

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

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**Report on the implementation
of the Convention on the
Elimination of All Forms of
Discrimination against Women by the
Democratic Republic of the Congo**

Violence against Women in the Democratic Republic of the Congo

Researched and written by:

Marie Mossi Mota (ASADHO) and Mariana Duarte (OMCT)

Edited by:

Mariana Duarte

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The views expressed in this report are solely those of OMCT and ASADHO.

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Violence against Women in the Democratic Republic of the Congo

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World Organisation Against Torture (OMCT)

P.O. Box 21

8 rue du Vieux-Billard

CH-1211 Geneva 8

Switzerland

Tél : +41 (0)22 809 4939

Fax : +41 (0)22 809 4929

Email : UNTBteam@omct.org

www.omct.org

Director of publications: Eric Sottas



The World Organisation Against Torture (OMCT) coordinates the activities of the SOS-Torture Network, which is the world's largest coalition of non-governmental organisations (NGOs) fighting against torture and ill-treatment, arbitrary detention, extrajudicial executions, forced disappearances, and other serious human rights violations. OMCT's growing network currently includes 282 local, national and regional organisations spanning all regions of the world.

An important aspect of OMCT's mandate is to respond to the advocacy and capacity-building needs of its network members, including the need to strengthen the participation of NGOs in the work of the United Nations Treaty Bodies and to advocate for full implementation of human rights treaties.

OMCT also ensures that children's and women's rights are fully integrated in the work of these bodies.

For further information please contact:

United Nations Treaty Bodies Programme:

Patrick Mutzenberg (pm@omct.org)

Violence against Women Programme:

Mariana Duarte (md@omct.org)

Children's Rights Programme:

Cécile Trochu Grasso (ct@omct.org)

Foreword

The submission of alternative reports to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) forms part of the World Organisation Against Torture's (OMCT) Violence against Women Programme. One of the aims of the Violence against Women Programme is to provide first-hand information from OMCT's network members on torture and other forms of violence against women to the UN Treaty Bodies.

These alternative reports are a valuable source of information for the independent experts who monitor the implementation of the UN human rights instruments. With these reports, it is possible to see the situation as objectively as possible and to take a critical look at government action to eradicate torture and other forms of violence against women.

In its General Recommendation No.19, (Eleventh session, 1992) the CEDAW Committee recommended that States parties should take all appropriate measures to overcome all forms of gender-based violence whether committed by a public or private actor. Moreover, the Committee stated that laws against family violence and abuse, rape, sexual assault and other gender-based violence should give adequate protection to all women, while promoting respect for their dignity and integrity. The Committee requested States parties to report on the nature and extent of violence and on the measures they have undertaken to overcome violence.¹

In this context, OMCT's Violence against Women Programme presented, with the financial support of the Inter-Church Organisation for Development Cooperation (ICCO), the present report on gender-based violence, its causes and consequences, before the CEDAW Committee on the occasion of its 36th session held in New York from 7 to 25 August 2006. During this session, the Committee considered the fourth and fifth periodic reports of the DRC on the implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

This report was drafted in close collaboration with the African Association for the Defence of Human Rights (ASADHO), a member of OMCT's SOS-Torture network.

1 - UN Doc. HRI/GEN/1Rev.2.

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This study comprises three parts. The first chapter outlines the international obligations of the DRC and their applicability at the domestic level. The second part analyses the status of women and girls in the country, in law and in practice. The third and main section relates to violence against women: i) in the family; ii) in the context of armed conflict; iii) in the community; iv) in police custody and detention. The report concludes with a series of conclusions and recommendations made by ASADHO and OMCT towards the improvement of the status of Congolese women, in particular with the aim of eradicating all forms of violence perpetrated against them.

The present report, which includes the CEDAW Concluding Comments on the DRC adopted at the end of the 36th session, intends to be not only an information tool on the situation of women in the country, but also an advocacy instrument for civil society in the follow-up of the implementation of the CEDAW Convention and of the Committee's recommendations.

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I

Preliminary Remarks

Relevant International Legal Background of the DRC

I.1. International Signatures and Ratifications by the DRC of Human Rights Treaties

The DRC is a party to several international human rights treaties that address women's rights, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and both of its Optional Protocols, the Rome Statute of the International Criminal Court, and the Convention on the Elimination of All Forms of Discrimination against Women.

At the regional level, the DRC is a State party to the African Charter of Human and People's Rights, which insists also on the elimination of all forms of discrimination against women. It is regrettable that the DRC has not yet ratified the protocol to the African Charter of Human and People's Rights concerning women's rights in Africa despite the fact that the State contributed to its development.

**Signatures / Ratifications by the Democratic Republic of the
Congo of human rights treaties**

	Ratification date	Date of entry into force
CERD²	21/04/1976	21/05/1976
ICESCR³	01/11/1976	01/02/1977
ICCPR⁴	01/11/1976	01/02/1977
ICCPR - OPI⁵	01/11/1976	01/02/1977
CAT⁶	18/03/1996	17/04/1996
CEDAW⁷	17/10/1986	16/11/1986
CRC⁸	20/03/1990	27/10/1990
CRC OP - AC⁹	11/11/2001	12/02/2002
CRC OP - SC¹⁰	11/11/2001	18/01/2002
Convention on apartheid¹¹	11/07/1978 (accession)	
Rome Statute¹²	30/03/2002	
African Charter on Human and People's Rights¹³	20/07/1987	

2 - International Convention on the Elimination of All Forms of Racial Discrimination.

3 - International Covenant on Economic, Social and Cultural Rights.

4 - International Covenant on Civil and Political Rights.

5 - Optional Protocol to the International Covenant on Civil and Political Rights.

6 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

7 - Convention on the Elimination of All Forms of Discrimination against Women.

8 - Convention on the Rights of the Child.

9 - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

10 - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

11 - International Convention on the Suppression and Punishment of the Crime of Apartheid.

12 - Rome Statute of the International Criminal Court.

I.2. The Convention on the Elimination of All Forms of Discrimination against Women

Status of initial and periodic reports, received and awaited by the Committee on the Elimination of Discrimination against Women

CEDAW	Report deadline	Date of receipt	Date of examination	Overdue reports
Oral report	-	16/01/1997	16/01/1997	-
Initial report	16/11/1987	01/03/1994	25/01/2000	-
Second periodic report	16/11/1991	24/10/1996	25/01/2000	-
Third periodic report	16/11/1995	18/06/1999	25/01/2000	-
Fourth and fifth periodic reports	16/11/1999	11/08/2004		-

Latest concluding observations of the CEDAW concerning the DRC: 01/02/2000, A/55/38, paragraphs 194-238.

I.3. Status of International Treaties in Domestic Law

The DRC is a monist state¹³. According to article 215 of the Third Republic's Constitution: *“regularly concluded international treaties and agreements have, when published, greater authority than the law, provided that each treaty or agreement is implemented by the other party.”*

In practice, however, courts and tribunals do not apply the principle of superiority of international law over domestic law. In an almost instinctive manner, they apply national law, generally out of ignorance

13 - A legal doctrinal concept according to which domestic and international law are manifestations of the same legal order. Monist systems that give primacy to domestic law undermine the obligatory nature of international law and thereby reduce it to a status of external public law which the State can unilaterally modify. Source: Raymond Guillien and Jean Vincent, *Termes juridiques*, Dalloz, Paris 10th Edition, 1995, p. 365.

of the international instruments related to human rights, which stems largely from the fact that the Official Journals in which these international texts appear are not published regularly nor are they distributed widely. Further, Congolese courts and tribunals are not equipped with libraries, and judges' salaries do not permit them to personally acquire all necessary documents.

In addition, the Congolese authorities do not uphold any policies aiming to promote the principle of superiority of international treaties in national law, nor do they conduct any training in this respect. Some trainings were undertaken with the financial support of bilateral and multilateral partners.

