its effectiveness at the national and local levels and enhance coordination among all relevant mechanisms and entities at the national and the local level. It also recommends increased efforts to provide gender training and establish gender focal points in all ministries.

27. The Committee is concerned about the strong persistence of patriarchal attitudes and deeply rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory towards women. The Committee is concerned that the preservation of negative cultural practices and traditional attitudes serves to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights.

28. The Committee urges the State party to introduce measures without delay to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, and ensure that women's rights to non-discrimination and equality set forth in the provisions of the Convention prevail. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling and supportive environment to transform and change discriminatory stereotypes and allowing women to exercise their human rights. It further calls upon the State party to periodically review the measures taken to assess their impact and to take appropriate remedial measures and to report thereon to the Committee in its next report.

29. The Committee expresses concern about the small number of women in public life and decision-making, such as in the National Assembly and other areas of government.

30. The Committee recommends that the State party undertake concrete measures to increase the number of women in decision-making positions, in accordance with its general recommendation 23, on women in political and public life, and in the foreign service. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, on temporary special measures, and establish concrete goals, such as quotas, and timetables to accelerate women's equal participation in public and political life.

31. While welcoming article 5 of the new legislation on nationality, which enables women to transmit Congolese nationality through filiation in the same way as men,

the Committee regrets that article 30 provides that women cannot retain their Congolese nationality if they marry a foreigner.

32. The Committee urges the State party to remove this discriminatory provision so as to bring the law into full conformity with article 9 of the Convention.

33. While welcoming the fact that articles 43 and 44 of the Constitution provide for free and mandatory primary education and the eradication of illiteracy, the Committee is concerned about the highly negative impact of the protracted armed conflict on the educational infrastructure, which constitutes particular obstacles for the education of girls and young women. The Committee is concerned about women's low enrolment rates in higher education. The Committee is especially concerned about the high rate of illiteracy among women, which in 2001 stood at 44 per cent for the country as a whole. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains among the most serious impediments to their full enjoyment of human rights and the achievement of women's empowerment. It is very concerned about the high dropout rate of girls, including for reasons such as pregnancy and early and forced marriage.

34. The Committee urges the State party to implement articles 43 and 44 of the Constitution through concrete legislative provisions, policy measures, adequate infrastructure and funding, and to raise awareness of the importance of education as a human right and a basis for the empowerment of women. It recommends that the State party implement measures to ensure equal access for girls and women to all levels of education and retain girls in school, including through temporary special measures in accordance with article 4, paragraph 1, of the Convention and its general recommendation 25. It encourages the State party also to take steps, in close collaboration with relevant non-State actors, to overcome traditional attitudes that constitute obstacles to girls' and women's education. The Committee calls on the State party to make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes, in collaboration with civil society and the support of international organizations, at the formal and non-formal levels, and through adult education and training.

35. While noting the efforts made by the State party to improve women's health, including reproductive health, the Committee is concerned about the highly negative impact on maternal and infant mortality and morbidity rates of the protracted armed conflict, which resulted in lack of access to obstetric care, dilapidated clinics and lack of utilization of existing services during pregnancy and childbirth, limited access to adequate sexual and reproductive health services for women, especially women in rural areas, and the low level of education. The Committee is also concerned about the scant information provided about women and HIV/AIDS.

36. The Committee recommends that the State party intensify its efforts to take measures to improve women's access to a wide range of health-care services, especially to emergency obstetric care and health-related services, and to information, in accordance with article 12 of the Convention and the Committee's general recommendation 24, on women and health, with targets for the reduction of the maternal mortality rate. It calls upon the State party to improve the availability of sexual and reproductive health services, including

family planning, also with the aim of preventing early pregnancies and clandestine abortions. It encourages the State party to enhance such services, especially for rural women. The Committee further urges the State party to study the behavioural patterns of communities, and of women in particular, that inhibit their utilization of existing services and to take appropriate action. The Committee requests the State party to provide, in its next report, detailed statistical and analytical information on the results of measures taken to improve women's access to health-related services and information, including in regard to sexual and reproductive health and family planning, and the impact of these measures. It also calls on the State party to ensure the effective implementation of its HIV/AIDS strategies and to provide detailed statistical and analytical information about women and HIV/AIDS in its next periodic report. The Committee recommends that the State party seek financial and technical support from the international community in order to implement measures to improve women's health.

37. While noting the setting up of thematic networks of women's groups, the Committee is concerned that not enough is being done to nurture these groups and to coordinate them vertically, from the national to the rural level, and to develop them into constituencies that will help monitor and advocate for their rights.

38. The Committee invites the State party to coordinate and collaborate more effectively with non-governmental organizations and women's associations and to support their effective role in advocacy and monitoring with regard to the implementation of the Convention, including in the follow-up to the concluding comments. The Committee recommends that the State party consult further with non-governmental organizations during the preparation of the next periodic report.

39. The Committee recommends that the State party avail itself of technical and financial assistance from the international community, as indicated in the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, in order to facilitate the implementation of the Convention.

40. The Committee calls upon the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

41. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

42. The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.

43. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Democratic Republic of the Congo to consider ratifying the treaty to which it is not yet a party, that is, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

44. The Committee requests the wide dissemination in the Democratic Republic of the Congo of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. In particular, the Committee encourages the State party to convene a public forum involving all State actors and civil society to discuss the content of the concluding comments. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

45. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. It invites the State party to submit its sixth periodic report, due in November 2007, and its seventh periodic report, due in November 2011, in a combined report in 2011.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.