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The Democratic Republic of Congo (DRC)

Country Gender Profile

The Democratic Republic of Congo (DRC) Country Gender Profile

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Authors: InDevelop-IPM International Consultants (Jérôme Gouzou et al.)

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Foreword

Equal rights for women and men is a matter of fundamental human rights. This was codified in the United Nations' Universal declaration on Human rights more than 60 years ago – and yet these rights still remain far from being fulfilled all over the world. Although infringements on the rights of men are committed in many places, it is women who experience the most widespread and serious violations of their rights. This is underlined by the mere existence of several UN and regional conventions, resolutions and other international agreements. Despite a number of commitments made by governments, the good intentions are still very far from being implemented. Uncountable numbers of women have yet to enjoy even such fundamental rights as participation in decisions that affect their life, and freedom from discrimination.

But gender equality is more than a human rights issue. The capacity of women in contributing to the development of their family, community and country is one of the important lessons of development cooperation – to the extent that sometimes it seems no development takes place unless it is pushed and pulled by women. Therefore, working to promote gender equality benefits everyone in society, not only women, and this is important to realise in order for poverty to be reduced.

In recent years, the terrible situation for women in Eastern Congo has been broadcasted throughout the world, giving unbearable accounts of mass rape and murder. Sida joins all those who strive to heal the wounds, prevent the crimes and have the responsible brought to justice. But there is much more to say about the situation of women and men in the Democratic Republic of Congo (DRC), a country the size of Western Europe. Women must not only be depicted as victims, and men not always as perpetrators.

In order to understand the needs and how they can be met, all parties involved must strive to get as clear a picture as possible of the actual reality facing men and women, boys and girls. Therefore, Sida commissioned this Country Gender Profile as a basis for decisions on support to poverty reduction in the DRC. It is, however, just a beginning of a mapping exercise. For many reasons (of which the lack of reliable statistics has been one major obstacle) the study lacks a sufficient perspective on persons with disabilities or a different sexual orientation than the heterosexual, the elderly, the various ethnic groups – or on men's situation. Therefore, Sida hopes that more studies and research will be carried out to fill in the gaps. As always, the views expressed in this study are those of the consultant, and do not necessarily coincide with Sida's official standpoint. Nevertheless, Sida considers that the Gender Profile adds valuable insight into the gender context in several important areas of the Congolese society. Sida welcomes a continued discussion on these issues, so important for women, men, boys and girls in the DRC.

*Eva Lövgren,
Country Director, Sida's DRC Team*

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We would like to extend our thanks to all the interviewees for their patience and the quality of their answers.

Finally, this work would not have been possible without the tremendous contribution of our local consultants, Modeste Tshomba, Elise Muhimuza Kindja and Déogratias Buuma.

InDevelop-IPM International Development Consultants:

Jérôme Gouzou (Team Leader)

Maria Eriksson-Baaz

Anna-Maria Olsson

September 2009

List of Acronyms

AFDL:	Alliance of the Democratic Forces for the Liberation of Congo-Zaire
ANR:	Intelligence National Agency
BDD :	Bureau Diocésain de Développement
CAFCO:	Cadre de Concertation des Femmes Congolaises
CEDAW:	Convention on the Elimination of all forms of Discrimination against Women
CEI:	Independent Electoral Commission
CMJ :	Comité Mixte de la Justice
COOCEC :	Coopérative Centrale d'Épargne et de Crédit
CRAJR :	Centre de Recherche Action sur la Justice et la Résolution 1325
CRONGD :	Conseil Régional des ONG de Développement
CSO :	Civil Society Organization
CSRP :	Comité de Suivi de la Réforme de la Police
CTB:	Coopération Technique Belge
DDR:	Disarmament, Demobilisation and Reintegration
DHS-RDC:	Demographic and Health Survey-DRC
DPA:	Department of Political Affairs
DPKO:	United Nations Department of Peacekeeping Operations
DRC:	Democratic Republic of Congo
EUPOL:	EU Police Mission
EUSEC:	EU Advisory and Assistance Mission for Security Reform
FARDC:	Armed Forces of the DRC
FHH:	Female-Headed Household
GBV:	Gender-Based Violence
GPs:	General Practitioners
GTER :	Groupes Techniques d'Encadrement Régional
HDI:	Human Development Index
ICC:	International Criminal Court
IDPs:	Internally Displaced Persons
LGTB:	Lesbian, Gay, Bisexual and Transgender
MDG:	Millennium Development Goal
MHH:	Male-Headed Household
MONUC:	United Nations Organization Mission in the DRC
MSR :	Mouvement Social pour le Renouveau
NGO:	Non Governmental Organization
NSC:	National Sovereign Conference
OHCHR:	Office of the High Commissioner for Human Rights
OLA:	Office of Legal Affairs

OSAPG:	Office of the Special Advisor on the Prevention of Genocide
PARJ:	Action Plan for Justice Reform
PHCs:	Primary Health Centres
PNC:	Police Nationale Congolaise
PNLS :	Programme National de Lutte contre le Sida
REJUSCO:	Restauration de la Justice à l'Est de la RDC
SGBV:	Sexual and Gender-Based Violence
Sida:	Swedish International Development and Cooperation Agency
SSR:	Security Sector Reform
STD:	Sexually Transmissible Diseases
TB:	Tuberculosis
UNDP:	United Nations Development Programme
UNFPA:	United Nations Population Fund
UNICEF:	United Nations Children's Fund
UNIFEM:	United Nations Development Fund for Women
VNH:	Violence in the Name of Honor
WB:	World Bank
WHO:	World Health Organization

Summary

In the Democratic Republic of Congo (DRC), poverty hits both men and women. The difference between men and women, as well as between boys and girls, in socio-economic and cultural status is however prominent.

There are cases where men and boys are disadvantaged. This is particularly the case in the security area, where the perspective of the international community tends to reflect traditional gender roles: men only as perpetrators and women only as victims. All the attention is put on the vulnerability of women and girls in conflict and post-conflict settings, which is undoubtedly real, but the fact that men and boys are also victims of violence is often neglected. Moreover, boys and young men are arrested in Kinshasa and in the Eastern provinces on vague allegations and can be sent to jail for long periods of time without any proper trial.

There are a few encouraging indicators towards gender equality. For example, the Constitution formulates the principle of gender parity in politics and in the public sector, as well as the responsibility of the Congolese state to put this principle into practice. At the 2006 national elections, a majority of voters were women, which supports the idea that women are using their democratic rights. Moreover, women's movements have grown in importance and visibility in the last decade.

However, in the large majority of cases, women are underprivileged as a group. They are almost systematically deprived from their rights to inherit. Women still have to ask the permission of their husbands to open a bank account, and, in many cases, they are not allowed to own land. Women's literacy and access to education is far behind that of men. Their representation in politics is very low, with, for example, only 8.4 percent female national parliamentarians and they rarely obtain positions of power. Women have less access to qualified jobs than men, and they tend to be marginalised in the employment market outside the agricultural sector. Only 28 percent of active women receive a salary, and a striking 17 percent of women do not receive any compensation for their work. Congolese women are more vulnerable to HIV/Aids than Congolese men. The prevalence rate for the 15–49 age group is of 1.6 percent for women while it is of 0.9 for men. The maternal mortality rate, estimated at 850 deaths per 100 000 live births in 1985, is now reaching 1.289 deaths per 100 000 live births, which is one of the highest in the world. Due to the lack of health infrastructures, many women do not have access to a prenatal consultation. Women are, moreover, far more victims of gender-based violence than men, and domestic violence targeting women has increased in recent years.

The causes for such inequalities may be found in widespread poverty, largely due to the total collapse of the state since the Mobutu era, which was reinforced by a decade of armed conflicts. But these inequal-

ities are mainly the product of a strongly anchored patriarchal system at all levels of society, from the family cell up to higher political spheres. There are two main sources that seem particularly important in producing gender norms upholding gender inequalities: religious and customary institutions. They tend to occupy prominent positions in efforts to legitimise current gender inequalities in the DRC.

The DRC has ratified most international human rights instruments, but the pace of their implementation is low. There is, for example, no specific law on domestic violence within the Congolese legal framework. The family Code, which contains several paragraphs that are clearly discriminating women and are in conflict with international conventions, is still under revision. The Ministry of Gender, Family and Children has been active in the promotion of a strengthened legal framework for women's rights, but it is operating with limited resources and capacities. Resource allocation and a true political commitment for gender equality remain low. Some civil society initiatives, mainly led by women organizations, are trying to highlight gender inequalities and to advocate for structural and legal reforms. However, the results of civil society involvement in gender issues are limited, as women's movements are not yet well organized, but also because a large majority of civil society organizations tend themselves to internally reproduce and more or less consciously promote gender inequalities.

Key development and cooperation programmes aiming at bridging gender gaps in DRC should focus on institutionalizing the state and mainstreaming gender equality at all levels of the public sphere, on developing proper gender-sensitive statistics collection, on the long-term change of traditional/customary norms that marginalize women, on development projects targeting families, on increasing access to sustainable micro-finance, on supporting an in-depth reform of the health and education systems, and on engendering the security sector and justice reforms.

General Background

The DRC, formerly Zaire, is located in the heart of Africa. The 2,345,410 square kilometres large country (slightly more than five times the size of Sweden) shares borders with nine countries: the Republic of Congo, the Central African Republic, the Sudan, Uganda, Rwanda, Burundi, Tanzania, Zambia and Angola. The total population amounts to around 60 million, with an estimated 45 to 60 percent under 20 years old¹.

Promulgated as a Belgian colony in 1908, the Congo gained its independence in 1960. The early independence years were, however, quickly marked by political and social instability. Supported by the former colonial power, Colonel Joseph Mobutu ousted the government led by Patrice Lumumba and seized power in a November 1965 coup. Mobutu retained his position for 32 years through a complex patrimonial system of governance, as well as through the use of brutal force. The last 15 years of the history of Congo have been characterized by political turmoil and widespread armed violence. In May 1997, the Alliance of the Democratic Forces for the Liberation of Congo-Zaire (AFDL), with the support of Rwanda and Uganda, marched into Kinshasa and ousted Mobutu. Within one year, tensions between President Laurent Kabila and his Rwandan and Ugandan allies began to mount. By August 1998, a new armed conflict erupted between Kabila's troops that remained loyal to his regime and Congolese forces supported by Rwanda and Uganda. Troops from Angola, Chad, Namibia, the Sudan, and Zimbabwe intervened to support Kabila's regime. A ceasefire was signed in July 1999 by the DRC, Congolese rebel groups, Angola, Namibia, Rwanda, Uganda, and Zimbabwe but sporadic fighting continued. Laurent Kabila was assassinated in January 2001 and his son, Joseph Kabila, was named head of state. Following a negotiated withdrawal of foreign forces occupying Eastern Congo in October 2002 and the signing of the Pretoria Accord by all remaining warring parties, a transitional government was set up in July 2003. An original 1+4 formula with Joseph Kabila as president and four vice presidents representing the two major rebel groups, the non-armed political opposition, and civil society, led the country for three years. A new constitution was approved by referendum in December 2005 and elections for the presidency, National Assembly, and provincial Parliaments were held in 2006. Joseph Kabila was inaugurated president in December 2006. The general security situation has improved throughout the country between 2006 and 2009 despite remaining pockets of insecurity in the Eastern parts of the country.

¹ UNDP, Rapport sur le Développement Humain, 2008, Kinshasa.

The United Nations Organization Mission in DRC (MONUC)²

In August 1999, the United Nations Security Council authorized the deployment of 90 UN military liaison personnel to the DRC. In November 1999, Security Council Resolution 1279 affirmed that the previously authorized United Nations personnel would constitute the United Nations Organization Mission in the DRC (MONUC). In July 2003, the Council authorized an increase of MONUC forces to 10,800 troops. MONUC is mandated through July 2004 U.N. Security Council Resolution 1493 to monitor the ceasefire agreement, to verify disengagement of forces, to facilitate humanitarian assistance, and to oversee disarmament and demobilization of combatants. The operation is authorized under Chapter VII of the United Nations Charter, which allows peacekeepers to use force, if necessary, to carry out their mandate. The MONUC has been involved in assisting the Congolese authorities in organizing, preparing and conducting the national elections and the coming local elections. The MONUC is also providing logistical support to the military campaigns of the Congolese Army (FARDC) in the Eastern provinces. By its resolution 1856 of 22 December 2008, the Council decided to extend the deployment of MONUC until 31 December 2009 and authorized the continuation until that date of up to 19,815 military personnel, 760 military observers, 391 police personnel and 1,050 personnel of formed police Units.

Economy

Despite a wealth of natural resources (cobalt, copper, niobium, tantalum, petroleum, industrial and gem diamonds, gold, silver, zinc, manganese, tin, uranium, coal, hydropower and timber), the DRC is one of the poorest countries in the world. The transitional government had reopened relations with international financial institutions and international donors. President Joseph Kabila began implementing reforms, although progress was slow and the International Monetary Fund shortened their program for the DRC at the end of March 2006 because of fiscal overruns and widespread corruption. Renewed activity in the mining sector, the biggest source of export income, triggered a GDP growth between 2006 and 2008. However, the fall in world market prices for the DRC's key mineral exports, as well as the lack of proper and transparent tax collection, have reduced growth. Foreign investment increased in recent years, although a weak legal framework, corruption, and the lack of transparency in government policy remain long-term problems. Agriculture dominates the Congolese economy, contributing roughly half of the GDP. The principal food crops are cassava, yams, corn, rice, peanuts, plantains and pulses. Rubber, coffee, cotton, tea, sugarcane and palm products are produced commercially for export. According to the International Monetary Fund (IMF) estimates, mining contributes 8%, manufacturing just 4%, and trade and commerce 17%.

Religion

About 80% of the Congolese population is Christian. The Roman Catholic Church is predominant, but there are also Protestant Churches (mainly Pentecostal, Baptist and Methodists denominations). New

charismatic religious movements and prayer groups (*Églises de réveil*) have been growing during the last decades. About 3 million people belong to an indigenous church known as the Kimbanguist Church. About 10% of the population is Muslim. Moreover, many people follow traditional religions whose form and beliefs vary widely throughout the country. Religious confessions are very important social and political actors in DRC, as they are norms' producers and influential opinion makers.

THE DEMOCRATIC REPUBLIC OF CONGO AT A GLANCE

Sources: UNDP, WHO, EDS-DRC, World Bank

GENERALS	YEAR
Surface	2,345,410 km ²
Independence	From Belgium 30 June 1960
Religion	80 percent Christian, 10 percent Muslim, 3 percent Kimbanguist
Language	French (official), Lingala, Swahili, Kikongo, and Tshiluba

DEMOGRAPHIC INDICATORS		
Population	60 million	2008
Population (thousands) under 18	33784	2007
Population (thousands) under 5	12268	2007
Population annual growth rate (%)	3.1	1970-1990
Population annual growth rate (%)	2.9	1990-2007
Life expectancy	45	1970
Life expectancy	46	2007
Total fertility rate	6.7	2007
Population urbanized (%)	33	2007
Average annual growth rate of urban population (%)	2.6	1970-1990
Average annual growth rate of urban population (%)	4.3	1990-2007
Share of FHH (%)	21	2008

SOCIO-ECONOMIC INDICATORS	FEMALE	MALE	YEAR
HDI GDP per Capita (US\$)	488	944	2008
Average rate of schooling (%)	24,3	36,2	2008
Share of people who never attending school (%)	28	14	2008
No instruction 15-49 class age (%)	21	5	2008
Professional activity in rural area (%)	77	63	2008
Professional activity in urban area (%)	49	59	2008
Volume of credits granted (%)	40	60	2008
Parliament members (%)	8,4	91,6	2006
Senate members (%)	4,6	95,4	2006

1. Governance, Power Structures and Gender

The purpose of this introductory chapter is to put the gender profile in the context of political structures and systems in DRC. It thereby provides a general background to the political context in which efforts to combat gender inequalities in DRC are situated. Moreover, the aim is to present some central institutions producing gender norms that uphold current gender inequalities.

