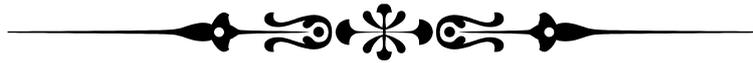


# DEMOCRATIC REPUBLIC OF CONGO

COALITION FOR THE CONVENTION ON THE ELIMINATION OF ALL KINDS OF  
DISCRIMINATION AGAINST WOMEN.

“CCEDEF.”



## **Alternative report on the implementation of the Convention on the Elimination of All kinds of Discrimination against Women.**

The 6<sup>th</sup> and 7<sup>th</sup> periodic reports examination

With support of:



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## ABBREVIATIONS

- AN: National Assembly.
- CCEDEF: Coalition for the Convention on the Elimination of All Forms of Discrimination against Women.
- CEDAW: Convention on the Elimination of All Forms of Discrimination against Women.
- CF: Family Code.
- CNDP: National Committee of People Defense.
- CNF: National Woman Council.
- CSPS: Health and Social Promotion Center.
- CT: Labor Code.
- FVH: Women living with disabilities.
- GECAMINES: General quarries and mines.
- GEFAE: Gender, Family and Children Department.
- INSS: National Institute of Social Security.
- IRAW AP: International women's Rights Action Asia Pacific.
- M23: Liberation Movement of March 23<sup>th</sup>.
- NGO: Non Governmental Organization.
- CSO Civil Society Organization.
- PNC: Congolese National Police.
- PNG: National Gender Policy.
- NACP: National Program to Fight against AIDS.
- PNPF: National Policy for Advancement of Women.
- PNPF: National Program for the Promotion of Congolese Women.
- UNDP: United Nations Program for Development.
- PRC: Community Rehabilitation Program.
- TFP: Technical and Financial Partners.
- PMTCT: The Mother's Prevention to Child Transmission Program.

- UNESCO: United Nations Program for Education.
- CAR: Community-based rehabilitation.
- RCRC: Committee's Rehabilitation Community Network.
- DRC: Democratic Republic of Congo.
- UNICEF: United Nations Children's Fund.
- HIV / AIDS Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome.
- SGBV: Sexual Violence and Based on Gender.

## **GENERAL SUMMARY OF ALTERNATIVE REPORT OF THE COALITION**

The gender problems still deeply felt in Congolese society and have increased taking of proportions regarding sexual violence type due to war, conflict recurring in spite of a few sporadic and ad hoc actions of Congolese Government reduce accordance with international legal instruments it has ratified. The report of the Coalition for the Convention on the Elimination of All Forms of Discrimination against Women (CCEDEF) focused on the evaluation of the implementation of the concluding observations and recommendations made to the DRC Government since the last report and presentation of the 6<sup>th</sup> and 7<sup>th</sup> combined report. Given the socio-political context of the time, the situation of Congolese women is alarming and calls attention to the CEDAW Committee to safeguard the physical and moral integrity. Indeed, DRC IS THE SECOND WORST COUNTRY IN THE WORLD AFTER AFGHANISTAN FOR WOMEN! (Rank TRUST LAW NGOs studied governments and the rights of women). In view of the foregoing, the coalition has dwelt on the twelve articles of the Convention that the government has submitted for consideration to the CEDAW Committee, it is of the following articles:

### **Article 1: DISCRIMINATION DEFINITION.**

Despite of the government efforts to update national legal texts in accordance with international legal instruments ratified; Coalition regrets the absence of a legal definition of discrimination as set out by CEDAW. It is necessary that the state removes any legal uncertainty that could result from this failure that is why the coalition recommends the government to define and integrate the principles of CEDAW in all national legal instruments.

### **Article 2: POLICY MEASURES.**

While welcoming the creation of different structures for the promotion of women, the development of a national action plan the enactment of a law on sexual violence revision of the Family Code and the law implementing parity the coalition expressed reservations about the usefulness of these multiple state structures and recommends to the government to allocate a significant budget for the efficient functioning of these organizations to promote women and a greater commitment of the government for the enactment of the law on parity and the new family code, while ensuring the strict application of the law on gender-based violence.

### **Article 3: HUMAN RIGHTS GUARANTEE AND FUNDAMENTAL FREEDOMS.**

It is true that an entire legal arsenal has been implemented to ensure the human rights and fundamental freedoms, and we welcome the coalition but still emits great reservations about the written law and the right is for the DR Congo distinction of having the best laws enacted but are void on their application.

### **Article 4: SPECIAL TEMPORARY MEASURES.**

While the government has taken a temporary measure favorable to the representation of women at the level of institutions by fixing 30% of quota for women, but the coalition regrets the ineffectiveness of this measure in all public institutions and in fact recommends that the Government adding a compulsory measure and binding.

### **Article 7: WOMEN PARTICIPATION IN PUBLIC LIFE AND POLITIC.**

Concerning women participation in public life and politic, despite the constitution guarantees the equal political rights, the facts reveals that the participation rate of women is minimal and confined to positions always secondary. To reverse this trend, the coalition governments apply through the parliament to strengthen the restrictive measures by Article 13 of the electoral law, the effectiveness of the 30% quota and the promulgation of the law on gender equality man-woman That will permit to the Congolese woman a efficient participation in decision sphere

### **Article 8: WOMEN'S PARTICIPATION IN INTERNATIONAL FORUMS.**

Although the law guaranteed equal rights and opportunities to women to represent the DRC in the international forums, the rate of female representation is so insignificant 5 women ambassadors of 64 diplomatic missions or 6.5% due to this fact that the coalition believes and recommends that the government introduces temporary measures to increase women's participation significantly in international decision-making and diplomatic.

### **Article 10: EQUAL RIGHTS TO EDUCATION**

The government has launched a campaign to promote the education of girls named: all girls at school in 2006 in collaboration with UNICEF, which has not yielded the expected results. DRC faces the challenges of 7 million children not in

school (UNESCO Statistical 2012) 50% illiterate in the age group 15-24, 80% are women and an enrollment rate of only 35%, therefore recommends that the government coalition effectiveness of free primary education throughout the national territory and the increase in the budget allocated to education.

#### **Article 12: EQUAL ACCESS TO HEALTH CARE**

The coalition welcomes in this regard the measures and initiatives implemented to improve women's access to health especially in the areas of sexual health and reproduction, the fight against HIV/AIDS, malaria and contraception. Encouraging results were obtained especially in urban areas, Kinshasa as the general hospital of 95 hospitalized cases of AIDS reported to the year 2012, there were 41 deaths  $\frac{3}{4}$  of whom were women, but it should be noted that since 2009 the number of cases increased from 608 95 representing a decrease of over 80% , But efforts must be sustained and also oriented rural, because women living with HIV are discriminated mainly by people caregivers in hospitals thus we recommend increasing material and financial resources to health sector, the construction of health infrastructure in rural areas

#### **Article 13: ECONOMIC AND SOCIAL LIFE.**

The DRC is among the four countries in the world where the food situation is considered extremely alarming and global hunger index has risen 63% since the last report. (Rank IFPRI October 2012). In addition, domestic production was 16.7 billion in 1970 with a population of 22 million, is \$ 16.8 billion in 2012 with a population that has risen to 67 million! (uhuru No. 2026 of 22/11/2011) Despite the economic indicators in the green 6% growth rate, the daily reality indicates a deepening poverty and increasing the burden borne by Congolese women to cope with the economic crisis, the statistics show that the DRC is a of the poorest countries in the world. Following this, the coalition government recommends the establishment of a national strategy for micro financing to facilitate the access of women to credit and the implementation of a policy of empowerment, continuing education of women and the fight against poverty, it would be the CPU

#### **Article 14: RURALS WOMEN.**

Rural areas are facing problems cruelly discriminated because of socio-economic related negative impact of wars and conflicts. Rural women don't seem to be a concern of the Congolese state as it has no recognized legal status in addition to their needs are not taken into account in the development or implementation of agricultural programs. Following the above, the coalition recommends to the government to ensure the full rural women participation into all stages of rural development policies, to organize a cooperative corporation or promoting them within the social economy and

solidarity, to ensure their education, training, information, and empowerment by allocating a specific budget for rural women.

