



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
23 March 2012

Original: English

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

Fifty-first session

13 February–2 March 2012

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

Congo

1. The Committee considered the sixth periodic report of Congo (CEDAW/C/COG/6) at its 1020th and 1021st meetings on 14 February 2012 (CEDAW/C/SR.1020 and 1021). The Committee's list of issues and questions is contained in CEDAW/C/COG/Q/6, and the responses of the Government of the Republic of the Congo are contained in CEDAW/C/COG/Q/6/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its sixth periodic report. However, the Committee notes that the State party submitted in 2009 its sixth periodic report covering the period from 2003 to 2006, instead of combining its sixth and seventh periodic report, as requested by the Committee in its previous concluding observations. This resulted in difficulties in reviewing the current status of women's rights in the State party. The Committee also notes that the report lacked specific sex-disaggregated data and references to the Committee's general recommendations. The Committee appreciates the written replies to the list of issues and questions raised by its pre-session working group and the further clarifications to the questions posed orally by the Committee.

3. The Committee commends the State party for its delegation, which was headed by Luc Joseph Okio, Ambassador and Representative of the Permanent Mission of Congo to the United Nations in Geneva and included representatives from the Ministry for the Advancement of Women and the Integration for Women in Development and the Ministry of Foreign Affairs and Cooperation.

B. Positive aspects

4. The Committee appreciates the efforts made by the State party for the empowerment of women, despite the existence of a difficult context, especially with regard to women's rights.

5. The Committee welcomes the establishment of the Ministry for the Advancement of Women and the Integration for Women in Development. It also welcomes the development in 2008 of a national gender policy and its 2009–2019 Plan of Action.

6. The Committee notes with appreciation the adoption of the Electoral Law 005/2007 of 25 May 2007 establishing a 15 per cent quota for women in National Assembly and Senate and a 20 per cent quota for women in local elections.

7. The Committee also notes with satisfaction that, in the period since the consideration of the previous report, the State party has acceded to:

(a) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2009; and

(b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2010.

8. The Committee welcomes the oral commitment of the delegation to ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

C. Principal areas of concern and recommendations

9. **The Committee recalls the obligation of the State party to systematically and continuously implement, without delay, all the provisions of the Convention and views the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, the Parliament and the judiciary, so as to ensure their full implementation and recommends that the State party disseminate the Convention, in particular among civil society.**

Parliament

10. **While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of the State apparatus and invites the State party to encourage the Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations and the State party's next reporting process under the Convention.**

Visibility of the Convention

11. The Committee welcomes the mobilization of men leaders for the promotion of women's rights, the translation of the Convention into Lingala and Kituba and the organization of awareness-raising campaigns on the Convention. However, the Committee remains concerned that women, especially those in rural and remote areas, are not aware of their rights under the Convention and thus lack the capacity to claim them. The Committee is further concerned that judges are not familiar with the Convention and do not see it as part of the legal framework.

12. **The Committee urges the State party to:**

(a) **Enhance women's awareness of their rights and the means to enforce them through, inter alia, legal literacy programmes, and ensure that information on the Convention is provided to all women and men through the use of all appropriate means, including the media; and**

(b) **Give strong emphasis on the Convention in the legal education and training of judges, prosecutors and lawyers, so that a legal culture supportive of women's equality with men and non-discrimination on the basis of sex is firmly established in the State party.**

Definition of discrimination against women

13. While noting that discrimination on the basis of sex is prohibited in article 8 of the Constitution, the Committee reiterates its concern (A/58/38, para. 158) that this provision has not been incorporated into other legislation and does not cover discrimination by public and private actors, as required in article 2 of the Convention.