II

The Status of Women and Girls

II.1. Provisions and Institutions Concerning the Status of Women¹⁴

• The Constitution of the Third Republic

Article 14 of the Third Republic's Constitution, promulgated on 18 February 2006, provides that "the State shall have the duty to ensure the elimination of all forms of discrimination with regard to women and to ensure the respect and promotion of their rights." It must "take measures to fight against all forms of violence against women in public and private life", and ensure the "full participation of women in the development of the nation" particularly guaranteeing the "right to significant representation in national, provincial and local institutions". The State must guarantee the application of the principle of parity between women and men in these institutions, by regulating the application of these rights.

Unfortunately, these provisions are not implemented, since the State does not further its legal texts, and does not establish effective mechanisms ensuring the application of these provisions. The State must concretise these provisions with implementing legislation without further delay.

• The National Council of Women

Ministerial order n° CAB/V.M/AFFSO.F/015/98 provides for the creation and the organisation of the National Council of Women (Conseil National de la Femme - CNF). The CNF is a consultative organ of the government regarding the promotion of women, under the mandate of the Minister concerned with the status of women

14 - Source: <http://www.cabemery.org/publications/juricongo/>, Heading « Codes et Lois », Sub-heading « Condition féminine ».

(currently, the Minister on the Status of Women and the Family). The CNF has the tasks of:

- promoting the equality of rights and responsibilities of men and women in all domains,
- proposing actions to be taken towards promoting the status of women in accordance with international recommendations,
- encouraging women to become aware of their civic responsibility to prepare them for public life on a local, national and international scale,
- reinforcing relations and solidarity among women from Congo, elsewhere in Africa and other continents,
- giving necessary guidance regarding actions to be taken in order to carry out the national programme on the promotion and protection of Congolese women (launched in 1999).

Currently, several NGOs specialised in women's rights have consultative status with the CNF, along with ministers' delegates, public and private institutions, public and private companies, religious organisations, trade unions, persons working on gender, representatives of international organisations and donors. The ministerial order is in the process of being amended in order to open up the CNF to other women's organisations grouped by theme.

The CEDAW Committee underlined upon its examination of the DRC's initial, second and third reports that this Ministry did not have enough available resources to execute the plan of action¹⁵. The insufficiency of State resources can be explained by its lack of interest in questions concerning the situation of Congolese women.

15 - See item 6 of the CEDAW list of issues during its examination of the periodic reports, CEDAW/C/COD/Q/5.

II.2. Discriminatory Provisions in relation to Women

Despite the provisions contained in article 51 of the 2006 Constitution, Congolese legislation remains discriminatory towards women on many different levels.¹⁶ The following overview of discriminatory clauses contained in national laws is not exhaustive.¹⁷

However, the CEDAW Committee had already highlighted this situation in the concluding report of its 22nd session (17 January - 4 February 2000). Despite some positive legislative developments, the Committee was concerned by the Family Code, the Criminal Code and the Labour Code, which continue to contain discriminatory provisions¹⁸.

The Committee recommended that the Congolese Government give the highest priority to the adoption and implementation of legislation guaranteeing *de jure* and *de facto* gender equality¹⁹. As of now, very few measures have been adopted to abolish the discriminatory provisions of these laws.

II.2.1. The Family Code²⁰

The Family Code, promulgated in 1987 and amended in 1999, contains several discriminatory clauses²¹. Many provisions are incompatible with the Convention on the Elimination of All Forms of Discrimination against Women, as is advanced in the State report CEDAW/C/COD/4-5. Moreover, the discriminatory aspect of several articles had already been observed by the CEDAW Committee during its 22nd session²².

16 - The fourth and fifth periodic reports of the DRC (CEDAW/C/COD/4-5) examine methodically each text and law regarding its conformity with the CEDAW.

17 - Me Odyia Kalinda, President, Droits de la Femme et Internet (DFNET). Websites: www.societecivile.cd/membre ; <http://rencontreweb.com/odyia>

18 - Paragraph 211, report A/55/38.

19 - Paragraph 212, report A/55/38.

20 - See pages 15 to 18, fourth and fifth periodic reports of the DRC to CEDAW, CEDAW/C/COD/4-5.

21 - See items 24, 25, 26 of the CEDAW list of issues to be taken into consideration during the examination of the last periodic reports, CEDAW/C/COD/Q/5.

22 - Paragraph 197, report A/55/38.

■■■■

Article 330 of the Family Code concerning marriage contracts sets forth the principle of equality between spouses. This law designates both spouses' reciprocal rights and obligations: obligations related to living together, obligations regarding mutual care and assistance, the obligation of fidelity, mutual respect and affection, etc. However, flagrant contradictions which violate the basic principle of equality between spouses persist.

- **Article 148.1** provides the delivery of the family registry booklet (*livret de ménage*) only to the husband during the celebration or the registration of the marriage. This is in contravention of article 16.1.c of CEDAW, which requires that both spouses enjoy the same rights and responsibilities during the marriage and during its dissolution. In order to replace a lost family registry booklet, the Family Code allows only the husband to request another.

- **Article 165** stipulates that the wife must live at the residence of her husband, instead of establishing that the married couple chooses its home together. Articles 15.4 and 16.1 of CEDAW require member States to accord men and women the same rights under laws relating to the movement of persons and the freedom to choose their residence.

- **Article 215** limits the autonomy of the wife, contradicting CEDAW article 15.1, which requires States Parties to grant women equality with men before the law.

- **Articles 444 – 448** of the Code place married women in a position of dependence and submission to their husbands, to the extent that they cannot effect any legal act without their husband's agreement. These articles are flagrant contradictions of CEDAW article 16.1.c, as well as article 330 of the Congolese Family Code, both of which grant the same rights and responsibilities to spouses during marriage and its dissolution. In practice, these provisions pass the married woman from the guardianship of her parents to that of her husband. Ultimately, a considerable disparity is established between the spouses. Violation of the principles of equality before the law and respect for human dignity obstruct women's full participation in social, economic and political life.

Indeed, **article 444** stipulates that “the husband is the head of the household. He must protect his wife; the wife must obey her husband”. **Article 445** provides that “under the direction of the husband, the spouses work together, in the interest of the marriage, to guarantee the moral and material responsibility of their marriage”. **Article 448** provides that “the wife must obtain her husband’s authorisation to effect legal acts for which she must present herself in person”. However when the person accused is the husband himself, the husband consent is no longer required, in conformity with article 451.1 of the Family Code.

- **Articles 490.2, 497.2, 515, 524 and 531** state that regardless of the type of legal agreement under which the marriage was concluded, the management of all property is entrusted to the husband. This is in contradiction of articles 15.3 and 16.1.f of CEDAW, which stipulate that States Parties agree that all contracts and all other private instruments of any kind with the legal effect of restricting women’s legal capacity shall be deemed null and void, and that the same rights and responsibilities apply to guardianship, wardship, trusteeship and adoption of children.

- **Articles 361, 367, 382, 388, 426, 543 and 579**, which address the dowry, insist on the symbolic and compulsory nature of this practice. Without a dowry, marriage would be impossible. One or several donations must be offered to the woman’s family as a validation, a proof of the union. Much abuse is directed towards the head of the family of the future wife who sets a high dowry. A high dowry could also be used as a pretext by the husband to mistreat his wife because he paid too much for her.

According to the State’s report, the President of the Congolese Republic must, in consultation with the provincial councils, determine the value of the dowry, in order to avoid cases of abuse. The Minister on the Status of Women (*Ministère de la Condition Feminine*) regrets that the value of the dowry has not been fixed since the entry into force of the Family Code in August 1988.

■ ■ ■

The fact that the husband pays a dowry encourages the Congolese legislator to institute the husband as the head of the family with all the consequences which follow. The practice of paying a dowry in order to contract a marriage is discriminatory toward women. Thus, CEDAW General Recommendation No 19²³, in articles 2.f, 5, and 10.c, establishes that *“traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to the low level of political participation and to their lower level of education, skills and work opportunities”*.

To regulate dowry practice through legislation instead of abolishing it symbolically preserves its discriminatory nature by perpetuating the idea of male domination over women. This practice contradicts many CEDAW articles as well as the Congolese Constitution of 2006. Moreover, we can consider that this practice enables situations of forced marriage, since the dowry constitutes an agreement between the future spouses' families. A law prohibiting this practice should be adopted.