In DRC, the patrimonial system³ has been flourishing. Neo-patrimonialism⁴ refers to the contradiction at the level of the state, which is at the same time real and fictitious, strong and weak, quantitatively over-developed and qualitatively and functionally under-developed. The state is, however, almost non-existing because of the lack of institutionalisation of power and because of informal modes of regulation. As a result, the impact and even presence of the rule of law is weak, and the capacity of the state to develop and implement public policies reduced. Mobutu developed a system allowing a total and permanent confusion between the private and the public spheres, and those who succeeded him have maintained this system. The external appearance is the one of a state, while the internal organisational and functional modes remain profoundly patrimonial. The political and state spheres are perceived, and used, as a way to get rich and to be able to redistribute parts of the accumulated wealth, which is necessary if one wants to remain in a dominant position. This system of clientelism⁵ is often accompanied by a reinvestment of the gains in profitable economic sectors. This instrumental reason for not developing the state is found at all levels of the administration, from national, provincial to local level, as the system needs this relationship of verticality to continue. There is in fact a phenomenon of double verticality, the first one fitting into the scheme of the relationship between the Big Man and his complex networks of subordinates, while the second is part of the relationships between the centre and the periphery, between Kinshasa, the capital, and the provinces. Things go wrong in Congo when an individual, more or less strongly backed by a group or by a neighbouring country, decides to break the chain of verticality, usually because the incentives for doing so, meaning the perspectives offered by a direct control of the huge natural resources, are largely superior to the benefits he and his

3 A "patrimonial system" is defined as any form of political domination or authority based on personal and bureaucratic power. Patrimonialism is a relatively broad term, and does not refer to any particular type of political system. The key elements are that power is formally arbitrary and that the administration is under direct control of the ruler

4 We mainly refer to the works of Jean-François Médard. See among others, Médard, J-F. "The Underdeveloped State in Tropical Africa: Political Clientelism or Neo-Patrimonialism?", in Clapham, C. *Private Patronage and Public Power: political clientelism in the modern state*, London, Frances Printer, 1982; Médard, J-F. *États d'Afrique Noire: formations, mécanismes et crises*, Paris, Karthala, 1991; Médard, J-F, *Le "Big Man" en Afrique: esquisse d'analyse du politicien entrepreneur*, L'Année Sociologique, Paris, 1992.

5 Clientelism means a transfer of resources between a leader and his clients. Clients are rewarded with contracts, employments, due to prior support not to merit or qualification.

group get from the former situation. In fact, the DRC is led by a “*parallel society*”⁶. This explains the degradation of basic services in Congo, and – to a large extent – the different rebellions that have paved its contemporary history. There is, thus, an urgent need to institutionalise the state in DRC.

Women have had a very limited role in this patrimonial system. The role of women in decision making processes in pre-colonial times varied a lot between different groups. While it was dominated by men in most groups, there were also female traditional leaders (*chefs coutumiers*) in some matrilineal societies. The Belgian colonial rule did not contribute to enhancing women’s role in decision making, on the contrary. The Mobutu regime institutionalised this gender inequality. Women were celebrated only in their capacity as wives and mothers and were systematically excluded from political power. In order to show his commitment to the cause of women in 1975, the international year for women, Mobutu went on a tour in the country to talk to women. Following this trip, a Secretariat, and later on a Ministry for Women and Family Issues was formed. During this period, a few women were nominated to minister posts. However, this is mostly considered as a move by Mobutu to promote his image to the external world and these actions did not really alter basic gender inequalities. Many of the women ministers were merely considered as symbolic and as lacking real power⁷. The official domain was still largely reserved for men while women were relegated to the private sphere, epitomised later in the Family Code from 1987 according to which women had to have permission from their husbands for all activities in the official sphere (e.g. taking up a job, travel, opening a bank account, etc). Some measures were taken during the Mobutu era that seemed to challenge the traditional divisions women/private and men/official spheres and the traditional gender stereotypes, in particular the opening up of the Army for women already in 1966 (see chapter 3). However, and at large, the Mobutu regime was characterised by a systematic exclusion of women from political decision making, relegating them to the private sphere, in the name of Zairian authenticity.

Gender inequalities are based on the production and reproduction of gender norms – regulating the character and behaviour of “good women and good men”. While these norms are produced and reproduced at different levels in society – in daily life (as in the household, the popular culture) and also through the functioning and non-functioning of governments institutions (i.e. impunity for sexual violence results in a cementing of the idea that a woman has no right over her body; a lack of women’s representation in political bodies reproduces the idea that a woman is not suitable for politics), one can identify two sources that seem particularly important in producing gender norms that uphold gender inequalities: religious institutions and customary ideas and practices. They tend to occupy prominent positions in efforts to legitimise current gender inequalities in the DRC.

Since the influence of Islam is still quite limited, the religious landscape is predominantly dominated by Christianity (but with strong influence of traditional religious beliefs). It is however a very varied

6 Expression taken from an interesting article by Tshikala K. Biaya, *Parallel Society in the Democratic Republic of Congo*, *Shifting African Identities*, p.43-60

7 Interviews with organisations working with women’s political rights

landscape and ranges from the powerful Catholic and Protestant Churches, whose presence goes back to the colonial era, to a myriad of various new charismatic religious movements and prayer groups (*Églises de réveil*). While it is impossible to generalise over all these groups and while they are different in terms of the gender norms they produce, the influence of the church in creating and reproducing gender norms is obvious in the everyday efforts to legitimise gender equalities and gendered divisions of labour (i.e. through references to quotations in the Bible and to what religious leaders say). The ideal man tends to be presented as the strong, superior head and provider of the family and the ideal woman as the submissive, chaste, quiet, caretaker, mother and wife⁸. Women's struggles within the church have led to new opportunities for them. Many protestant churches and the Catholic Church have created women's departments and women's groups. Some protestant churches have also opened-up opportunities for women to become pastors⁹. However, these departments and groups often deal exclusively with women's issues in typically feminine spheres in a way that does not really threaten gender inequalities and male dominance within the church. Moreover, women priests very seldom reach the higher decision-making levels of the church. They often occupy a quite marginalised position, ending up most of the time as responsible for social work. Given the great influence of religion and Christianity in the DRC (which is often underestimated by external actors), these institutions that have the power to produce – but also alter – gender norms must be seen as key actors that must be involved in efforts to work towards greater gender equality in the country.

As we will stress repeatedly throughout this study, customary laws and norms – including those referring directly to gender – are very varied in the DRC. Moreover, there is a general lack of research and studies that have analysed various customary laws and norms from a gender perspective. Some local NGOs working with women's rights through sensitization refer to various proverbs in their information work to highlight how traditional customs support discriminatory practices against women. Some also refer to proverbs that support women's status and power in order to try to use customary norms and laws to promote women's rights. For example, there are many proverbs emphasising the wisdom of women and the need for women to take part – especially as advisors – in decision making processes. However, as these women organisations point out, the references to proverbs are not systematic and they merely function as illustrations. They stress the need for more in depth research into various customary laws and norms in the country. Many local organisations working with women's rights identify customary laws and norms as one of the major obstacles upholding discriminatory practices against women and have therefore identified traditional leaders as one of the main target groups for their activities.¹⁰

⁸ Interviews with women associations involved in gender training, and experiences from research and gender training by two of the authors of this study.

⁹ Interviews with women priests and representatives for women departments and groups in protestant churches.

¹⁰ Interviews with organisations working with women's rights.

2. National Gender Framework

RATIFIED DOCUMENTS ON WOMEN'S RIGHTS

- DRC ratified the Convention on the Elimination of all forms of Discrimination against Women, CEDAW (1979), in 1987. However, the additional protocol to the Convention that would give competency to the Committee on the Elimination of Discrimination against Women to consider complaints on abuses of women's rights has not yet been adopted by the country. The Beijing Plan of Action has been adopted by the DRC.
- In February 2009, the DRC ratified, as the 26th African state, the additional Protocol on Women's Rights of the African Charter on Human Rights. This regional convention is an important tool in order to advocate for women's rights.
- The DRC has ratified the Rome Statute establishing the International Criminal Court (ICC), but it has not yet adopted the necessary implementing legislation that would codify international crimes as judiciable in Congolese civilian courts.
- The Security Council Resolution 1325 on Women, Peace and Security (2000) and the SC Resolution 1820 on Sexual Violence (2008) are key legal instruments in advocating for women's rights in the area of conflict prevention, conflict resolution and post-conflict reconstruction. A national work on implementation of these resolutions has begun with the Ministry of Gender and civil society as driving actors.

The Constitution

The issue of gender equality in the constitutional framework was actively debated by civil society during the transition period of 2003–2006, and is reflected in the new Constitution of 2006. Articles 5, 14 and 15 speak specifically on women's rights.

Article 5 makes reference to the universal right to elect and be elected under the constitution without any discrimination based on sex.

Article 14 states the responsibility of the public institutions to eliminate any discrimination of women and to ensure the protection of their rights. It states that the public institutions should take measures to ensure women's full participation in development and to combat violence against women in the private and public spheres. Furthermore, this article formulates the principle of gender parity in the public sector and the responsibility of the Congolese state to put this principle into practice. The constitution also envisages a law on gender parity in order to formalise the actions of implementation. A proposition of this law was elaborated by the Ministry of Gender in 2007, but has not yet been adopted by the Congolese parliament.

Article 15 of the Constitution spells out the state's responsibility to prevent any form of sexual violence that “destabilises or delocalises the family”. The article also addresses sexual violence as a crime against humanity and the reaffirms the international treaties in this area.

Governmental structures/Initiatives

Relating to article 15 of the constitution that stipulates that sexual violence should be punished by national law, the Law on sexual violence was added to the penal Code in 2006, now referred to as the Laws of 06/018 and 06/019.¹¹ The law addresses several crimes related to sexual and gender-based violence, such as rape, sexual harassment, forced marriage and forced prostitution, sexual mutilation, sexual exploitation and prostitution of minors, forced pregnancy and forced sterilisation. With the current law, the definition of rape was changed to not only regard the violation with the male sexual organ, but including rape with other objects and also rape of men. The victim's consent has equally been redefined and a clause on the initial sexual violence crime investigation to be completed within a month was added. The new law on sexual violence is generally seen as progressive and comprehensive. However, reservations have been made by practitioners regarding the short time frame of investigation that is rarely met by the underfinanced judiciary system. The age of 18 years as sexual assault of minors

¹¹ Loi N°06/018 du 20 Juillet modifiant et complétant le décret du 30 janvier 1040 portant Code Pénal Congolais et Loi N°06/019 du 20 juillet 2006 modifiant et complétant le décret du 06 aout 1959 portant Code de Procédure Pénale Congolais.

has equally shown problematic, since the family code puts the age limit of sexual relations to fifteen years and since the law on sexual violence has been used by families against (voluntary) relations between older children, who could find themselves prosecuted for sexual assault.

The family code is a central legal tool to regulate rights within the private sphere and to ensure protection of women's rights. The current family code, Code de la Famille, from 1981 gives basic legal protection to women in case of divorce. Still, it contains several paragraphs that are clearly discriminatory to women and in conflict with international conventions. According to the law, the husband is considered the head of the family. A Congolese woman would have to demand the permission of her husband to open a bank account or to conduct other judicial activities. She would also have to ask for permission in order to take an employment and travel, even though the Congolese labour law is more progressive and do not claim these conditions.

There is no specific law on domestic violence within the Congolese legal framework. However, the Family code states in its § 459 that husband and wife have a mutual duties and responsibility for the moral and material interests of the household and the § 460 affirms that the parties should assure fidelity, respect and affection to each other. The following article states that in case that either of them does not respect their duties, reconciliation should be the first option before taking the problem to court. Apart from these general indications, acts of violence are regulated in a general manner in the penal code.¹² (for a further discussion on domestic violence see chapter 7.) A revised version of the current family code has been developed by the Ministry of Gender, but not yet adopted by the national parliament, despite advocacy from civil society and international organisations.

The Minister of Gender, Family and Children has been active in the promotion of a strengthened legal framework for women's right although it is operating with limited resources and capacities. The Ministry of Gender is supported in capacity building by international actors such as MONUC, UNIFEM and UNFPA. Important work of lobbying towards the network of women parliamentarians for legal reform has been done by civil society and women's groups. The regional networks and follow-up of regional peace conferences, such as the International Conference of the Great Lakes, with its protocol on Sexual Violence, constitute a platform for exchange of experiences and implementation of women's rights tools, but concrete impact in the DRC remains yet to be seen.

Recommendations

- *To strengthen the capacity and resources of the Ministry of Gender and civil society to advocate and follow up on the amendments of the Family Code.* This legal framework has important implications for women's rights in the DRC, and the current Family Code under revision contains clearly discriminatory paragraphs.
- *To strengthen the capacity and resources of the Ministry of Gender and of civil society.* Capacity building is necessary in different areas, but more specifically in advocating and following-up on the proposed Law on

¹² Code Pénal congolais, Livre deuxième. Des infractions et de leur répression en particulier. Journal Officiel n°Spécial 05 Octobre 2006.

gender parity that might serve as a tool for enhancing women's representation in several public areas.

- *To support the ongoing reform of the justice sector, including enhancing the capacity and gender awareness of judges and justice personnel.* Support training initiatives on the international legal gender framework for justice personnel and civil society actors.
- *To support the development of a concrete and comprehensive national action plan on Security Resolutions 1325 and 1820 in the DRC.*

3. Gender, Peacebuilding and Security

Evolution of gender relations in conflict and post-conflict settings

Gender relations are changeable and dynamic. As in other conflict settings, the armed conflict in DRC has entailed a militarization of society and gender identities. This is manifested in ideals of masculinity intimately linked to violence and the capacity for violence – produced within the Armed Forces as in other armed groups. Certain ideals of sexuality form part of this notion of masculinity. Like in most military institutions globally, the Congolese military celebrates certain ideal types of macho heterosexual masculinity where the male soldier's libido is understood as a formidable natural force which ultimately demands sexual satisfaction from women.¹³ The normative ideal of masculinity created through militarization poses a serious challenge for demobilised soldiers who are returning to the expectations of civilian life. This is especially so given the large amount of child soldiers who have learned this ideal at a very young age. Moreover, it also poses great challenges for the Armed Forces themselves and civil-military relations. While this hyper masculinity is most dominant within the armed forces and the armed groups producing these normative ideals, an increased militarised masculinity is evident in society at large, especially in the areas most affected by the war. See chapter 7 for a discussion of the consequences of this in terms of GBV.

In time of conflict, the traditional gender roles tend to open up and women enter into areas where they have previously been underrepresented. This has also been the case in the DRC. While women have been present in the Armed Forces already since 1966 (see below) many new women were recruited into the Army during the massive recruitment campaigns at the beginning of the conflict in the end of the 1990s. In addition to this, women have been combatants, both forced and voluntary in the various armed fractions. As a consequence of war, Female-Headed Households (FHH) have increased and with that, new chores and responsibilities.

Women's situation in army and police forces

Women are still largely underrepresented in the security forces. Recent national figures state the number of women in the FARDC to 3%, mainly concentrated in the capital. The police force has not carried through a national census¹⁴ but the number of women police officers are estimated by the PNC to around 6%. Women have a relatively long past in the Congolese army, starting with a forced recruitment by Mobutu of women parachutes in 1966. However, women are almost absent in the higher hierarchy of both the police and army, apart from a few colonels at administrative positions.

¹³ See Eriksson Baaz and Stern 2008 and 2009.

¹⁴ This is, however, foreseen in the Action Plan of the Police Reform.

Women in the army and the police face several obstacles in their daily work. In an organisational environment where femininity is seen as the opposite of the ideal of masculinity, harassment is common. This may take the form of discouraging remarks on the capabilities and the place of a woman within the organisation, bullying by commanders or tacit pressure of delivering sexual services in order to be promoted or not to lose the job. Stereotypes of women in police or in army are still common among the population. According to these, women entering the Army or the Police are women with low morals in search of men, or in general failed women not suitable for marriage.