14. **The Committee recommends that the State party incorporate into its legislation a clear definition of all forms of discrimination against women, covering both direct and indirect discrimination, in accordance with articles 1 and 2 of the Convention.**

Legislative framework

15. The Committee is deeply concerned about the long delay in bringing domestic provisions in line with the Convention and about the delegation's statement that the commission in charge of reviewing discriminatory provisions lacked sufficient resources. The Committee is particularly concerned about the existence of discriminatory legal provisions in the Family Code, the Penal Code and tax law, and the absence of laws on violence against women and trafficking. It is further concerned about the persistence of discriminatory customary practices and local traditions, especially in rural and remote areas, including "pre-marriage" authorized before the legal age for marriage and levirate, the existence of discrimination with regard to inheritance and property rights and the persistence of traditional justice mechanisms that discriminate against women.

16. **The Committee urges the State party to:**

(a) **Significantly increase, without delay, the financial resources allocated to the commission in charge of reviewing discriminatory provisions and provide it with adequate human and technical resources, including by seeking technical support from the international community;**

(b) **Finalize within a clear time frame and without delay the legislative reform in order to bring domestic provisions into line with the Convention, ensure that all discriminatory provisions are reviewed and repealed, especially the discriminatory provisions contained in the Family Code, Penal Code and tax law, in order to achieve de jure equality and to enable de facto equality for women in compliance with the State party's obligations under the Convention;**

(c) **Enact, without delay, a comprehensive law on violence against women and a law on trafficking; and**

(d) **Undertake large-scale awareness-raising campaigns for local and religious leaders and the population in general, especially in rural areas on the precedence of national law over discriminatory customary practices and local traditions.**

Legal complaint mechanisms

17. While noting the delegation's statement that an audit of the judiciary system is planned, the Committee expresses its concern about the multiple factors that prevent women from effectively accessing justice, such as poverty, the lack of legal literacy, the insufficient number of courts and tribunals, the lack of training of judges, lawyers, prosecutors and NGOs on discrimination against women and the persistence of traditional justice mechanisms that are discriminatory against women.

18. **The Committee recommends that the State party:**

(a) Develop a comprehensive policy aimed at strengthening the judicial system including by enhancing logistical and human resources as well as the number of courts and tribunals;

(b) Facilitate women's access to justice including by providing free legal aid to women without sufficient means;

(c) Implement legal literacy programmes and provide systematic training to judges, lawyers, prosecutors, the police and NGOs on the application of legislation prohibiting discrimination, in light of its obligations under the Convention; and

(d) Take measures to sensitize the public on the importance of addressing violations of women's rights through judicial rather than traditional justice mechanisms, with the aim to abandon the use of discriminatory practices and to ensure that victims have access to effective remedies and reparations.

National machinery for the advancement of women

19. While welcoming the establishment in 2005 of the Ministry for the Advancement of Women and the Integration for Women in Development and the development in 2008 of a National Gender Policy, the Committee remains deeply concerned about the extremely low percentage of the national budget allocated to gender issues and the lack of involvement of other ministries in these issues. The Committee is also concerned about the absence of a strategy to integrate women in development. It is further concerned about the lack of sex-disaggregated data necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights.

20. **In accordance with its general recommendation No. 6 and the guidance provided in the Beijing Platform for Action, the Committee urges the State party to:**

(a) Raise awareness of decision-makers on the empowerment of women as a mean to advance democracy, combat poverty and implement sustainable development;

(b) Strengthen the national machinery for the empowerment of women at the national and local levels by:

(i) Promoting an institutional network covering a large part of the country;

(ii) Significantly increasing the financial resources of the national machinery for the empowerment of women and allocating a higher percentage of the national budget and the international funding to gender issues; and

(iii) Providing it with the necessary human and technical resources for its effective functioning in all areas of women empowerment; this should, in particular, include capacity for enhanced cooperation with civil society; and

(iv) Strengthening the capacity of its staff;

(c) Promote gender mainstreaming throughout all governmental bodies;

(d) **Incorporate a result-oriented approach, including specific indicators and targets, in the National Gender Policy;**

(e) **Develop a strategy to integrate women in development with a result-oriented approach; and**

