

Democratic Republic of Congo - DRC



Gender Country Profile 2014

Commissioned by the Swedish Embassy in collaboration with DFID, the European Union Delegation and the Embassy of Canada, in Kinshasa.



Assignment performed
Dr Laura Davis
Paola Fabbri
Ilot Muthaka Alphonse

Foreword

In the latest Gender Equality Index, DRC was ranked at the bottom on the 144th place out of 148 countries, making DRC one of the most challenging countries in the world for women and girls to live a life in dignity, just after Yemen, Afghanistan, Niger and Saudi Arabia. Gender inequalities exist within all sectors; be it in education, political participation, health, access to resources (financial, natural, judicial) and economic empowerment. Add to that the wide-spread gender based violence, alarming fertility rates, low or little access to SRHR-services and a low social value of women and girls, and the picture gets even grimmer.

The oppressive gender roles in DRC also affect boys and men by putting limitations on their behaviour and creating unfair and repressive forms of masculinity as the ideal norm. Although this discrimination and oppression take different forms during different stages of life for women, girls, boys and men in DRC, they are all symptoms of the same root cause of wide-spread institutionalised gender inequality and the low status of women and girls.

Gender equality is a prerequisite not only for development and growth, but for a sustainable peace and stability. This means that gender equality needs to be put at the centre of development and peace building plans as a point of departure, not as an add-on. It further means that we need to go from policies and plans, strategies and debates where gender is rhetorically mentioned to real implementation and focus on concrete results. We need to find new approaches, to be more proactive and to find innovative interventions if a real effort to fight gender inequalities in DRC is to be done. Women and girls are not a homogenous group with one specific need. It is a varied group with multifaceted needs depending on age, social status, ethnicity, class and traditions. This requires a response that is nuanced to these differences and that fundamentally tackles root causes of gender inequalities.

2014 is the year when Sweden adopts its new results strategy for development cooperation in DRC. This strategy 2014-2018 has identified women as the primary target group for Swedish development cooperation. Therefore, in order to understand the complexity of gender inequalities and the different layers of discrimination against women and girls in the DRC, the Embassy of Sweden commissioned a Gender Country Profile, to recognise the current situation and to provide concrete recommendations on how to operationalize the new results strategy in a gender sensitive way. A working group was formed with DFID, EU and Canada, who have provided substantial input throughout the process. It is our sincere hope that this Gender Country Profile will serve as relevant input to other partners in DRC.

Data collection is difficult and statistics are unreliable in DRC, but even without numbers to back it up it becomes evident that women and girls are those who bear the brunt of the wide-spread poverty and inequalities in the DRC. This is a

situation we all must contribute to change. We must draw upon the potential all Congolese citizens – women, girls, boys and men – possess and contribute to a society where this potential can be transformed into action to change people's lives. This can only be done if gender equality is adequately understood, addressed and funded and if we all show true engagement for the cause. Only then the situation for women and girls in DRC may change.

A handwritten signature in black ink, reading "Annika Ben David". The signature is written in a cursive, flowing style.

Annika Ben David
Ambassador of Sweden, DRC

The views expressed in this study are those of the consultants and do not necessarily coincide with Sweden's official standpoint.

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Abbreviations and Acronyms

CSO	Civil society organisation
DFID	Department for International Development, UK
DRC	Democratic Republic of Congo
EDS-RDC	Demographic and Health Survey - DRC
EU	European Union
FARDC	Armed Forces of the Democratic Republic of Congo
GLWP	Great Lakes Women's Platform
INGO	International NGO
LGBTIQ	Lesbian/gay/bisexual/transgender/intersexed/questioning
MGFE	Ministry of Gender, Family and the Child
NGO	Non-governmental organisation
PARJ	Programme d'Appui à la Réforme de la Justice
SGBV	Sexual and gender-based violence
UNDP	United Nations Development Programme
UNSCR	United Nations Security Council Resolution
UNJHRO	The United Nations Joint Human Rights Office

Executive summary

This Gender Country Profile is intended to suggest ways in which the assignors can contribute to improving gender relations in the Democratic Republic of Congo (DRC) by increasing gender equality. This summary presents the main findings and presents overarching recommendations. Sector-specific recommendations are included in each chapter, and more detailed conclusions and recommendations can be found in chapter 7.