The DRC should immediately undertake to reform its legislation, which must conform to its own Constitution and to its international obligations.

23 - General Recommendation No. 19 on violence against women (11th session, 1992).

Toward a Reform of the Family Code²⁴

The struggle to reform the Family Code in order to change the legal status of women recently made significant strides. A memorandum was presented in 2002 to Congolese legislators, and was examined in 2004 before the Commission for the Revision of Congolese Laws. In March 2006, the RAF (*Réseau Action Femmes*) took part in a workshop on proposed reform of the Family Code organised by the Studies and Research Service of the Ministry of Justice, in order to ensure the integration of women's and children's rights. Currently, a proposed amendment to the Family Code is pending. **It is essential that this proposed legislation be a priority for the future parliament, which will be installed after the July 2006 elections.**

It is important to remember that the revision of the Family Code encompasses the four books, on nationality, the person, the family, and succession. This reform would revise the discriminatory provisions regarding women in the book on the person; those concerning parental authority and the legal capacity of married women in the book on the family, notably the principle of marital authority; and, in the book on succession, the property rights of women after the death of their husbands.

Concerning acquisition of Congolese nationality, decree-law (*décret-loi*) 197 of 29 January 1999, which modifies and complements Act 81-002 of 29 June 1981, recognises that Congolese women can transmit Congolese nationality to their children, just as Congolese men can. However, in practice, the Congolese population disregards this provision: usually, children born of a foreign father and of a Congolese mother are considered foreigners, notably in the cases of children born during wartime to a father from an enemy country. These children are often rejected, which is why it is important that the State be attentive to the full implementation of this recommendation.

24 - See item 5 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

II.2.2. The Criminal Code

Article 3 of the complementary provisions of the **Criminal Code**, which summarises article 467 of Book IV of the Family Code, does not place spouses on equal footing in terms of the definition of the crime of adultery. Adultery committed by a woman is punishable in all cases, whereas that committed by a man is only punishable if it was induced. This seems to indicate that where a man's will is altered or inhibited by a married woman, for example through the use of alcohol, followed by the commission of a sexual act, the man is not at fault. Inequality also exists in the sanctions imposed for adulterous acts: article 467 of the Family Code prescribes a punishment of imprisonment for six months to one year as well as a fine for married women who commit adultery, whereas a married man may receive this punishment only if his act is judged to have an 'injurious quality' (article 467.2).

During the examination of the DRC's initial, second and third periodic reports, the CEDAW Committee brought attention to this double standard²⁵. To date, these provisions have not been corrected.

II.2.3. The Labour Code

- *Spousal authorisation*

The CEDAW Committee was concerned during its examination of the DRC's last reports by the *de jure* and *de facto* discrimination against women reflected by the obligation to obtain spousal authorisation before accepting a salaried job, and the reduction of mothers' wages during maternity leave²⁶. The Committee persistently invited the government to revise its discriminatory labour laws in accordance with article 11 of the Convention²⁷.

25 - Paragraph 197, report A/55/38.

26 - Paragraph 225, report A/55/38.

27 - Paragraph 226, report A/55/38.

Thus, Act No 015/2002 of 16 October 2002, regarding the Labour Code, included language to reinforce anti-discrimination measures for female workers. Article 1 removed the husband's ability to oppose the employment of his wife. However, article 6 of this law, which treats the "ability to contract" creates a certain confusion. This provision states that one's ability to offer his/her services is determined by the laws of his/her native country, or if that country is unknown, by Congolese law. By referring the ability to contract back to common Congolese Law, the Family Code is effectively enforced; article 215 of the Family Code limits the married woman's ability to exercise her independent decision to take a salaried job. Moreover, article 448 states that a woman must obtain her husband's authorisation for all activity of a legal nature. Additional efforts must be made in order to render all laws consistent. The proposed revision of the Family Code,²⁸ elaborated by the Ministry of Justice, would remove these discriminatory provisions.

- Sexual and moral harassment²⁹

Articles 73 and 74 of the 16 October 2002 law relating to the Labour Code consider sexual harassment serious enough to justify the breach of a labour contract without advance notice.

According to information gathered, most women who work, look for a job, or are students, are victims of sexual harassment. The offenders are very seldom prosecuted.

Any such behaviour simply justifies the cancellation of the contract and the perpetrator is not criminally at risk. As for the amount of the indemnity to be granted to the victim as provisioned in article 75, it is subject to evaluation by the judge (under the conditions set in article 63 of the Code).

28 - See page 10.

29 - See item 11 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

The provisional law against sexual violence (see Chapter III) amending the Criminal Code sets forth in article 174.d a precise definition of harassment:

“paragraph 4. Sexual Harassment:

“Anyone who adopts a persistent behaviour toward others, with words, gesture, by giving to him or her orders or by uttering threats, or by imposing constraints, or by exercising grave pressures, or by abuse of the authority given by his/her function in order to obtain a sexual favour from the person, will be punished with imprisonment comprised between one and twelve years and a fine comprised between 50.000 and 100.000 Congolese unchanging Francs or only of one of these penalties.”

- *Night-work of women*³⁰ in public and private industries is forbidden by article 124 of the new Labour Code. This is discriminatory because it focuses only on women. Women should have the same right as men to decide themselves if they do or do not wish to accept such work.

Moreover, the work of women is extremely dependent on the question of child care. Urging women to work cannot be effective without child care solutions. The State must address this issue in order to effect change.

II.2.4. The Department of Public Services³¹

The State report admits a problem in **article 25** of the Labour Code, which does not recognise the social function of motherhood by depriving a woman of her right to annual holidays if she has already taken maternity leave in the same year.

Yet, articles 41, 85, and 88 of law No 81 – 003 of 17 July 1981, concerning the status of civil servants, also note that the husband of a female public servant is deprived of family pension benefits, survival and widower benefits.

30 - See item 23 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

31 - See p. 19 of the report of the DRC, CEDAW/C/COD/4-5.

Entire legal texts must be reviewed in order to achieve equality between women and men in all respects³².

II.3. Discrimination Toward Women in Education and Politics

The CEDAW Committee noted in 2000, during its examination of the initial, second and third periodic reports, that prejudices and stereotypes persist concerning the place of women and men in the family and in society. The idea of male superiority and female subordination is incompatible with the Convention.

II.3.1. Education³³

Insufficiency of education for Congolese women contributes to their absence in the decision-making processes. The female illiteracy rate is very high, and for this reason many non-governmental organisations have set up centres for the elimination of illiteracy of Congolese women, without State support.

The political, economic and social systems do not favour children's education, especially for girls. Sometimes children must finance their studies themselves, due to their parents' lack of means. To this end, girls can be forced to exploit their bodies.

To increase the level of girls' education, the government together with UNICEF began a campaign entitled "All Girls at School". This campaign did not reach its stated objectives. It failed to consider the possibility that the State could finance the studies of girls. Moreover, primary education which must be free, according to international texts, continues to cost money.

32 - See item 4 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

33 - See p. 31 of the DRC report, CEDAW/C/COD/4-5.

The State report puts forth quite honestly the situation of its impaired educational system. The State does not allot enough money and does not pay teachers' wages every month. A new State strategy must be designed in order to make children's education available³⁴.

This strategy must be based on several considerations, such as:

- Child labour, which seems to occupy an important role in certain parts of the country, especially in the mining provinces of the two Kasaï, Bandundu and Lubumbashi, where mining work prevents children from attending school.

In the same way, in the province of Equateur, fishing is also massively based on the exploitation of child labour. The DRC ratified the Convention on the Rights of the Child on 27 September 1990 and must respect its responsibilities concerning the right to education and the regulation of child labour.

- Due to the failure of the school system, parents trust less and less in the benefits of schooling, which is no longer a source of social progress. A campaign targeted to parents, in addition to educational reform, should improve the situation. Particular attention must be focused on girls' education since they are affected to a greater extent by the decline in rates of education³⁵.

II.3.2. Access to politics or to positions of responsibility

In spite of the fact that equality is established in the 2006 Constitution, inequalities and disparities between women and men remain.³⁶

In 2000, the CEDAW Committee noted the under representation of women in political life and in decision-making positions, such as in the judicial system³⁷.

