



## COI QUERY

<b>Country of Origin</b>	<b>DEMOCRATIC REPUBLIC OF THE CONGO</b>
<b>Title</b>	<b>Situation of women who have children out of wedlock, including legal framework, treatment by society, and access to support services</b>
<b>Reference period</b>	January 2022 to 9 February 2024
<b>Topic(s)</b>	1. <a href="#">Legislation</a> 2. <a href="#">Treatment by society</a> 3. <a href="#">Access to support services</a>
<b>Date of completion</b>	12 February 2024
<b>Query Code</b>	Q15 - 2024
<b>Contributing EU+ COI units (if applicable)</b>	N/A

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All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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## COI QUERY RESPONSE – Democratic Republic of the Congo

### Situation of women who have children out of wedlock; legislation; treatment by society; access to support services

Information on the situation of women who have children out of wedlock in Democratic Republic of the Congo (DRC) was scarce among the sources consulted by the EUAA within the time constraints. However, the following information may be relevant.

For information on the situation of women without a support network in Kinshasa within the reference period July 2021 – 23 August 2023, can be found in the EUAA Query [Situation of women without a support network in Kinshasa](#), published on 25 August 2023.

#### 1. Legislation

As stipulated in the Article 14 of the Constitution of DRC ‘[t]he public authorities see to the elimination of all forms of discrimination against women and ensure the protection and promotion of their rights.’<sup>1</sup>

Article 15 of the Constitution also states that ‘[t]he public authorities are responsible for the elimination of sexual violence used as an instrument in the destabilization and displacement of families’.<sup>2</sup>

In its annual report on human rights in DRC covering 2022, the US Department of State (USDOS) reported that while the constitution [of DRC] ‘prohibits discrimination based on gender [...] the law does not provide women the same rights as men.’<sup>3</sup>

Freedom House noted that under the family code women are assigned a subordinate role while men are designated as the heads of the household with married women remaining under the legal guardianship of their husbands.<sup>4</sup>

A Canadian-based NGO the Journalists for Human Rights (JHR) reported that in June 2023 the DRC President, Felix Tshisekedi, introduced the new legislation governing the 2023 general election, which focused on gender representation and equality in the political participation.<sup>5</sup> According to France 24, President Félix Tshisekedi ‘demonstrated a commitment to women’s rights and better female representation in politics, but there is still a long way to go’.<sup>6</sup>

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<sup>1</sup> DRC, Congo (Democratic Republic of the)'s Constitution of 2005 with Amendments through 2011, [url](#), Art. 14

<sup>2</sup> DRC, Congo (Democratic Republic of the)'s Constitution of 2005 with Amendments through 2011, [url](#), Art. 15

<sup>3</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of Congo, 20 March 2023, [url](#), p. 36

<sup>4</sup> Freedom House, Freedom in the World 2023: Democratic Republic of the Congo, 2023, [url](#)

<sup>5</sup> JHR, DRC: President enacts law promoting gender equality in the upcoming general elections, 23 July 2022, [url](#)

<sup>6</sup> France 24, Women's rights take centre stage in DR Congo election, 16 December 2023, [url](#)



## 2. Treatment by society

Information on the treatment by society towards women who have children out of wedlock in DRC was scarce among the sources consulted by the EUAA within the time constraints. However, the following information may be relevant.

According to Freedom House, women ‘face discrimination in nearly every aspect of their lives’.<sup>7</sup> As per the data published by the World Bank in June 2022, women have limited control over household decisions which has a negative effect on women’s economic empowerment.<sup>8</sup> The same source noted that only 62 % of women participate in the labour market with 6.4 % of women working in wage employment, in comparison to 23.9 % of men.<sup>9</sup>

In October 2022, the Danish Immigration Service (DIS) published a report on the socioeconomic conditions in Kinshasa, where it was noted that in the societal context ‘a woman in the DRC is always only something in relation to a male relative. As such, women who break with this traditional way of imagining the family are perceived negatively by society and by their own family at times’.<sup>10</sup> According to the same source single women in Kinshasa ‘often find themselves in a more vulnerable position, for this reason many women from female-headed household pretend to be married in an effort to avoid stigmatisation and decrease their vulnerability’.<sup>11</sup>