The Challenges for gender equality in DRC: Main cross-cutting conclusions

1. Who are 'Congolese women'?

The dominant definition – explicit or not – is to see equate women with mothers, and/or in relation to male family members. Nationals and internationals rarely see 'women' as essential beings. This hinders understanding different women's and girls' range of needs and expectations, and therefore designing effective programmes and policies.

The view of women as poor, rural, 'vulnerable' (i.e. passive) dominates national and international agendas. There is apparently little interest in how women acquire, maintain, use and lose power. National and international actors lack critical awareness of the assumptions they make and perceptions they have of 'women', their needs and priorities. This report identifies the following trends in perceptions and assumptions:

a. Women are treated as objects for charity, not rights-bearers

This feeds the tendency to prioritise the *palliative over the preventive*: marginally improving the plight of individual women but not changing the status quo. Programmes relieving women's suffering often substitute the core functions of the state: robust political engagement could lead to *systemic change*, enabling women to access routinely the services they are **entitled** to. Programmes 'addressing' sexual violence try to relieve some of the consequences of men's violence but do not prevent it. So some women receive charity, but women should be treated as citizens, whose rights the government, primarily, and 'international community' indirectly, are **obliged** to protect.

b. Women to blame for gender inequality

The gender discourse in DRC tends to place the blame for gender inequality implicitly on women, either as the (moral) educators of children, or because they show insufficient 'solidarity' with other women, or because they are 'too ignorant' to access their rights.

c. The unbearable burden of gender equality

Women have heavy workloads, household and community responsibilities, and little rest. Women in power are expected to be more competent than their male colleagues, resist corruption, and show solidarity with other women. The expectations on women are simply too high: they are, effectively, *set up to fail*.

d. Wanted: men's agency

Men are *central to gender (in)equality*, yet men's agency is absent from the gender discourse. Men's agency and power in perpetuating and addressing discrimination and exclusion needs to be acknowledged and included in the discourse.

2. Lack of ownership of and priority for 'gender'

Different actors use 'gender' differently and although popular in headquarters, 'gender' has frequently lost its meaning by the time it gets to implementation. National policies are sent out from Kinshasa to the provinces without the capacities to implement them. **Counting women** participants is classified as 'gender' without considering whether policies or programmes have **changed** women's living conditions or enjoyment of their rights.

3. Embedded parameters: women as mothers, appropriate behaviour

Many programmes are underpinned by equating womanhood with motherhood and by assumptions of **appropriate female behaviour**. Non-state actors are critical for service delivery. The gender norms that they uphold through the (non)-provision of services may **perpetuate discrimination and exclusion**.

4. What's going on? Statistics, their absence and use

Reliable statistical data in DRC is hard to come by. Even with reliable data, it is **difficult to demonstrate positive qualitative changes** in women's lives. Yet donors, ministries and NGOs rely on numbers to show progress, and reporting officers are expected to show achievements, not identify problems or setbacks. The result is an **overly optimistic picture** that cyclically informs policy-making and programme-design.

5. 'Gender' is not the same as sexual violence

Reducing 'gender' and even gender-based violence to sexual violence undermines efforts to promote gender equality and stop men's sexual violence.

Recommendations

The following recommendations suggest ways in which the assignors can help address these challenges.

⇒ Help publicise the range of women's positive roles in DRC

The assignors should support public debate between different leaders on the **range of positive roles women and girls** play in the country's development, in and beyond the traditional spheres of appropriate female behaviour.

⇒ (Re)Design 'gender' policies to consider the whole woman:

- The Ministry of Gender, Family and Child (MGFE), other relevant ministries, the Gender thematic working group and interested donors should start a **strategic level discussion of what gender equality** means concretely in DRC.
- International actors should **critically self-assess** their programmes. Are these intended to help improve gender equality, that is increase women's power in state and society, or are they palliative, intended to improve the plight of women and girls within the status quo? Do policies consider the whole woman or just her role as mother? Donors should review policies/programmes **from the design level** onwards and include **nuanced indicators** that measure **change** – including setbacks - **not** numbers.