Women associated with armed groups have been a matter of discussion in the disengagement and DDR-process, but there are no clear estimations of the number of women combatants or women associated to armed groups, having been abducted as sex slaves or voluntarily accompanying. Sex-specific statistics from the demobilising centres are not followed up at national level. Women's needs have been overlooked especially through the requirement that one must carry a gun to qualify for disarmament, as women often share their weapons or have handed them over to their (male) commanders after the ceasefire. Hence, they are often auto-demobilized and do not reach the DDR centres at all, or are left without completing the process when their needs are not taken into account. Some initiatives have been taken by donors to support dependants and demobilised women with programmes of community reintegration but the achievements are still limited. The limitations of the DDR process in general contribute to the low gender responsiveness in this area.¹⁵

FARDC soldiers' families often follow to the very frontline, assuring logistics and food services, with dire humanitarian consequences and with negative impact for the fighting moral. Violence and prostitution is widespread in the military communities and the burden of providing for the families strains even more the civil-military relations. The reasons the women give for following to the front is dependency on the husband's income (especially due to their low level of education) and the fear of the husband finding another wife in the conflict area. Reluctance to assist these families, even in humanitarian crises, by international humanitarian organisations and donors further aggravates the problem for this group of women.

Gender perspectives on security

As is well documented, the Congolese State Security Forces constitute a threat to the very population they are set out to protect.¹⁶ The human rights violations against the population are numerous and ranges from arbitrary arrests, killings, looting and stealing, rape, beating and the imposition of illegal taxes and fees. The abuses against the civil population are a reflection of the general dysfunctionality and unprofessionalism of the Army with parallel and unclear chains of command and an absence of effective systems to prevent and punish indiscipline and abuses. The substantial difficulties the FARDC face in providing

¹⁵ Cf Schroeder, Emily. 2005. A Window of Opportunity in the Democratic Republic of the Congo: Incorporating a Gender Perspective in the Disarmament, Demobilization and Reintegration Process. South Africa: Institute for Security Studies; Hendricks, Cheryl and Hutton, Lauren, 2008, The Gender and Security Sector Reform Toolkit, CAF, OSCE/ODIHR, UN-INSTRAW.

¹⁶ Cf MONUC Human Rights Division

equipment and support to the soldiers is one reason explaining abuses against the civil population since it forces soldiers to prey on the local population for survival. Salaries are both too low and often delayed, if paid at all,¹⁷ and there is a persistent lack of food and other support in the front areas. However, it must be remembered that abuses by security sector staff goes long back to the time of Mobutu, and cannot be seen only as a consequence of the armed conflict.¹⁸ In line with the idea of *la débrouillardise* or *Article 15*¹⁹ the military and the police were encouraged to fend for themselves, epitomised in the expression ‘the civilian is the [corn] field of the military’. The long misuse of power by security sector staff is manifested in strong civilian/military hostility. Low ranking police and military enjoy very little or no legitimacy in the eyes of the civilian population. This in turn perpetuates the abuses against the civilian population by security sector staff through a perceived need to punish and reinsert authority and power.²⁰

Both men and women are victims of the abuses by security sector staff, but in different ways. Women are the main victims of the massive amount of sexual violence, while men tend to be more exposed to arbitrary arrests and killings. While both men and women are victims of stealing and the imposition of illegal fees and taxes, women are more vulnerable to this due the unequal gender power relations. Moreover, they are more exposed since it is often women who transport agricultural and other goods on the roads where these fines and taxes are taken out. It is, however, important to point out that female staff within the military and police also participate in human rights abuses against the civil population.²¹

Security Sector Reform²² in the DRC faces important challenges.²³ The ongoing conflict in the eastern DRC puts constraints on the capacity for the army and the police to fully concentrate resources to the institutional reform. Given the political sensitivity of the Security sector, the political will is weak. However, some progress has been made. *The Comité Mixte de la Justice* (CMJ) is in the process of implementing the action plan on Justice Sector reform and the *Comité de Suivi de la Réforme de la Police* (CSRFP) has finalised a comprehensive plan. The reform of the army has, until now, been limited to disparate initiatives, despite the ongoing discussion on a national army reform committee.

17 While the minimum salary was officially raised to 34,000 FC, approximately 40 USD per month, this raise is mainly theoretical. Many do not receive their full salaries. Moreover, even 40 USD is still very low and is insufficient to sustain a family.

18 Ebenga Jacques & N’Landu Thierry, 2005, “The Congolese National Army: In Search for Identity”, in Rupiya, Martin Eed.), *Evolutions and Revolutions: A Contemporary History of Militarism in Southern Africa*. South Africa: Institute for Security Studies

19 Cf. de Villers, G. 2002. ‘Introduction’. in G. de Villers, B. Jewsiewicki & L. Monnier, eds. *Manières de Vivre: économie de la «débrouille» dans les villes du Congo/Zaire*. Terveuren/Paris: Institut Africain-CEDAF/L’Harmattan

20 Eriksson Baaz, Maria, and Maria Stern. 2008. “Making Sense of Violence: Voices of Soldiers in the DRC.” *Journal of Modern African Studies* 46 (1): 57–86.

21 Eriksson Baaz, Maria. & Stern, Maria. Draft manuscript b. Submissive wives and fearless fighters: negotiating identity among women soldiers in the DRC.

22 Though the concept of security reform emerged in the late 90s, there is no generally accepted definition of the security sector reform. A general understanding of the concept would imply a system-wide approach that emphasizes the interconnected nature of security sector institutions with the objectives of ensuring democratic and civilian control and strengthening the capacity and efficiency of the security institutions.

23 The international community is engaged in the process notably through the MONUC and UNDP, the EU Commission and EUSEC and EUPOL as well as some key donors such as UK and the Netherlands.

Gender awareness in Security Sector reform has been put forward during the last years, not only as a way of respecting general norms of human rights and the international legal framework, but as a core tool of ensuring local ownership, and thereby a sustainable reform, as well as effective service delivery.²⁴ In the DRC, gender has been addressed within the reform structures by specific working groups on gender and on sexual violence. As an example, a concept on SGBV units for the police has been developed by the CSRP and a quota of 30% of women for the future recruitment of justice personnel will be used by the CMJ. The Minister of Defence has appointed a gender advisor to his cabinet, with a view of addressing the issues of women's status within the army and empowerment of dependants to the militaries. Still, the national capacities of assuring a gender sensitive security sector reform are weak and initiatives under funded.

Government initiatives

The Minister of Gender has shown a clear interest in being implicated in the discussion on security and security sector reform in order to push the gender mainstreaming forward. The *Groupes Thématiques*, thematic working groups linked to the government's poverty reduction strategy, have included, in its first pillar on Governance, a subgroup on sexual violence alongside the subgroups on army, police and justice reform. This thematic group presided by the Minister of gender, together with the Dutch embassy gathers representatives from civil society, ministries, embassies and international agencies and constitutes a national coordination mechanism not only within the field of sexual violence but also to ensure that the crosscutting nature of the issue is taken into account by other concerned ministries.

A government-led initiative on a national action plan on the UN Security resolution 1325 on Women, Peace and Security has been initiated together with the civil society. In 2009, a national office on Resolution 1325 was installed by the Minister of Gender together with a pilot committee of women's groups and international actors, tasked to develop a coherent and concrete national action plan.

Civil Society initiatives

Several women's organisations networks have been active in conflict prevention and conflict resolution on a micro and macro level. Initiatives on the community level to prevent conflicts are numerous, but often go unnoticed by international organisations. One example would be civilian women sharing agricultural tools or markets with dependants to the national army in order to strengthen the local cohabitation. However, Congolese women have been active in formal arenas like the Dialogue Inter-Congolais and the Sun City Peace Accords, where the network of women delegates coordinated in the Women's Caucus managed to push the negotiations forward. The recent peace negotiations in the Kivu region have however seen a low representation of women. The peace negotiations in Goma in 2008 gathered only 5% women.

A network of women's organisations specifically dedicated to the implementation of the SC Resolution 1325 was created in 2008, from an initiative by the *Centre de Recherche Action sur la Justice et la Résolution*

²⁴ Valasek (2008): Security Sector Reform and Gender. DCAF, Geneva.

1325, CRJ 1325. The network has partner organisations in all regions and work mainly with advocacy and studies on gender and SSR.

Recommendations

To support the SSR process: The advancement of gender issues and women's rights within the security area must be seen within the larger framework of an institutional building of the SSR. Support should be given, politically and in terms of resources, to ensure that the Security Sector Reform is taken forward. Gender should be mainstreamed in the SSR forums, but SSR in itself would also be beneficiary for women's security situation in the DRC.

Ensure that financial resources reach the local initiatives of women's groups for early warning, conflict prevention and community mechanisms of conflict resolution. Support might be channelled through international organisations with experience in dealing with community-based peace building programmes, or through a basket funding directly accessible to local organisations.

4. Gender and Political Participation

The marginalisation of Congolese women in politics reflects some complex and deeply anchored social and cultural processes. The customary power, product of a strong patriarchal system, has a great influence on Congolese politicians, who in turn mobilise it and its capacity to produce and promote norms in order to maintain their power positions. As a result, the political life is almost exclusively dominated by men.

Women and political representation/participation

At the national elections of 2006–07, there were 4 female candidates running for President (out of 33 candidates) and around 12% of parliamentary candidates were women. They were disadvantaged by the Electoral law, Art.13, which is not loyal to the spirit of the Constitution. The new constitution, adopted by referendum on 18 and 19 December 2005, makes provision for parity between men and women at institutions' level²⁵. However, the electoral law N0 06/006 dated 9 March 2006, which in its Article 13 makes provision for a joint representation in the electoral lists, specifies that the non-respect of parity would not be a case for inadmissibility of a list. The parliamentarians interviewed who voted the law admitted its weakness on this specific point, but argued that the electoral process was already very fragile, and that such a demand would have weakened it further²⁶.

The contradictions between the provisions made by the new Constitution and those made by the electoral law are problematic. New provincial institutions have been created by the Constitution: a provincial Parliament, and a provincial Government (Art 195). Parliament members are to be elected at universal suffrage or co-opted for a five-year period. The number of co-opted or nominated members should not exceed a tenth of the total assembly. As the Constitution does not say anything more about these co-opted members, many observers saw in this measure a way to avoid an electoral system where the winner takes it all, which would leave some leaders of the armed groups that fought the wars without any political portfolios, and thus, increase the risk for new upsurge of violence. Reserving seats in provincial Parliaments was initially planned as a measure of conflict prevention, and could have been used as a way to allow an increased participation of women in politics as planned in the Constitution. However, the electoral law made provision for these seats to be reserved only for customary chiefs, les

25 Constitution de la RDC, Titre II: Des Droits Humains, des Libertés Fondamentales et des Devoirs du Citoyen et de l'État. Art 14. « Les pouvoirs publics veillent à l'élimination de toute forme de discrimination à l'égard de la femme et d'assurer la protection et la promotion de ses droits. » ; « La femme a droit à une représentation équitable au sein des institutions nationales, provinciales et locales. L'État garantit la mise en œuvre de la parité homme-femme dans les dites institutions. La loi fixe les modalités d'application de ces droits ».

26 Interviews performed by the team leader of this study with parliamentarians and members of the Electoral Commission (CEI) in Goma and Kinshasa in 2006.

chefs coutumiers (Art 152, 153 and 154)²⁷.

The results of the elections confirmed the failure of the planned parity, with only 8.4% female national parliamentarians (42 out of 500 seats), 4.6% senators (5 out of 108 seats) and 6.8% female provincial parliamentarians (43 out of 632 seats). Moreover, not a single province is led by a female Governor. Moreover, female parliamentarians have not been attributed power positions neither at the National Assembly, nor at the Senate.

Table 1: Results of National Parliamentary Elections in 2006

Gender	National Parliament				Senate			
	Candidates	%	Elected	%	Candidates	%	Elected	%
Male	8389	84,6	458	91,6	1023	90,8	103	95,4
Female	1320	13,6	42	8,4	104	9,2	5	4,6

Source: CEI

Despite a majority of female voters, few women have been elected. There are several reasons that might explain this massive vote in favour of men. First of all, it must be understood in the context of the long-lasting systematic exclusion of women from political decision making since colonial times, which resulted in a lack of confidence in women's capacity to lead, also among women themselves. This long exclusion also meant that women did not fit very well within the patrimonial system of clientism, necessary to gather a large amount of voters. For example, a widespread idea is that once women have been elected, they do not redistribute money to their electors while male politicians do. Secondly, due to their limited economic power, female candidates did not have access to the same financial means as male candidates for campaigning. Moreover, lessons learned from the electoral process shows that women's investment preferences, prioritizing "practical" household needs rather than "strategic", more risky investments (such as political campaigning) also contributed to the lower level of campaigning and votes²⁸.

In addition to this, traditional gender stereotypes linking women's value to that of her role as mother and wife also played an important role. According to a very widespread popular belief in the DRC, female politicians are either living in celibacy or experiencing tumultuous marriages. Moreover, many male politicians campaigned on the following line: *if a woman gets involved in politics and wins a mandate, who will take care of her children?*

Even though most of the informal sector of the economy is within the hands of businesswomen, they did not support female candidates, while businessmen largely funded male candidates throughout the country.

There was a famous slogan during the campaign: "Votez utile!" This slogan was understood as "vote for the candidate who will be able to satisfy your short-term needs". The population has mainly voted for rich candidates, who were either former member of the Mobutu regime or new politicians who made a career during the Transition period,

²⁷ Information about the elections can be found on the website of the Electoral Commission: www.cei-rdc.org

²⁸ Interviews with representatives of CEI and women organisations involved in identifying and supporting women candidates.

who distributed beverages, food, clothes and even money during the campaign. Female candidates suffered from a tribal vote (male-dominated) or a vote in favour of the dominant party and from the retribution vote of great electors. Many candidates, indeed, who had been sanctioned by the universal suffrage have been either elected or nominated by their peers as Senators and/or provincial Governors.

The elections were a serious backlash against women's rights in DRC, and against their future participation in provincial and national governance. Instead of giving an opportunity for women to have access to politics all around the country, and not as symbolic positions but as role models, male parliamentarians have chosen tradition. At the same time, privileging customary chiefs in parliament has meant holding on to political representation based on ethnic logic, and thus maintaining a patriarchal and patrimonial governance system. Political parties, which actively lobbied against the parity provision of the constitution, tend to reproduce women's social and political marginalisation²⁹.

Civil society initiatives

The boundaries between civil society and politics have been quite blurred since the 1973 National Sovereign Conference (NSC) in DRC. Civil society tends to be moulded on the model of the state, and is marked by nepotism, patriarchal and clientelist rules. As it is the case for politicians, local civil society leaders owe their position to the respect they initially inspire (economic reasons, traditional authority and/or values). But they need to put in place a system of redistribution if they want to keep their dominant position. Within civil society, it is more a matter of redistribution of symbolic (working with international contacts, prospects to one day take the position of the current leader, etc.) than of economic power, although working in an NGO, even with a low salary, might represent a lot in a country where the population is as poor as it is in DRC. Many prominent civil society leaders, many men and some women, have been co-opted by political parties, and this trend has been particularly intense during the elections.³⁰

While there are several women organisations and networks, women are underrepresented in other CSOs not specifically dealing with women rights.

One attempt to create gender consciousness among female politicians and/or civil society activists was launched with the Caucus des Femmes, movement created during the Sun City peace talks in South Africa. It is active in Kinshasa and in several provinces, such as South Kivu and Bas-Congo, but lacks a true national coverage and consistent co-operation. Together with female parliamentarians during the Transition period, the Caucus lobbied unsuccessfully in favour of "zebra lists", whereby male and female candidates would alternate on the national and provincial electoral lists. The movement, which still advocates for an increased participation of women in politics and in power

²⁹ There were a total of 70 political parties registered and running for elections, with an average of 12 percent female candidates per party.