### **Article 15: EQUALITY BEFORE THE LAW**

Equality of rights between men and women is recognized by the constitution despite of the rehabilitation of some infrastructure, and the establishment of mobile courts and law firms, justice remains a hard area for women access as some legislation will not be changed and enacted to ensure equality before the law.

That is why the coalition recommends the acceleration of security reform sectors and justice, the faster promulgation of the new Family Code and the law on parity.

### **Article 16: HOUSEWIFE**

Efforts have been made in this field especially with respect to physical violence but many inequalities remain about its status. The Coalition recommends that the government through the parliament to give the housewife a special legal status and to take action to regulate marriage to fix a rate for staff, taking into account the socio-economic costs and standardize inherent fees in civil marriage within all jurisdictions.

### **RECOMMENDATION 19: VIOLENCES AGAINST WOMEN**

Sexual gender problems are based now in the DRC. All the entire survey reveals red parameters.

- 500,000 rape per year: 99.2% of victims are women. Women represent 75% of the displaced (2.2 million of people).
- 40 women raped every day in South Kivu, including 1 woman out of 10 women were infected with HIV
- The phenomenon of "battered woman" has grown in recent years

Violence against women is a problem that multiple origins and also has several causes and consequences requires that we are a serious look at the risk of a breakdown of an entire society view of an entire nation.

## **THE COALITION PRESENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL DISCRIMINATION FORMS AGAINST WOMEN, abbreviated as "CCEDEF"**

The Coalition Elimination of all Forms of Discrimination against Women (CCEDEF) takes this opportunity to develop its alternative report on women situation into all provinces in the country and provides guidance providing an effective response to the obligations under the Convention. As an indication, members From CCEDEF conducted several activities on the promotion of women's rights:

- Organization of a sub regional forum of young feminist human security, sexual and reproductive rights and religious fundamentalism;
- Organization of a survey on violence against women in the media;
- Organization of awareness campaigns on the electoral law;
- Organizing campaigns of 16 days of activism;
- Other members have initiated a draft law on sexual minority;
- Organization of training on leadership, human rights and HIV;
- Organization of the campaign on gender violence based in, which runs until September;
- Drafting and publication of the report on Alternative implementation of CEDAW in the DRC submitted to the Committee in March 2013, etc.

## **LIST OF MEMBERS OF THE COALITION FOR THE IMPLEMENTATION OF THE CEDAW**

- CALA: Congolese Association for Access to Justice
- AC / PEC: The Angels of Heaven/guardian of the child
- Adico Action for Integrated Development of Congo
- ADIPP: Integrated Development Action for the Promotion of Peasants
- AFEMAC: Association of Women Judges of DRC
- AFEVIP: Female Positive Life Association
- AMCAV: Christian Mothers Association for Assistance to Vulnerable
- ASADHO: African Association for the Defense of Human Rights
- CAFEM: Carrefour women Housewives
- CHARI CONGO:
- CODE: NGO Coalition on the Rights of the Child
- DDQ: Detective Expert rights Daily
- DFS: Dynamic Synergy of Women
- FA: Accomplished Women
- FIDEF: forum Development Initiatives for Women and Young Girl
- FEPHARCO Federation of Pharmacists of Congo
- Femme Plus Foundation
- INOAF: African Institute Offering
- JADI: Associate Youth for Human Integrals.
- RJ / DYDECOKIN: Renewal Movement of Youth.
- OCDH: Congolese Observatory of Human Rights.
- RACOJ: Congolese Youth Network
- RAF: Female Action Network
- RSA: Africa AIDS Network
- S.OF: Relief for disadvantaged

- SJS: If Youth Knew
- SOFBEF: Solidarity of Women Fizi for Family Wellness
- UPF: Union for the Advancement of Women
- URDEIF: Unit Reflection for Endogenous Development and Integrated Women

## PREFACE

The Coalition for the Convention on the elimination of all kinds of discrimination against women in acronym CCEDEF has taken cognizance of the existence of the 6<sup>th</sup> and 7<sup>th</sup> periodic reports of the DRC about the Convention on the elimination of all kinds of Discrimination against Women issued officially by the United Nations on 21<sup>th</sup>, December, 2011, after reading, analyzing, consulting and investigations, the coalition notes based on reliable data field provided by the structures of civil society activists and women's rights, the report of the Congolese government isn't consistent with the daily reality of Congolese women.

Indeed, the Government's report gives the impression that the DRC has made significant progress on the implementation of CCEDEF. It's true to some extent, the work of government called a response from the Coalition for the Convention on the Elimination of All types of Discrimination against Women, CCEDEF reaction formulated as report.

Designed to enrich the data presented in the sixth and seventh periodic reports of the DRC Government to the CEDAW Committee, this report is a product of the collaboration of civil society group, organizations seeking to address not only gaps and challenges in the implementation of the Convention but to shed light on the extent of taking into account the observations and recommendations of the CEDAW Committee.

This report focuses on the priorities according to the following CEDAW articles:

- Article 1: Discrimination definition.
- Article 2: Policy Measures.
- Article 3: Human Rights guarantee and Fundamental Freedoms.
- Article 4: Temporary special measures.
- Article 7: Women participation in public life and politic.
- Article 8: Women participation in International Bodies Decisions.
- Article 10: Equal rights to education and vocational training.
- Article 12: Equal access to health care.
- Article 13: Women's social and economic life.
- Article 14: Rural Women.
- Article 15: Equality before the law.

- Article 16: Equal right to enter into marriage
- Recommendation 19
- General Recommendations
- Conclusion



## BACKGROUND

The Democratic Republic of Congo is a huge country in Central Africa, with 62,751,512 inhabitants, 450 tribal communities, it shares borders with nine other countries, namely the Republic of Congo, Central African Republic, South Sudan, Uganda, Rwanda, Burundi, Tanzania, Zambia and Angola.

Regarding women, the Convention on the Elimination of All kinds of Discrimination against Women was ratified by the Democratic Republic of Congo on 17<sup>th</sup> October, 1986. The DRC has taken this day five successive reports, the first occurred in 1987, the second in 1995, the third in 1999, the fourth and the fifth were made in 2004. In October 2012 it submitted to the Working Group on the Elimination of Discrimination against Women, its sixth and seventh periodic reports that contain answers of the DRC to relevant comments made by the Commission on the Status of Women. The United Nations Secretariat is the first assessment of the status of implementation of the rights of women in the DRC since the decentralization of institutions.

However, despite of the holding of elections and the establishment of new state institutions, which are supposed to bring peace and national harmony, the DRC continues to face the challenges of all kinds for over a decade including wars and endless conflicts in return of millions of people including civilians, IDPs and external looting of natural resources, persons insecurity and their properties in the country, etc.

Written in a particular context of the resumption of the war in North Kivu under the leadership of the rebellion politico-military M23 Colonel Bosco Ntaganda from the March 2012 war with the fall of the city of Goma was the culmination, the report of the CEDAW Coalition can't keep quiet in all sorts of abuses against the civilians populations, from both rebels and FARDC undergoing several serious violations of human rights. However, due to threats and pressure from the international community, the situation as of today is back to normal, the M23 having evacuated the city and part of ADDIS ABABA agreement was signed by countries involved in the Congolese crisis, it was decided through this agreement the establishment of a neutral African force whose mission is to neutralize the negative forces that devastate the eastern DRC. It should be noted that following the splitting M23 2 dissident factions that clashed militarily led to the surrender and arrest of Mr. Ntaganda to the U.S. Embassy in Kigali late March 2013 and its transfer to the ICC LAHAYE some days later.