Donors should reframe their support to national authorities, international agencies and NGOs by"

- **Increasing funding** to programmes that demonstrably aim to improve gender equality by increasing women's power in state and society and have nuanced indicators that can measure

qualitative change. Donors should consider discontinuing support that is purely palliative and treats women and girls as objects of charity.

- **Scrutinising the gender norms of the recipients of assistance**, particularly those delivering services, to ensure that they do not perpetuate discrimination and conduct smart actor mappings that include qualitative assessments of objectives and results.
- Basing their programmes on **solid research** rather than assumptions of the power structures and how women acquire, retain, use and lose power.

⇒ **From separation to integration**

Donors should:

- Support and monitor the integration of women and ‘women’s issues’ into institutions and civil society, gradually helping end the separation and exclusion of women and ‘women’s issues’ from decision-making.
- Support reflection, with the MGFE, international actors and other ministries, on how to integrate gender equality across the government centrally, at first, and later at provincial level.

⇒ **Distinguish ‘women’ from ‘women’s issues’**

So-called ‘women’s issues’ are seen as the exclusive preserve of women, whether in civil society or in public life. Donors should engage both women and men on so-called ‘women’s issues’ and encourage national and other international stakeholders to do the same. Donors could do this by supporting the authorities and civil society in developing pro-women policy priorities to be championed by women and men within public institutions, with implementation closely monitored. Donors should encourage civil society to engage men on ‘women’s issues’ and encourage all women to own all issues.

⇒ **‘Gender equality’ is political and systemic, not technical**

Enhancing gender equality requires systemic change, which is political. Unless service delivery, for example, is part of a continuous political engagement to promote systemic change so that women and girls are able to access routinely the services they are entitled to, women and girls will be treated as objects of charity, not as rights-bearing citizens.

⇒ **Prevent sexual violence**

Programmes ‘addressing’ sexual violence respond the consequences and do not prevent men’s violence. Donors must engage politically and programmatically to ensure the government prevent sexual violence and other human rights violations committed by men.

⇒ **Demand men’s agency**

The assignors should provide funding and political support for initiatives that

- Place men and male behaviour at the centre of the ‘gender’ discourse. This includes efforts to have men take responsibility for their families, including by prioritising the household budget; that **model positive masculinities** in public life, in the community and within the family, including by taking on household tasks; and men holding other men to account for discrimination and in particular for men’s violence.
- Provide **sexuality education for boys and girls**: boys have to take responsibility for their actions. Girls and boys must learn that girls own and have control over their own bodies.

- **Remove barriers to women's advancement.** Development assistance should require meritocratic recruitment, including smart affirmative action, and functioning disciplinary mechanisms for all holders of public office.



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Background

This Gender Country Profile was commissioned by the Embassy of Sweden in Kinshasa, in collaboration with the UK's Department for International Development (DFID), the European Union Delegation and

Gender equality

calls for the fundamental rights of all people to be respected regardless of their sex, sexual orientation, gender identity, ethnicity, age, class, disabilities or religion

the Embassy of Canada in Kinshasa. The assignors place gender equality and/or a focus on women and girls at the centre of their missions to promote and create conditions for poverty reduction in the Democratic Republic of Congo (DRC). The objective of this assignment is to provide the assignors, and ultimately the broader community including national authorities and other international actors, with an assessment of the current state of gender relations in the Democratic Republic of Congo with a view to **improving gender relations by increasing gender equality**. For the purposes of this report, this means **ensuring that women and girls enjoy their social, political, civic and human rights**.

The assignors intend to use this Gender Country Profile in assessments, programming and analyses of development cooperation interventions, as well as in the political dialogue in the DRC. It will be disseminated to the government of DRC, the headquarters of the assignors' organisations, UN agencies, civil society (including women's organisations and men's networks), international actors, other bilateral donors and embassies, and the media.