³⁰ A new political party, the *Mouvement Social pour le Renouveau (MSR)*, was even created. Founded by, and around, Pierre Lumbi, one of the most influential personalities of civil society in Congo and currently Minister of Infrastructures, Public Works and Reconstruction, the creation of this party responded to the need to gather and federate all the independent candidates from civil society. The elections were a success, as the MSR is now the fifth largest party in DRC with 27 parliamentarians but with only two women among them.

positions, is moreover subject to many internal conflicts. There are other similar initiatives, and among them the Cadre de Concertation des Femmes Congolaises (CAFCO), which should have replaced the Caucus after Sun City, is worth mentioning. In addition to these initiatives on national and provincial level, there are also local women organisations that work to promote women leadership.

Recommendations

- *Dialogue with the Congolese government to increase political will:* Despite a decree of 2007 that stipulated the creation of a Ministry of Gender, there is a general lack of political will to change the system in DRC. The same decree also promulgated a ministerial reorganization, dismissing seven ministers out of which five were women. The current Minister of Gender is very active, but her task is particularly difficult in a working environment that is not gender sensitive. Dialogue with the Congolese government is necessary in order to improve both women representation in elected bodies and their access to power positions within all public institutions. It might, for example, be relevant to envisage and suggest a system of gender quotas at all levels of the public administration and in political representation.
- *Enter dialogue with the Congolese government and the Electoral Commission in order to revise some gender discriminatory aspects of the electoral law:* If the electoral law remains as it is, women representation in politics and governance will remain marginal. It is, thus, important to enter dialogue with the Congolese government and the Electoral Commission in order to revise some gender discriminatory aspects of the electoral law before the coming local elections planned to take place latest mid 2010.
- *Support programs for general long term gender equality work.* The marginalisation of women in politics must be seen as a manifestation of gender inequalities in society at large. For this reason it is important to invest in long term programming to increase gender equality. This does necessarily entail a multidimensional approach, including efforts to increase women's economic power and general information and training directed both to men and women. This should be combined with targeted efforts to specific projects aiming at promoting and supporting women leadership.
- *Ensure that resources reach local initiatives by women's groups and organisations that work to promote women leadership at local level.*

5. Gender, Legal Situation and Human Rights

As mentioned in chapter 2, the DRC has signed and ratified a list of international conventions and covenants on human rights. However, the capacity and sometimes the will of the state to execute them are not in line with its obligation to implement these legally binding documents.

Gender and the legal system

The DRC is a civil law country³¹. The Constitution provides that “the military courts have jurisdiction over offences committed by members of the armed forces and the national police.” It makes clear that military courts do not have jurisdiction to try civilians. However, the Military Judicial Code, which allows the possibility of military courts trying civilians, has not yet been revised and an important part of the convictions of civilians are done by military courts.

There is no comprehensive sex-disaggregated data on the judiciary system in DRC, but according to all the interviewees, the female representation among judiciary professionals is very low (less than 10 percent). The study of the NGO *Observatoire de la Parité* identifies 35 women judges out of 929 (3.7 percent). The judiciary has the reputation of being totally corrupt. Wages are very low (the First President of the Supreme Court of Justice has an official monthly salary of 30 US\$, which was the highest wage in 2003, UNDP 2008), and the whole judicial system is in limbo. There are too few judiciary professionals, and the national coverage shows major imbalances. Too many of them are active in Kinshasa, and very few undertake a career in provincial rural areas. In the Eastern provinces, new tribunals have been constructed in recent years, but they are empty.

Access to justice is complex and depends on several factors. One problem is the general lack of information on rights, and women tend to be less informed about their rights than men³². Another problem is financial means of people seeking justice. The costs to be engaged in a complete legal process amount to approximately 1000 US\$. Every single actor in the judicial process has to be bribed/”given encouragements”, from the police officer receiving the complaint up to the court professionals, including judges. Women, especially those living in rural areas, are more vulnerable than men, as they are poorer (cf. chapter 6). However in addition to this, customary practices play a central role, limiting access to formal justice.

One example is related to inheritance. In Bas Congo, as in many other areas in the DRC, when the husband/father dies, his family comes and takes everything in the house, often also the house itself.

³¹ Meaning that the law is developed through legislative statutes or executive action, as opposed to Common Law, which is developed by judges through decision of courts.

³² Mainly because they are less educated than men, but also because of their lower social status

While the woman – if the marriage was registered by the local authorities (etat civil) – has the legal rights to the inheritance, large part of the population is unaware of that. If she is aware of it, the financial costs for taking the case to the tribunal is often unsupportable, unless she belongs to the privileged few or if the costs are supported by an NGO providing legal assistance. However, even if she is aware and have the funds supported, many choose not to take the case to justice due to pressure from customary beliefs and practices and fears of what her taking it to court might bring in form of actions from the in-laws that could hurt the well being of the children. Hence, *the question of access is complex and several factors need to be addressed in order to facilitate women's access to justice.*

In the case of GBV, women are totally marginalised. Access to justice is very limited. According to the law 0018-0019 of 20 July 2006, sexual violence has to be treated within the formal court system. This is unfortunately very seldom the case. The reasons for this are many³³:

- Stigma and shame which make many reluctant to report;
- Lack of resources and capacity of the police. In case the perpetrator is not known to the survivor, the likelihood that the perpetrator is identified is very limited since the police lack resources and competence for conducting investigations;
- Poverty and lack of funds to pay for the legal procedures;
- Lack of trust in the justice and prison system, knowing there is a high risk that the perpetrator bribes his way from a conviction – or if he is incarcerated – bribes himself out of – or manage to escape from prison. This lack of trust has now become one of the most important factors making survivors reluctant to take their cases to court according to CSOs working with legal accompanying, even more important than the stigma itself.
- A tendency of the families to come to an amicable agreement (if the perpetrator is known), in which the perpetrator and/or his family pay a fine to the family of the survivor (see below).

Gender and customary law

As stated initially, customary laws differ very much from one part of the DRC to the other and there is a lack of studies that have analysed various customary laws especially from a gender perspective. While customary laws not only are detrimental to the interests of women or in conflict with the formal justice (see chapter 1) many women organisations emphasise the weakness of customary laws in protecting women's rights. Men tend to be more positive to customary laws than women within women organisations. As exemplified above with the case of SGBV, these crimes are often solved in customary laws through a transaction between the families (either cash or in kind). While this could be seen as some kind of justice and punishment, the negotiation is often something which involves only the males in the household and the survivor is seldom involved or consulted in the process. Many survivors that have been exposed to this so do not consider that they got justice.³⁴

There is a need for research analysing various customary laws from a gender perspective. Some studies are already ongoing, conducted by

³³ The following factors have mainly been identified in the interviews with the women organisations consulted, including rape victims themselves.

³⁴ Interviews with women organisations working with legal assistance for women.

local women organisations or within other settings, such as REJUSCO, but more such initiatives are needed. And these efforts should not only be limited to studies of customary laws in the East.

Gender and transitional justice

Transitional justice is a response to systematic or widespread violations of human rights, including approaches such as criminal prosecutions, truth commissions, reparations programs, security system reform or demobilization efforts. Gender in transitional justice tries to bridge the gap in analysis of specific gender based crimes and women's participation in the justice processes. Ignoring the gendered pattern of human rights violations and their enabling conditions skews and truncates the justice agenda for men and women by misunderstanding both the factors that shape and exacerbate rights violations and their long-term consequences.³⁵

Transitional justice mechanisms have been used in the DRC for reconciliation in different periods, but a wider systematic approach alongside a reform of the justice sector is currently not on the political agenda.

The UN³⁶ is currently carrying out a mapping exercise of human rights and international humanitarian law violations covering the period March 1993 to June 2003. The purpose of the study is to gather, analyze and publish evidence and to formulate options on an appropriate transitional justice mechanism. The final report is expected to be made public at the end of 2009. This might constitute an opportunity in regard of prosecuting gender based crimes committed during this period.

Lesbian, Gay, Bisexual and Transgender People's rights (LGBT)

Very little is known about the situation of LGBT people in the DRC. The constitution adopted in 2006 and the old Family Code do not mention homosexuality at all. Hence, at the moment it is not formally illegal/criminalised in national law. Since the new family code is still under revision it is not yet clear how LGBT rights will be in the future. While the constitution adopted in 2006 rules out same sex marriages, it does not otherwise mention LGBT lifestyles.

There is a large silence in relation to LGBT issues and rights in the DRC. There are no CSOs at all dealing with this issue and existing local and national Human Rights organisations show no interest in dealing with the question³⁷. (For violence against LGBT people see chapter 7)

Civil society initiatives

Civil society organisations, and especially women organisations, are very active in advocacy and lobbying for a reform of the judiciary that would integrate women's rights and for the implementation of all the

³⁵ Vink et. al, August 2008, Living with Fear: A Population-Based Survey on Attitudes about Peace, Justice, and Social Reconstruction in Eastern Democratic Republic of Congo. Human Rights Center, Payson Center, ICTJ

³⁶ The United Nations Mission in the Democratic Republic of Congo (MONUC), United Nations Department of Peacekeeping Operations (DPKO), the Office of the High Commissioner for Human Rights (OHCHR), the Department of Political Affairs (DPA), the Office of Legal Affairs (OLA) and the Office of the Special Advisor on the Prevention of Genocide

³⁷ When asking local Human Rights organisations about the issue and whether such organisations existed the most common answer was "no, and we hope there won't be any either", an indication itself of the resistance in dealing with LGBT rights.

international documents ratified by the DRC. Organisations of women lawyers and judges have contributed to the drafting of national action plans against sexual violence and sensitisation of university law students on gender issues are foreseen by civil society organisations in the justice reform plan. There are also women's organisations focusing on bridging the work on women's rights with customary law, and therefore addressing traditional leaders in their information work on women's rights.

In the conflict-ridden eastern parts of the DRC, associations defending the rights of women and victims of sexual violence face difficult working conditions and are subject to threats and attacks by all parties to the conflict. They face stigmatization and are often accused of collusion with a party to the conflict. Women defending the rights of sexual violence victims are often accused by the communities of 'wanting to take the men away' and marginalized. Their children and other family members are also targeted by reprisal acts and in some cases killed. Human rights defenders most at risk include women defenders and defenders fighting impunity for the most serious crimes (especially defenders supporting the work of the ICC).

Governmental initiatives

The government has launched a series of initiatives that move in the right direction. The Ministry of Gender has, for example, created an Observatoire des Violences Faites à la Femme as well as a *Fonds pour la Protection de la Femme*. It took five years to develop the ten-year Action Plan for the Justice Reform (PARJ), which is ready since 2007 and followed up by the Comité mixte de la Justice (CMJ). The plan entails some gender relevant initiatives, such as a women's quota for the upcoming recruitment to the justice sector and sensitization on sexual violence. The first phase of the reform process has however not really started, due to lack of political will and high ranked staff turnovers at ministry level.

The Government of the DRC facilitates visits of the UN thematic special rapporteurs and EU Special Representatives, but MONUC human rights officers generally do not have access to certain penal institutions of the National Intelligence Agency, the Special Police, the Republican Guard, and military intelligence, and they are prevented from visiting certain prisoners. The DRC, along with the African Group, also resisted a call by the EU and NGOs to renew the mandate of the independent expert of the Human Rights Council in 2008 and 2009. The reporting under core UN treaties remains unsatisfactory due to a lack of political will but equally due to a lack of technical expertise and capacity to produce such reports³⁸.

Recommendations

1. Encourage justice sector reform and fight against corruption

The widespread corruption of the judicial system is particularly disadvantageous for women. Tremendous efforts have to be put in truly reforming the justice system. It will, however, be very challenging as the corrupt judiciary is one of the main tools aiming at maintaining the system of governance developed by Mobutu and his successors. This is a highly

³⁸ EU Human Rights Fact Sheet DRC 2009.

sensitive issue, and a firm dialogue with the government is necessary on that topic.

2. Support programs of capacity building to justice professionals

Restoring justice facilities is important and necessary, but it is even more important to strengthen the capacities of the different justice professionals. According to the international actors involved in working with the judiciary in DRC, the lack of competences is a serious problem, and more notably regarding sexual and gender based violence. Supporting efforts in educating all staff involved in the justice sector, from police officer to judges, should be a priority.

3. Support initiatives of sensitisation on women's rights at the grass root level

A large proportion of women and men do not know their rights, especially in rural areas. Supporting information campaigns at grass-root level is a key condition for reducing gender gaps in access to justice.

4. Support initiatives on gender and customary law

Working on changing attitudes and norms promoted by the customary power is a major challenge. It is of utmost importance to support programs aiming at targeting customary chiefs in changing discriminatory norms against women. This will request a long-term commitment from the donor community. There is equally a need for comparative analyses on customary and modern law in order to identify the contradictions and the possible bridges between the two systems in regard of women's rights.

6. Gender and the Socio-Economic Situation

Gender and poverty

Despite tremendous natural resources, poverty is largely widespread in DRC and hits men and women, boys and girls. The population in DRC is young (41 percent is less than 14 years old, while only 4 percent is older than 60). With a GDP per capita slightly above 800 US\$ (which corresponds to one seventieth of Botswana's, UNDP, 2008), the DRC is one of the poorest countries in the world. Around 73 percent of the population does not get the minimum caloric intake, while the average for Sub-Saharan Africa is of 33 percent (FAO, 2008). But poverty hits women and men differently. In a country where 21 percent of households are Female-Headed Households (FHH), the Human Development Index (HDI) shows that women's GDP per capita is much lower than men's (488 US\$ respective 944 US\$, in Purchasing Power Parity, UNDP 2008). There are many factors that influence the gender gap in DRC. We have already analysed the power structures and the institutions that create and promote norms in the society (Chapter 1). We will further look at their consequences on the education sector, the labour market and the access to credit before focusing on the primary sector.

Gender and education

Girls have much less access to education than boys. Today's average rate of schooling is of 36.2 percent for boys and of 24.3 percent for girls (UNDP, 2008). According to the Demographic and Health Survey (DHS-RDC), 28 percent of Congolese women respective 14 percent of men have never attended school. For the 15–49 age class, the proportion of women without any instruction is four times higher than men's (21 respective 5 percent). The proportion of boys and girls who have completed their primary education is almost similar (62 respective 60 percent), but the gap gets wider as the level of education gets higher.

Access to education varies greatly between rural and urban areas. While urban families seem to be rather gender sensitive, the education of boys is privileged in poor rural families. Yet, school fees are usually very low in rural areas. Interviewees in Equateur and in South Kivu told us that they had to pay 2 US\$ as entry fee, and a monthly fee of 1 US\$ to send each child to school. Most of the families cannot afford to send all their children to school, and they operate a strategic and very rational choice. While older boys are attending school, young girls are engaged in performing household and/or agricultural tasks. This is explained by the fact that girls are supposed to get married and leave the family, while boys are expected to support their parents throughout their life.

Socio-economic dimensions of marriage and dowry

There are three kinds of marriages in DRC: the customary marriage between families, where some kind of bride price or dowry is given, the marriage in front of civil authorities and the religious marriage. The only marriage that entails legal rights of inheritance and division of common possessions in case of separation is the civil marriage. Traditional or customary marriage is however obligatory and must be completed before a civil marriage can take place. The level of the dowry is however not regulated by law. In urban areas, increasing dowry levels has started to constitute a great problem as it has become an income generating strategy. In a context of widespread poverty and unemployment for young men, it makes it very difficult for young couples to get married, and it has also led to an increase of “*come-let-us-stay-together-marriages*” (yaka tofanda). Moreover, according to some organisations we talked to, many young men who cannot raise the money for the dowry prefer to “make their girlfriend pregnant”, which allows them to stay together without having to pay a high bride price³⁹. A problematic aspect of the “*come-let-us-stay-together-marriages*” is that it entails no legal rights for any of the parties. However, women tend to be especially vulnerable due to their (generally) lower economic status and due to the fact that the house is often owned by the man. In case of separation or death, the woman has no rights to inherit the man’s possessions. The meaning connected to dowry in terms of marital power relations vary greatly from one region to another. Even though the symbolic meaning of the dowry is not favourable to women, it does not mean (in most contexts) that the woman is considered a possession of her husband and/or that he can treat her in any way he pleases. As developed in chapter 7 for example, if domestic violence is severe, the woman’s family often intervenes. Moreover, if the man is not able to support his wife and their children, the woman may sometimes go back to her family, either as a result of her own or of her family’s wish.