34 - See item 18 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

35 - See item 19 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

36 - See item 21 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

37 - Paragraph 221, report A/55/38.

When transitional institutions were put in place in June 2003, after the inter-Congolese dialogue, resolutions insisted on the representation of women in all political institutions. At the presidential level, of 5 presidents, there was no woman; at the ministerial level, there were 7 women among 61 ministers or vice-ministers; at the parliamentary level, 60 women out of 500 deputies; in the desk of the General Assembly, 2 women among 8 officials; in the Senate, 3 women among 120 senators and no women among the 8 officials at the senatorial desk.

The situation was better at the territorial level, in public enterprises, and in diplomatic positions. Unfortunately, few women occupied high level positions in these institutions.

Finally, when electoral lists were established, political parties did not respect the principle of parity. During the development of the electoral law, which entered into force on 9 March 2006, the Congolese legislature developed a contradictory provision by making it possible for political parties not to ensure the representation of women in their lists. Article 13.3 of the electoral law stipulates that “each political party’s list is established in consideration of the equal representation between women and men, and of the promotion of persons with disabilities”. In article 13.4 it is added that “the non-realisation of the equality between men and women during the upcoming elections does not make the list inadmissible”. This last annotation insidiously allows parties not to apply the principle of parity. This reveals a lack of political will among the political leadership to promote the respect for parity as established in the Constitution.

An initiative aimed at basic and higher education would enhance the possibilities of more women to attain positions of responsibility. Incentives, if not compulsory measures dictated by the State, should encourage such access to education and institutions for women.

II.4. Women's Right to Health³⁸

II.4.1. Maternal mortality

During the last consideration of the Congolese report, the CEDAW Committee was worried by the high maternal mortality and infant death rate, by the low rate of contraceptive use, especially in rural areas, and by the deterioration of health services. Some efforts are being made with the help of partners in order to reduce maternal mortality rates. In 1999, there was a decrease in the maternal mortality rate, from 1,837/100,000 births to 1,289. It was observed that most women who die during labour are persons of few resources, who did not have money to pay for prenatal consultations.

All maternity hospitals must have the material and financial means in order to assume the payment of wages. Such requirements would allow the provision of care prior to payment.

Moreover, in 2000 the CEDAW Committee encouraged the government to improve the utilisation of contraceptive methods, to abrogate **article 178 of the Criminal Code** which forbids sex education and the distribution of contraception to young people³⁹. This recommendation has not yet been implemented, and this article still exists. Nevertheless, the latter is not applied, in part due to the fact that President Mobutu, by an ordinance, has created a committee for the planning of births. This ordinance is still effective but constitutes a legal problem which must be reformed.

II.4.2. Sexually transmitted diseases

The protection of women from sexually transmitted diseases, principally HIV/AIDS, is rarely addressed. Most women who have contracted AIDS have been infected by their husbands, and they do not receive free treatment. Indeed, women often have difficulties in convincing their husbands to wear condoms, and their husbands often

38 - See items 14, 15, 16 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

39 - Paragraph 228, report A/55/38.

have several sexual partners. Women who dare protest against their husbands' refusal to wear condoms risk being punished.

The State must initiate an information and awareness-raising health campaign that focuses on AIDS and contraception. The national multisectoral programme fighting against HIV/AIDS (PNMLS) should make free antiretrovirals available to persons living with HIV. Raising awareness of the population regarding the virus and the necessity to wear condoms should also be undertaken by the programme.

We deplore the fact that the government has simply adopted a wait-and-see policy toward donors and does not directly allocated funds to assist persons living with HIV.

The State must also promote equality and justice between the sexes in terms of reproduction and sexuality. These actions must be aimed at both women and men since women often need their husband's agreement to use a contraceptive. These actions must also be conducted throughout the country, even in remote parts.

Statistics⁴⁰

46% of Congolese women know that condoms can prevent HIV.

31% of Congolese women used contraceptives between 1996 and 2004.

According to the United Nations Special Rapporteur on Violence against Women⁴¹, generalised and systematic sexual violence affects the uncontrolled transmission of HIV and other sexually transmitted diseases. It was reported that health centres, clinics, and hospitals, especially in rural areas, cannot care for infected persons because they do not have sufficient financial, material and human resources. At the same time, victims do not have access to these centres due to instability within the country and the lack of means of transportation.

40 - See http://www.unicef.org/french/infobycountry/dreongo_statistics.html.

41 - Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk, 27 March 2006, E/CN.4/2006/61/Add.1, page 22, paragraph 46.

To fight against the stigmatisation of persons living with HIV, a legislative proposal was made by the Réseau Action Femmes (RAF) in November 2005, linked with its plan of action financed by the PNMLS. This document was completed in March 2006 during a workshop organised by UN/AIDS with the participation of members of Parliament.

Currently there exists a proposed law condemning discriminatory behaviour toward persons living with the virus, as well as acts committed with the intention of contaminating another person.

Moreover, we note that the provisional law on the elimination of sexual violence amending the Criminal Code condemns, in paragraph 9, article 174.i, the intentional transmission of incurable sexually transmitted diseases.

II.5. Rural women

Rural women⁴² constitute the majority of the female population. It is thus important to focus on their situation. Also, considering the fact that in rural areas discriminatory traditions and beliefs are widely accepted and followed, which often prevent women from exercising their rights concerning inheritance and property ownership.

In 2002, the CEDAW Committee urged the government to pay attention to the needs of rural women and to assure their benefits provided by policy and public programmes such as the recognition of farm workers' labour rights. It was recommended that the State assure rural women the equal right to participate in decision-making, access to the health system and to credit. More studies to collect statistical information were mandated for the shaping of new policies⁴³. It seems that there is no specific policy supporting rural women's rights. Rural women simply benefit sometimes from governmental actions linked to general programmes for decreasing poverty in the least developed and most indebted countries.

42 - See item 27 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

43 - Paragraph 231, report A/53/38.



Violence against Women

Violence against women in the DRC occurs in different forms and in a context widely influenced by socio-cultural factors, discriminatory laws, ethnic conflicts, wars, bad governance, etc. Violence against women is perceptible at various levels, in the family, in society and at the State level. Serious cases of violence against children in the form of sexual violence are perpetrated by private persons such as parents or other relatives, neighbours, etc. The following examples show that in such cases few offences are reported. Offenders are rarely arrested by the police even when there is a report. When they are arrested, the offenders are rarely prosecuted. When impunity is so widespread, the State must be considered responsible.

Recently, the fight against violence against women has been inscribed in constitutional texts. It could be physical, psychological, social, cultural, economic, institutional or political violence. Physical violence is the most visible form of violence. Psychological violence is generally based on prejudices concerning Congolese women, regardless of their level of education or their social position, and which can strifle their chances of personal fulfilment. These prejudices place women in a secondary position in society. Consequently, women are often insulted, denigrated, rejected and abandoned, causing damage to their self-esteem. At the same time, several retrograde traditions and customs that shame women continue to occur, comprising inhuman and degrading treatment.

In 2000, the CEDAW Committee was worried by the persistence of customs and practices which represent a violation of fundamental women's rights, such as dowry, inheritance, polygamy, forced marriage, and female genital mutilation⁴⁴. The Committee recommended that the government adopt legislation forbidding these practices, and that it work with non-governmental organisations and media to change mentalities through information and awareness-raising campaigns⁴⁵.

44 - Paragraph 215, report A/55/38.

45 - Paragraph 216, report A/55/38.

In June 2006, the National Assembly voted to enact the proposed law on the repression of sexual violence, encouraged by organisations of Congolese civil society. In spite of the fact that this represents a great step, much still needs to be done in order to ensure the implementation of these new measures. Moreover, adoption of this law will only become definitive upon the President's approval.

Initiatives to fight against sexual violence

- *At the legal level*

For a long time, Congolese law was lacking provisions concerning sexual violence. The new law should modify these provisions, but is awaiting presidential approval. However, for the moment, the Criminal Code only recognises rape as a sexual offence and gives a partial definition of rape in the context of local realities and international norms. The only other existing offences concern sexual violence in terms of sexual molestation, attack on modesty and public moral, which are inadequate and insufficient. Further, victims of rape are necessarily women, excluding men. Moreover, a victim of rape must show that she was sexually penetrated. All sexual violence without such penetration is qualified as an attack on good morals, and considered less serious than rape.