Despite the large number of gender assessments and analyses conducted over the years in the DRC, a comprehensive updated Gender Country Profile is currently lacking (the previous Profile commissioned by Sweden dates from 2009). A Gender Country Profile provides information, sex-disaggregated data and analysis on the gender situation in a specific context. It is not a comprehensive analysis of gender relations in the country, and it does not evaluate or identify projects. Rather, the Profile intends to contribute to a greater understanding and awareness of gender inequalities in the DRC by identifying key issues and trends that need to be addressed. It aspires to stimulate discussion and further research, and help enhance policy and programming.

Scope

The Democratic Republic of Congo is a vast and highly diverse country. Its range of ethnicities, religious and cultural traditions affect gender relations. So too do differences between the poor and rich, urban and rural, the leaders and the led, as well as varying levels of education and economic activities. Security varies across the country. Difficult communications also contribute to a complex society governed by multiple state and social/cultural institutions. Each of these aspects – and others – affects the gender relations in DRC. As it is beyond the scope of this assignment to attempt a comprehensive gender country profile, this section outlines the scope of this Gender Country Profile.

Population group scope

Understanding 'women' and 'men' as homogenous groups is problematic in any context, and is particularly inappropriate in a country as diverse as DRC and when considering women's (potential) roles in the country. This report starts from the assumption that women and girls play many different

roles in Congolese state and society, and that these roles cannot only be understood in comparison to either men's roles or to (assumed) 'Western' gender roles.

Objective

The objective of this report is to analyse the current state of gender relations in the DRC, in order to help the assignors contribute to improving gender relations by increasing gender equality. A key element is analysing who 'women' and, to a lesser extent, 'girls' are in DRC¹ and how they are perceived. This Profile analyses gender equality and on the basis of this recommends how gender equality could be improved by increasing women's access to and enjoyment of their rights. Women are, therefore, the primary focus of this Profile.

Geographic scope

The Profile combines assessment of the 'national' situation – how national policies and institutions and international actors address gender equality - with targeted provincial focus on South Kivu, Equateur, and Bas-Congo, as determined in the terms of reference and which were also considered in the Profile of 2009. Important regional structures and initiatives are also considered briefly.

Sectoral scope

Following the Terms of Reference, the research focuses on two cross-cutting set of issues, namely governance, power structures and gender (chapter 1), and the national framework (chapter 2). The subsequent chapters address the following sectors: justice and human rights (chapter 3), the political situation and access to services (chapter 4), the socio-economic situation (chapter 5) and gender-based violence (chapter 6). The report closes by identifying challenges and constraints to gender equality in DRC, and presenting conclusions and recommendations (chapter 7).

Methodology

Three consultants were engaged for a total of 85 days to research and write this report and accompanying brochure. The team comprised 4 Congolese nationals and 2 expatriates, 4 women and 2 men. The first phase of the project was desk research that included identifying and analysing existing reports and data (see bibliography in annex 1). This Gender Country Profile updates and builds on parts of the previous Profile of 2009, and does not duplicate it. From analysis of documentation, the team developed a research framework to guide fieldwork. During April 2014, the team conducted fieldwork in their respective provinces using a combination of key informant interviews of national authorities, including the MGFE, representatives of international organisations and donors, national and international civil society organisations; and focus groups. Focus groups were women-only (Bas Congo, Equateur, Kinshasa), men-only (Equateur) and mixed (Equateur, Kinshasa). The team visited a mix of provincial capitals, rural towns and villages as well as Kinshasa: Bukavu (South Kivu); Mbandaka, Bikoro, Lolanga Mampoko, Itipo, Bokolo Mwanke (Equateur); Kisantu, Madimba, Mbanza-Ngungu (Bas Congo). In Kinshasa, due to time constraints, research focused mainly on inter/national actors (the MGFE, UN agencies, bilateral donors and development agencies, national and international NGOs) rather than the inhabitants of the city. The limits of statistical evidence are well-documented throughout this report. Where possible, the data collected was triangulated. Paola Fabbri and Ilot

¹ Different understandings of 'women' and 'girls' are explored in chapter 1.

Muthaka Alphonse contributed the findings from South Kivu and Equateur. Laura Davis then analysed the findings as a whole and authored this report.