Civilians populations composed by people (women, girls, elderly) have experienced the horrors of all kinds including mass rape of women, girls and forced recruitment of minors, sexual slavery, enforced prostitution, source unwanted pregnancies and infections with STIs and HIV/AIDS, also one of the record crimes in the Congolese jungle is the use of rape and sexual violence as a war weapon to destroy families and homes.

This alternative report is the work of several non-governmental organizations has the advantage of Congolese portray as objective as possible of women's rights situation in the DR Congo.

This work was made possible through the support of both technical and financial International Women Right Action Watch Asia Pacific Coalition that grateful.

## **I. THE ASSESSMENT OF THE IMPLEMENTATION OF THE PRESENTATION OF CEDAW SINCE 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> PERIODIC CONGOLESE GOVERNMENT REPORTS**

### **I.1. General Legal Framework of Implementation of the Convention on the Elimination of All sorts of Discrimination against Women**

It is true that the Democratic Republic of Congo has strengthened its legal framework for the protection and promotion of women's rights domestically, regionally and internationally.

Despite of this increases the rights of Congolese women are still being violated by the lack of effective measures to ensure the protection of rights guaranteed by the Convention on the Elimination of All sorts of Discrimination against Women.

### **I.2. The lack of application of international treaties in domestic law**

The DRC is a monist state. In this case the article 215 of the Constitution provides that:

"Treaties and international agreements have regularly concluded from their publications asuperior authority to these laws, subject for each agreement or treaty, to its application by the other party."

Article 153, paragraph 4 of the same text also states: "civil and military courts apply duly ratified international treaties laws regulatory acts provided they comply with the law and custom provided that it isn't contrary to public order or morality. "

However in practice courts don't apply the principle of the primacy of international law over domestic law.

Therefore, it's a problem of direct application of international legal instruments and those of CEDAW by the Congolese justice system.

### **I.3. National legal texts and legal support of Congolese women**

#### **A. The Constitution**

The DRC has indeed introduced in its constitution on 18<sup>th</sup> February 2006 Article 14 which guaranteed the protection and equitable representation of women in the national, provincial and local institutions<sup>1</sup>.

Unfortunately, in practice, these provisions are far from being implemented.

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<sup>1</sup> Article 14: The State shall ensure the elimination of all forms of discrimination against women and ensure the protection and promotion of their rights. They take in all fields, including civil, political, economic, social and cultural fields, all appropriate measures to ensure full development and full participation of women in national development. They take action against any form of violence to women in public life and in private life. The woman has the right to fair representation in the national, provincial and local. The State shall ensure the implementation of gender equality in these institutions.

## B. The Family Code

In Act No. 87-010 of 1<sup>st</sup> August 1987 of the Family Code there are several provisions that discriminate against women contrary to the willing of the Convention on all sorts of Discrimination against Women which makes the revision of this law imperative. These include sections 330, 148.1, 165, 215, 444 to 448, 490.2, 497.2, 515, 524, 531, 361, 367, 382, 388, 426, 543 and 579.

Unfortunately, the document still lingers at the standing committee on justice reform. Should therefore advocacy and lobbying in parliament for its adoption.

## C. The Labor Code

It is true that the Labor Code incorporates the will and the desire of the Article 12 of the Constitution on equality before the law and equal protection of men and women's laws<sup>2</sup> by removing the provision that the woman had submitted the husband's permission. It provides in Article 128, paragraph 2 that motherhood can be a source of discrimination in employment and prohibits requiring a woman applying for a job to submit to a pregnancy test, except for work that is prohibited or particularly pregnant women or risk to the health of the woman or the child.

Section 129 provides to the pregnant woman whose condition has been found medically terminate the contract<sup>3</sup> without notice and without, thereby, pay compensation for breach of contract. And when the woman breastfeeding her child, she is entitled in all cases to two rest a half - hour a day. These rest periods are paid as working time<sup>4</sup>.

Notwithstanding these efforts of the Congolese government to comply with international standards, the law maintains some confusion in particular Article 6 relating to capacity to contract, which provides that "a person's ability to engage his services is governed by the law of the country to which it belongs, or if the nationality is known by Congolese law. " However, referring to the capacity to contract Congolese law, the Family Code applies, especially in its Articles 215 which limits the ability of married women to do paid work and 448 which requires the husband's permission for all legal acts.

Once again the pending reform of the family code should skip these contradictions.

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<sup>2</sup> Article 12 of the Constitution stipulates that all Congolese are equal before the law and entitled to equal protection of the laws. And Article 1 of the Labour Code provides that this code is applicable to all workers and all employers, including those of public companies operating on the extent of the DRC, regardless of race, gender , marital status ...

<sup>3</sup> In the same vein Article 130 of the Labor Code says that a woman can even suspend his employment contract for 14 consecutive weeks and giving birth without the interruption of service may be considered a termination of contract.

<sup>4</sup>Read about it in section 132 of the Labour Code.

D. Act n° 06/018 of 20<sup>th</sup> July, 2006 amending and supplementing Decree of 30<sup>th</sup> January, 1940 on the Congolese Penal Code and Law No. 06/019 of 20<sup>th</sup> July, 2006 amending and supplementing Decree of 6<sup>th</sup> August, 1959 on the Congolese Criminal sexual violence procedure code.

The State party has partially implemented the provisions of the Convention by establishing a legal arsenal for the suppression of all kinds of acts that converge toward achieving intimacy and sexual integrity of a person and celerity in this repression.

But problems remain regarding the effectiveness of these provisions, lack of appropriate awareness of the population and reparation for victims.

#### E. The right to basic social services

A Congolese woman is a victim of social prejudices and cultural constraints only because of its womanhood. It isn't entirely considered and continues to be subject to multiple forms of discrimination against certain conduct code of the family. It always pays the costs of domestic violence.

The current report is organized on the assessment of the implementation of the concluding observations adopted on 25<sup>th</sup> August, 2006 by the UN Committee on the Elimination of All kinds of Discrimination against Women turn of the priorities of CEDAW following:

#### **Article 1: Discrimination definition**

According to the country national laws there is no legal meaning of discrimination as set out in CEDAW. This could justify in the context of the adoption of the parity law that aims to increase the meaningful representation of women in decision-making bodies, the Congolese constitution opted for a law that provides a minimum participation of 30% women who exclude the implementation of discriminatory measures in favor of one sex or marginalized social stratum.

#### **Recommendation**

CEDAW should be integrated into national legal texts to ensure the effective implementation of certain provisions in order to achieve equality between men and women, which sometimes can't be done through the temporary positive discrimination measures.

#### **Article 2: Policy Measures**

While welcoming the creation of the National Council of Women as national advisory body under the supervision of Gender, Family and Children Department for the implementation of programs and policies for the progress of women and the gender equality, we regret, however that this organ receives only occasional funding from government and some international partners.

Indeed, the budget allocated to the Gender, Family and Children Department remains insignificant and can't cover all the required efficiency with the achievement of policy of fairness and gender equality.

In addition, the revision of the family code initiated since 2002 by the Congolese Civil Society stalled the project law still lingers at the lower house of parliament.

It's the same for the implementation of parity law which is outstanding in Parliament since 12<sup>th</sup> April, 2011.

The failure outcome of these two processes make that today decried the discriminatory provisions in the Family Code remains in force and parity isn't effective.

### **Recommendations:**

1. Lists all the government measures and laws that discriminate against women to consider revisions in accordance with CEDAW, including the Family Code, the Staff public status career, etc.