(f) **Develop a comprehensive gender indicator system to improve the collection of sex-disaggregated data necessary to assess the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and enhancing women's enjoyment of their human rights. In this regard, the Committee draws the State party's attention to the Committee's general recommendation No. 9 (1989) on statistical data concerning the situation of women and encourages the State party to seek technical assistance from relevant United Nations agencies and to enhance its collaboration with women's associations on the ground that could assist in securing the collection of accurate data.**

Stereotypes and harmful practices

21. While noting that the delegation was aware of the obstacles that stereotypes represent for the advancement of women and that the State party organized awareness-raising campaigns on the role and place of women in the family and in the society, the Committee expresses its deep concern at the persistence of adverse cultural norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in the family and society. It notes that stereotypes contribute to the persistence of violence against women as well as harmful traditional practices, including levirate and other abusive widowhood rites, female genital mutilation practiced in certain communities, pre-marriage authorized before the legal age for marriage and polygamy. The Committee expresses its deep concern that the State party has not taken sufficient sustained and systematic action to modify or eliminate stereotypes and negative cultural values and harmful traditional practices.

22. **Recalling that combating stereotypes is one of the most important factors of social advancement, the Committee recommends that the State party:**

(a) **Put in place, without delay, a comprehensive strategy with result-oriented approach to eliminate harmful traditional practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. Such measures should include concerted efforts, in a clear timeframe and in collaboration with civil society, to educate and raise awareness about this subject, targeting women and men at all levels of society, and should involve the school system, the media as well as community and religious leaders;**

(b) **Address harmful traditional practices such as levirate and other abusive widowhood rites, female genital mutilation, pre-marriages before the legal age for marriage and polygamy, including by adopting legal provisions prohibiting these practices; and**

(c) **Undertake an assessment of the impact of those measures in order to identify shortcomings, and improve them accordingly in a clear timeframe.**

Violence against women

23. While noting that the delegation was fully aware of the importance of combating violence against women, the Committee remains deeply concerned about:

(a) **The high prevalence of violence against women and girls, including domestic violence and sexual harassment in the family, at school, at work and in public spaces; and the practice of female genital mutilations in some communities;**

(b) The delay in adopting a comprehensive law on violence against women, the absence of adequate sanctions for domestic violence, and the lack of legal provisions criminalizing female genital mutilation and marital rape and prohibiting sexual harassment;

(c) The absence of a comprehensive strategy to combat all forms of violence against women and the limited awareness-raising campaigns undertaken in this regard;

(d) The lack of training for the police, lawyers, health and social workers, the judiciary and the public at large on violence against women;

(e) The limited number of cases of gender-based violence reported due to cultural taboos;

(f) The limited number, capacity and resources of shelters, counseling and rehabilitation services; and

(g) The absence of data on prosecution and conviction rates in relation to violence against women.

24. The Committee urges the State party to:

(a) Adopt within a clear timeframe a comprehensive law addressing violence against women, which prohibits and introduces adequate sanctions for domestic violence and sexual harassment and criminalizes female genital mutilation and marital rape;

(b) Adopt, without delay, a comprehensive strategy and an emergency plan of action against gender-based violence;

(c) Significantly increase its awareness-raising and education efforts, targeted at both men and women, with the support of civil society organizations, in order to combat violence against women, including women from minority groups;

(d) Encourage women and girls victims of violence to report cases to the police, by raising awareness about the criminal nature of such acts, de-stigmatizing victims and training the police, law enforcement and medical personnel on standardized, gender-sensitive procedures for dealing with victims and effectively investigating complaints;

(e) Ensure effective access of women to courts and tribunals and prosecute all acts of violence against women, including domestic violence and sexual harassment, upon complaint by the victim or *ex officio*, and adequately punish perpetrators;

(f) Strengthen victim assistance and rehabilitation through the setting up of a comprehensive care system for victims of gender-based violence, including measures to provide them with free legal aid, medical and psychological support, and shelters, counseling and rehabilitation services; and

(g) Collect disaggregated data on the number of complaints, prosecutions and convictions, and on the sentences imposed on perpetrators of sexual and gender-based violence and include such data in its next report.