Gender and access to labour market

In DRC as in many Sub-Saharan countries, access to labour market shows large gender gaps. It is, however, difficult to systematically analyse them due to few employment market data and the almost total lack of sex-disaggregated data. Nevertheless, by virtue of the nature of power structures and lower access to education, women have less access than men to qualified jobs. At the same time, the DHS shows that in the 15–49 age class more women are active than men (64 respective 61 percent, DHS-RDC 2008). It varies in function of the place of residence, the level of education and class belonging. Both women and men are more active in rural than in urban areas (77 respective 49 percent for women and 63 respective 59 percent for men, DHS-RDC 2008). The difference in women’s activity between rural and urban areas is striking, and tends to reinforce the marginalisation of women on the employment market outside the primary sector. Women are mostly active in the primary sector (around 70 percent) and in retailing and services (25 percent). Men are as also mostly active in agriculture (48 percent), but to a lower extent than women. Moreover, and as shown in the table below, the higher the education level, the lower the activity.

³⁹ Interviews with women’s organisations, Kinshasa. This phenomenon depends, however, on regional and socio-economic contexts as well as on traditions.

The wealth of the household is also a key determinant. Women are more active than men in the poorest households (80 respective 67 percent), while the proportion is reversed for the wealthiest households where men are more active than women (55 respective 42 percent). Finally, only 28 percent of active women receive a salary. For the other ones, it is either a mix of cash and in kind (42 percent), or only in kind (13 percent). A striking 17 percent of women do not receive any compensation for their work (DHS-RDC 2008). Unfortunately, the conditions of payment for men are not known.

Table 2: Access to labour market in function of level of education

		Level of Education			
		No Education	Primary	Secondary	Superior
Level of Activity	Women	80%	69%	52%	36%
	Men	70%	64%	59%	na

Source: DHS-RDC 2008

Gender and access to credit

It is difficult to develop a well-informed analysis without access to reliable data, whether at national or provincial levels. However, according to the information collected in the field, the situation of access to credit depends largely on the type of economic activities. Most of the micro-credits institutions tend to focus on small-scale trade, while agriculture credits are almost not institutionalised at all. It varies as well strongly from one province to the other, depending on the vitality of trade and on the level of development of cooperatives or peasant associations. Access to credit varies as well within each province depending on the proximity to an urban centre and depending on the security level. In Equateur, for example, credit institutions are more or less totally inexistent outside Mbandaka and the other main urban centres. In town, access to small credits has led to an intensive market gardening. In North and South Kivu, on the contrary, credit activities were developed already since the 1970s and the increase of development NGOs, until the wars changed the deal. The lack of institutionalised access to credit in agriculture is largely due to the low level of income generated by activities in the primary sector. It is thus considered as too risky by credit institutions (they represent only around 3 percent of all credits in South Kivu, for example). This is more unfavourable to women as they are more active than men in agricultural work.

Again, we have not come across any sex-disaggregated data neither at national nor at provincial level. However, a study realised in South Kivu and published by International Alert in 2009⁴⁰ contains some elements of interest. Not surprisingly, the trade sector (including retailing) receives more than 80 percent of the credits. While there is no difference in the proportion of men and women having access to credit, the volume of credits is largely in favour of men (60 respective 40 percent). The problem is that most of the credits granted to women are low (around 10 US\$), and have a very short reimbursement span (maximum a week). The interest rates are high (around 3 percent), and many wom-

⁴⁰ International Alert-LEAD, "La femme comme objet d'exploitation socio-économique dans la dynamique des guerres au Sud Kivu", International Alert, 2009, 70 pages.

en cannot afford to reimburse in time because their retailing activity is not generating enough incomes. Moreover, there is a strong tendency not to grant micro loans to the poorest families, although the basic principle of micro-credits is to alleviate the living conditions of the neediest. Insecurity in the Eastern provinces has also deteriorated the conditions for access to credits, as around 60 percent of the loans granted during the period 1998–2004 have not been reimbursed (International Alert, 2009).

Gender and agriculture/forestry

Around 70 percent of the population (45 million people) is directly depending on agriculture and forestry in DRC. Yet, only 10 percent of the country's potential in the primary sector is exploited. With less than 13 500 ha, the irrigated areas correspond to 0.3 percent of the available potential (UNDP, 2008). In DRC, women are the main household food producers, also in Male-Headed Households (MHH).

Gender and access to land

In DRC, land tenure and/or land property are traditionally managed by customary power. Due to the availability of land, it is generally not a major source of conflict, except in areas where demographic and economic pressure on land is high (mountainous Kivu, for example). Statutory laws are not yet fully implemented, and when they are, they tend to conflict with traditional norms. Land property forms vary a lot from one province to the other, depending mainly on customary traditions and pressure on the land. In the forest areas in Equateur, the land is the property of the family clans, while in many other areas – both savannas and forest areas – land is distributed among communities by the customary chiefs. In many areas, there is a clear lack of adequate provisions for women to hold land rights independently of their husbands and other male relatives. Many Congolese cultural traditions prohibit women to own land. This is particularly problematic in DRC where many traditional family structures have been dissolved following a succession of armed conflicts during the last ten years.

This issue of land rights is rendered even more problematic by the fact that women's right to inherit their husband is often denied by traditions. In that case, the family of the late husband is entitled to decide upon the use and the dividing up of the inheritance. There are a few signs of change promoted by local NGOs, which fund access to small properties for women (1 to 2 acres), for example in the Bushi area of South Kivu. However, this change is limited, and a female ownership of land is even considered as unthinkable in many communities. The land tenure is provided to women by customary provisions considering their status as family members (wives, mothers or sisters). Access to land is more hazardous in areas with high population densities, such as in some territories of Bas-Congo and South Kivu, in suburban areas characterised by demographic pressure and more or less formal settlements, as well as in areas where agricultural activities are in conflict with other economic use of land (mines, large scale forestry exploitation). Amplified pressure on land entails longer distances to the fields, and thus increased unpaid working hours and transport related expenses. Women are more directly victims of this problem than men.

Gender and repartition of tasks

There is a clear division of tasks between men and women. Typically, women's working days are much longer than men's, due to a greater number of tasks to perform. Women get up earlier to clean the house and its surroundings (except in some forests areas, where men are responsible for freshening-up the courtyard), they warm up left food for the family, and then walk to the field alone or together with their husbands if their presence is necessary. In most of the cases, men do not cultivate, but they prepare the soil, ridge and cut dead firewood for cooking. Once the work in the field completed, women collect forest products (mushrooms, honey, spices, medicinal and other cooking plants), which play a tremendous role in food consumption and constitute a complementary form of income. Then they carry the firewood (which represents 68 percent of all energy sources for cooking), the forest products or the harvesting back home, as carrying agricultural products is not seen as a masculine function.

Women are responsible for cultivating, harvesting and marketing the production. The few exceptions to this rule concern the highest income generating crops such as maize and some vegetables, such as, for example, tomatoes in the Ruzizi plain of South Kivu. Maize or vegetables are less cash generating than manioc on a single harvest, but as there are two harvests per year instead of one for manioc, providing thus higher incomes, men have a strong economic incentive for cultivating and selling these crops.

Gender and access to market

There is unfortunately no available data on access to market. Agricultural products are almost exclusively sold by women, while men tend to retail other types of higher cash generating consumption products. However, more than being the expression of a gender gap, access to best agricultural market places seems to mainly depend on socio-economic factors. The poorest female retailers face problems in accessing the best market places because of high transport costs, but also because of a multitude of more or less formal/legal market taxes. In order to access the market, one first needs to purchase a Register of Trade at the Ministry of Economy. There are three categories, ranging from a yearly 250 to 500 US\$ (usually paid only by big retailers). Then one has to purchase a licence, which is paid at the municipality of the market (from 20 up to 100 US\$ every six months). For seasonal products, there is normally no need to pay a licence, but a series of taxes are raised based on the quantity of merchandise to be sold. Taxes have to be paid to the Communal Services, the Agricultural Services, the Services of Hygiene, the Intelligence National Agency (ANR), not to mention the never-ending bribes to any kind of persons wearing a uniform and other state officials. The average surface cultivated by a majority of women is less than 1 ha, with an expected production of manioc of 40 bags. According to our estimations, and taking into account all these costs, the income generated per 70kg bag of manioc sold 50 US\$ on a market in Kinshasa or Bukavu reaches around 10 US\$ only. In the best case, the yearly production of manioc is thus generating a maximum income of 400 US\$ per hectare. This level of income is much lower for the poorest women who do not access the market and sell their production on the road to a lower price, as well as for a majority of peasants living

far away from market places. They tend to sell their production to a lower price to retailers who fetch them on the production sites.

In other words, the incomes generated by women in the primary sector are very low compared to the amount of work performed. Added to the time spent on non-income generating activities in the households, it explains the greater economic vulnerability of women in Congolese rural areas.

Government Initiatives

Agriculture is managed by the General Secretariat of the Ministry of Agriculture, with services and divisions in each Province, as well as by Provincial ministries. There still isn't any Agriculture Code that should define the agricultural policy in DRC. A project has been developed by the *Coopération Technique Belge* (CTB) in collaboration with the Ministry of Agriculture and civil society organisations. The government has, however, produced a *Note d'Orientation Agricole* that shall be used by each Province to develop its own agricultural policy. Unfortunately, it does not address gender issues.

Civil society initiatives

Civil society organisations are very active in promoting rural and economic development. It is fair to say that the associative movement in South Kivu is the forerunner of civil society in DRC, especially from the beginning of the 1980s. Few initiatives had indeed taken place before. It was, however, the case of the *Comité Anti-Bwaki*⁴¹, created in 1965 in order to complete the action of missionaries in the health sector with development projects involving the population. The years 1970-1980 marked the explosion of development NGOs in South Kivu and in other parts of the country. An important factor in this process was the restructuring of church development services. From 1980-1982, indeed, Protestant Churches developed their own technical groups, the *Groupes Techniques d'Encadrement Régional* (GTER), in order to coordinate their different development aid initiatives. The Catholic Church did the same with its *Bureau Diocésain de Développement* (BDD), which in Bukavu turned into a true operational development NGO. At the end of the 1970s, Development Committees were created at village level, following a reflection on the need to involve the population in development projects. Exchanges between the BDD, the Comité Anti-Bwaki and Solidarité Paysanne developed, and this group opened to other operational NGOs. Organisations like the *Action pour le Développement Intégré du Kivu* (ADI-KIVU), the *Coopérative Centrale d'Épargne et de Crédit* (COOCEC) and the Syndicat d'Initiative de Kasha (SIKASH) joined the movement, and a reflection was undertaken on the type of framework in which all these organisations might collaborate. Finally, the label "Conseil Régional" was used, and the first *Conseil Régional des ONG de Développement* (CRONGD) was born. Nowadays, the CRONGD are present in each province, but they face many problems and they are, for example, almost dormant in Equateur. The number of development NGOs has been booming in the last ten years to such an extent that doing a proper actors' mapping (meaning mapping actors that are really active on the ground) would require a specific effort. There are a

⁴¹ Also known as kwashiorkor, the Bwaki is a disease linked to malnutrition, touching particularly children.

large number of peasants organisations, whose nature vary from place to place, some of them transforming into production and retailing cooperatives.

Recommendations

1. *Support to education:* The low level of education of women is a serious obstacle to poverty alleviation and to the reduction of gender gaps. Supporting the education sector at provincial level and making sure that education is really free at least until the secondary level might be a first necessary step. It might as well necessary to support alphabetisation campaigns for adults targeting both men and women, especially in remote rural areas.
2. *Reform of tax system and support anti corruption initiatives:* As mentioned earlier on, there are too many taxes that are not reinvested in producing social services or developing infrastructures, but which instead feed a widespread corruption system. However, fighting corruption that is developed at every single level of the Congolese society is a very complex issue, as it has become the foundation for the entire economic life. Corruption is not only the matter of high ranked officials who participate to the impoverishment of the country. It has become a system that allows millions of people to survive. We nevertheless believe that a well-targeted reform of the tax system, and its close monitoring, imposed to low-scale agricultural producers is a step towards increased incomes and safer lives for a majority of peasants, especially for women who tend to be small producers with less profit margins and thus more vulnerable to excessive legal and illegal taxes.
3. *Support to initiatives aiming at reforming land rights et customary laws:* A majority of women suffer tremendously from the lack of rights to the profits from the use of land and the sale of the agricultural or forestry products, as traditions empower men to decide upon the use of household's money. It is necessary to support local initiatives aiming at changing women-unfriendly traditions (inheritance rights, use of financial means of the household, etc.) This type of attitude change will however take a long time, and it thus requires a long-time commitment.
4. *Support to micro credits:* Lack of access to micro-credits and high level of interest rates are a crucial problem in the primary sector. The donor community might want to consider supporting credit institutions, using lessons learned from successful experiences in other countries and adapting them to the local economic and cultural conditions in DRC.

7. Gender-Based Violence

This chapter addresses various forms of Gender Based Violence (GBV): sexual abuse in conflict and post conflict situation; Survival Sex/sex as a commodity, domestic violence, GBV due to Harmful Traditional or Customary Practices, and violence against LGBT people.

Sexual abuse in the conflict and post conflict situation

As is widely known the conflicts in the DRC have been characterised by a massive amount of sexual violence. It is impossible to assess the real number of cases as figures provided by different agencies and organisations are often incoherent and contradictory. The Ministry of Gender estimates that over one million rapes have been conducted since the beginning of the conflict. Many survivors live in inaccessible areas and many are afraid to report because of the stigma and fear of revenge from the perpetrators, and there is no common coordinated reporting system. Sexual violence has continued – perhaps even increased – after 2006 and always rises drastically in times of increasing insecurity and armed violence. Sexual violence is and has been committed by all Armed Groups, including the various militia groups (FDLR, various Mai-Mai militias, CNDP, LRA, etc.) and the State Security Forces (i.e. the Forces Armées de la République Démocratique du Congo (FARDC) and the Police Nationale Congolaise (PNC)). According to MONUC, armed perpetrators are responsible for 81 percent of reported cases in conflict zones and for 24 percent in non-conflict areas (2008). Other recent figures from UNFPA from South Kivu suggest that 61 percent of the sexual violence committed in the first three months of 2009 were committed by men in uniform. According to figures for North Kivu for the first semester of 2009, 29 percent – of a total of 2217 reported cases – were committed by militia groups, 24 percent by the FARDC and 37 percent by civilians⁴². It is, however, very difficult to estimate the level of sexual violence committed by the various armed groups including the state security forces since the background of the perpetrator is not always known to the survivors. Moreover, there is often a tendency to put the blame and identify one party rather than others.

The conflict-related sexual violence has naturally been concentrated in the provinces mostly affected by the armed struggles in the East (the Kivus, Ituri and North Katanga). However, other provinces have also been affected by an increasing militarization. For example, the conflict in Bas Congo in 2008, with a massive police and military intervention to suppress the movement Budia Dia Kongo, also resulted in a dramatic increase in the number of rapes.

The consequences of sexual violence are numerous and dire. In addition to extensive physical and psychological injuries, especially fol-

lowing the most violent rapes, many survivors of rape (mostly women and girls) suffer community rejection and stigmatization, and are abandoned by their families. Sexual violence has also led to increasing levels of HIV/AIDS infection rates and other STDs and an increase in unwanted pregnancies. Moreover, the massive amount of sexual violence also results in increasing poverty and food insecurity due to physical and psychological consequences of the violence and due to increased fear which hinders women from working in their fields.⁴³

While women have been particularly exposed, one problematic aspect in the portrayal of sexual violence in the DRC conflict setting is the invisibility of men – other than in the perpetrator role.⁴⁴ Men are also raped in the DRC, as in most others conflicts, although the scale is largely unknown due to stigmatization and reluctance to report. Approximately 6 percent of the survivors treated by Médecins Sans Frontières (MSF) in Masisi are male.⁴⁵ The real rate in this territory and in other areas is most certainly higher due to special stigmatisation of male rape survivors. Moreover and importantly, many men and boys are being forced to rape their daughters, mothers, wives. When they refuse, they are punished (often by death). Also, men and boys are forced to watch their mothers, sisters, daughters being raped. There are also testimonies of men being forced to humiliating sexual acts (such as having sexual acts with objects publicly etc.)⁴⁶.