### **Article 3: Human Rights and Fundamental Freedoms guarantee**

Rape and sexual violence that women suffer arising between other inequalities between men and women are due to cultural constraints that are based on stereotypes, traditional and religious beliefs, poverty, legal and social status of women which is lower compared to men.

We must appreciate the enactment of act No. 06/018 of 20<sup>th</sup> July, 2006 amending and supplementing Decree of 30<sup>th</sup> January, with 194 Congolese Penal Code and of Law No. 06/019 at the same time amending and supplementing Decree of 6<sup>th</sup> August, 1959 on the Congolese Criminal Procedure Code. This marks the government's commitment to fight against sexual violence, but the government should make a firm commitment in raising awareness and to gather the entire population of these reforms.

### **Recommendations:**

1. The Parliament should vote a substantial budget for the Gender, Family and Children Department operation.
2. The Justice and Human Rights Department should continue the awareness and dissemination of laws on sexual violence throughout the whole country.

3. The government through the Gender, Family and Children Ministry should set up a compensation fund for victims of sexual violence.

#### **Article 4: Temporary Special Measures**

Many legal texts and legal supports to women. The Constitution of the 3<sup>rd</sup> Republic of 2006 in its Article 14 stipulates that the wife is entitled to equitable representation in the national, provincial and local institutions. The State shall ensure the implementation of parity between men and women in institutions.

However, to address the low representation of women in institutions the Congolese legislator has taken a temporary setting a quota of 30% is given that these legal provisions are not yet effective.

#### **Article 7: The Women Public Life and Politics participation**

In DR Congo, the article 14 of Constitution provides: "The State shall ensure the elimination of all kinds of discrimination against women and ensure the protection of their rights.

They take in all fields, including civil, political, economic, social and cultural fields, all appropriate measures to ensure the full development and full participation of women in national development. They take action against all types of violence against women in public life and in private life. The woman has rights to fair representation in the national, provincial and local institutions.

The country shall ensure the implementation of gender equality in these institutions.

#### **The law lays down rules for the application of these rights. '**

However, the reality is that the level of involving women in institutions remains very low. There is also a sub representation of women in senior positions in political parties.

The electoral system is based on a party list, candidates are positioned low on the list that they have a better chance of being elected. Therefore, in the 2006 elections, 42 women were elected or 8.40% of the National Assembly of 500 seats, the Senate of 104 candidates (or 9.25%) of a total of 1124, only 5 women (4.62%) were elected out of 108 seats<sup>5</sup>.

By way of example at the same elections of 2006, women constitute 52% of the electorate as a whole accounted for only 8.4% to the National Assembly or 42 women while in the provincial assemblies of 632 MLAs, we had only 43 women elected is 6.8%.At the provincial governorates any woman.

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<sup>5</sup> Office kind of MONUC-Cafco, the issue of participation of Congolese women in the electoral process, 2nd ed, February 2010, p. 13

The 2011 parliamentary elections, 47 women were elected out of 500. Regarding Appointments public, we note currently 53 women out of 296 agents is 7.9%, 7 of 55 women are Secretaries of Public Administration 12.7%. At the supreme magistracy was no woman candidate. At some government departments seem to be reserved for men, women being confined to smaller departments such as Social and Humanitarian Affairs, Gender, Family and Children Department.

### **Recommendations:**

1. Parliament should strengthen the electoral law in particular Article 13, in order to make inadmissible any electoral political parties do not take into account the gender equality;
2. The government should adopt a national plan type setting objectives and indicators for the implementation of women's representation in all institutions and deadlines
3. The government should support NGOs rights of women in their advocacy, awareness, outreach and follow-up on implementation of CEDAW.

### **Article 8: Women participation in International Bodies Decisions**

In fact women have the same rights and opportunities as men represent the government internationally. However, the percentage of women in the DR Congo representative institutions and international organizations remain insignificant.

Women are under-represented in political institutions among other Parliament and the Senate because the other women didn't support their candidates during elections and also most of them are in political parties or they don't occupy responsibility.

Recommendation:

The Government should initiates temporary special measures to increase women's participation in international forums.

### **Article 10: Equal rights to education and vocational training**

Inequalities within the household are evident between boys and girls through the enrollment and dropout where a significant proportion of girls don't finish primary school, 42% high school and 20% (EDS), which reduces the chance of the emergence of girls and their literacy than men.

Illiteracy affects many women 41.1% against 14.2% (EDS), and this especially in rural areas.<sup>6</sup>

The free education at the primary level was enacted in November 2010 and in the first instance for classes' 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> year of primary school across the

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<sup>6</sup> General Report of the National Council of Women and Gender and Family Feb. 2012, p.6

country, with the exception of the cities of Kinshasa and Lubumbashi. There are 7 million children out of school, 84 miles north Kivu, the majority of girls are always despite of these good intentions, the enrollment of girls is still lower than boys. The UNICEF report of South Kivu antenna in 2010 notes that 85% of rural women in South Kivu are illiterate and lacking any means for their social integration and their social life.<sup>7</sup>

In Bandundu specifically in the city of Kikwit girls of 12, 13 years old don't attend school and are found mostly in the proportion of pregnant 60%

The following table is a good indication of the lack of interest in the State field of Education:

<b>Year</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
Global budget	1 781 415 163 097	2 922 393 815 447	5,607,517,614,775
Inflation Coefficient	0.089	0.15	0.247
Current global budget <sup>8</sup>	1 66 555 949 515.63	438359072317.05	1385 056 850 849.43
EPSP Budget	148 395 073 452	182 190 912 423	296 255 831 014
Inflation factor	0.089	0.15	0.247
EPSP current budget	13 207 161 537.23 27	328 636 863.45 73	175 190 260.46
Ratio	7.92%	6.23%	5.28%

### **Recommendations:**

- The Primary Secondary and Vocational Department ensures girls to access the primary education by eliminating school fees and related costs in order to make it free and effective;
- To integrate the concept of gender in the national program of education in the DRC;
- The Congolese government should increase the budget allocated to education and creating a single window for the costs to be directed to the needs of education.

<sup>7</sup>UNICEF report, Antenna Sud-Kivu, 2010

<sup>8</sup> This is the average inflation coefficient ANAPECO non-agreement for schools, associations of parents in schools conventionnées, The Study on the education budget in the DRC in 2008, the COASCE Statistics of UNESCO 2012 newspaper barometer ed. No. 294 of 10.06.2012

## **Article 12: Equal Access to health care**

The rate of HIV prevalence is 3.5% and is stable then 5 years, on a sample of 501 persons screened in 2012, the result is 4 detections and in January 2013 on a sample of 500 people screened, the result 4 cases of detection, and this at Kinshasa or there is a good support and awareness or in collaboration with NGOs has borne fruit (data provided by the Red Cross of the Congo Kinshasa provincial division. ). However efforts should be provided in rural areas and in border towns and the prevalence is very high passing from single to double or even triple: If Kasumbalesa (Katanga province) and Seke Mbanza (Bas-Congo ).

The government has decided to improve women's access to health care in the areas of sexual health, reproductive health, the fight against the feminization of HIV/AIDS, the fight against malaria, and construction of sanitation facilities.

However, in practice differences exist particularly relating to reproductive health, access to contraception and STI free treatment, etc.

Regarding maternal mortality, there are efforts that are about to be provided with the support of partners to reduce this mortality, it should be noted that most women who die in childbirth are poor. The National Multisectoral Program for the Fight against AIDS (PNMLS) conducts only with the external partners support without the support of the national budget, and currently this state structure doesn't work as it should because of funds lack and anti-retroviral drugs that were to be distributed freely and are paid out of stock.<sup>9</sup>

### **Recommendations:**

- The Government should provide the hospitals financial and material resources to make motherhood safe and free;
- The DR Congo is promoting the reproductive health and sexuality based on equity and justice between both sexes;
- The Government should ensure the extension of the law to protect people living with HIV throughout the territory.