- *Concerted initiative against sexual violence*⁴⁶

A concerted initiative against sexual violence brings together the United Nations, the Congolese Government and NGOs which help victims of sexual violence. This initiative makes legal and psycho-medical assistance available to victims and advances advocacy efforts. Limited resources, limited restoration of the State's authority on the whole territory, lack of independence and efficiency of the courts, and the high number of cases of sexual violence in certain parts of the country where residual armed conflicts continue, considerably minimise the impact of this initiative.

46 - See item 8 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

The new law against sexual violence

The draft law which was passed on 22 June 2006 by Congolese members of Parliament and now awaiting presidential approval, corrects the deficiency of the Congolese Criminal Code, in terms of the:

- definition of rape;
- expansion of the definition of rape beyond sexual penetration;
- extension of the crime of rape to male victims;
- acknowledgment of sexual slavery, sexual harassment, forced pregnancy, pedophilia, forced zoophilia, and other sexual crimes in the Criminal Code;
- inclusion of unambiguous language;
- correlation of the penalty with the gravity of sexual violence crimes;
- prohibition of the compromise fine;
- swiftness in the investigation of the causes of sexual violence;
- judicial *in camera* hearings to protect victims' confidentiality;
- waiver of court costs for victims of sexual violence;
- psycho-medical assistance for victims;
- strengthening of the protection of children;
- legal assistance to victims during all phases of the procedure.

Therefore, the proposed law takes into account the gravity of sexual violence. It recognises new sentences by reforming penalties and reinforcing victims' protection, including children.

■ ■ ■

This initiative is not limited to a proposition of law but also proposes health, legal, economic, psychosocial and security assistance to victims of sexual violence. Indeed, when victims register complaints, a mechanism of protection must be implemented in order to encourage them to break the silence and to fight for their rights.

- *Awareness-raising actions*⁴⁷

Such actions have begun with the solidarity of women from eastern parts of the country and have focused on the fight against impunity. In spite of this, the number of victims continues to grow, and offenders have no serious reason to worry even if they have been reported.

During March 2005, an awareness raising campaign against impunity for rape was initiated by the Human Rights Ministry. According to Mrs. Madeleine Kalala, the Human Rights Minister, the campaign especially targets civil and military magistrates. This campaign is still underway.

We wish to compliment the Congolese Government's engagement in the fight against sexual violence and the assistance of some UN agencies and other bilateral partners for their assistance to victims. The implementation of the new law and of the Military Code concerning sexual violence is attentively awaited.

III.1. Violence occurring within the Family

III.1.1. Domestic violence

Physical violence in the family often is committed by a husband against his wife. The fact that some husbands believe they have correctional power over their wives allows them to justify their violence towards their wives. In such cases, the perpetrators often remain unpunished. Indeed, unfortunately, women do not report them fearing to be repudiated.

47 - See item 9 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

The Criminal Code does not punish violence more severely when it occurs between spouses. There is no aggravating circumstance in the case of murder or of intentional bodily harm towards a spouse. Moreover, the new law on sexual violence makes no specific mention of sexual violence within marriage. The State must devote attention to this phenomenon, and could integrate into the legislation an aggravating circumstance linked to the situation of inequality between spouses, which can lead to the practice of sexual violence.

III.1.2. Incest

Concerning the situation of younger girls, they are often victims of sexual violence by the male members of their family living in the same home. These acts of violence generally remain cloaked in silence. No one reports this terrible situation, which is extremely destructive for girls' development.

Many such cases have been registered. *For example, in December 2003, Ch. B., a 15 year old girl, was raped by her brother-in-law with whom she lived. Taking advantage of the absence of his wife, the brother-in-law of Ch. B. had called her into the house to speak with her. Once inside, he ripped off her clothes and raped her. Her family submitted a complaint to the OCDH (Congolese Observatory of Human Rights) in July 2004, only to finally withdraw it once they were faced with the prospect of a criminal trial initiated against Ch.B.'s brother-in-law.*

Article 319.3 of the Family Code removes the parental authority of a person who puts in peril the security, health or morality of a child by committing mistreatment, abuse of authority or grave neglect. The Criminal Code provides in its article 174 on the attack on morals that if the attempt was committed by the father or the mother, the guilty party will be deprived of his/her rights or benefits as to the child's person and goods.

Moreover, the new law against sexual violence adds in article 171bis that the minimum penalty under articles 167.2, 168 and 170.2 of the current Criminal Code will be doubled if the guilty parties are parents or descendents of the victim.

However, in practice such cases are rarely reported. The State's action must also assure real access to justice to all its citizens, by first beginning to inform them of their rights.

III.1.3. Forced marriage

By authorising girls to get married at the age of 15 years old, the legislation in article 352 of the Family Code facilitates situations of forced or premature marriage. Often poverty encourages parents to arrange the marriage of their daughters according to their own wishes, and to ignore the principle of free consent of the future spouses. The practice of levirate and sororate also persists and violates the principle of the free consent of women.

This situation seems more frequent in villages in certain provinces, such as the Yansi in Bantundu. However, no studies exist on forced marriage. Fearing familial sanctions, reports of these practices are very rare.

The State must be engaged in the fight against these practices, especially by supporting information campaigns aimed at girls regarding their rights. A system of checks and restrictions should also be established for girls, in order to give them the possibility of recourse to a jurisdiction in which they can exercise their right to a marriage of consent. Families must be concerned about penalties for perpetrating such practices. A check during the ceremony could be considered in order to verify that the future spouses freely consent to be married.

The new Criminal Code reform concerning sexual violence includes in its article 174.6.f. on forced marriage, that “a person exercising parental authority on a person and who would give her or obligate her to contract into marriage, will be punished from one to twelve years of penal servitude and with a fine of minimum 100.000 Congolese Francs. This penalty is doubled when the victim of forced marriage is aged less than 18 years old.”

III.2. Violence against Women in situations of Armed Conflict

The CEDAW Committee recognised during its last consideration of the Congolese State report in 2000 that one of the principal obstacles to the full implementation of the Convention was the context of war, which has negative repercussions on the population, and more specifically on women and girls, who are often victims of rape and other sexual violence.

The rape of women has been used as a weapon of war during the different armed conflicts of the DRC. Nowadays, in certain parts of the country, women and children continue to be raped, and the perpetrators generally go unpunished due to the weakness of the legal system and the ineffectiveness of the justice system.

Despite the insufficiency of statistics on the subject, it is possible to affirm that most women who were raped during the war were often detained by their aggressors, who could regularly abuse them. Such cases were principally noted in the East of the country, in the provinces of North and South Kivu, of eastern Maniema and at Kalémie (Katanga).

In the province of North Kivu, sexual violence has become the new weapon of war. Women remain the individuals most affected by this crime, and there are numerous consequences for women victims and the entire community. *On 12 April 2005, a 28 year-old married woman, mother of six children, residing at Kitchanga in the suburb of Remblaie, was raped when returning from the fields by two armed men in military uniform. This woman was eight months pregnant. The armed men took her by force and first subjected her to acts of torture before raping her and then left her unconscious*⁴⁸.

According to information from the Health Professionals' Association for Human Rights (APESKI), in the context of an identification

48 - See Solidarity for Social Promotion and Peace (SOPROP), *Rapport sur la situation des droits de l'homme dans la province du Nord Kivu à l'est de la République démocratique du Congo*, February-June 2005.

project and medical and psycho-social assistance provided to women victims of sexual violence in the territory of Uvira (South-Kivu) in 2003 and 2004, 463 cases of rape were recorded in the centre of Uvira; 784 in the Ruzizi plain and 179 cases in the middle highlands of Uvira.

See the communications of the UN Special Rapporteur on Violence against Women, Yakin Ertürk, in her report of 27 March 2006: E/CN.4/2006/61/Add.1

The Congolese State must control its justice system in order to systematise the application of laws and corresponding penalties against perpetrators of sexual violence. Such measures against impunity are indispensable to the establishment of peace in the DRC, which is why we ask the Government to engage itself seriously in the fight against impunity.