The rights and needs of men and boys in relation to sexual violence have been totally neglected so far. Apart from neglecting men's rights and needs also as victims and survivors (or non-survival due to resistance to rape under gun point), this very un-gendered reporting of sexual violence is problematic since it tends to strengthen already existing gender power inequalities through the stigmatisation and victimisation of women only. Men still appear in a position of power (as perpetrators or as rejecting their raped woman) unsullied by the stigma and shame of sexual violence.

Understanding Conflict-related Sexual Violence

Sexual violence in the DRC has mostly been explained as a “weapon of war”. Rape as a ‘weapon of war’ is widely understood to be an effective means to humiliate and punish the enemy by sully ‘his’ women/nation/homeland, and proving him to be an inadequate protector.⁴⁷ Sexual violence has and is used in that way – as a way to scare, punish and humiliate civil populations. However, while this does seem to be an important factor explaining part of the sexual violence in the DRC, it is

43 Cf. Human Rights Watch. 2002. *The War within the War: Sexual Violence against Women and Girls in Eastern Congo*. Available at <http://www.hrw.org/reports/2002/drc/> (Accessed December 11, 2007.) Omanyondo O., Bahananga M., Mamba W. 2005. *Women Bodies as a Battle Ground: sexual violence against women and girls during the war in DRC*. South Kivu 1996–2003. Réseau des Femmes pour le Développement Associatif (REDA; Pole Institute. 2004. ‘An open wound: the issue of gender-based violence in North Kivu’, *Regards Croisés Quarterly Magazine Crises* 11

44 For a discussion of this see Eriksson Baaz, Maria. & Stern, Maria. Draft manuscript a. (Un) Gendering the Subject of Violence: dilemmas, fears, complicity

45 InDevelop-IPM, June-July 2009, Assessment of Swedish Support to The Health Sector in the Democratic Republic of Congo, Draft Report.

46 Ibid. See also for example survivor testimonies in Ertürk, Yakin 2008; Horwood, C. 2007. *The Shame of War: sexual violence against women and girls in conflict*. Malta: OCHA/IRIN OCHA/IRIN 2007 and reports mentioned above.

47 See c.f. Stern, M. & M. Nystrand. 2006. *Gender and Armed Conflict: an overview*. Stockholm: Sida.

by no means the only one. Other elements are relevant, especially for understanding the violence committed by the State Security Forces (FARDC and PNC). The sexual violence committed by these forces must also be seen in a context of various factors, such as:

- The general state of the Army: sexual violence – as other abuses against the civilian population – should be seen as a manifestation of a dysfunctional and unprofessional Army with parallel and unclear chains of command and absence of measures and effective systems to prevent and punish sexual violence and other abuses against the civilian population.⁴⁸
- Familiar myths about male heterosexuality, masculinity, soldiering, and violence reproduced in the military context, in the DRC, as in many other military institutions globally, become particularly problematic in the DRC due to the general dysfunctional aspect of the Army (see above).⁴⁹
- The widespread impunity which is manifested in a general normalisation of sexual violence. Especially problematic is the lack of prosecution of high ranking military officials, both for crimes they have committed themselves but also for command responsibility⁵⁰;
- Traumas created through the over 10 year long conflict especially among current and former child soldiers who often themselves have been victims of terrible acts of violence. Many former child soldiers are now integrated in the FARDC or the PNC;
- General frustration and anger among military and police, especially among lower ranks arising from the extremely poor living conditions. Conflicting civil-military relations and strong feelings of being misunderstood and looked down upon by civil population also contributes to the sexual violence through a perceived need to punish and reinsert authority and power. Moreover, general feelings of failed masculinity, which often manifests itself in efforts to regain masculinity and power, seem particularly high in the Army and the police.⁵¹

The relation between the conflict-related sexual violence, sexual violence in general and before the conflict is very difficult to determine because of the absence of research in this area before the war. Surely, sexual violence constituted a problem in the DRC before the war, as in many other societies. There is however nothing that suggests that sexual violence was especially severe in the DRC before the armed conflicts erupted compared to other countries. Most of the local women and human rights organizations attribute the large amount of sexual violence to the armed conflict. Additionally, they also point to the disintegration of traditional authorities and communal structures following

48 Cf. Human Rights Watch. 2008. *Soldiers Who rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*; Eriksson Baaz, Maria, and Maria Stern. 2008. "Making Sense of Violence: Voices of Soldiers in the DRC." *Journal of Modern African Studies* 46 (1): 57–86; Hoebeker, Hans, Boshoff, Henri & Vlassenroot, Koen, November 2008, *Assessing Security Sector Reform and its Impact on the Kivu Provinces*, ISS

49 Cf. Eriksson Baaz, Maria, and Maria Stern. 2009. "Why do soldiers Rape.? Masculinity, Violence and Sexuality in the Armed Forces in the Congo (DRC)", in *International Studies Quarterly* (2009) 53, 495–518

50 Human Rights Watch. 2008. *Soldiers Who rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*

51 Eriksson Baaz, Maria, and Maria Stern. 2008. "Making Sense of Violence: Voices of Soldiers in the DRC"

the war as one contributing factor to the high levels of sexual violence. While most rape cases before the war – as now – never reached the courts, rape was considered a serious crime in most parts of the country. The crime of rape was seen as directed not only (or even primarily) against the individual woman or girl, but against the family and was punished in different ways (compensation and/or shaming processes). After the outbreak of the war, these traditional systems have disintegrated and been replaced by total impunity at all levels, which contributes to the normalisation of sexual violence in the communities.

As concluded above, there is very little documentation on the scope of non-conflict sexual violence. Recent data suggest that an increasing amount of rapes are now committed by civilians.⁵² It is not clear, however, whether this should be interpreted as a result of a general normalisation of rape in society, or whether these rapes are committed mainly by demobilised soldiers. The stigma related to rape varies from context to context in the DRC. As in many other contexts, rape itself is often blamed on the victim her (him)self (i.e. that she brought it upon herself by the way she dresses or being outside the house at improper hours etc.) Again, sexual violence against men and boys is very taboo and since very few reports are available, it is difficult to assess the extent of this.

Survival and transactional sex

As in many other conflict and post-conflict settings, an increasing number of women and girls (but also some men and boys) especially in the conflict areas, are resorting to prostitution in order to survive. The background of these women and girls are diverse, but to a large extent connected to the armed conflict: survivors of sexual violence that have been abandoned by the families, women and girls associated with armed groups (often abused while they were in the armed group) who have been neglected in the DDR processes and find no other means of survival, women and girls whose families have been killed in the conflict, including IDPs, etc.⁵³

The increased presence of international staff, in particular the peace keeping troops (MONUC), has also triggered an increase in survival and transactional sex. As documented in several reports, MONUC personnel have been involved in sexual exploitation of Congolese women and girls (women and girls received food, money or protection in exchange for sex⁵⁴). All the attention has been focused on the MONUC, but it is important to point out that other international staff working both for major international donors and smaller International NGOs are also involved in this type of sexual exploitation.

However, women organisations have noted an increase of transactional sex outside the main conflict areas during the last years. Many, especially young women and girls, resort to transactional sex in order to make a living and succeed in school by having several partners at the same time (paying school fees, getting grades, paying for rent, telephone credits, food, clothes, etc). According to women youth/university associations, this practice has become more and more normalised during

⁵² Cf. Erürk 2008

⁵³ Interviews with women organisations in South Kivu.

⁵⁴ Human Rights Watch. 2004, *MONUC: A case for Peacekeeping Reform. Testimony of Anneke Wan Woudenberg*; Higate, Paul 2004, *Gender and Peace Keeping: Case Studies: The DRC and Sierra Leone*, ISS Monograph No 91

recent years, also among university students. While some men and boys contribute to meeting their living costs in this way (by relations to wealthier women)⁵⁵, it mainly involves girls and women as it is related to gendered ideas of sexuality (i.e. male sexuality and access to sexuality as linked to lust and his resources, while female sexuality is connected mainly to economic interests and the ability and willingness of the particular man to provide for her)⁵⁶.

Domestic violence

There is no statistics on the level and nature of domestic violence (for domestic violence and legal framework see chapter 2.). The interviews conducted suggest that the level of domestic violence is very different from one region to the other, as well as within regions. It primarily depends on women's power and status in the concerned areas. For this reason it has been suggested that it is more widespread and common in the Kasais compared to, for example, Bas Congo. The level of domestic violence also seems to be particularly high in families of Security Sector staff.⁵⁷

In some parts of the DRC, a certain level of violence (though not severe or life threatening) is considered a normal part of marital relations. However, if the violence is severe, the woman's family sometimes intervenes and the matter is dealt with between the two families. Sometimes, if the discussions do not result in changes of behaviour, the woman moves back to her parents' family. Domestic abuse in which the woman hits the man is very taboo and shameful. It is very rare that cases of domestic violence go to court. This is mostly the case when the violence resulted in the death of the victim.⁵⁸ Rape within the marriage is not viewed as a crime (even if it is criminalised according the law on sexual violence) and is neither treated between families or within the court system. Domestic violence against women in the DRC should be understood, as in many other contexts, as a consequence of factors such as:

- The general subordination of women linked to ideals of masculinity (superior/head of the family) and femininity (inferior/submission) and domestic violence as a way to reproduce and maintain power relations.
- Feelings of failed masculinity due to difficulties to live up to certain ideals of masculinity – in particular that of the provider role (especially for men in urban areas) - which is manifested in efforts to regain power and masculinity.
- Women's limited economic power, which limits her choices (i.e. economic possibilities to leave abusive relationships).
- High stigma in relation to women leaving abusive marriages due to gender stereotypes (see above) and the value attached to marriage, for both men and women, but particularly for women.

⁵⁵ Younger men living off wealthier older women are a familiar figures in popular culture, often going under the name "Marios" emanating from a song that the artist Franco released in the 1980s devoted to (mainly mocking) these men.

⁵⁶ Interviews with women organisations in Kinshasa and Bas Congo.

⁵⁷ Experiences from working with security sector staff and their families through EUSEC projects.

⁵⁸ Ibid.

Gender-Based Violence due to Harmful Traditional or Customary Practices

Female genital mutilation is not a customary practice in any region of the DRC, but might be practiced in some immigrant communities. Violence in the Name of Honor (VNH) is not very common. While some domestic violence (see below) can be related to ideas of honor and dishonor to the family (e.g. a wife accused of adultery or a girl having sexual relationships not approved by the family) it does not have the same meaning as in other contexts in which it is practiced. However, the customary practices in the DRC vary a lot and just as the level of domestic violence varies, there is also a disparity in violence-related ideas of honor and dishonor within the country.

Violence against LGBT people

As concluded in chapter 5, little is known on the situation and rights of LGBT people in the DRC. Due to the general silence and lack of investigations, it is very difficult to assess the level of violence against LGBT. The MONUC Human Rights Division database has no reported cases on violence against homosexuals or on illegal detention. However, this might mainly be interpreted as an indication of the general silence and stigma surrounding LGBT rights. At the same time, interviews still indicate that while the resistance against LGBT formal legal rights is strong within existing Human Rights organisations and networks (as within society at large), tolerance in particular for transgender people who become more and more visible in urban landscapes, seems quite large and the level of hate crimes against these groups does not seem to be very high at this moment of time. However, more in depth research on the situation and rights of LGBT people in the DRC is needed.

Government initiatives

As developed in Chapter 5, on 20 July 2006 the Government promulgated a special law against sexual violence providing stricter terms for those convicted and stating that all cases must be treated within the formal justice system. However, the political commitment to implement the law is quite low. (see chapter 5). The Ministry foresees the creation of a specialized agency on violence against women, focusing particularly on the preventive aspects but working also on the issue of compensation to victims. Other initiatives concern the setting up of a fund of promotion and protection of women and the creation of local '*Conseils sur l'état de la femme*'.

While initially not a government initiative, the UN *Comprehensive Strategy on Combating Sexual Violence in the DRC*, which was launched together with the Government on 1 April 2009, is an important step forward in combating sexual violence. The aim of the Strategy is to create a common framework and platform for action for all those involved in combating sexual violence in the DRC. One of the main objectives of the UN in implementing the Strategy is to strengthen the Government's role in preventing sexual violence. The Strategic Components are: 1) Combating Impunity for Cases of Sexual Violence; 2) Prevention and Protection of Sexual Violence; 3) Security Sector Reform and Sexual Violence, and 4) Multi-Sectoral Response to Survivors of Sexual Violence.

Civil Society initiatives

A large number of local and national NGOs and networks are involved in the fight against sexual violence, especially in the Kivus. Most of them are working with support to survivors through transmitting them to medical centers for care and psychological assistance. They also provide education and micro-credits for survivors rejected by their families, and they undertake reconciliation efforts to rejoin the survivors with their families. Some focus their work more towards prevention. However, this work is mainly restricted to information campaigns on sexual violence and the rights of women. Fewer work in the area of prevention through legal accompanying and longer-term gender equality work. The focus on service to victims rather than prevention reflects the priorities of international donors.

Recommendations

More resources need to be directed to prevention of GBV, recognizing that prevention requires a long-term commitment:

1. *Support to SSR*: Support to SSR acknowledging that sexual violence committed by the State Security Forces – is one manifestation (of many others) of a non professional, dysfunctional army:
 - Support to military justice and vetting mechanisms. It is particularly important here to bring forward prosecutions for high ranking military officials not only for the crimes they have committed themselves, but for command responsibility.⁵⁹
 - Support to other mechanisms sanctioning non professional/abuses and encourage high professionalism in sustainable ways (that will be possible/have implications) after the withdrawal of donor funds (such as income generation activities to soldier's families, etc).
 - Initiatives to improve civil-military relations
2. *Strengthen the judiciary*: Combat impunity is central not only to provide justice, but also for prevention, since current impunity leads to a normalisation of GBV, reproducing the idea that a woman has no right over her body.
3. *Support initiatives that aim at challenging oppressive gender norms*: Support initiatives that aim at challenging oppressive gender norms, not the least ideals of masculinity, in particular initiatives that target youth, involve men and boys and work towards central institutions reproducing gender stereotypes, in particular churches, State Security Forces and Traditional leaders, and involving them in the work.
4. *Increase access to micro-credits*: Direct Poverty Reduction Programming through micro-credits to empower and expand women's choices, preferably not only targeting victims of GBV. Community based approaches really incorporating a gender and GBV approach though information campaigns and legal assistance (and not excluding men) is preferable.
6. *Deal with gender based violence from a true gender perspective*: Deal with gender based violence from a true gender perspective, acknowledging also the role of men, not simply as perpetrators, but as victims/survivors. Doing this may also facilitate the general struggle against GBV directed towards women (see discussion above).

⁵⁹ Human Rights Watch. 2008. Soldiers Who rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo

8. Gender and Health

Background⁶⁰

According to the available data provided by the latest National Human Development Report (UNDP, 2008), the average life expectancy in DRC has been reduced from 45.5 in 1995 to 43.3 years in 2006.