Violence against women in conflict

25. The Committee is deeply concerned about the very high number of women victims of rape during the conflicts; the impunity enjoyed by the perpetrators of such crimes; and the absence, in the post-conflict period, of an environment conducive to prosecution of sexual violence perpetrated during the conflicts.

26. The Committee urges the State party to take comprehensive measures to provide medical and psychological support to women victims of sexual violence

committed during the conflicts, and to establish counselling centres for women to address their traumatic experiences, specifically with regard to sexual violence.

Trafficking and exploitation of prostitution

27. The Committee welcomes the cooperation agreement signed on 20 September 2011 with Benin to combat trafficking. However, it is concerned about the lack of data on trafficking in women and girls in the State party. Given the high rates of prostitution of women and girls in the country, the Committee is particularly concerned about the lack of information on exploitation of women in prostitution. The Committee is further concerned about the absence of a comprehensive law and strategy aimed at combating trafficking in human beings.

28. **The Committee recommends that the State party:**

(a) Carry out a study to investigate the scope, extent and causes of human trafficking and forced prostitution, particularly of women and girls, including through the collection and analysis of data on trafficking and exploitation of women in prostitution, and provide information on the results of the study, along with sex-disaggregated data, in its next periodic report;

(b) Adopt a comprehensive law on trafficking which fully complies with article 6 of the Convention to strengthen mechanisms for the investigation, prosecution and punishment of trafficking offenders;

(c) Increase international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking through information exchange and to harmonize legal procedures aiming at prosecution and punishment of traffickers;

(d) Carry out a comprehensive approach in addressing the question of prostitution, including exit programmes for women and girls who wish to leave prostitution;

(e) Address the root causes of prostitution of women and girls, including poverty, in order to eliminate the vulnerability of women and girls to sexual exploitation and trafficking and undertake efforts for the rehabilitation and social reintegration of victims;

(f) Ratify, without delay, the United Nations Convention against transnational organized crime and the Palermo Protocol to prevent, suppress and punish trafficking in persons, especially women and children; and

(g) Ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

Participation in political and public life

29. The Committee welcomes the adoption of the electoral law 005/2007 of 25 May 2007 providing for a 15 percent quota for women at the legislative and senatorial elections and a 20 percent quota for women at local election and the amendment of the law on political parties in 2006 to encourage women participation in political life and in elections as voters and candidates. The Committee also welcomes the preparation of a draft law on parity at elected and administrative positions, and the establishment of a Centre for the promotion of women in political life. However, the Committee is concerned about the remaining low participation of women in political and public life, especially within the Parliament, the Government, the departmental and communal councils, the judiciary and the diplomatic service.

30. **The Committee recommends that the State party:**

- (a) **Prioritize the adoption of the draft law on parity;**
- (b) **Increase the quota of 15 percent representation and ensure that the new quota is in force for the legislative election of June 2012 and the local election of 2013;**
- (c) **Ensure access of women to all areas of public life, in particular in the government, the departmental and communal councils and the judiciary and the diplomatic service, including at high levels of decision-making;**
- (d) **Implement awareness-raising activities for the society as a whole about the importance of women's participation in decision-making and develop targeted training and mentoring programmes on leadership and negotiation skills for present and potential women candidates and women holding public office; and**
- (e) **Carefully monitor the effectiveness of measures taken and results achieved to ensure women's greater participation in political and public life.**

Education

31. The Committee welcomes the free education for pupils from 6-16 years of age, the carrying-out of adult literacy programmes and awareness-raising campaigns on the importance of girls' education, and the revision of stereotypes contained in school textbooks. However, the Committee is concerned at the persistence of structural and other barriers to quality education, which constitute particular obstacles to the education of girls and young women. Such barriers include, among others, early pregnancy, parents' giving priority to their sons' education, indirect cost of schooling, and the negative impact of harmful traditional practices, such as pre-marriages before the legal age for marriage, on girls' education. The Committee is particularly concerned about the high drop-out rates of girls at all levels of education, in particular at the secondary and tertiary levels, the persistence of stereotypes in school textbooks, and the lower literacy rate of women compared to men.