## **Article 13: Economic and social life**

The per capita income increased by 34.6%. However the government must invest in the construction of health facilities especially in rural areas, while providing them qualified personnel. The labor Code is discriminatory in terms of allowances, practice, most married women do not receive family allowances, which are paid directly to the spouse. Nevertheless, household's heads women, employees are reported to receive cash benefits for their children.

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<sup>9</sup>Report RéseauSida / DRC Workshop organizational diagnosis, December 2011

Some measures have been initiated to disadvantage women's access to credit. Always in banking, high transaction costs, the requirement of collateral reimbursement rules, corruption and interest rates too high discourage women.

Despite of these decisions, the empowerment of women is futile because the majority of them have difficulties in fulfilling the conditions for granting loans.

We find yet that the informal economy represents 70% in the hands of women in fact they represent a significant economic force, dynamic, subsistence or survival families.

That is why the coalition is a mismatch between the fact that women have difficult access to credit and bank loan on the one hand and the fact that they support the weight of the economic crisis, on the other hand.

We notice that this represents an injustice undeniable request consideration by the government of the woman economic aspect.

Recommendations:

- The government should establish a national strategy for micro-finance to promote women's access to credit;
- The government has to implement savings neighborhoods in urban, peri-urban and in rural areas;
- The government has to strengthen the capacity of women in generating income to creativity and management.

#### **Article 14: Rural Women**

Rural women constitute the majority of our population estimated at 80%, unfortunately the government does little attention to the situation of a woman who's not even recognized in her employee status to agricultural enjoy the rights conferred by the Labor Code.

Rural woman uses agricultural tools obsolete, archaic that make it hard work. The lack of means escape from their rural products doesn't allow her to improve her living conditions. The rural woman is abandoned to its fate. She's disadvantaged by the lack of education, information and cultural beliefs firmly rooted in its environment by religious fundamentalism.

#### **Recommendation**

- The DR Congo government should allocate a budget to national rural women to educate and raise awareness about self-esteem its value and self-promotion.

#### **Article 15: Equality before the law**

The European Union through the Congolese Government has rehabilitated courthouse "Palais de Justice" in Kinshasa and in some provinces, prisons staffs recruited and taken in July 2009, a decree on the organization of legal assistance for poor people especially women to bring justice closer to the people and ensure the enforcement of justice.

Despite of these efforts, justice remains inaccessible to women due to geographical distance, cost and lack of knowledge of procedures. Women are often marginalized by the judicial authorities of the country, especially the vulnerable sections of the population such as widows who are still victims of injustice on the part of their beautiful family and judicial authorities close their eyes to these reprehensible acts The judicial unfairness toward women may become a rule because of the shocking cases are reported regularly and ask you to think about, as an example, the case with reference to: PRO-JUSTICIA P.-V. No 1302/94/dossier pj 296/bjk/94 of 23/02/1994PGIKIN/KALAMU. Ms. ANNE kibibi owner of a parcel located Usoke Street No. 161 in the town of Kinshasa has been deprived of his property by Mr KABASUBABO BONZA governor of Kasai Occidental province until 2012, in collusion with the law, they have decamped force the woman who died as a result of worries caused by improper expropriation claims that his succession to the competent judicial authority to this day!

The victims of crimes under international law are struggling to get justice because the lack of knowledge of use, the fear of revenge killers for some in uniform. Sophie's case 45 years is indicative of the dilemma indeed, she says she was raped MASISI 2 times, once by the FDLR and FARDC once: she would like to complain but do not know where to start. "I've seen lawyers come with jeeps UN to talk about what happened to me but there is no control of what happened to me and I can not identify who I done that "

Another example is 37 years MARIE one morning in September 2010 left his home to go and cut bananas and saw two soldiers arrived at the plantation, "they stopped me and told me that if I spoke, they would kill me, I was raped six times by one of the soldiers, he insisted that I take him home. When I returned to the village, I saw soldiers in the process of looting houses, the soldier took me a mattress, four goats and four chickens then he left, the mother of eight children live Masisi territory of North Kivu in eastern Congo. Report these aggressors, Mary did not even think about it "getting justice is not my priority, my first concern is to survive and find medical assistance. My children can not go to school because I lost everything! ". (Report AMNESTY INTERNATIONAL 10/08/2011 "It is time for justice."

There is little progress in justice for the Congolese judicial system suffers from a lack of qualified staff, financial means, material, human and especially widespread corruption that result, most surveys are conducted in haste and decisions often poorly drafted not based on legal grounds or evidence. Moreover, moral or physical torture are commonplace and the intimidation of any kind currencies.

Example of the complaint of Mrs. Elysee Dimandja honorary member against the DRC, Mr and Mr Kimbuta Kanyama before the TGI / GOMBE in Kin clean demolition nasty case that made headlines in 2012 case.

Example of a case before the Commercial Court by the wife of the late Mongala Lalu born Cécile Risasi DJUMA who entered the commercial court to ask that the seizure carried out on the funds of the television channel Antenne A and TeleConsult in as a third input is transformed into enforceable following the court to order the payment of cash collateral, the hearing was held on 10/04/2012 in the chamber 2 under the direction of President OTSHUDI assisted by two consular judges Manzambi and KUMUNA and OMP and the clerk NAZIA. The plaintiff through his lawyer that his client was declared legitimate and uncontested joint fire Mongala LALU died in 2008, a shareholder of 52% of the shares of the above channels. Until now there has been no positive response to the case.

The Congolese justice system is not independent, it can not play its role as a 3rd power is faced with problems of a discriminatory: ethnic, linguistic, social and political positioning. Proof of this inconsistency, the President of the Republic at the beginning of June, just appoint another judge in the various legal bodies just 2 years after the last appointment, but we are monitoring the number of women appointed to assess the political will to promote women at the top of the state.

### **Recommendations**

- The Congolese government needs to increase women's access to the administration of justice and the number of qualified women in the judiciary;
- The government has to ensure the elimination of social barriers through awareness campaigns involving civil society organizations: training OPJ, defenders women and other women leaders on their protection and safety.
- The state has accelerated the reform of the security sector and justice through financial result to partner with us EU, EUPOL, EUSEC ... etc...
- The state should be recycled and the training of the judiciary and justice
- The state must fight against corruption, injustice and influence peddling that are the basis of inequality and discrimination. by applying severe sanctions against staff legal and justice sectors.

### **Article 16: Equal right to enter into marriage**

Despite of the recognition by the DR Congo constitution principle for women to choose their fiancé or spouse on the ground after several burdens customs keep women in a state discriminatory. In some provinces and tribes of the DRC

marriages are often forced, dowries negotiated upward while the girls are married early regardless of their consent.

## **Recommendations**

- The effective implementation of the freedom marriage principle against all these marriages based on backward customs, standardization of the age of marriage between boy and girl;
- Not taking into account the enforcement provided by statutory instrument in setting the rate of the dot.