Constraints and limitations

The main constraints the team faced were the short duration of the project, compounded by the timing of the fieldwork (the Easter and May 1 holidays effected availability of some key informants), the difficulties of travel in DRC and, in some cases, the accessibility of data and documents. The large number of actors working, or claiming to work, on gender issues also presented a significant methodological challenge within the timeframe of the project.

The scope of the project is limited in terms of time, geographical and population groups reached. It does not – as stated at the outset – claim to be a comprehensive study of gender relations, but rather identifies trends and issues that need to be addressed in order to further gender equality.

Map of sites visited



1. 'Gender', governance and power structures

This opening chapter considers 'gender', governance and power structures, themes that run throughout this report and are addressed in different ways in subsequent chapters.

1.1 'Gender'

Interviews and focus groups conducted for this research demonstrated considerable resistance to the term 'gender' and a lack of common understanding what it means. The language around 'gender' seems to be used to mean anything that might be to do with women, with very little emphasis put on the relations between women and men, an essential element to 'gender' as generally understood. 'Gender' projects may well address women and girls, but they do not necessarily contribute positively to women's empowerment and therefore to improved gender equality.

Despite the attention given to women's rights and participation in the global South by the global North, and the priority apparently accorded to 'gender' by headquarters in different international organisations and agencies, bilateral organisations and NGOs, there seems to be highly varied understanding of or investment in 'gender' by those same agencies at field level. 'Gender' is often taken to mean measuring the numbers of women/girls participating in or benefitting from programmes or activities rather than attempting to monitor change in women's and girls' power, access to services, socio-economic condition and so on. 'Gender' has also become conflated in the minds and words of many with 'sexual violence,' a trend that can only undermine efforts to end sexual violence and further gender equality. Finally, 'gender' is business: including the buzzwords, or even the intention to work on gender programming, is a way for donors and other international agencies, national governments and ministries and the NGO sector to raise money and attention, without necessarily having the necessary competences or capacities.² This is exacerbated by a lack of follow up or monitoring of what 'gender' policies or programmes achieve beyond numerical data, which as we shall see throughout this report, are highly problematic when it comes to understanding gender equality.

1.2 Who are 'women' and 'girls'?

'Women' are overwhelmingly defined, by themselves and others as being married with children. (Adult women who have never been married, for example, are viewed with suspicion). For many respondents, it is central that women (i.e. mothers) are responsible for the family's material, physical and moral well-being. In other words, a 'woman' is defined by her reproductive and family function, rather than as an essential being herself. These characteristics distinguish them from girls, who live with their family of origin (for example).³ Different levels of education, wealth and urbanisation also appear to influence how 'women' are understood in different parts of the country. Some interviewees in Equateur also noted that there is no set boundary to a female person's social status as she can be a girl, wife and mother to different people at the same time. This understanding contrasts to the definition given by respondents primarily from international organisations and agencies who generally define women as females over 18. This more legalistic interpretation of womanhood should, in

² Field observations. See also Maria Eriksson Baaz and Maria Stern (2013) *Sexual Violence as Weapon of War? Perceptions, Prescriptions, Problems in the Congo and Beyond*, Zed Books with Nordiska Afrikainstitutet.

³ Focus group meetings with men and women in Equateur; with women in Bas Congo, Kinshasa, South Kivu

principle, allow for a broader range of understanding 'women', that goes beyond reproductive function, but unfortunately this seems generally not to be the case.

Differing interpretations of women and girls across the country and within different agencies and organisations co-exist uneasily throughout the sectors and locations considered in this study. The fact of the existence of multiple interpretations of 'women', let alone 'girls' is rarely acknowledged or resolved. Aside from the communication problem this causes, multiple, potentially competing definitions of 'women' and 'girls' present problems for policy and practice. For example: in South Kivu, the phenomenon of girls associated with armed groups is understood by international agencies as a child protection issue, but according to local customs and culture, these minors are wives and therefore 'women.' In Bas Congo, we observed a similar dynamic around *filles-mères*: so-called because their status of mother renders them women even if they are well below the age of majority and usually still live with their family of origin.