Despite a decade marked by several armed conflicts that indirectly claimed the life of around 5 million people, the constant deterioration in the standard of living of a great majority of the population and the collapse of the public health sector, the (available) life expectancy figures do not show dramatic changes during the last fifteen years⁶¹. Yet, poverty and the legacy of fighting have led to a widespread malnutrition in DRC. Around 30% of children under 5 years old are moderately or severely underweight. According to a survey undertaken by the International Rescue Committee (IRC) in 2006-2007, the five principal causes of death are fever/malaria, diarrhea, respiratory infections, tuberculosis and neonatal conditions, together accounting for over 55 percent of deaths. Measles appear to be a significant public health threat in eastern DRC. This preventable infection is reported to have caused 9.9 percent of deaths in children under the age of five and more than 15 percent in Ankoro health zone in northern Katanga⁶². Incidence of malaria is significant as it is the highest cause of illness and death in DRC and it accounts for 30 percent of child mortality (WHO, 2005). Less than a third of Congolese households own a mosquito net, with great regional disparities (56 percent of households own a net in Bas-Congo, but only 13 percent in the Kivu provinces, EDS-RDC). The mortality rate for children under the age of five has increased from 192 per 1000 in 1990 to 213 per 1000 (SRSS, 2008 and UNDP, 2008), which is equivalent to an estimated 450.000 to 500.000 deaths each year for this age group. Needless to say, with such statistics, the DRC is far from achieving the Millennium Development Goal (MDG) objectives for 2015 (infant mortality of 36 per 1000 newborns, and under-5 mortality of 63 per 1000 children). Moreover, the DRC is one of the most Tuberculosis (TB) affected countries in the world. Although no reliable statistical figures are available, TB cases are reported to increase throughout the country, probably in line with the increase of HIV/Aids infected people (whose real number is problematic, as shown below).

60 A first Demographic and Health Survey (EDS-RDC) in the history of Congo was performed in 2007 by the Ministry of Plan in collaboration with the Ministry of Health: *Enquête Démographique et de Santé, République Démocratique du Congo 2007*, Ministère du Plan en collaboration avec le Ministère de la Santé, Macro International Inc, Calverton Maryland, USA, 2008, 482 p. It provides useful and, as far as we can judge, rather reliable data on the health situation in the country. These data might however be compared or put in perspective with other available sources, especially in conflict-torn provinces.

61 Current available statistics have to be taken with caution.

62 International Rescue Committee-Burnet Institute, *Mortality in the Democratic Republic of Congo: An Ongoing Crisis*, 2008, 21 p.

Gender Aspects of Health in DRC

With a respective average of 42.1 and 44.3 years, Congolese men and women have more or less the same life expectancy. Nevertheless, illnesses and diseases hit them differently, although it is difficult to have access to reliable sex-disaggregated data on general health conditions. Congolese women, however, are reported more affected by anaemia than men, with a respective proportion of 53 and 20 percent for the class of age 15–49 (EDS-DRC). Malaria seems to hit both men and women equitably, the problem being for pregnant women who do not have access to mosquito nets, as it puts them more at risk of dying from Malaria during pregnancy. In Mbandaka, for example, mosquito nets are only distributed to women who have been to a prenatal consultation (around 80 percent of women, leaving the remaining 20 percent without protection during nights, EDS-DRC).

Gender and HIV/Aids

The available data on average HIV/Aids prevalence vary from 1.3 to 5% in DRC⁶³, with strong variations between different risk populations as well as between different provinces. The real figures, as well as the complete impact of HIV/Aids on the health system, might be much higher. For example, the prevalence rate among female sex workers in Kinshasa is estimated at 30% (SRSS, 2008). In fact, figures about HIV/Aids prevalence shall be treated with caution, as around 90 percent of the adult population has never been tested (this proportion is identical for both men and women, EDS-RDC). This figure is even more alarming when it comes to young people, as only an estimated 4 respective 3 percent of young women and men in the 15–24 age class have been tested.

As in many other Sub-Saharan African countries, Congolese women are more vulnerable to HIV/Aids than Congolese men. The prevalence rate for the 15–49 age class is of 1.6 percent for women while it is of 0.9 for men. This leads to an infection ratio of 1.78 between men and women (compared to 1.50 in Uganda, 1.57 in Rwanda and 1.87 in Central African Republic, EDS-RDC). Women are more exposed in all age groups, except for the 15–19 age class where young men are reported more infected than young women (1.7 respective 0.7 percent).

The prevalence rate seems to be higher in urban areas than in rural areas (1.9 respective 0.8 percent), regardless of gender considerations (2.4 respective 1.0 percent for women, and 1.3 respective 0.6 percent for men). There are also regional disparities, the city of Kinshasa and the Eastern provinces having higher prevalence rates than the rest of the country. The average rates for the Eastern provinces are unexpectedly low and would require further research (2.1 percent prevalence rate for women respective 1.7 percent for men, EDS-RDC).

Information spreading about HIV/Aids might be questioned. According to the Health Survey, 97 respective 92 percent of men and women have heard about the pandemic, showing a higher number of informed men than women. Among non-informed women, the most vulnerable group is the 15–19 age class with 10 percent who have never heard of the pandemic. Regional disparities are striking, the province of Equateur seemingly being the least exposed to information about HIV/Aids. Moreover, having heard about the pandemic does not mean

⁶³ The EDS-DRC states an average adult prevalence rate of 1.3%, while the UNDP and the World Bank suggest an average prevalence reaching 5% of the population.

that the population is properly informed. Interviewing a community living around 50 km outside Mbandaka, we were told that the *Programme National de Lutte contre le Sida* (PNLS) had never visited the village. People had heard about the pandemic on the radio, but they did not know exactly what it was and how it was transmitted. In some remote areas of South Kivu, as for example in the Batembo community, the pandemic is associated with incestuous sexual relations and/or witchcraft. Moreover recent research shows that HIV/Aids is generally perceived to be different from other illness and an “*HIV positive test result is considered a death sentence.*”⁶⁴. Persons living with HIV/Aids are thought unable to control themselves sexually, and their illness is viewed as “*God’s punishment for bad sexual behaviour*”⁶⁵. Family reactions often turn towards rejection and abandonment because of the shame reflected on the family, community pressure to marginalise the person, and the economic burden it imposes on poor families. Congolese women are more vulnerable to this kind of behaviours than men. This is mainly due to perceptions of gender and sexuality. As in many other contexts, the connection often made between promiscuity (or “bad” sexual behaviour) and HIV infection is more stigmatising for women than for men.

Gender and Reproductive health

The maternal mortality, estimated at 850 deaths per 100 000 live births in 1985, is now reaching 1.289 deaths per 100 000 live births, which is one of the highest in the world. Around 36 000 women die each year during childbirth (SRSS, 2008).

Yet, and despite disparities with regards to the place of residence, the level of education and regional differences, according to the health survey, 85 percent of Congolese women have had access to an prenatal consultation. About 16 percent of women living in rural areas have not had access to a prenatal consultation, while this figure is slightly lower for women living in urban areas (7 percent) (ESD-DRC).

In remote rural areas, many more women do not have access to prenatal medical care. This is largely due to the fact that primary health care centres are far away (often more than 40 km in South Kivu and in remote areas of Equateur), but also to the costs involved. In Equateur province, for example, a prenatal consultation costs around 5 US\$ and the obstetric care 10 US\$. Taking into account the other households’ costs and the low level of incomes in rural areas (see chapter 6.) this sum can be insurmountable for many families. Moreover, the long distance to the nearest health care centre, the lack of proper information and family strategic choices on the use of scarce financial resources explain the low access to prenatal care. According to the interviewees living in rural areas of Equateur, Bas Congo and South Kivu, the decision to have recourse to a professional obstetric care is often taken too late. Some older women play the role of midwives in rural communities, although they have never received any adequate training. When the delivery is problematic, the women have to walk or cycle to the nearest health care centre. They often come too late. Moreover, there is hardly any education or sensitization on reproductive health in rural communities.

⁶⁴ Bokole, H, Olin, J, Lapika, BD, Behavioral research on perceptions of HIV/Aids in Congo (DRC), International Conference on Aids, John Hopkins School of Medicine, Baltimore, 2005

⁶⁵ Idem

Family planning

The birth-rate is 44 per thousand in DRC, while the fertility rate is estimated at 209 per thousand (EDS-RDC). Fertility begins at very early ages, as the fertility rate for the 15–19 age class is estimated to reach 124 per thousand. Menstruations are considered as a sign of adulthood, and a large number of girls are sexually active at the age of 13–14. During interviews with women groups in rural areas outside Mbandaka, we were told that it is not rare that young girls are exposed to sexual intercourse already at the age of 10–12. Parents usually blame it on poverty, and on the lack of authority on their children.

The peak of fertility is reached for the 25–29 age class with a rate of 271 per thousand. These figures correspond to an estimated average of 6.3 children per woman. Fertility is largely influenced by socio-economic determinants, such as the place of residence and the level of education. Not very surprisingly, fertility rates are higher in rural than in urban areas (234 respective 180 per thousand), and the maximum level of fertility in urban areas takes place at a later age with a peak for the 30–34 age class (252 per thousand), while in rural areas the maximum level of fertility is reached by the 25–29 age class (303 per thousand). The education level is a strong determinant, as the average number of children per woman with no education background is estimated at 6.1 compared to an average of 4 children per woman with a university degree.

Almost every woman and man has heard about contraceptive methods. However, their use is still very limited throughout the country. Attitudes towards family planning follow the same patterns as fertility trends. Women living in urban areas and educated women have more recourse to a contraceptive method than uneducated women and women living in rural areas. There are very strong regional disparities as well. While 42 percent of the 15–49 age class women living in union in Kinshasa have used at least one form of contraceptive method, only 13.8 percent of women from the same age class have used a contraceptive method in South Kivu and 16 percent in Équateur (EDS-RDC). Women tend to use traditional contraceptive (abstinence during fertile days during the menstruation cycle and withdrawal) methods (45%), while modern methods are largely underused (19%, EDS-RDC). Among modern methods, male condoms and the pill are mostly used.

The reasons explaining the high fertility rates and the relative low use of contraceptive methods are both economical and cultural. Families in rural areas tend to have more children as they represent a potential labour force, and the high levels of under 5 mortality rates partly explain the average number of children per woman. But high fertility is also largely the result of the average low level of education of the Congolese population, especially of women, combined with a limited exposure to information on efficient contraceptive methods. Finally, traditions play an important role. Women do not have the right over their bodies, especially in rural areas. They cannot refuse the sexual advances of their husbands. Moreover, according to the interviewees in Équateur, Bas-Congo and South Kivu, men usually decide upon the number of children in the household. More than half of Congolese women have never had any discussion with their partner on contraceptive methods or on the number of children in the household (EDS-RDC).

Abortion is something that is hardly talked about, as it is highly condemned by institutions producing social norms in DRC (mainly churches and customary laws). We have not come across available data, and abortion is not even mentioned in the Health Survey. Abortion is criminalised by law. The woman, the father and the doctor conducting the abortion can be subject to prison sentences. The only instance where abortion is permitted is when the mother's life is at risk. Unwanted pregnancy caused by rape does not permit abortions. Despite this, abortion is common, especially in urban private clinics. While there are some clinics which perform safe abortions, they are reserved for the richest part of the population. For most women, abortions is connected to a lot of risks and many die due to complications or are unable to bare more children after the abortion. In some clinics, abortions are performed until the 6th month of pregnancy if the person in question has enough money. Abortions are also common in rural areas. While there are clinics performing them in some areas, many abortions are made by traditional healers with herbal medication. In the case of late abortions, when the medication is often not successful in removing the whole foetus, it involves a lot of risks.

Given the rampant risks linked to maternity, child birth and abortion in the DRC, women's lack of control over their bodies and fertility is not only a health problem but also a security problem. It is also a core human rights issue.

Sexual and Gender-Based Violence (SGBV)

The collapse of the state and years of armed conflicts have led to disruption of capacity of the health system to deal with the increasing number of victims of SGBV. Health facilities lack appropriate infrastructure, adequate resources including human resources and medical supplies necessary for the provision of basic clinical care for victims of SGBV. Rape survivors face problems in accessing health services including access to secondary level care required for the management of physical traumatic complications (WHO, 2004). Sexual and gender-based violence lead to dramatic physical, psychological and social consequences. Physical consequences of sexual violence include injuries, fistulas, and sexually transmitted diseases including HIV/AIDS. Due to unwanted pregnancy, there is also a higher risk of unsafe abortions. In the eastern provinces only a few hospitals and health care centres offer services for women who are suffering from injuries caused by rape.

Government initiatives

Reorganising the health sector is a challenge in DRC, as it has collapsed together with the state since the Mobutu era. Public hospitals and primary health care centres are in ruins due to a lack of funding. Wages for the medical staff are low and they are not regularly paid. As a consequence, most medical doctors open or work in private clinics. Unfortunately, a large majority of the population cannot afford medical costs in private clinics. The General Secretariat of the Ministry of Health has developed a Strategic document for Strengthening the Health System in DRC, which was published in November 2008. It focuses on the following priorities aiming at revitalizing the Health Zones (Zones de Santé), which form the structure of the health sector in DRC:

- Development of an integrated leadership at the level of each Health Zone;
- Rationalisation of the functioning of health structures;
- Improvement of the sanitary coverage for each Health Zone;
- Improvement of health care quality;
- Increased community participation;
- Reorganisation of work between the central and intermediary levels;
- Rationalization of the financing of the health sector;
- Development of human resources

Unfortunately, the strategy document does not mention the gender aspects of health and thus ignores the need to address gender specific aspects of health care.

Civil society initiatives

Many civil society organisations are active in the health sector in DRC, and during the last ten years most of them have been working in collaboration with international NGOS in providing humanitarian assistance. The Catholic and Protestant churches have since long taken over most of the state responsibility in managing health care centres and in providing health services throughout the country. They have a far better health care best coverage than the state-owned health centres. Few organisations, however, focus specifically on gender.

Recommendations

1. *Support Primary Health Centres (PHCs):* DRC suffers from a lack of well-equipped health centres and PHCs. The rehabilitation of existing infrastructures should be a priority.
2. *Support programmes aiming at training qualified staff:* A major obstacle to rural women's access to prenatal and general maternal care is the shortage of qualified staff in the health sector in DRC. Constructing more health facilities and restoring existing ones will be necessary in the coming years, but most of the current problems will remain unchanged if no effort is put on recruiting (and training) qualified personnel to work in them (such as General Practitioners (GPs), family doctors and nurses). This is especially relevant for the most remote areas in Eastern DRC where few professionals want to work because of difficult working conditions and lack of security.
3. *Support a gender perspective on health system reform:* There is a need to undertake an in-depth analysis of the health care system in DRC with a gender perspective. Gender blind health strategies and policies will not help reduce the gender gap, nor will they succeed in responding to the gender specific health care needs of the population.
4. *Support health sector reform:* Lack of access to health care is often correlated with the low income level of a large majority of households. Health care services are supposed to be free in state-owned centres, but they are not. Medical staff demand consultation fees, as their wages are low and not regularly paid. It has negative consequences, especially for women, as they are more economically vulnerable than men. Reforming the funding of the health system shall be put high on the agenda, including health professional wages and anti-corruption plans.

9. Conclusion: Challenges and Opportunities

As mentioned on several occasions in this report, the difference between men and women, as well as between boys and girls, in socio-economic and cultural status is salient in DRC.

Despite a few encouraging indicators towards gender equality, especially in terms of legal reform (e.g. the constitution and the law on sexual violence) women are underprivileged in most domains. They are grossly underrepresented in political bodies, with, for example, only 8.4% female national parliamentarians. Their access to formal justice is very limited and they are almost systematically deprived from their rights to inherit. Despite legal reforms that support women's rights, there is a lack of political will to implement these laws. Women's and girls' literacy and access to education is far behind those of men. Women have less access to qualified jobs than men, and they tend to be marginalised on the employment market outside the agricultural sector. Congolese women are more vulnerable to HIV/Aids than Congolese men. Due to the lack of health infrastructures, the maternal mortality is one of the highest in the world, and many women do not have access to a prenatal consultation. Women have also been systematically excluded in the peace processes and have been especially exposed in the war context through the massive amount of sexual violence.