### **F. Women in conflict period**

In the DR Congo, although the persistence of sexual violence due to the war in the east of the country, there is no action to date or judicial decisions taken by the government to punish the perpetrators of sexual violence, but also, it isn't so far taken measures for the adoption of the draft law on the establishment of a public funds to compensate victims. The number of persons convicted and prosecuted for sexual violence in conflict is minimal because there are 1,000 women on average are raped every day in the DR Congo however decisions are weak and sporadic, the most recent is the action taken by MONUSCO to suspend its cooperation with two FARDC battalions which were identified by committing mass rape and 11qui committed mass rape and looting during their flight to the evacuation of the town of Goma and its surrender and transfer to the ICC March 18, 2013, is neither the work nor any political will of the Congolese government because all negotiations took place on the outside and without consulting the Congolese government nevertheless concerned because the individual is declared Congolese citizen! 12And indeed, his fall and his dismissal of the FARDC (national army) with sultani colonels Makenga Zimurinda Kazarama ... etc.. was enacted since 6/07/2012 (see the lighthouse [www.phareonline.net](http://www.phareonline.net) 9/07/2012). He is charged with war crimes, crimes against humanity between September 2002 and September 2003 in Ituri, he is accused of having planned and ordered the coordinated attacks against non-Hema and Lendu tribes other (Nile) in the order to exclude the territory of Ituri and removed, he was also accused of rape, murder and persecution on ethnic grounds and deliberate targeting of civilians. (see report of the group of UN experts of 6/07/2012 AC vol 53 No 13). 's statement for Fatou Bensouda ICC prosecutor who said he worked closely with RWANDA, USA and the netherlands for moving to LAHAYE BOSCO, or is the responsibility of the DRC in all its dealings!

There is a semblance of implementation of the reform, but there is no a clear desire of the government.

### **G. National mechanisms for woman progress**

The equality Gender promotion within the Gender, Family and Children Department Already in September 2003, the Government adopted a national gender policy whose main objective is the reduction of discrimination and inequality whose wife is the victim. Mechanisms for implementation of this policy have been provided. It is the

National Council of Gender, the Gender's Technical Committee and Permanent Secretariat of the Gender's National Council.

In addition to the mechanisms of implementation have not emerged so far, we don't find the national gender policy as it has been included in the general program of Government 2005-2010, which means that it has fallen into disuse since its adoption. One has the impression that it is only the concern of the Gender Department within its remit.

While the national budget is an essential tool in the service of gender equality and the implementation of programs and assistants to this end, it is not developed in a proactive perspective to apply the principles of CEDAW.

H. The government progress in relation to the elimination of discrimination against women.

The DRC has ratified the Convention on the Elimination of all kinds of discrimination against women in October 1985.

The DR Congo has complied with 18 of the Convention which obliges each Member State to submit regular reports to the Commission on the Status of Women of the United Nations Secretariat for consideration by the Committee, it is his sixth and seventh report (1<sup>st</sup> in 1987, 2<sup>nd</sup> in 1995, 3<sup>rd</sup> in 1999, 4<sup>th</sup> and 5<sup>th</sup> combined report in 2004, 6<sup>th</sup> and 7<sup>th</sup> reports combined 2010) The DRC has got legal instruments for women include:

### **The National Gender Policy (NGP)**

The national strategy struggles against gender-based violence (SNVBG) The national strategy of political participation of women in democratic governance (SNPFGD) Different processes are the rehabilitation of women whose revision of the Family Code as gender and implementation of National Action Plan and the committee steering the implementation of resolution 1325 of the united nations. The establishment and operation of many national policies structures of rights and advancement of women include:

Studies cell and strategic planning for the promotion of Woman, Family and Child Protection (CEPFE)

The National Agency for fight against violence to woman and the young girl. (AVIFEM)

The research regional center and documentation on gender, women and peace building in the Great Lakes

### **Article**

The public authority shall ensure the elimination of all sorts of discrimination against women and ensure the protection of their rights. They take in all fields, including civil, political, economic, social and cultural fields, all appropriate measures to ensure the full development and full attendance of women in national development.

"Public Authorities shall ensure the elimination of sexual violence without prejudice to international treaties and agreements, all sexual violence on all people ...

Act No. 81/003 of 17<sup>th</sup> July, 1981 on the Staff Regulations career of public service determines the state without discrimination based on gender conditions for recruitment, compensation, progress in rank and other benefits. All these institutions are empty shells

It is the creation of several structures including: FONAFEM, AVIFEM, CENADIF, CEPFE, PNG, SNVBG, etc ....Nevertheless the operational makes problem.

#### I. Stereotypes and harmful practices

There has been no concrete action, there is an ongoing revision of the family code but there is progress in the labor code, the useful of personnel career status of the state code trade. There is currently no intention to develop a stereotype and practice of the government;

There were certainly laws on sexual violence but there is no action taken and proposed to effectively implement the national strategy in 2009 and also fight against the culture of impunity exists. There is no means of implementation to adopt a general law on all forms of violence against women, as recommended by the Committee in its previous concluding observations;

The lack of article 43 application of the Constitution states that primary education is compulsory and free in public schools no evidence for primary school is providing free education across the country with the result: the girls are not in school by lack of means.<sup>10</sup>

The lack of article 14 application of the Constitution which states that the wife is entitled to equitable representation in the national, provincial and local authorities; the evidence is that the central government level women are not represented at the 30% and this goes the same to provincial and local government. The Senate and the National Assembly doesn't count 30% of women and even public companies don't count 30% of women;

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1. <sup>10</sup> [www.hati.my / women / international-women-rights-watch-action-a](http://www.hati.my/women/international-women-rights-watch-action-a)

Act No. 8/011 of 14<sup>th</sup> July 2008 on the protection of rights of people living with HIV/AIDS and people affected which places particular emphasis on HIV positive woman has all the provisions established by the State within the legal occasion of reproduction health. We note that there is no free health care provided to HIV-positive women in state hospitals;

Government neglects to come to support the National Council Women operation, which is responsible for the implementation of the Convention on the Elimination of All types of Discrimination against Women. Therefore this organ becomes stillborn due to lack of resources.

#### J. Violence against women

The violence against women in DRC expressed in different forms and in a context heavily influenced by the effects of war, prejudice, discriminatory laws as well as the sociocultural weight, all exacerbated by poor governance, lack of rules, laws and the lack of state authority throughout the national territory.

The reasons why violence against women has reached alarming proportions in our country and a resurgence of this phenomenon is observed especially in conflict zones and areas at risk or border.

Despite of the promulgation of the Law on suppression of sexual violence and the adaptation of military code in accordance with the requirements of international legal instruments, impunity seems to be the "modus vivendi" of the Congolese justice. Efforts are being made under the pressure of civil society NGOs or the international community. In fact there were mobile courts have been set up in the East. They have had to deal with 115,186 cases relating to rape, 96 resulted in convictions and prison sentences ranging from three to twenty years in prison.

Moreover, nothing in the first six months of 2012, in the province of North Kivu was recorded the following statistics:

- 2593 rape
- 979 abused children
- 181 men violated
- More than 20,000 displaced families

## **II. THE MAIN CONCERNS OF WOMEN IN RELATION TO THE CONGOLESE IMPLEMENTATION OF CEDAW**

We would immediately note that we endorse all the comments on the State in 2006 especially regarding discrimination observed at the legal and socio-economic status of women because at this level, there has been no progress notorious.

The major concerns of Congolese women after field investigation are mainly education, health, access to justice and the empowerment of women.

Indeed these four areas identified are the pillars for the promotion and development of Congolese women. That is why the government has to get actively involved in the promotion of policies giving girls an easy and inexpensive to education, health, justice and providing opportunities for empowerment.

A married woman always remains subject to the supreme authority of her husband in accordance with the article 488 following the family code which speaks of the legal incapacity of married women. No legislation has been adopted. Woman continue to pay the price of domestic violence and she's under-represented in public institutions.

Example: case of a worker woman met by the team of investigators of the Coalition, who is forced to wake up early in the morning to take care of her husband and her children despite of the fact that she must go to work. She must leave the house after her husband and return it before and Bernadette's case who was kicked out of the house where she was living with her ex husband (the former Health Minister) on the decision of the Tribunal court of Kinshasa/Matete at the request of her ex-husband, despite of the fact that they were married under the universal community.