32. **The Committee invites the State party to:**

- (a) **Raise awareness among communities, families, students, teachers and officials, especially men, about the importance of women's and girls' education;**
- (b) **Ensure de facto equal access of girls and young women to all levels of education and retain girls in schools including by providing public scholarships for girls and incentives for parents to send their daughters to school and enabling young women to return to school after pregnancy;**
- (c) **Provide technical and vocational training facilitating the professional insertion of girls who dropped out of school, also orienting them towards traditionally male dominated careers, e.g. in services, trade, logistics and innovative sectors;**
- (d) **Provide adequate educational opportunities for girls and boys with disabilities, including by integrating them into mainstream education;**
- (e) **Undertake a new revision of school textbooks to eliminate remaining stereotypes; and**
- (f) **Strengthen its efforts to improve the literacy rate of women by strengthening adult literacy programmes, especially for women in rural areas.**

Employment

33. While welcoming the existence of legal provisions providing for equal pay for work of equal value and provisions allowing paid maternity leave, the Committee is concerned

about occupational segregation, the concentration of women in the informal economy with no social security or other benefits and the difficulties faced by women to access credit for starting small-scale businesses.

34. **The Committee recommends that the State party:**

(a) **Take action to eliminate occupational segregation and intensify technical and vocational training for women, including in traditionally male-dominated fields;**

(b) **Extend the national social security fund to informal sector workers, including women, or develop a separate national social protection scheme for those workers; and**

(c) **Take concrete measures to expand women's access to microfinance and microcredit at low interest rates to enable women to engage in income-generating activities and to start their own businesses, including by putting up bond for poor women and favouring the setting up of cooperatives.**

Health

35. The Committee welcomes the development of a road map to reduce maternal mortality in 2007, the 2009-2013 National Multisectoral Strategic Framework against HIV/AIDS and Sexually Transmitted Infections and the Programme for Prevention of Mother-to-child Transmission of HIV, and the adoption of the Law of 2010 authorizing awareness-raising on the use of contraceptives, Law No. 30-2011 of 3 June 2011 on the fight against HIV/AIDS and protection of the rights of the persons living with HIV/AIDS, and Decree No. 2008-128 of 23 June 2008 providing for free drugs against malaria for pregnant women. However, the Committee remains concerned about:

(a) The lack of health infrastructure and the insufficient human and financial resources provided to health;

(b) The persisting high levels of maternal mortality rates;

(c) The existence of sociocultural factors that remain obstacles to access by women, especially women from minority groups, to health services;

(d) The criminalization of abortion, except if pregnancy is harmful to the mother's life and/or health, which leads women to seek unsafe and illegal abortions, and in some cases, to commit infanticides;

(e) The lack of sufficient information provided to women on sexual and reproductive health and rights and family planning;

(f) The low rate of contraceptives use; and

(g) The disproportionately high number of women infected with HIV/AIDS.

36. **In line with its general recommendation No. 24 (1999) on women and health, the Committee calls on the State party to:**

(a) **Ensure, with the support of the relevant United Nations agencies, that adequate funding is provided to health-care services, and that the number of health-care facilities and trained health-care providers and personnel is increased;**

(b) **Strengthen its efforts to reduce the incidence of maternal mortality and eliminate its causes;**

(c) **Address the obstacles to women's access to health care, including sociocultural norms, that constitute a risk to women;**

(d) **Ensure the provision of skilled medical aid and health facilities to women and girls suffering from health complications due to unsafe abortion and consider reviewing the law relating to abortion for unwanted pregnancies with a view to removing punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation 24 (1999) on women and health;**

(e) **Widely promote education on sexual and reproductive health and rights, including by:**

(i) **Undertaking large-scale awareness-raising campaigns for the population in general with special attention to early pregnancy and the importance of using contraceptives for family planning and the prevention of sexually transmitted diseases, including HIV/AIDS;**