The lack of clarity between these multiple definitions makes it difficult to develop a nuanced understanding of the varying needs of women and girls, even where the will to do so exists. As a consequence, the general understanding of different issues and problems in relation to age groups did not appear to be particularly sophisticated. This is compounded by the fact that very few external actors speak or have access to 'women' and 'girls' directly, there is almost always at least one intermediary. The vast majority of Congolese women are, statistically, rural/semi-rural poor women.⁴ Very little research has considered the power enjoyed by wealthier, educated, urban women who generally represent 'Congolese women' and the views and interests of the (rural) poor.

1.3 Governance and power structures

The Congolese govern each other through a complex set of power relations that may operate through the state institutions, in the absence of institutions, or counter to them.⁵ These patrimonial (or neo-patrimonial) systems are generally believed to exclude women.⁶ But state institutions clearly wield power as women interviewed for this study were, on the whole, keen to acquire power within them, men appear generally reluctant to relinquish it. Understanding how the Congolese govern each other is key for gender relations (and for much else). Yet remarkably little research has addressed this. Policies and programmes developed by external actors seem rather to assume, or take at face value, the power held within state and non-state institutions and by certain actors. Access to power is shaped by factors that affect women and men such as identity, wealth, education and personal connections.⁷ These factors are considered obstacles to female participation in general. (It should be noted that they also exclude many men.) Assumptions about the power wielded by state institutions and women's access to and exercise of that power shape many interventions, particularly those encouraging political participation.

It is important to recognise the diversity of cultural norms and practices in different parts of DRC, differences between urban/rural, rich/poor, educated and not. Besides the state, cultural and religious

⁴ Congo ranks 186th on the UNDP's Human Development Index, with a Gender Inequality Index of 0.681
<http://hdr.undp.org/en/countries/profiles/COD>

⁵ Jérôme Gouzou, Maria Eriksson-Baaz and Anna-Maria Olsson 2009 *Gender Country Profile: the Democratic Republic of Congo* Stockholm: Indevelop-IPM

⁶ See the overview Profile 2009 *ibid.*

⁷ Focus groups, Bas Congo, Kinshasa.

institutions play an important role in governing citizens' behaviour.⁸ The churches in DRC, the majority of which are Christian, can be particularly conservative regarding gender norms. The traditional governance system is still dominated by men. Although women, particularly in rural areas, are generally excluded from customary leadership, this is not always the case. In South Kivu, two women are traditional chiefs or *Chefs de Chefferie* (out of 24), for example. The traditional chefs play an important role in the distribution of land and in the settlements of local disputes, issues that are important for women.

Civil society organisations can play an important role in furthering women's participation in public life. CSOs can provide a direct route for women (and men) into state institutions at national and provincial levels, as is the case in South Kivu, for example. This 'revolving door' between civil society and state institutions has, over the years, weakened civil society.⁹ Civil society influences policy-making more through advocacy than through consultation as national authorities and international actors rarely consult civil society. It is important to note the different strengths of civil society movements across the country, however. While Kinshasa and South Kivu have vibrant civil society working on 'gender issues', reflecting perhaps the level of international presence, CSO mobilisation around gender issues in Equateur is a recent phenomenon¹⁰ and large portions of the province still do not have actors working on gender issues.¹¹ Nonetheless, several provincial divisions claim that they involve women in their decision-making and programme implementation process. According to the interviewees, and especially the Division of Gender, women are always involved in any policy or programme design in areas that affect their rights, their empowerment, education, political participation and social promotion as a whole,¹² but the extent to which this actually happens is unclear.

Women's participation in civil society at national and provincial levels is largely through women's associations. This has, without doubt, been necessary for the emergence of women activists, and has helped women improve their living conditions in many parts of the country through direct assistance and support. Women in Bas Congo comment on how their roles in everyday life have changed during their lifetime; they speak in public and claim their rights. This has had apparently very little to do with outside assistance, but from emancipation of Congolese women since the later part of the Mobutu era, many of whom have bravely defied family and neighbours in their struggle.¹³ Perhaps the time has come to reflect on the long-term sustainability of the approach of an exclusively separate women's movement as its risks perpetuating the ongoing exclusion of women from the real decision-making spheres in and beyond civil society. For example: in the agricultural sector in Equateur, the most important economic sector in the province, women are part of some decision-making bodies of farmers' unions but their influence on programming and decision-making processes remain weak as compared to that of their male counterparts.¹⁴

⁸ See Profile 2009 *ibid*.

