



## COI QUERY

<b>Country of Origin</b>	<b>REPUBLIC OF THE CONGO</b>
<b>Title</b>	<b>Situation of women without a support network, including in Brazzaville</b>
<b>Reference period</b>	January 2021 to 17 May 2024
<b>Topic(s)</b>	<ol style="list-style-type: none"><li><a href="#">1. Treatment by society</a></li><li><a href="#">2. Access to housing</a></li><li><a href="#">3. Access to employment</a></li><li><a href="#">4. Access to social services</a></li><li><a href="#">5. Access to healthcare</a></li></ol>
<b>Date of completion</b>	21 May 2024
<b>Query Code</b>	Q28-2024
<b>Contributing EU+ COI units (if applicable)</b>	N/A



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## COI QUERY RESPONSE – Republic of the Congo

### Situation of women without a support network, including in Brazzaville

#### 1. Treatment by society

The Family Code of the Republic of the Congo indicated the following:

**Article 168.** - Moral and material direction of the family.

The husband is head of the family. He exercises this function in the common interest of marriage and children. The wife contributes with the husband to ensure the moral and material direction of the family, to raise the children and prepare for their establishment.

The woman replaces her position as head of the family if he is unable to express his will, due to his incapacity, his absence, his distance or if he voluntarily abandons life together or for any other cause.<sup>1</sup>

According to the US Department of State's (USDOS) Country Reports on Human Rights Practices for 2023 report, '[t]he law provided women the same legal status as men, and authorities made efforts to enforce the law. Individual bias and customary beliefs, however, contributed to societal pressures to limit the rights of women'.<sup>2</sup> According to Carine Matangana from NGO Azur Développement, a civil society organisation that advocates for the rights of women in the Republic of the Congo, quoted by the Delegation of the European Union (EU) in the country, two forms of violence are often repeated: sexual and economic violence.<sup>3</sup> Matanga also indicated that economic violence [informal translation] 'places women in financial precariousness which, over time, ends up "enslaving" them and creates an unhealthy dependence on the perpetrators of violence (often men) from whom they find it difficult to free themselves, especially when they have children'.<sup>4</sup> Corroborating and additional information could not be found among the sources consulted by EUAA within the time constraints of this query.

#### 2. Access to housing

The Family Code indicated the following:

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<sup>1</sup> Republic of the Congo, Code de la Famille, Loi No. 073/84, 1984, [url](#)

<sup>2</sup> USDOS, 2023 Country Reports on Human Rights Practices: Republic of the Congo, 22 April 2024, [url](#), p. 20

<sup>3</sup> EU, Delegation of the European Union to the Republic of Congo (Brazzaville), Protection of women and girls against gender-based violence, 23 March 2021, [url](#)

<sup>4</sup> EU, Delegation of the European Union to the Republic of Congo (Brazzaville), Protection of women and girls against gender-based violence, 23 March 2021, [url](#)



[informal translation] **Article 106.** - Legal determination of domicile. Are domiciled:

1° A married woman in the husband's domicile or in one chosen by mutual agreement, unless there is judicial authorization for a separate domicile;  
[...]

**Article 171.** - Residence of the family.

The family residence is the place that the spouses choose by mutual agreement. In the absence of agreement, the place is chosen by the husband. In the latter case, the wife is obliged to live with the husband and he is obliged to receive her. However, if the residence chosen by the husband presents physical or moral dangers for the family, the wife may be authorized to have a residence determined by the judge for herself and her children.

The spouses cannot, one without the other, dispose of the rights by which the family's housing is ensured nor of the furniture with which it is furnished.

The spouse who has not given their consent to the act, may request its annulment. The action for nullity is open for one year from the day on which they became aware of the act, without being able to request annulment more than one year after the matrimonial regime has been dissolved.<sup>5</sup>

The USDOS report indicated that '[w]omen experienced discrimination in divorce settlements, specifically regarding property and financial assets. The law considered the man the head of the household, unless he became incapacitated or abandoned the family.'<sup>6</sup> Additional information could not be found among the sources consulted by EUAA within the time constraints of this query.

### 3. Access to employment

The Bertelsmann Stiftung 20204 report indicated that women constitute 49 % of the workforce.<sup>7</sup> The US Agency for International Development (USAID) also indicated that the ratio of female to male labour force participation rate is 97.83.<sup>8</sup> The state of the Republic of the Congo, in its eighth periodic report submitted to the UN Committee of the Elimination of All Forms of Discrimination against Women (CEDAW) in 2023, indicated that the law does not discriminate against women with regards to employment in the formal sector.<sup>9</sup> However, the state also noted that in practice 'women are less likely than men to obtain certain jobs, especially because of illiteracy, lack of qualifications, psychological constraints, and lack of

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<sup>5</sup> Republic of the Congo, Code de la Famille, Loi No. 073/84, 1984, [url](#)

<sup>6</sup> USDOS, 2023 Country Reports on Human Rights Practices: Republic of the Congo, 22 April 2024, [url](#), p. 21

<sup>7</sup> Bertelsmann Stiftung, BTI 2024 Country Report: Republic of the Congo, 2024, [url](#), p. 22

<sup>8</sup> US, USAID, Congo (Brazzaville), n.d., [url](#)