### **II.1 The attendance of women in power decision-making and implementation of policies**

In this area, much remains to be done because we see a low representation of women at different institutions. The central government 36 ministers over, there is only 3 women its 8.33%, confined to ministries background, at the provincial level in Kinshasa, there is only one woman. Kasai Oriental: 3 women MPs out of 65 MPs in the provincial assembly or 4.5%, 2 women ministers out of 10 ministers is 20%. In Katanga, there is only one woman minister. In North Kivu, 2 women 17 men 11%.

### **II.2. Violence based on gender**

The government has implemented the national strategy against sexual violence:

- Act n °06/018 of 20<sup>th</sup> July, 2006 amending and supplementing Decree of 30<sup>th</sup> January, 1940 concerning Congolese penal code.

"This legislation strengthens the sanction because sexual violence used as a weapon of war during the armed conflict in the DRC"

- Act n ° 06/019 of 30<sup>th</sup> July, 2006 amending and supplementing Decree of 6<sup>th</sup> August, 1959 on the Congolese Code of Criminal Procedure.

"Some provisions of the Criminal Procedure Code are hereby amended and supplemented to ensure promptness in repression, to safeguard the dignity of the victim and ensure the legal assistance.

### II.3. Woman, culture and media

In the DR Congo, the wife of media faces several difficulties that is why many of them are not involved enough in the media. These include poor working conditions of journalists, modest salary.

What makes some women in the exercise of their profession instead of struggling hard by showing their competence to claim positions of responsibility within the family communicational rather they prefer to engage in practices for lightness promotions and other benefits. Despite of this, investigations by the Congolese Women Union of Media (UCOFEM) between 2006 and 2011 noted that the raising of the percentage of women in the media increased from 20 to 25%. The coalition found on the ground no known advanced despite the appointment of a woman as president of the National Union of Congolese press. Indeed, women journalists TRNC II (national chain) are employed without a contract and without any wage guarantee, also a memorandum and a plea had been carried out by civil society to take into account their employee status before public bodies. Although women are represented in different cultural areas, often in stereotypical roles and does not change the usual schemes despite the creation of a new Ministry of Citizenship should be the spearhead for behavior change , mentalities and the fight against GBV, stereotypes, prejudice and discrimination against other women.

### **Recommendations**

- The Government has to improve the income of all journalists, it can be criticized certain practices with the women in the exercise of her profession may be banned.

- The Government should ensure censorship of media programs that undermine the dignity of woman's body.

- Government to ensure through the Ministry of Labour and Employment, as well as to respect the strict application of the Labour Code in public services and state institutions and the private sector.

- The government through the ministry of the new citizenship must improve the image of Congolese women and highlight its essential contribution to household survival and the

nation through awareness campaigns in collaboration with feminist structures civil society.

#### II.4. Woman and prostitution

This woman is facing several problems. Girls aged 10 to 17 years engaged in prostitution to survive. In Kinshasa the underage girls prostitutes are especially visible around Martyrs and Tata Raphael Stadiums. They operate at night or sleep and hang around these stages the day. Girls are victims of sexual exploitation, rape, sexual slavery and forced prostitution. Their tormentors are, among others, gangsters, police, military and the older men of the neighborhood. These girls are prostitutes and premature birth. These sexual violence cause unwanted births of children born in the street and have very little chance to go to school to have sufficient education to help them to take care of life.

In the DRC, even pimping is punishable by law on sexual violence in Kinshasa and in some cities certain officials of drinking establishments have developed a network of prostitution for their customers. Those most at risk are girls. Kasai Oriental girls prostitute themselves in small-scale mining of diamond; it is the phenomenon of "Tumpatu" allusion to ducklings, traveling often in groups. The mines are flooded with girls whose age varies between 9 and 13 years. Children usually out with their families and taken to the mines by women saying that maintain business, such as fortune's restaurants in these environments.

After their assistance in these restaurants and bars, the girls round for their months engage in debauchery of sexually dangerous and uncontrolled.

#### **Recommendations**

- The State Party should secure these girls against sexual exploitation to which they are engaged.
- The State Party should hang over and rehabilitate these children born in the street.

#### **Article 7**

##### II.5. Women and politics

If the woman has made progress in terms of its participation in the 2011 elections as voters and elected, it remains that efforts should be made to particular advantage in terms of cultural barriers and policy. It is important to note that under the existence of Articles 14 and 15 of the Constitution and the commitment of the State to defend the rights of women in public and political life, men and women fundamental right to participate in politics is recognized but in practice, there is a significant gap between equality and de facto equality in the exercise of power and decision-making. It is true that the Government of the DR Congo has shown political will in this area and has even established the principle of equality between men and women but we regret, however, that this principle has not guided the decision-making bodies.

#### **Article 8**

## II.6. Women and international life

Really, women have the same rights and opportunities as men represent the government internationally. However, the percentage of women in the DR Congo representative institutions and international organizations remains very low. For example, the DR Congo has a woman in a French-speaking organization and another at the UN.

## Article 10

### II.7. Woman and education<sup>11</sup>

Efforts to reduce the gap between girls and boys in education are minimal and often stop only good intentions. The average years of schooling increased from 4.4 years to 8.5 years, but we do not feel a real desire much less a rational policy of promoting education of the girl. The concrete example is the campaign all the girls at school in 2006, which proved to be just a hollow slogan and not having given any conclusive result.

## Recommendations

- The State Party should ensure the participation of rural women in decision-making;
- The State Party shall implement the Action Plan of the Strategy Document for Growth and Poverty Reduction especially in rural areas
- The State should ensure access of rural women to basic social services and credit;
- The State should prioritize investment in the improvement and construction of road infrastructure (agricultural feeder roads) to enable rural women to better living conditions

## Article 11

### II.8. Women and employment

The woman is facing several problems according to the report of the investigation of Justice UN WOMEN on the advancement of women. Economic opportunities are less than men for the Employment Act does not allow women to work in all industries and does not allow them to work the same number of hours as men over 'there is only 57% of women participating in the labor market against 86% of men. The distribution of public sector assets by gender and professional category shows the net under-representation of women among executives (1.3%) and collaborative occasions (12.4%). By the way, women are mostly concentrated in subordinate positions (employed workers) with a rate of 53.4%. In the DRC, it is still difficult to speak about equality of opportunity and treatment between men and women in employment.

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<sup>11</sup> Comité pour l'élimination de la discrimination à l'égard des femmes. *Observations finales*. 2006, CEDAW/C/COD/CO/5, p 4. Disponible sur : <http://www.un.org/womenwatch/daw/cedaw/36sess.htm>

## Article 12

### II.9. Women and health

With an unacceptably high rate of maternal mortality: EVERY TIME 2 WOMEN DIE before, during or after childbirth from preventable causes is to say 18,000 women die each year (UNFPA representative Mr Richard Dackam DRC on 25/10 / 2012). THE INFANT MORTALITY RATE IS 9% figure too high and meaning that a child of the DRC in 2012 as much chance of survival as a child in Mexico and South Korea in 1960 (Uhuru No. 2026 of 22 / 11/2011), Congolese women in general do not receive the services and gynecological, obstetric and pediatric facilities adequate in terms of reproductive health, over the excessive cost of benefits and caesarean operations (\$ 1,000) that are women continue to experience problems as high maternal and infant mortality.

Congolese women in general do not receive adequate gynecological and pediatric services in the field of reproductive health, which means that they continue to experience problems as maternal and infant mortality rates.

There is a law on abortion to save the woman's life but it is contradictory because it does not maintain physical health, mental woman is silent with respect to cases of rape or incest. Regarding the reproductive health maternal mortality ratio is 670 per 100,000 live births; contraceptive use is only 6%, while skilled attendance at birth is 74% especially in urban areas.

