

Women's rights protection instruments ratified by DRC:

- **CEDAW**: ratified in 1986
- **CEDAW Protocol**: not signed, not ratified
- **Maputo Protocol**: ratified in 2009

Ratify! Although the Democratic Republic of Congo (DRC) ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), it has still not ratified the Protocol to the CEDAW.

Respect! The Coalition of the Campaign is concerned by: the persistence of discriminatory legislation, notably in the Family Code; sexual violence perpetrated with complete impunity in conflict zones, as well as in zones of relative stability; traditional harmful practices such as early and forced marriage; limited access to education, health and employment.

/ Some positive developments...

The Coalition for the Campaign acknowledges several developments relating to the protection of women's rights in DRC:

- The adoption in July 2006 of two laws on sexual violence (laws No06/018 and 06/019). However, these laws have not been effectively implemented.
- The adoption in January 2009 of a child protection law (law No09/001), which contains provisions protecting children from all forms of exploitation and sexual violence and guaranteeing the rights of pregnant women.
- The ratification in February 2009 of the Maputo Protocol.

/ But discrimination and violence persist

IN LAW

The persistence of violations of women's rights is encouraged by the existence of discriminatory legislation. For example:

The Family Code contains provisions that are particularly discriminatory against women. Article 352 sets a minimum age of marriage for women that is different to that for men (18 for men, 15 for women). Article 355 states that "Women may not remarry until a period of 300 days has passed from the time of dissolution or annulment of the previous marriage. This period ends in the event of childbirth".

Other provisions of the Code impose the marital subjugation of women. Article 444 states that the husband is the head of the household, that he owes protection to his wife and that the wife must obey him. Article 445 states that the married couple contribute to the moral and material management of the household under the leadership of the husband. According to article 450, apart from some exceptions, "the wife cannot appear in court on civil matters, acquire, sell or undertake commitments without the authorisation of her husband. If the husband refuses to authorise his wife, authorisation may be given by a judge. The husband can give general authorisation, but he still retains the right to revoke it". According to article 454, only the husband has the right to establish the marital home or residence. Article 467 establishes discrimination in the area of adultery, as it penalises adultery by the husband only in certain circumstances, while adultery by the wife is punishable in all circumstances.

The Nationality Law: Although article 5 of this law (Law No004/24 of 2004) permits women to pass on their Congolese nationality to their descendants, in the same way as men, article 30 states that women may not retain their Congolese nationality if they marry a foreigner.

IN PRACTICE

• Violence

DRC has been for many years the scene of armed conflicts, during which rape has been used as a weapon of war, deployed systematically and on a huge scale. Such crimes are now being committed in zones of relative stability. Thus, despite the adoption of two laws criminalising sexual violence in 2006, cases of sexual violence continue to be reported daily with almost systemic impunity of the perpetrators.

According to the UN Special Rapporteur on Violence Against Women, who visited DRC in July 2007, allegations of rape by members of the DRC Armed Forces (FADRC) and the Congolese National Police (PNC) are numerous. Numerous obstacles limit women's ability lodge complaints: prolonged, costly legal proceedings, fear of stigmatisation and reprisals, etc. The defects of the Congolese legal justice system reduce to zero the chances of perpetrators of sexual crimes being brought to justice and punished. The lack of training for police and legal personnel also undermines women's access to justice.

• Obstacles to access to education, economic vulnerability

Although a large part of the Congolese population lives in extreme poverty, women are made even more vulnerable to economic difficulties by the persistence of deep-rooted patriarchal and stereotyped behaviour with regard to their role and responsibilities.

While articles 43 and 44 of the Constitution enshrine the provision of free, obligatory primary education and the elimination of illiteracy, there is a wide disparity between boys and girls in education, particularly at secondary level and beyond. The high rate of girls dropping out of school is largely attributable to early and forced marriage and teenage pregnancy.

• Obstacles to access to health

The prolonged armed conflict has had an extremely negative effect on maternal mortality which may be explained by the lack of access to obstetric care, inadequate healthcare centres, limited use of existing services during pregnancy and childbirth, limited access to reproductive health and sexual hygiene services for women (particularly those living in rural areas) and low levels of education. The lack of information on HIV/Aids helps the virus to propagate, and women are the main victims.

The Coalition of the Campaign calls on the authorities of DRC to:

- **Repeal all legislation that discriminates against women**, in conformity with CEDAW and the Maputo Protocol, particularly the provisions of the Family Code and those of the Nationality Law.
- **Take all necessary measures to put an end to discriminatory practices**, in particular early and forced marriages.
- **Take all necessary measures to prosecute and punish perpetrators of sexual violence**, in particular by providing training to judges and law enforcement personnel on the provisions of the 2006 laws; by providing women with legal aid and organising awareness-raising campaigns.
- **Take all necessary measures to guarantee equality of access to all levels of education and employment**, avoiding school drop-outs of girls; increasing the level of literacy of women; taking measures to eliminate existing stereotypes on the role and responsibilities of girls and women.
- **Take all necessary measures to increase women's participation in political life**, including through the adoption of the draft law on quotas.
- **Improve access for girls and women to healthcare services**, particularly by intensifying efforts to improve the overall healthcare infrastructure, by providing better access to prenatal, postnatal and obstetric services; by providing family planning centres with adequate funds and qualified personnel, particularly in rural areas.
- **Take all necessary measures to ensure access of women to justice**, including by training judges, lawyers, public prosecutors and police officers on the content of national and international texts aimed at protecting women's rights, simplifying and disseminating these texts so as to make them accessible and comprehensible to the whole population, particularly in rural areas; creating legal aid and financial assistance structures to enable victims of violence and discrimination to go to court.
- **Take all necessary measures to implement all the recommendations made by the CEDAW Committee** in August 2006.
- **Keep to the commitments made during the Universal Periodic Review of the DRC before the UN Human Rights Council.**
- **Ratify without delay the Protocol to CEDAW.**

• Under-representation in public and political life

In 2010, women make up only 8.4% of members of the National Assembly and 4.6% of senators. There is no law or policy to ensure the application of the principles of fair representation and non-discrimination against women (as provided for by article 14 of the Constitution). Electoral law does not set minimum quotas, but merely calls for the representation of women to be taken into account in the compiling of electoral lists.

PRINCIPAL SOURCES

- Focal Points: LIFDED, Group Lotus, ASADHO, Ligue des électeurs
- CEDAW Committee Recommendations, August 2006
- FIDH, Democratic Republic of the Congo: Breaking impunity
www.fidh.org
- Interparliamentary Union, www.ipu.org

For more information on women's rights and the actions of the campaign in DRC, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN DRC

Ligue des femmes pour le développement et l'éducation à la démocratie (LIFDED)



LIFDED, which is based in Kinshasa, organises awareness-raising campaigns and training sessions on women's rights, peaceful conflict resolution, non-violence, peace building, elections and good governance.

Groupe Lotus

Groupe Lotus is a human rights NGO based in Kisangani. Established in 1991 on the initiative of a group of academics, its mission is to modify the norms and practices of Congolese society in order to ensure respect of human rights.

Association africaine de défense des droits de l'Homme (ASADHO)

ASADHO's mandate is to promote and protect human rights. It has 22 sections and representation across the DRC. ASADHO regularly holds conferences, seminars and workshops on women's rights. It also lobbies the Congolese authorities to improve conditions for women in childbirth, particularly those detained in prison.

Ligue des électeurs

Set up in 1990, the League of Electors aims to support democratic development, by defending human rights and promoting an electoral culture. The League trains members of civil society, organises awareness-raising activities on human rights; and conducts international missions to monitor and observe elections.