(ii) **Integrating effective and age-appropriate education on sexual and reproductive health and rights at all school levels and incorporating it into the school curricula;**

(f) **Ensure that all women and girls have free and adequate access to contraceptives, sexual and reproductive health services, including in rural areas; and**

(g) **Ensure the effective implementation of the national multisectoral strategic framework against HIV/AIDS and sexually transmitted infections (2009–2013).**

Rural women

37. While welcoming the adoption of the Poverty Reduction Strategy Paper (2008–2010), which aims at reducing poverty by 2015, and the launching in 2006 and 2009 of the Rural Development Projects (PRODER), the Committee is concerned at the disadvantaged position of women in rural and remote areas, which is characterized by poverty, and their difficulties in accessing education and health and social services. The Committee is also concerned about the existence of discrimination with respect to ownership, sharing and inheritance of land and at the prevalence of customs and traditional practices that prevent widows from inheriting property, in particular in rural areas.

38. **The Committee recommends that the State party:**

(a) **Take all necessary measures to significantly reduce poverty, especially in rural areas, including by increasing the resources allocated to reduction of poverty;**

(b) **Pay special attention to the needs of rural women to ensure that they have access to health, education, clean water, sanitation services and income-generating projects;**

(c) **Eliminate discrimination in ownership, sharing and inheritance of land; and**

(d) **Address negative customs and traditional practices, especially in rural areas, that affect the enjoyment of the right to property by widows, including by undertaking large-scale awareness-raising campaigns on this subject for the population in general.**

Refugee women

39. While welcoming the good cooperation between the State party and Office of the United Nations High Commissioner for Refugees (UNHCR), the Committee is concerned about the absence of a legal framework for the refugee-status-determination process; the lack of recognition of gender-related forms of persecution as a basis for refugee status and the absence of a gender-sensitive procedure. The Committee is further concerned about

reports that some refugee women and girls are subjected to sexual and gender-based violence and abuse and that victims have limited access to law enforcement mechanisms and justice.

40. **The Committee recommends that the State party:**

(a) Establish, within a clear time frame, a national legislative framework that improves the effectiveness and accuracy of the refugee-status-determination process, recognize gender-related forms of persecution as a basis for refugee status and ensure that women or girls seeking asylum alone or as part of a family are given an equal opportunity to present their asylum claim in a gender-sensitive procedure;

(b) Address the situation of refugee women in Congo in particular with respect to the means used to protect these women from all forms of violence and the establishment of mechanisms for redress and rehabilitation, take steps to investigate, prosecute and punish all perpetrators of violence against refugee women, and continue to collaborate with the international community, especially UNHCR, in these efforts; and

(c) Accede to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons.

Indigenous women

41. While welcoming the adoption of the Law of 25 February 2011 prohibiting traffic and sexual exploitation of indigenous children and women, the Committee is concerned that indigenous women and girls are extremely vulnerable to sexual violence. It is further concerned about reports of discrimination against indigenous women by health workers. The Committee is also concerned that the State party did not provide adequate information on this issue.

42. **The Committee recommends that the State party:**

(a) Take, without delay, concrete actions to protect indigenous women and girls from all forms of violence, establish mechanisms for redress and rehabilitation and take steps to investigate, prosecute and punish all perpetrators of violence against them;

(b) Pay special attention to the needs of indigenous women and girls to ensure that they have access, without discrimination, to health, education, clean water, sanitation services and employment; and

(c) Provide information in the next periodic report on efforts undertaken in this regard and results achieved.