About family planning and by the National Program on Reproductive Health., The proportion of men and women using a contraceptive method was estimated at 27% for women against 4.4% of men. Women have limited access to information and other services of the Reproductive Health: only 1.8% has access to reproductive health. Family planning as a strategy to fight against maternal and infant mortality is not well understood by the population as contraceptive prevalence (modern methods) declined.

### II.10. Rural Women

Rural women constitute the majority of our population, unfortunately the government pays little attention to the situation of a woman who is not even recognized in his employee status to agricultural enjoy the rights conferred by the Code job. Rural women using agricultural tools obsolete, archaic that make it hard work. The lack of means of escape from their rural products does not allow them to improve their living conditions. The rural woman is abandoned to its fate. It is disadvantaged by the lack of information and cultural beliefs firmly established in its environment. They also do not have access to drinking water or electricity. In some rural areas of the DRC, there are no health facilities where they can heal and deliver in the best safety conditions. They live in rudimentary shelters. They are unaware of their right to inheritance upon the death of their husbands, because uneducated and educated in customs that ensure the supremacy and domination of man and members of his famille. 16 recommendations- The State should ensure the participation of rural women in decision-making;- The State

shall implement the Action Plan of the Strategy Document for Growth and Poverty Reduction especially in rural areas;- The State should ensure access of rural women to basic social services and credit;- The State should prioritize investment in the improvement and construction of road infrastructure (agricultural feeder roads) to enable rural women to better living conditions

## **Article 15**

### **II.11. Women and justice**

Regarding the accessibility of women to justice, the situation is still worrying despite some progress, including 100 women out of 400 judges appointed at 20%. The problem is always at the revision of the Family Code or sections of this Code are inconsistent with CEDAW and the Constitution of the Republic, it is the case of sections 330.453, 459.445, etc. Women have no access to justice because of poverty and their legal incapacity.

Example: RP 3684 TGI / KIN. Pauline SENGA with two girls 16 and 14 from a previous marriage, was raped by her current husband, grabbing justice, her husband was forced to go withdraw the complaint or it will be repudiated and expelled from marriage she and her two daughters. Example: RP 2946 Procuratorate MATETE / KINSHASA. Claudine N'Sele was arrested because his partner was killed when they had sex in a hotel. Autopsy examinations after declared a natural death of the partner, but the lady had always remained in detention despite the finding and innocence Example: RP 4277. Mr Yannick NVULA raped a girl of 17 years but she was released in two days that followed, after the payment of a fine transactional practice frequent and common in DRC.

## **Recommendation**

- The State Party expedites the review process of the Family Code in accordance with the recommendations of the CEDAW Committee;
- The States should increase the integration of women in the legal service that can improve women's access to justice

## **Article 16**

### **II.12. Housewife**

The institution of the husband as head of family in family law has a discriminatory impact on women in practice in certain legal provisions. It promotes the monopoly of decision-making in favor of man. Therefore, at home we are facing domestic violence.

The violence perpetrated against married women regularly by their husbands who consider legally incapacitated. They are not sanctioned by any law despite the ratification of international legal instruments (UDHR, CEDAW, 1325, ACHPR). They are often physical, mental and psychological. The support problem is not

yet resolved. Several socio-economic constraints such as teenage pregnancy, early marriage, manners and customs retrograde, the levirate and sororate are tolerated.

### **Recommendation**

- The State Party conducts awareness campaigns to prevent early marriage;
- The State Party promotes education to life at the family without shame or taboo regardless of cultural differences.

### **III. Recommendation 19: violence against women**

An issue of violence against women and girls is a problem of health and human rights abuses. By ratifying CEDAW Congolese government gives legal recognition to the existence of violence against women and girls. We note many types of violence against women and girls in Congo (sexual, marital, incest, harassment, physical). Housewives who are unwilling to undergo sex assault and remain permanently traumatized.

The figures in our possession indicate more or less 500,000 rapes per year 99.2% of victims are women, 75% of the displaced are women and recorded 1,000 cases of rape every day, by these figures, the DR Congo is a country of risks for women and has become a "rape camp" threatening the integrity of women and causing the disintegration of the social fabric due to different trauma suffered by the basic structure of the family. Following this daily drama of Congolese women and trivialization of this phenomenon coalition denounces the lack of political will by policy makers to put an end to the violence and recommended as a prerequisite to any significant progress: the end of conflict and the return to a social peace over the whole country

To the international community: the setting-up of a mixed tribunal found for all crimes against humanity related to gender-based on the violence.

Government: the end of impunity as a system of ruler ship and strict enforcement of the law on sexual violence.

The Congolese people and the Congolese women: mobilizing human and material to the claim of the rights of women.

To paraphrase a worthy son of Africa, civil rights leader who said: "Whoever knows a problem and do nothing, is himself a problem. "Nelson Mandela"



## **IV. GENERAL RECOMMENDATIONS**

### **IV.1. The Government**

- Must put end to impunity for the most serious crimes, including sexual violence, hunting their authors;
- Has to review actions in the national strategy against sexual violence;
- Take appropriate decisions for the full compliance and effective implementation of Resolution 1325 of United Nation's Security Council and all legal instruments at national, regional and international women's rights as the Democratic Republic of Congo ratified;
- Restore peace throughout the country in order to put end to sexual crimes on a large scale;
- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women and the Protocol to the Convention on the Elimination of All sorts of Discrimination against Women;
- To promote the representation of women in decision-making bodies and representation;

### **IV.2. The Committee**

- The Committee invites the Congolese government to take administrative decisions likely to give full effect to the rights and many legal texts taken for the promotion and protection of women;
- At the same time, the Committee shall invite the government to reach a substantial budget line to ensure proper dissemination of the Convention throughout the country giving an important role to civil society organizations particularly Non-Governmental Organizations and especially Coalitions of NGOs. There is even a report of implementation of the Convention must be given a wide distribution which must pass through the development of a dissemination plan that takes into account the dimension of the country.

## V. CONCLUSION

The Convention on the Elimination of All sorts of Discrimination against Women (CEDAW) was ratified by the DRC in 1985, the 6th and 7th combined report in question now, are a direct response to important document recently published in the DR Congo taking into account the rights and needs of the women specific gender including the National Gender Policy (NGP), the national strategy to struggle against gender-based on violence (SNBG), the national strategy to struggle against the maternal and infant mortality (SNGFE), and the National Strategy for the political participation of women in democratic ruler ship(SNPFGD).

In spite of all these strategies, programs, and commitments on international legal instruments, the DRC government can't eliminate various kinds of discrimination against women.

The DRC doesn't take into account the provisions of CEDAW in the revision of some national legal instruments and we note with bitterness harassment politicians including the revision of the Family Code is the object, in order to limit the legal capacity of Congolese women. The law on sexual violence, despite of its rapid promulgation by the President of the Republic is not popularized at all levels, as to its applicability, it remains a dead letter in the drawer of our decision makers. The taking into account of gender criteria is just a hollow and empty slogan.

Our report has attempted to objectively evaluate the applicability of CEDAW in our country by investigating the area of Congolese women daily life, while analyzing the real impact by objective indicators and other provisions decisions taken by the Government of the DRC. Whether in urban or rural areas, the proportion of women infected with HIV/AIDS is still high compared to men.

This shows once again that the woman doesn't have access to these services for many reasons including:

- Insufficient training
- Awareness sessions and information unsuitable to their work schedules, etc..
- Insufficient and ignorance of female condom.

In general, the level of monitoring observations and recommendations of the committee, we can say that there has been no noticeable progress especially regarding the legislative and no political will has been posted to review the laws that are inconsistent with CEDAW.

The few actions mentioned in the Government's report have not yet produced so noticeable impacts are insignificant and scattered.

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