The legal framework allowing for the prosecution of perpetrators of violence against women within the context of the war

The military Criminal Code is adapted to this issue to the extent that it invokes international humanitarian law principles. Sexually violent acts in the Code correspond to those enunciated in the Rome Statute for the International Criminal Court. Article 169 § 7 of the military Criminal Code states that rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilisation and all other forms of sexual violence of a comparable gravity are considered crimes against humanity punishable by the death penalty.

However, this article only applies to acts perpetrated in the context of a systematic or generalised attack against the DRC or the civilian population. This signifies that individual cases of rape or isolated instances of forced slavery are not covered by this legal text, which unfortunately excludes a considerable number of victims of such acts.

The new law on sexual violence amends some provisions of the Criminal Code and addresses the above deficiencies. For example,

article 42 bis and 42 ter specify that regardless of the offender's rank, hierarchical order or the command of a legitimate civil or military authority cannot exonerate criminal responsibility.

Finally, article 15 of the Constitution condemns as crimes against humanity all sexual violence with the intention to destabilise, to dislocate a family and to eliminate an entire people. The Constitution recalls the State's responsibility to eliminate sexual violence. Most jurisdictions have already sanctioned authors of sexual violence on these bases. For example, in the affair *Songo Mboyo*, the High Military Court rendered a decision on 12 May 2006 on the basis of the Rome Statute.

Rape committed by MONUC agents⁴⁹

At the same time, Congolese women were also victims of rapes committed by MONUC agents. More than 75 allegations were gathered in 2004, and around twenty cases were examined. The authors of these rapes had to leave the DRC to return to their country. However, we do not know whether these agents were prosecuted for their acts. Remedies and compensation for victims should be envisaged. We regret that the Congolese State does not follow-up on these issues. The situation allowed MONUC, however, to establish a disciplinary and ethical group in order to prevent exploitation or other condemnable behaviour by MONUC agents.

49 - See item 10 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

III.3. Violence against Women within the Community

III.3.1. Sexual violence

According to recent information from the NGO LIZADEEL, numerous acts of sexual violence have taken place, mainly in Kinshasa, separate from the armed conflict. This phenomenon principally affects young girls and women, and the majority are under 18 years old⁵⁰; young boys and men are equally subjected to sexual abuse. The perpetrators of these acts are generally military personnel, police officers, prison guards, care staff, teachers, parents, pastors, neighbours and even young delinquents living on the streets. Very often the act is not even reported. When it is, the process usually concludes with an arrangement between the family of the victim (if a child, his/her interest is rarely taken into consideration) and the author of the act.

Concerning women victims of rape, judges often tend to display a discriminatory attitude regarding their complaints. The question of evidence is aggravated by the fact that for cultural reasons, women abstain from complaining, or they submit a complaint some time after the facts, rendering it difficult for forensic doctors to collect evidence of the offence. The right of women to submit a complaint for acts of torture or ill-treatment or any other offence is subject to the authorisation of their husband (in cases involving married women). Indeed, article 448 of the Family Code expressly provides that “a woman must obtain the authorisation of her husband to effect all legal acts for which she must present herself in person”. However, when the author of violence is her husband, the woman is not obliged to seek his permission in order to take action against her husband, in accordance with article 451 of the Family Code.

Here are some cases illustrating the current phenomenon of sexual violence against girls and the impunity which follows these acts:

1. ***A., a girl of 7 years, was raped on 22 August 2003 by Trésor Kaymbe, aged 16 years, in Bumby, a commune located in Kinshasa. The aggressor and victim lived in the same suburb.***

50 - About 79.1% according to the figures given by NGO LIZADEEL.

Although the Prosecutor had placed Mr Kayembe in detention at the Penitentiary and Re-education Centre of Kinshasa, the family of the aggressor reached an arrangement with the parents of the victim in order to obtain the liberation of their son. He left the penitentiary centre on 22 October 2003.

2. **A.M., 17 years old**, student at the Salvation Army Institute in Kasangulu in the province of Lower Congo, was raped on 1 February 2004 at the Marbre Hotel⁵¹ by an unidentified police officer who had previously drugged her. As compensation, the aggressor offered the victim a can of corned beef.
3. In June 2004, **Ab. E, a 3 year old girl**, was raped by a 16 year old man by the name of Francis. The parents of Ab. E and those of Francis were tenants of the same building in the commune of Lingwala. A court file was opened by the Public Prosecutor's Department of the district tribunal of Gombe. Placed in preventive detention, the young man managed to escape thanks to the help of the magistrate in charge of examining his file.
4. **L. ND., a 15 year old girl**, was raped on 15 March 2005 at Mpsa, in the Eastern suburbs of Kinshasa, by members of the Special Guard for Presidential Security (Garde Spéciale et de Sécurité Présidentielle - GSSP), on her way to her parents' home from Kingasani, a popular municipality of Kinshasa.
5. On 13 June 2005, the Centre of Legal and Psychosocial Assistance for Mothers and Children (CAJEM/LIZADEEL) made public a case of sexual violence by three boys against a girl of 16 years in the Mont Ngafula commune.

Ms FNM, aged 16 years, resident of the suburb of Mama Yemo in the Mont Ngafula commune, met two boys one evening, Rigo and Matthieu. Matthieu questioned the girl asking her "do you know you're pregnant?" to which the young girl replied that she was not. The two boys continued to try and convince her that she was pregnant. After hearing the underhanded arguments of the boys, the young girl ended up being convinced that she was pregnant.

51 - What is commonly called a "hotel" in the DRC is often a brothel.

Feeling that they reached their goal, the two youth proposed to her a solution “so that you don’t have a problem with your parents, you should better have an abortion...” The young girl asked how and they told her that they knew a Marabou who, by simple prayers, could make pregnancies disappear, leaving only blood. The young girl finally accepted the proposition and she was led to the Marabou, who was none other than the boys’ accomplice. When they arrived, the three boys gave her a large dose of drugs causing her to lose consciousness, and they took turns raping her. While the girl was still drugged, the juveniles put pomegranate in a little basin with water so that when she would awaken they could show her the blood and foetus which came out of her stomach after the prayers of the Marabou. This was done, and the young girl kept it her secret. She remained unaware that she had been brutally raped by three persons, though she felt strong pain in her lower stomach which caused her to walk hunched over and gave her great difficulty. She also had haemorrhaging which did not stop. Her parents took her to a medical centre to receive care. It was during this time that Rigo had confided in another boy in the same suburb and had told him what had really happened to the young girl. The boy could not keep this to himself and he relayed this information to the parents of the young girl.

The parents of the young girl approached CAJEM on 16 May 2005 with their daughter’s case. According to investigations led by CAJEM, Rigo was the child of a colonel and known for this kind of misconduct. Rigo had been incarcerated at the police station several times but owing to the status of his father, he was always released. On 10 June 2005, the Rapid Police Intervention Division (PIR) apprehended Matthieu, and Rigo was put in custody 48 hours later. Since Rigo’s arrest, his parents employed all means (money, intervention, etc.) with the PIR to obtain his release. Nevertheless, the file was sent to the Public Prosecutor of Matete with the hope that the rapists would finally be transferred to the CPRK. Since the file was transmitted to the Public Prosecutor of Matete, an official of the Minister of Public Affairs (magistrate) summoned the victim verbally upon request of the parents of the accused. Once she arrived, the magistrate intimidated the girl, who

refused to speak without the presence of her lawyer who had been provided by the CAJEM / LIZADEEL. Irritated at this, the magistrate placed the girl in a cell for twenty minutes in order to persuade her to testify before the court. After the forced hearing of the victim, in the absence of her lawyer and members of her family, the magistrate decided that each accused should pay the sum of USD 150 and that the victim herself pay USD 50. As soon as the parents of the accused paid the required amount, they were immediately released, while the victim remained in custody until late while awaiting the payment of the required sum.

