



COI QUERY

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COI QUERY RESPONSE

1. Information on the situation of women without a male support network in Kinshasa (2017-2019)

1.1 Legal framework

In the 2019 SDG (Sustainable Development Goals) Gender Index, the DRC occupies the 128th position out of 129.¹ The SDGs comprise such targets as ending discrimination and harmful practices against women and ensuring their full and effective participation in all aspects of life.² According to CEDAW (The Convention on the Elimination of all Forms of Discrimination Against Women), the DRC does not provide for ‘an explicit overarching constitutional guarantee of gender equality’.³ The exclusion of women from ‘significant decision-making’ in the African context (including the DRC) can be explained by ‘certain aspects of traditional culture and the influence of the patriarchy in state and religious institutions’.⁴

In the recent years, the government introduced a number of reforms, which aimed to establish measures for the implementation of women’s rights and gender parity that would guarantee women’s equal representation in national, provincial, and local institutions.⁵ The 2015 Parity Act ‘guarantees the right of women to entrepreneurship and promotes access to savings, credit, and new technologies, without discrimination on the basis of gender’.⁶ The amended Family Code (2016) abolished the need for a wife to obtain her husband’s consent for any legal act, introduced the principle of spouses’ joint household management⁷ and allowed women to choose where to live in the same way as men. In addition, the new legislation allowed women to work in mining, manufacturing, and construction and introduced a principle of non-discrimination in employment.⁸

As emphasized by CEDAW, particularly in rural areas, discriminatory provisions of customary law continue to persist and compete with the formal law.⁹

¹ Equal Measures 2030, Harnessing the Power of Data for Gender Equality: Introducing the 2019 EM2030 SDG Gender Index, [url](#), p. 15.

² WILPF, The Sustainable Development Goals: A Tool to Make a Difference for Women in Conflict, 5 July 2019, [url](#). See also UN, Sustainable Development Goals, Goal 5: Achieve gender equality and empower all women and girls, [url](#).

³ CEDAW, Supplementary Information Concerning Women’s Land Rights in the Democratic Republic of the Congo Submitted to the 73rd Session (1 - 19 July 2019) of the Committee on the Elimination of All Forms of Discrimination against Women, June 2019, [url](#).

⁴ Kyamusugulwa, ‘et al.’, Researching livelihoods and services affected by conflict, Pathways to women’s empowerment: Navigating the hybrid social order in eastern DRC, Secure Livelihoods Research Consortium, March 2019, [url](#).

⁵ WILPF DRC, Women, Peace and Security in DRC: Individual Report submitted to the 33rd Session of the Working Group on the Universal Periodic Review, October 2018, [url](#).

⁶ CEDAW, Elimination of Discrimination against Women: Concluding observations on the eighth periodic report of the Democratic Republic of the Congo, 22 July 2019, [url](#).

⁷ WILPF DRC, Women, Peace and Security in DRC: Individual Report submitted to the 33rd Session of the Working Group on the Universal Periodic Review, October 2018, [url](#).

⁸ World Bank Group, Women, Business and the Law 2019: A Decade of Reform, 2019, [url](#), p. 11, 15.

⁹ CEDAW, Concluding observations on the eighth periodic report of the Democratic Republic of the Congo, 22 July 2019, [url](#); CEDAW, Supplementary Information Concerning Women’s Land Rights in the Democratic Republic of the Congo Submitted to the 73rd Session (1 - 19 July 2019) of the Committee on the Elimination of All Forms of Discrimination against Women, June 2019, [url](#).



1.2 Situation of women without a male support network in DRC

In spite of the introduction of the reforms, aiming to establish the gender equality, NGOs that monitor and report on human rights situation conclude that:

‘...over the entire country, Congolese women and girls have continued to suffer from many acts of violence and discrimination because of their gender. Their access to land, financial and natural resources and technology, means of production and credit is generally extremely restricted. Despite equality in the eyes of the law, women and girls are often deprived of all or part of their heritage because of the perpetuation of certain customs, especially in rural environments.’¹⁰

In the DRC, women are commonly defined by their community—as well as self-defined—as mothers and/or as being related to male family members¹¹ and generally assume the responsibility over the family and the household.¹² According to CEDAW, discriminatory gender stereotypes continue to persist and contribute to the persistence of violence against women, including sexual violence and harmful practices.¹³

Many Congolese women took a role of the main provider for their families; they often work in low-paid and physically demanding jobs and are disproportionately affected by poverty.¹⁴ Girls are often affected by child marriage.¹⁵ According to UNDP (2017), women participation in the labour market is 71.4 percent compared to 73.5 for men while only 36.7 percent of Congolese women have some secondary education compared to 65.8 of men.¹⁶

Besides to facing sexual violence and reprisals around reporting it, women face barriers in accessing justice and remedies.¹⁷ After being raped women are frequently rejected by their communities, irrespectively whether they have children or not.¹⁸

¹⁰ FIDH ‘et al.’, Democratic Republic of the Congo: Five Priorities of a State that Respects Human Rights, March 2019, [url](#), p. 13.

¹¹ Davis, L., ‘et al.’, Democratic Republic of Congo – DRC: Gender Country Profile 2014, The Swedish Embassy in Kinshasa, 2014, [url](#), p. 6, 8.

¹² FIDH ‘et al.’, Democratic Republic of the Congo: Five Priorities of a State that Respects Human Rights, March 2019, [url](#), p. 13.