In November 2023, the World Food Programme (WFP) reported an increase in gender-based violence in eastern DRC.<sup>12</sup> The same source noted that in Ituri and North and South Kivu provinces in eastern DRC 46,000 cases of gender-based violence were reported between January and August 2023, whereas ‘women and girls report to resorting to forced prostitution to survive’.<sup>13</sup> According to Doctors Without Borders/Médecins Sans Frontières (MSF) women living in the displacement camps near Goma [North Kivu Province] are at risk of becoming exposed to sexual violence due to lack of food, water, and basic necessities.<sup>14</sup>

According to the Women’s International Peace Centre (WIPC), children born of rape are subjected to ‘discrimination and stigma even within their own communities’<sup>15</sup>, while the United Nations Population Fund (UNFPA) noted on a case of rape-related pregnancy that the mother

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<sup>7</sup> Freedom House, Freedom in the World 2023: Democratic Republic of the Congo, 2023, [url](#)

<sup>8</sup> World Bank (The), Obstacles and opportunities for women’s economic empowerment in the DRC, [Blog], 2 June 2022, [url](#)

<sup>9</sup> World Bank (The), Obstacles and opportunities for women’s economic empowerment in the DRC, [Blog], 2 June 2022, [url](#)

<sup>10</sup> Denmark, DIS, Democratic Republic of the Congo: Socioeconomic conditions in Kinshasa, October 2022, [url](#), p. 29

<sup>11</sup> Denmark, DIS, Democratic Republic of the Congo: Socioeconomic conditions in Kinshasa, October 2022, [url](#), p. 29

<sup>12</sup> WFP, In eastern DRC, women and girls pay a high price in ongoing conflict, 28 November 2023, [url](#)

<sup>13</sup> WFP, In eastern DRC, women and girls pay a high price in ongoing conflict, 28 November 2023, [url](#)

<sup>14</sup> MSF, Voices from a forgotten crisis in DR Congo, 21 December 2023, [url](#)

<sup>15</sup> WIPC, Voices from South Kivu: Associations of Victims of Mass Crimes, Conflict Related Sexual Violence and Children born Out of Rape Meet AU Special Envoy on WPS to Advocate for Peace and Justice, 2 September 2023, [url](#)



was ‘ostracized by her friends and family.’<sup>16</sup>As reported by the US Department of State (USDOS) in 2022, ‘unwed girls who became pregnant were pressured to drop out of school, and young women who become mothers often faced societal stigma’.<sup>17</sup>

### 3. Access to support services

Information on the access to support services for women who have children out of wedlock in DRC was scarce among the sources consulted by the EUAA within the time constraints. However, the following information may be relevant.

As reported by the Guardian in November 2023, DRC has no universal health coverage and most people are unable to afford the medical services.<sup>18</sup>

According to the United Nations Population Fund (UNPFA), women and girls’ access to life-saving reproductive health and protection services is limited due to poor health infrastructure. The same source noted, ‘three women die every hour from pregnancy and birth-related complications’ with maternal mortality rates on the rise.<sup>19</sup>

In 2022 Le Monde reported on the high cost of child delivery ranging ‘from USD 10 to USD 20 for an uncomplicated birth to USD 150 for a C-section’.<sup>20</sup> Sources indicated that hospitals detain patients, including women, in healthcare facilities for unpaid bills for delivery until the medical bills are paid.<sup>21</sup>

In November 2023 the DRC government announced the roll out of the free maternity care in 13 out of 26 regions in the country by the end of the year.<sup>22</sup> No further information regarding the policy implementation was found among the sources consulted by the EUAA within the time constraints.

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<sup>16</sup> UNPFA, DRC midwives use new groundbreaking birthing model with survivors of sexual violence, 6 April 2023, [url](#)

<sup>17</sup> USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of Congo, 20 March 2023, [url](#), p.36

<sup>18</sup> Guardian (The), DRC offers free maternity care to cut death rate among mothers and babies, 6 November 2023, [url](#)

<sup>19</sup> UNPFA, Democratic Republic of the Congo, 28 August 2023, [url](#)

<sup>20</sup> Le Monde, DRC maternity wards detain women for unpaid bills for delivery, 27 November 2022, [url](#)

<sup>21</sup> Le Monde, DRC maternity wards detain women for unpaid bills for delivery, 27 November 2022, [url](#); Guardian (The), DRC offers free maternity care to cut death rate among mothers and babies, 6 November 2023, [url](#)

<sup>22</sup> Guardian (The), DRC offers free maternity care to cut death rate among mothers and babies, 6 November 2023, [url](#)

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