6. *On 15 January 2006 around 7 p.m., returning from a visit to the tailor in the municipality of Makala, **a young girl of 13 years** was approached by a young man in his twenties who had previously tried to approach her in the street near the school.⁵² At the intersection of the road to Kimwenza and By-pass (an uninhabited place), they were joined by six friends of the young man. After they had gagged the young girl with a scarf to prevent her from screaming, the seven men all raped the young girl from 7 p.m. until 5 a.m. She was found the following day by passers-by, bathing in her own blood. After they had found their daughter, the parents alerted police officers at the station close to Ngaba Circle in the district of Mont Amba. The police officers knew the identity of the men who raped the young girl. Nevertheless, according to the police, because of insufficient financial means, they are unable to undertake the necessary actions, and the authors remain free and unpunished. The young girl has since been looked after by the Bomoto health centre of Matonge, which offers medical assistance to victims of sexual violence. She has suffered severe physical and psychological injuries. She can no longer walk properly and according to doctors, may be infertile. Traumatized, she no longer speaks, and no longer attends school.*
7. *On 18 February 2006, **another young girl, aged 17,** was approached by five men when she went to night prayers with her*

52 - See OMCT Urgent Appeal COD 300306.EE.VCF.

friend at around 8 p.m. in the municipality of Kalamu.⁵³ When she tried to react, “Dunga”, who appeared to be the leader of the group, ordered his accomplices to burn the young girl with a cigarette. While three men of the group abducted the other girl, the two others overpowered the young girl and pulled her by her arms. Despite her calls for help, none of the present passers-by came to help. At one moment, she called out to an acquaintance who tried to intervene to help her but was beaten by the two men. Furthermore, when they dragged her to the ground, two plainclothes policemen, who were not on duty and lived in the neighbourhood, challenged the two men. Apparently recognising the persons, they did not offer any help to the young girl, nor did they warn their colleagues at the station. The young girl benefited from the exchange and managed to escape and look for refuge in the nearest house. They immediately started to chase her and threw a brick at her, which caused a large bruise. When the two men found her again, they hit her violently. They forcibly brought her to a small room behind an outlet for drinks where she was held and raped by the two men. Furthermore, Dunga inserted a bottle of soda into the vagina of the young girl and moved it in such a way as to cause severe pain. Following the rape of the girl, while the two men were having a discussion, she managed to escape on her hands and feet because she could not walk normally, and she asked a passer-by for help and was guided to her home.

Two days after the rape, following the victim’s complaint, Dunga was arrested by the police and transferred to the Penitentiary and Re-education Centre in Kinshasa (Centre pénitentiaire et de rééducation de Kinshasa – CPRK) to pursue the investigation. As allowed by Congolese criminal procedure, Dunga was temporarily released on bail by the magistrate in charge of the investigation. Once released, Dunga threatened his victim with death. He was arrested a second time thanks to pressure from local NGOs (especially LIZADEEL) and transferred to the CPRK in the beginning of May, but was released on bail again by the same magistrate. In this time frame he raped yet another young girl (see below).

53 - See OMCT Urgent Appeals COD 300306.EE.VCF and 300306.1.EE.VCF.

Although Dunga is currently again in pre-trial detention and the magistrate who twice ordered his release has been discharged from the case, the co-perpetrators have not been arrested. The authorities' intervention is all the more necessary because the police of Kinshasa know the identity of the perpetrators.

8. *On 29 May 2006, around 7 p.m., a group of ten men led by "Dunga" raped a 17 year-old girl in a classroom.⁵⁴ The young girl went into a coma and was taken to the police hospital at the Lufungula camp, commune of Lufungula. She woke up four days later and was still in the hospital at the end of June.*

III.3.2. Forced prostitution⁵⁵

Prostitution is principally caused by poverty. Brothels are sometimes run by aged women who oblige young girls to follow men. These men pay the aged woman, the manager of the house. Most prostituted girls are children abandoned by their parents, or children who have run away. It is difficult to find statistics on this phenomenon as few studies exist. The main reason for this lack of information is the silence maintained by prostituted women and girls.

Article 174bis of the second book of the Criminal Code forbids pimping. Concerning children, article 44.2 of the Constitution provides that the State must protect children against prostitution, pimping, homosexuality, incest, pedophilia, sexual harassment and all other forms of sexual perversion.

The CEDAW Committee expressed its concern about the extent of prostitution and especially the prostitution of girls. The Committee encouraged the government to adopt and to implement laws forbidding girls' prostitution⁵⁶. The State must adopt and enforce measures to give prostitutes the possibility to find new places in society and to assure them psychological and educational assistance.

54 - See OMCT Urgent Appeal OMCT COD 200606.EE.VCF

55 - See items 12 and 13 of the CEDAW list of issues, CEDAW/C/COD/Q/5.

Also, in considering the pandemic of HIV/AIDS in the DRC, the Committee recommended that the government devote more attention to health services for prostitutes⁵⁷.

The new law against sexual violence, in article 174.3.c, condemns forced prostitution. Article 174.5.e. also condemns sexual slavery.

In practice, there is no concrete measure of protection nor specific programme in this regard. In spite of the fact that the prostitution of children is often due to poverty resulting from the economic crisis aggravated by the war, the State must overcome these difficulties and protect its youth from these practices. Its response should consist of restrictive measures toward persons encouraging child prostitution, but also educative measures toward children and prostituted women. The State must assure these women satisfactory sanitary conditions, and inform them of the risks linked to sexually transmitted diseases. Mechanisms must be established in order to assure to these women the means for a potential change of profession.

III.3.3. Genital mutilation

Certain traditional practices and customs can constitute cruel, inhuman and degrading treatment, such as the genital mutilation of women and girls. Article 174.7.g. of the new law against sexual violence condemns these practices.

The State report (CEDAW/C/COD/4-5) affirms that these practices are rare in the DRC. Actually, the DRC does not appear in the 28 African countries identified by the World Health Organisation, in which FGM is massively practiced. However, even if the phenomenon is minimal, it is essential that the State precisely locates where these practices persist, in order to establish a plan of elimination and prevention. FGM is notably more frequent in the provinces of Equateur and Katanga.

56 - Paragraph 219, report A/55/38.

57 - Paragraph 220, report A/55/38.

III.4. Women in Detention

At the CPRK, women and men prisoners are separated, and women are monitored by female guards. They are detained in ward 9, which is strictly reserved for women. Women can consult general medical practitioners, however, no medical specialists are at their disposal, such as gynaecologists.

In police stations, detainees are not separated according to sex, nor are there any rights to medical care as there are no medical professionals available. There exists no organised assistance concerning basic physiological needs.

In July 2004, Ms A.M., placed in detention on remand in ward 9 for theft, was beaten, kicked, whipped and stripped in the main court of the prison centre within the view and earshot of everyone, by Serge, Arthur and Kangala, prisoners delegated to supervise chores. Ms A.M was being punished for having refused to transport 30 buckets of excrement because she was ill. Following the beating, she had pains in her lower stomach for which she received no treatment. Punished for having refused to obey orders, she was confined to a cell, isolated from the other detainees, and during the night, she was sexually harassed by the prisoners who tortured her. She continued to fight off the advances of Serge, Arthur and Kangala, and during the night of 7 December 2004, Ms A.M was raped at the CPRK by police officer Puku Ya Libanga and prison officer Loboto. Medical examinations revealed that Ms A.M had been infected with HIV and had contracted AIDS. Although Ms. A.M has been released, she suffers psychological problems which her parents cannot care for and has no access to the medical treatment she requires. Following the rape of Ms A.M in 2004, the Human Rights Minister was contacted by an NGO. She ordered an inquiry, which confirmed the facts. However, no proceedings have to date been opened, in spite of the fact that the authors are known.

See the communications of the UN Special Rapporteur on Violence against Women, Yakin Ertürk, in her report of the 27 March 2006: E/CN.4/2006/61/Add.1

IV

Conclusions and recommendations

1. Ratification the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

The DRC ratified the Convention on the Elimination of All Forms of Discrimination against Women and presents periodic reports to the CEDAW. However, it is regrettable that the DRC has neither ratified nor signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

2. Reform of the Family Code and of other discriminatory legislation toward women

In spite of the ratification of the Convention in 1986, the Congolese State did not respect its commitment at the moment of the elaboration of the Family Code in 1987. That Code was supposed to improve the Congolese Civil Code with regard to women. The Congolese legislators chose to work on the organisation of the family by abrogating, for example, the father's authority and replacing it with parental authority instead. The Code also affirms the principle of freedom of marriage. The promotion of the status of Congolese women was partly taken into account by the Congolese reform.