Marriage and family relations

43. The Committee is deeply concerned about the high prevalence of discriminatory legal provisions and negative customary practices related to marriage and family relations, which reflects the lack of advancement of the status of women in the society. The Committee is concerned about the delay of the State party in reviewing its discriminatory provisions on marriage and family relations and the existence of discriminatory provisions such as: the absence of the same minimum age of marriage for girls and boys (Family Code, art. 128), the choice of the residence of the family by the husband in the absence of mutual agreement (Family Code, art. 171), the lawfulness of polygamy (Family Code, arts. 121–136), the parental authority, which rests with the father (Family Code, art. 168) and the disproportionate sanction applied to women in case of adultery (Penal Code, arts. 336 and 337). The Committee is also concerned about the absence of criminalization of marital rape. It is further concerned about the prevalence of the practice of “pre-marriage” before the

legal minimum age for marriage, the practice of levirate, and customs and traditional practices that prevent widows from inheriting property.

44. **The Committee recalls article 16 of the Convention as well as its general recommendation No. 21 (1994) on equality in marriage and family relations and urges the State party to:**

(a) **Accelerate the legislative reform in order to review and amend, within a clear time frame, existing discriminatory provisions to bring them fully into line with articles 2 and 16 of the Convention; these provisions include the absence of the same minimum age of marriage for girls and boys (Family Code, art. 128), the choice of the residence of the family by the husband in the absence of mutual agreement (Family Code, art. 171), the lawfulness of polygamy (Family Code, arts. 121–136); the parental authority, which rests with the father (Family Code, art. 171), and the disproportionate sanction applied to women in case of adultery (Penal Code, arts. 336 and 337);**

(b) **Adopt legal provisions that prohibit levirate and bring the minimum age for pre-marriage in line with the legal age for marriage, and take measures to eliminate practices which prevent widows from inheriting property;**

(c) **Sensitize religious and traditional groups and leaders on the importance of the review of discriminatory provisions and practices related to marriage and family relations and ensure their participation in it; and**

(d) **Provide information in the next periodic report on efforts undertaken in this regard and results achieved.**

National human rights institution

45. The Committee notes with satisfaction that the delegation committed to bringing the National Human Rights Commission (CNDH) into compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). However, the Committee remains concerned about the absence of full compliance of CNDH with the Paris Principles, due to, inter alia, the absence of legislation on the selection and appointment process of its members and the insufficient resources allocated to it. The Committee is further concerned about the low participation of women in the Commission.

46. **The Committee recommends that the State party:**

(a) **Ensure that the National Human Rights Commission is in compliance with the Paris Principles and is provided with sufficient resources, independent commissioners, a broad human rights mandate and a specific mandate on gender equality; and**

(b) **Ensure that the composition and activities of the National Human Rights Commission are gender-sensitive.**

Optional Protocol and amendment to article 20, paragraph 1, of the Convention

47. **The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

48. **The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize 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.

Millennium Development Goals

49. The Committee emphasizes that 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.

Dissemination

50. The Committee requests the wide dissemination in Congo of the present concluding observations in order to make the people, 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 and the further steps that are required in that regard. The Committee recommends the use of innovative and creative means of communication adapted to the high levels of illiteracy in the country so as to ensure that the present concluding observations are widely disseminated at the local community level. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

Ratification of other treaties

51. The Committee notes that the adherence of Congo to the nine major international human rights instruments* would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages Congo to consider ratifying the treaties to which it is not yet a party, i.e., the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Follow-up to concluding observations

52. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 20 (a), (b) and (c) and 24 (a), (b) and (d) above.

* 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; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Technical assistance

53. The Committee recommends that the State party consider seeking cooperation and technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee also calls upon the State party to strengthen further its cooperation with specialized agencies and programmes of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Statistics Division, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Population Fund, the World Health Organization, and the Office of the United Nations High Commissioner for Human Rights.

Preparation of the next report

54. The Committee requests the State party to ensure the participation of all ministries and public bodies in the preparation of its next periodic report and, at the same time, to consult a variety of women's and human rights organizations.

55. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention and invites the State party to submit its next periodic report in February 2016.

56. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents that were approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006 (HRI/GEN/2/Rev.6, chap. I). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session in January 2008 (A/63/38, part I, annex I) must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages, while the updated common core document should not exceed 80 pages.