<sup>9</sup> UN, CEDAW, Convention on the Elimination of All Forms of Discrimination against Women — Eighth periodic report submitted by Congo under article 18 of the Convention, due in 2022, 3 August 2023, [url](#), para. 120



knowledge about ways to seek employment and recruitment procedures'.<sup>10</sup> Similarly, sources indicated that, in practice, women experienced discrimination with respect to employment.<sup>11</sup> USDOS also noted that women experienced discrimination concerning credit, equal pay, and owning or managing businesses.<sup>12</sup> The 2024 report *Women, Business and the Law*<sup>13</sup> by the World Bank indicated that, according to the family Code, women can undertake entrepreneurial activities and get a job in the same way as men.<sup>14</sup> However, according to the same source, 33,3 % of expert opinion responses indicated that all women enjoy the same opportunities to start and run a business as men in practice.<sup>15</sup> The USDOS report indicated that women worked 'in disproportionately high numbers in the informal sector and in lower-paying jobs, where they were less likely to benefit from legal protections', whereas reliable data on the gender wage gap were not available'.<sup>16</sup> Additional information could not be found among the sources consulted by EUAA within the time constraints of this query.

#### 4. Access to social services

Without providing further details, the UN Human Rights Council report on the Republic of the Congo indicated that according to joint submission of stakeholders in light of the Universal Periodic Review of the Republic of the Congo, specifically on women victims of gender-based violence, especially sexual violence, '[a]ccess to assistance was particularly difficult for the most marginalized women and girls, such as those living in rural areas, those from Indigenous communities and those with disabilities'.<sup>17</sup> Corroborating and additional information could not be found among the sources consulted by EUAA within the time constraints of this query.

#### 5. Access to health care

Information on the access to healthcare by women without a support network, including in Brazzaville, could not be found among the sources consulted by EUAA within the time constraints of this query. However, the following information may be relevant.

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<sup>10</sup> UN, CEDAW, Convention on the Elimination of All Forms of Discrimination against Women — Eighth periodic report submitted by Congo under article 18 of the Convention, due in 2022, 3 August 2023, [url](#), para. 120

<sup>11</sup> USDOS, 2023 Country Reports on Human Rights Practices: Republic of the Congo, 22 April 2024, [url](#), p. 21; Bertelsmann Stiftung, BTI 2024 Country Report: Republic of the Congo, 2024, [url](#), p. 22; Freedom House: Freedom in the World 2024 - Republic of the Congo, 2024, [url](#)

<sup>12</sup> USDOS, 2023 Country Reports on Human Rights Practices: Republic of the Congo, 22 April 2024, [url](#), p. 21

<sup>13</sup> The report 'identifies barriers for women's economic empowerment in three areas: women's legal rights, policy instruments designed to support the implementation of these rights, and how these rights are realized in practice.' It is based on an analysis of legal and 'supportive frameworks,' as well as the evaluation of 'expert opinions.' World Bank (The), *Women, Business and the Law — Congo, Rep.*, 2024, [url](#), p. 1

<sup>14</sup> World Bank (The), *Women, Business and the Law — Congo, Rep.*, 2024, [url](#), pp. 2 – 3

<sup>15</sup> World Bank (The), *Women, Business and the Law — Congo, Rep.*, 2024, [url](#), p. 6

<sup>16</sup> USDOS, 2023 Country Reports on Human Rights Practices: Republic of the Congo, 22 April 2024, [url](#), p. 21

<sup>17</sup> UN Human Rights Council Report of the Office of the United Nations High Commissioner for Human Rights — Summary of stakeholders' submissions on Congo, 25 October 2023, [url](#), para. 52



The USDOS report indicated that ‘[t]he government provided access to sexual and reproductive health services for survivors of sexual violence’.<sup>18</sup> The same source also noted, specifically on women giving birth, that ‘women in rural and remote locations in northern areas faced geographic barriers and a lack of access to transportation infrastructure, limiting their access to care. NGOs reported local health clinics and public hospitals were generally in poor condition and lacked experienced health care staff’.<sup>19</sup>

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<sup>18</sup> USDOS, 2023 Country Reports on Human Rights Practices: Republic of the Congo, 22 April 2024, [url](#), p. 21

<sup>19</sup> USDOS, 2023 Country Reports on Human Rights Practices: Republic of the Congo, 22 April 2024, [url](#), p. 21



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## **ADDITIONAL SOURCES CONSULTED**

African Union — African Commission on Human and People’s Rights; Amnesty International; Association des Femmes Juristes du Congo (AFJC); Association des personnes vulnérables du Congo (APVC); AZUR Développement; Belgium — CEDOCA; Cairn.info; Club des femmes entrepreneuses du Congo (Cfec); France — Office Français de Protection des Réfugiés et Apatrides (OFPRA); Human Rights Watch (HRW); Institut des Filles de Marie Auxiliatrice (FMA), Congo; Istituto Internazionale Maria Ausiliatrice; Jeune Afrique; Observatoire Congolais des Droits de l’Homme (OCDH); Radio France Internationale (RFI); Republic of the Congo — Ministère de la Promotion de la Femme; UK — Home Office; UN — High Commissioner for Refugees (UNHCR), UN Women; US — Central Intelligence Agency (CIA)