However, at the same time that the State tried to promote the status of Congolese women, the Family Code has limited the legal capacity of married women by considering them as incompetent persons, like children. The Family Code has instituted an unequal system between women and men, which is complete in contradiction with the CEDAW. Thus, the legal age to contract a marriage, the rights of married women, parental authority, lineage, married women's legal capacity, adultery provisions, and also the presumption of male superiority within discriminatory laws and traditions are various domains in which the international texts and the Congolese Constitution are not respected.

■ ■ ■

We commend the Congolese State for its contribution, especially the Ministry of Justice and the Commission for Congolese Law Reform, which received the Memorandum from RAF (*Réseau Action Femmes*) in April 2002. This text analysed the four books of the Family Code singling out discriminatory provisions. Consequently, the RAF formulated amendments to the Family Code in March 2006. Currently, a proposed law exists and aims to reform the Family Code. *The State should proceed with its approval and promulgation as soon as possible.*

3. Reinforce the role of the National Council of Women (*Conseil National de la Femme*)

The State has been limited to the written word and not enough concrete action has been taken. We regret the fact that the national programme for the promotion of Congolese women does not generally function due to the lack of real commitment by the State, who principally waits for a gesture from donors. Because of the lack of concrete results, the donors have become more reticent in sustaining governmental action. *The State must allocate the necessary budget for the effective implementation of the national programme for the promotion and protection of Congolese women.*

We also regret the thin financial and material support granted to Congolese women who actively contribute to their families' and society's development, by several lucrative activities. This lack of support is contrary to the principle of professional equality between women and men.

The Congolese State must foster concrete measures aiming to promote and facilitate women's access to the professional world.

The State's engagement must also be more perceptible concerning the promotion of girls' and women's education. Campaigns of information and awareness-raising on women's rights and on the fight against violence against women must be established.

4. Implementation of the new law on the repression of sexual violence

The law against sexual violence, recently adopted by the parliament, shall be quickly promulgated by the President and we hope the authors of violence will be punished, while the victims will be reintegrated into society.

The government must introduce laws in order to pursue the authors of violence, to protect victims and to give them adequate reparation and psychological, social and sanitary assistance.

A plan for helping victims of sexist violence must be set up in order to secure psychological, social and health care to women victims of rape, physical violence, genital mutilation, etc.

Specific attention must be accorded to provinces where women in particular have been victims of violence linked to the armed conflict.

5. Consideration of the criteria of gender

The criterion of gender has not been taken into consideration regarding the recruitment of civil and military personnel responsible for law enforcement. In fact, this holds true for every sector of public life in the DRC. Consequently, the number of men outweighs that of women and the training dispensed does not integrate gender-specific aspects. The impact of culture on a subject as sensitive as rape and sexual violence against women and female children necessitates employing a significant number of women in the police, armed forces, security services, penitentiary administration, judiciary and the bar.

On the basis of an entrance exam, it will be important to recruit police officers, military personnel, judicial police officers, security service agents and prison administrators taking into account the gender dimension.

6. Information, awareness-raising regarding HIV and access for infected women to medical care

The use of condoms must be encouraged by awareness-raising campaigns and by facilitated access to measures of prevention.

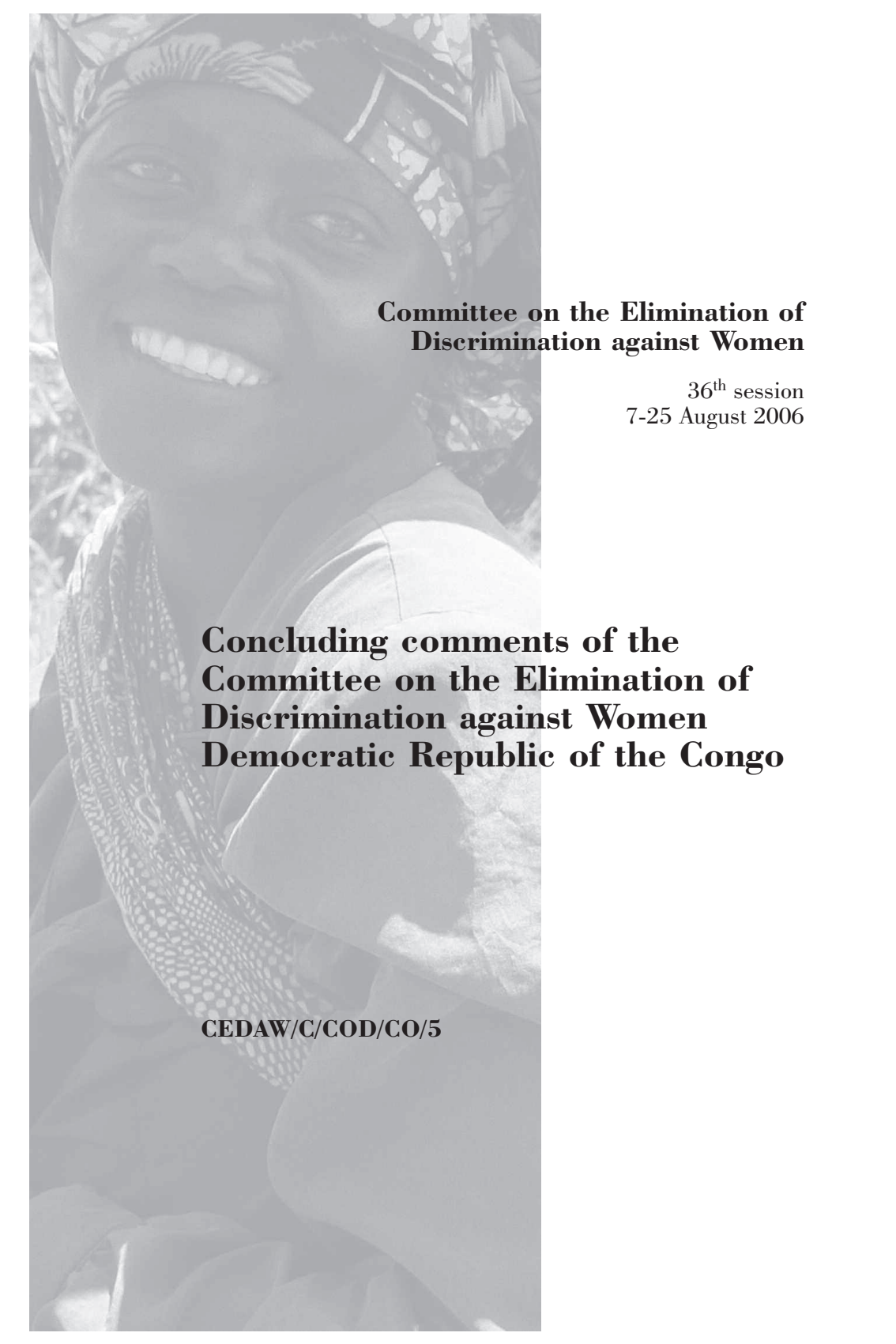
Women living with HIV should have facilitated access to adequate medical treatment and care.

7. Non-sexist education for all ages

As well as greater access to education for Congolese girls, in order to prevent future sexist violence, it is important to educate children from a young age, particularly in school, of the issue of violence against women.

Most children have been witnesses or victims of violence. The impact on boys of violence against their mothers or other women risks influencing their perception and representation of women. In the same way girls will internalise fear, suffering and a vision of masculine domination that is difficult to change later.

Such education could also be taught as widely as possible, such as to administrators, police and hospital staff, in order to educate adults of the problem of equality between women and men, especially in their familial and personal relationships.



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

36th session
7-25 August 2006

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

CEDAW/C/COD/CO/5

United Nations

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**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.

Photographer: Jan Powell

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