¹³ CEDAW, Elimination of Discrimination against Women: Concluding observations on the eighth periodic report of the Democratic Republic of the Congo, 22 July 2019, [url](#).

¹⁴ Bertelsmann Stiftung, BTI 2018 Country Report — Congo, DR, [url](#), p. 20-21.

¹⁵ FIDH ‘et al.’, Democratic Republic of the Congo: Five Priorities of a State that Respects Human Rights, March 2019, [url](#), p. 13.

¹⁶ UNDP, Human Development Indices and Indicators: 2018 Statistical Update, Briefing note for countries on the 2018 Statistical Update, Congo (Democratic Republic of the), [url](#).

¹⁷ CEDAW, Elimination of Discrimination against Women: Concluding observations on the eighth periodic report of the Democratic Republic of the Congo, 22 July 2019, [url](#).

¹⁸ Kvinna till Kvinna, Equal Power – Lasting Peace: The Democratic Republic of Congo. No peace for women, 2012, [url](#), p. 9.



According to Freedom House, ‘young women are increasingly seeking professional work outside their home, particularly in urban centres, though they continue to face disparities in wages and promotions.’¹⁹ Female entrepreneurs face social prejudices next to financial and legal obstacles.²⁰

HIV-positive women are ‘chased away by their husbands, families, and friends, accused as witches, and robbed of their income’.²¹

1.3 Situation of widows in DRC

Due to customary practices and particularly in rural areas, women are at a disadvantage with regard to land ownership and inheritance rights, as the inheritance is done through the intermediary of a man.²² Widows face difficulties in claiming their inheritance particularly if the marriage was not registered or in cases of polygamy, as second wives have no rights.²³

According to a research conducted by the World Bank Group, widows in the DRC tend to have significant nutritional disadvantage. In urban areas, 14.4 percent of women aged 15-49 have experienced a divorce (compared to 20.6 percent for rural areas); 7.7 percent of them have re-married (compared to 12.7 percent for rural areas). Widows comprise almost 10 percent of women who have been tested HIV-positive, which is the highest number among the groups.²⁴

1.4 Situation of women without male network support in Kinshasa

With an estimated population of almost 13 million, Kinshasa, the capital of the DRC, is one of the largest urban areas in Africa.²⁵ The data for 2007 and 2010 suggests that women in Kinshasa have higher welfare compared to other areas.²⁶

According to the report of the Swiss State Secretariat for Migration (SEM), single women—defined in the context of Kinshasa as adult women with or without children, who support themselves without a male partner—are vulnerable and negatively influenced by the lack of family cohesion, poverty, lack of state support, and corruption among other factors.²⁷ The report suggests that some single women

¹⁹ Freedom House, Freedom in the World 2019 - Congo, Democratic Republic of (Kinshasa), 4 February 2019, [url](#).

²⁰ infoDev, Innovation and Entrepreneurship, Supporting Women Entrepreneurs in the Democratic Republic of Congo, 10 January 2017, [url](#).

²¹ Cordaid, HIV in Kinshasa: “We, the Patients, had to find solutions ourselves,” 9 July 2018, [url](#).

²² CEDAW, Elimination of Discrimination against Women: Concluding observations on the eighth periodic report of the Democratic Republic of the Congo, 22 July 2019, [url](#).

²³ Davis, L. ‘et al.’, Democratic Republic of Congo – DRC: Gender Country Profile 2014, The Swedish Embassy in Kinshasa, 2014, [url](#), p. 31.

²⁴ World Bank Group, Development Research Group, Marital Shocks and Women’s Welfare in Africa, Policy Research Working Paper 8306, January 2018, [url](#), p. 22, 42, 46.

²⁵ Demographia, Demographia World Urban Areas (Built Up Urban Areas or World Agglomerations), 15th Annual Edition, April 2019, [url](#).

²⁶ Nanivazo, M., Mahrt, K. Spatial and temporal analyses of women’s wellbeing in the Democratic Republic of the Congo, WIDER Working Paper 2015/059, United National University, World Institute for Development Economics Research, August 2015, [url](#), p.12.

²⁷ SEM, Focus RD Congo; Situation des femmes seules à Kinshasa [Situation of single women in Kinshasa], 15 January 2016, [url](#), p. 16.



are able to ‘organize and find some support to improve their living conditions and attempt to secure their financial independence.’²⁸

Gender differences are visible between street-children in Kinshasa: girls are more likely to have been abandoned by their families to live a street life (which often involves sex work) and are more heavily stigmatised, which makes a reunification with their families more difficult.²⁹ Girls and young women without economic support from their families or other networks—either because they have migrated to the capital alone, been orphaned or rejected by their parents or family, or when their parents expect them to contribute to household costs—are frequently engaged in sex work or transactional sex, as a research conducted in Kinshasa reveals.³⁰

²⁸ SEM, Focus RD Congo; Situation des femmes seules à Kinshasa [Situation of single women in Kinshasa], 15 January 2016, [url](#), p. 4.

²⁹ Davis, L., ‘et al.’, Democratic Republic of Congo – DRC: Gender Country Profile 2014, The Swedish Embassy in Kinshasa, 2014, [url](#), p. 34.

³⁰ McLeanHilker, L., Modi, A. T., ‘Empowerment’ of adolescent girls and young women in Kinshasa: research about girls, by girls, in: Gender and Development, vol. 24, nr 3, pp. 475-491, 2016, [url](#).



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