At the same time it is important to remember that men are also victims of poverty and conflict in the DRC. As we have pointed out in this report, one problematic aspect in the portrayal of the consequences on the civilian population is the exclusive focus on sexual violence and on women as survivors. The human rights violations against the population by State Security Forces and militias are numerous and include arbitrary arrests, killings, looting and stealing, rape, destruction of houses and crops, beating and the imposition of illegal taxes and fees. While women are the main victims of the massive amount of sexual violence, men tend to be more exposed to arbitrary arrests and killings. Moreover, as pointed out in this report, also men and boys are affected by the sexual violence, as survivors (to a smaller extent) but in particular by being forced to rape under gun point and being forced to watch family members being raped. Moreover, boys have been much more targeted in forced recruitments as child soldiers and labourers than girls.

This report contains a series of thematic recommendations at the end of each chapter, but it might be relevant to highlight and further discuss some key challenges facing development cooperation programmes aiming at bridging gender gaps in DRC, as well as to open up for the need to enlarge and deepen some new possible areas of work.

The first challenge is the almost total lack of sex-disaggregated data. The donor community should focus on supporting the Congolese authorities in developing proper gender-sensitive statistics collection. There are competent statisticians in DRC, especially at university level,

although not in sufficient numbers and their work has not been seen relevant enough so far. There is a need to support a proper central statistics office, and to train the staff from different ministries in collecting gender-sensitive data. This challenge is a pre-condition to understanding the true nature and spectrum of gender inequalities in DRC, and thus, to relevant and efficient gender strategies and programmes. Speaking in terms of great categories, such as women and men, which we unfortunately do in the scope of this study, hides more complex realities. A thorough analysis is necessary in order to highlight differences in terms of socio-economic status and customary laws and practices. We have, for example, mentioned on several occasions the divide urban/rural areas, social class belonging or level of wealth as parameters that largely impact on the differential access to a series of services (health, education, etc.) Too little reliable information is, however, available and it is a clear obstacle to a well-informed analysis.

The second major challenge is the specific context in which development assistance takes place in DRC. Despite undeniable improvements of the security situation over major parts of its territory, the country is still experiencing armed struggles in its Eastern provinces at the time of writing this report. Moreover, following decades of bad governance during the Mobutu regime, which was aggravated by 15 years of armed conflicts, the Congolese state has totally collapsed. As mentioned in chapter 1 of this study, it is at the same time real and fictitious, strong and weak, quantitatively over-developed and qualitatively and functionally under-developed. The state is more or less non-existing because of the lack of institutionalisation of power and because of informal modes of regulation. As a result, the impact and even presence of the rule of law is weak, and the capacity of the state to develop and implement public policies reduced to almost nothing. The state might be legal, but it is not legitimate in the eyes of the population. Since the state has been for decades unable to provide any kind of dividends from its existence, the population has no confidence in it. The weakness of the state is moreover a major explanation to the maintaining of customary power and norms. Institutionalizing the state – and, in doing so, mainstreaming gender equality at all levels of the public sphere – is a precondition for sustainable development and the reduction of gender gaps.

Working towards gender equality in the DRC entails a multi-sector approach. We have identified three major areas of utmost importance:

1. Supporting efforts aiming at a long-term change of gender norms that marginalize women.

As concluded initially in this report gender inequalities are based on the production and reproduction of gender norms. This demands a long-term commitment, and requires a multi-track approach:

- We have identified two sources that seem particularly important in producing gender norms that uphold gender inequalities: religious institutions and customary ideas and practices. For this reason it is particularly important that these institutions (that have the power to produce, but also challenge, gender norms) are targeted and involved in efforts to challenge existing norms that marginalises women – through information and sensitization campaigns. However, it is important to remember that working with sensitization and information campaigns is not enough in order to challenge gen-

der norms. For instance, the massive amount of information campaigns on sexual violence and women's right over her body have been so far quite meaningless as they have hardly been accompanied by legal measures (prosecution of offenders) and incentives. Many efforts have been directed towards information campaigns, reforms and promulgation of laws, but they have not been accompanied by changes in the practices of the judiciary nor of other state institutions. In fact a continuation of this pattern is extremely hazardous since it aggravates the populations' disengagement from politics by sharply decreasing the already very low level of trust in state institutions (but also in other actors involved such as the donor community). In order to bring about a sustainable and real change towards increasing gender equality and respect of women's rights the message in the various information and sensitization campaigns have to be supported by changes in practice reflecting the messages given.

- There is a need to encourage initiatives aiming at supporting already elected and potential future women politicians. This might be done by enhancing competences of all female staff in public services, by providing training to women in parliaments (both at national and provincial levels) and in political parties.
- It is, as well, important to support the emergence of a genuine women's movement in DRC. This can be done by offering capacity building opportunities and programme funding to women organizations and networks throughout the country, learning from the lessons learned during the last 20 years in supporting civil society in DRC⁶⁶.
- It is also necessary to support grass-roots' initiatives aiming at dialoguing with customary authorities and encouraging women's participation in decision-making processes at village level. These initiatives tackle the most marginalizing features of customary laws such as inheritance rights, land property, etc.
- Finally, a necessary step towards women's economic empowerment, and thus towards a decreased marginalization in communities, shall very practically tackle the issue of unpaid work that has been raised on several occasions in this report. It is, thus, highly relevant to design and/or support development projects targeting families. Family-based approaches, instead of putting emphasis only on women, allow long-term attitude changes within family cells (on issues such as schooling of young girls, rights to the profit from the use of land, for example), as well as changes in the rational of choices/decisions towards enhanced economic wealth. This can be done, for example, through development projects increasing access to sustainable micro-credits (relevant amounts and realistic terms of payment). Another important aspect is the need to support infrastructures rehabilitation/development in order to facilitate access to water and to energy.

⁶⁶ Cf. Jérôme Gouzou, Ylse van der Schoot, Analysis of Civil Society during the Transition Period in DRC, Sida, 2006, 75 pages (non-published document)

2. Supporting and engendering an in-depth reform of the health and education systems. A long-term reduction of gender gaps will not take place if no major effort is put on the education and health systems in DRC.

- DRC suffers from a lack of well-equipped health and education centres. The rehabilitation of existing infrastructures should be a priority for the government and the donor community. The objective is to obtain an acceptable geographic coverage and standard quality in education and health infrastructures.
- Shortage of qualified staff in both sectors. In the health sector, we have already pointed out that a major obstacle to rural women's access to prenatal and general maternal care is the shortage of qualified staff in the health sector in DRC. Constructing more health facilities or schools and restoring existing ones will be necessary in the coming years, but most of the current problems will remain unchanged if no effort is put on recruiting (and training) qualified personnel to work in them. This is especially relevant for the most remote areas in Eastern DRC where few professionals want to work because of difficult working conditions and lack of security.
- There is, moreover, a need to undertake an in-depth analysis of the education and health care systems in DRC with a gender perspective. Gender blind education and health strategies and policies will not help reduce the gender gap, nor will they succeed in responding to the gender specific health care needs of the population.
- Lack of access to education and health care is often correlated with the low income level of a large majority of households. Education and health care services are supposed to be free in state-owned centres, but they are not. Both teachers and medical staff demand illegal fees, as their wages are low and not regularly paid. It has negative consequences, especially for women, as they are more economically vulnerable than men. Reforming the funding of the education and health-care system shall be put high on the agenda, including education and health professional wages and anti-corruption plans.

3. Supporting and engendering the security sector and justice reforms. As argued repeatedly in this report, the dysfunctional security and justice sectors are major causes for gender inequalities in DRC.

- It is first of all necessary to encourage and support a genuine justice sector reform and fight against corruption. The widespread corruption of the judicial system is particularly disadvantaging women. Tremendous efforts have to be put in truly reforming the justice system. It will, however, be very challenging as the corrupt judiciary is one of the main tools aiming at maintaining the system of governance developed by Mobutu and his successors. This is a highly sensitive issue, and a firm dialogue with the government is necessary on that topic. This might, for example, be done through supporting capacity building programmes for justice professionals. The lack of competences is a serious problem, and more notably regarding sexual and gender based violence. Supporting efforts in educating all staff involved in the justice sector, from police officer to judges, shall be a priority. Making sure that more women will be recruited in the justice system might be a major step forward.
- Supporting the Security Sector Reform is of utmost importance. The current situation of the State Security Forces constitutes one of

the main obstacles to increased gender equality and respect of women's rights. The ideals of masculinity promoted within the Armed Forces as well as the impunity for the massive human rights abuses contribute to the normalisation of norms that are detrimental to increased gender equality. Gender needs to be mainstreamed in all aspects of the SSR processes. It is important to remember that (a successful) SSR in itself will positively influence gender equality and poverty reduction.

- Deal with the human rights abuses committed by State Security Forces from a true gender perspective through addressing also men as victims and (non)survivors. This would involve avoiding the single focus on sexual violence as totally different and separate from other abuses committed. It would also acknowledge the role of men in relation to sexual violence, not simply as perpetrators, but as victims/survivors. Except for being inaccurate and neglecting the needs and rights of male victims (especially boys), the present tendency of presenting only women and girls as victims/survivors risks to strengthen already existing gender inequalities through the stigmatisation and victimisation of women only, with men still appearing only in a position of power (as perpetrators or as rejecting their raped woman) untouched by the shame and stigma of sexual violence. Hence, dealing with human rights abuses committed by State Security Forces from a true gender perspective, may also facilitate the general struggle against GBV directed towards women.

Finally, as everywhere else in the world, gender relations in DRC are conditioned by social norms that reflect power structures and power relations within society at large. In a historical context marked by a total collapse of the state during the post-colonial period, these norms are still largely influenced by traditional institutions and marginally by the rule of law. However, much more may be done to unravel the complex realities of these norms and their transformation into power tools. The concept of power itself might be de-structured in order to highlight its multiple origins, meanings and practical forms, and to make the debate on power and gender intelligible. In order to do so, we believe that there is a need for a two-fold project of research and action. The research part might further look into the concept of power itself and gender in the Congolese context. The main questions to be brought forward might schematically be around the different meanings of power exerted by the main institutions producing norms in DRC (State, Churches, Customary Power and Family). In a second step, the research results shall help clarify the main content and purpose of governance programmes through a power perspective which, in turn, will largely benefit gender programmes.

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Attachment A. Terms of Reference

(excerpt from original call-off inquiry)

The profile must be prepared as a desk-study by consultants combined with field visits and interviews with key actors in ministries, NGOs, civil society organizations, academia etc. This should be carried out with respect of partners' time and resources. If this information is not enough alternative methodologies may be used if within the budget.

The assignment includes field visits together with the local consultant to three provinces; Bas-Congo, Equateur, and South Kivu.

The profile must not be longer than 25 pages. Additional information can be provided in annexes, reading lists with key documents, etc.

Throughout the Profile particular attention should be given to include a perspective on girls, elderly, LGBT people, people with disability, ethnic minorities. If available, sex-disaggregated statistics should be included in all areas covered. Where such disaggregated statistics is not available this should be clearly pointed out. Aggregated information should be provided at a national level, but selected regions or provinces may be selected for deeper analysis and further information.

Two drafts of the Country Gender Profile DRC shall be submitted in soft copy to Sida for comments during the process. The Country gender profile shall be written in English with a summary in French. The final report shall be submitted in two versions one in English and one in French. A language check of both versions is required. It is important that the consultant has good knowledge in speaking and writing French.

Preferably a team of consultants could be utilized for the Profile as it is strategic to engage local consultants together with an external consultant to complement each other. Where the local resource base is weak it is suggested that an external consultant with good knowledge of the country should be teamed with external.

It is recommended, but no demand, to set up a reference group of local experts and other donors to review the draft produced. This reference group will be set up by the responsible officer at Sida. It is also recommended that the embassy staff is actively involved in the review process to ensure maximum effect of the process.

Outline of content

1) National framework (policies, strategies and initiatives)

National policies, strategies and mechanisms for promoting development, peace and gender equality should be included in the analysis. This contains for instance a gender analysis of Applicable Peace Agreement, Poverty Reduction Strategy (PRS) and/or Joint Assistance Strategy, as well as specific gender equality plans or initiatives. The analysis shall also focus on the implementation plans and processes of above mentioned agreements. In addition, information should be provided on the priorities and initiatives of the civil soci-

ety (national and regional/international based in the country) including peace organisations, women's organizations and networks, men's groups, academia, media groups, etc.

2) *Mapping of key actors*

This section includes a mapping of key actors operating in the country (national, regional and international as well as Swedish actors) working to promote gender equality (including gender-based violence), development, peace and security. The mapping should also include potential change makers encountered during the analyses of national frameworks. Information should be provided on the capacity of these actors to work with a gender equality and conflict perspective as well as opportunities for competence development.

3) *Justice and human rights*

Relevant areas to be included and analysed from a gender perspective in this section are the legal framework (e.g. constitution, inheritance, land tenure, housing rights, family law, labour laws), law enforcement and equal access to justice. Information on pluralism of law systems (customary laws, religious laws and civil laws) should be included and analysed from a gender perspective. Participation of women in these institutions and the potential for strengthening should also be included in the analysis. A clear reference should be given to relevant international human rights instruments signed or adopted by the particular country such as CEDAW, which obliges the state to prevent, eradicate and punish violations against HR, including gender-based violence - in war and in peace.

4) *Political situation*

Areas to analyse here are women's participation and ability to influence decision making processes at national and local levels as well as government's capacity to create an enabling environment for women's political participation and deliver services unbiased from gender. A specific focus should be given to women's participation in peace processes. The humanitarian situation needs to be analysed from a gender perspective and how it links to long term development objectives. A distinction should be made between various phases - depending on the situation of submerged tension, situation of rising tension, violent conflict and to post conflict. The distinction should also be made of the different phases of peace processes (peace negotiations, peace agreements and to implementation of the peace agreement, reconciliation, reconstruction, and reforms).

5) *Socio-economic situation*

This section focuses on the poverty situation analysed from a gender perspective. Men's and women's different roles in the economy (both formal and informal) as well as provision and access to/use of services and resources should be included. If available, information should be provided on intra-household relations including men and women's distribution of resources and time. This section also includes an analysis of the social services (e.g. health and education) and how they fulfil men and women's human needs and rights. Linkages need to be made between gender-based violence and eco-

nomic opportunities. Another key concern is the implications of violence in general and gender-based violence in particular on the economic growth and poverty reduction (e.g. GBV prevent individuals to contribute to the development, the underestimated economic costs of GBV).

6) *Gender-based violence*

This section identifies different forms of gender-based violence as expressed in the Action Plan for Sida's work to combat Gender-based violence (Female Genital Mutilation, violence in the name of honour, violence against LGBT people, sexual abuse in conflict and post-conflict situations and domestic violence). The presentation focuses on a mapping of preventive and legal measures to combat gender-based violence, but also includes service and care for victims of violence. A specific reference should be given to masculinity and men's role as partners to combat GBV.

7) *Key problems and opportunities*

This section should identify specific areas of concern and constraints, strategic areas in need for further research as well as areas where there is potential for moving forward.

The country Gender Profile ends with a concluding chapter and recommendations as well as list of references of resources that has been used and analysed in its production.

Sida works according to directives of the Swedish Parliament and Government to reduce poverty in the world, a task that requires cooperation and persistence. Through development cooperation, Sweden assists countries in Africa, Asia, Europe and Latin America. Each country is responsible for its own development. Sida provides resources and develops knowledge, skills and expertise. This increases the world's prosperity.

The Democratic Republic of Congo (DRC) Country Gender Profile

Sida, the Swedish National Development Cooperation Agency, is tasked with the implementation of Sweden's strategy for development cooperation in the Democratic Republic of Congo. According to the new strategy, which was decided by the Swedish Government in April 2009, equality between men and women is a prioritised focus in all cooperation. This is both a human rights issue - especially important in a conflict-ridden country like the DR Congo - and a way to enhance development. Sida has commissioned an analysis of the gender situation in various sectors of the Congolese society. Although this Country Gender Profile is only the beginning of such a mapping exercise, Sida hopes that it will bring a better understanding of the situation for men and women, girls and boys to authorities, leaders and communities in the DR Congo as well as to their international partners.

SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Address: SE-105 25 Stockholm, Sweden.

Visiting address: Valhallavägen 199.

Phone: +46 (0)8-698 50 00. Fax: +46 (0)8-20 88 64.

www.sida.se sida@sida.se