⁹ Laura Davis 2013 'Power shared and justice shelved: the Democratic Republic of Congo' in *The International Journal of Human Rights* Vol. 17 No. 2 February 2013.

¹⁰ Interviews at the Division of Justice, Equateur.

¹¹ Interviews at the Gender service, Bikoro, Equateur.

¹² Interviews with heads of the provincial divisions of gender and of social affairs, Equateur.

¹³ Focus groups, interviews, Bas Congo.

¹⁴ Fonds international de développement agricole (FIDA), République démocratique du Congo: Programme de Relance Agricole dans la Province de l'Equateur (PRAPE). Rapport de supervision, Rome : FIDA, Division Afrique de l'Ouest et du Centre, 2013

International organisations, from the UN system, bilateral agencies and international NGOs have significant decision-making powers within the Congolese state and society, particularly but not only through service delivery. Some international actors may be open to influence by women's associations, particularly on 'gender issues:' UN agencies and bilateral donors regularly hold consultations for example.¹⁵ Given the presence and strength of women's associations, particularly in parts of the country like Kinshasa and South Kivu where there is a heavy international presence, understanding how women's associations influence these actors should be a component part of understanding governance and participation in DRC, as discussed above.

A key challenge remains putting policies and programmes into practice once decided: interviews in Equateur showed a marked difference between the discourse of public officials and that of the 'ordinary' women and men who took part in the field consultations. Public officials tend to suggest that the government is concerned by and is taking into account the needs of women in its policies, while the general feeling among the led is that nothing is done by leaders to capture and act upon the priorities identified by women.

A dominant trend in addressing women's participation in governance and women's use of power is the assumption, requirement even, that once in the system women must further 'gender' issues and other women. Respondents in Kinshasa, South Kivu, and Bas Congo felt that women in public office were able to provide only limited support for the promotion of women issues as they are part of a bureaucratic mechanism and have limited power.¹⁶

It is also clear from interviews with Congolese and foreign actors that the expectations heaped on women in positions of power, especially perhaps by gender advocates, are immense. These women are expected to identify primarily as a woman rather than the other aspects of her identity that presumably helped her to the position in the first place; to show solidarity with women over her other connections; and to further specifically 'women's issues'.

Women and men assume and expect women to be honest in the face of rampant corruption. 'Competence' is a heavily gendered word: women holding positions are expected to prove their competence, male counterparts are not.¹⁷ International actors echo these requirements, which set the bar impossibly high for the women concerned especially given the disparity between men and women in access to education. "We encourage women to participate in our programmes," explained one gender focal point, adding, "So long as they merit it, of course." The assumption is clearly that men will merit participation.¹⁸ When challenged on this point, one respondent in Bas-Congo laughed: "Look around you!" she said. "Does it *look* like the men who've run this country are competent?"¹⁹

¹⁵ Interviews, Kinshasa, South Kivu. See also role of civil society in consultations, throughout this report.

¹⁶ Focus groups, Bas Congo, Kinshasa, South Kivu.

¹⁷ Observations from focus groups, Kinshasa, Bas Congo, and interviews, Kinshasa.

¹⁸ Interview, gender focal point of a Western embassy, Kinshasa.

¹⁹ Focus group meeting, Bas Congo, April 2014.

2. National framework

This chapter reviews key national policies, strategies and initiatives in place that provide the national framework for gender equality.²⁰

The Constitution speaks specifically to women's rights in articles 5, 14 and 15. Article 14 establishes the principle of gender parity in public institutions. The draft bill on the parity law was passed by the assembly and senate, but the Supreme Court (acting in place of the Constitutional Court, which has yet to be established) ruled that the bill's provisions for quotas of 30% were unconstitutional. The draft bill is currently under revision, and activists hope that a revised bill that does not refer to quotas may be adopted during the first half of 2014.

Other important legislation includes the Family Code of 1981 that contains many highly discriminatory elements. These include the requirement that women have authorisation from their husbands to buy land, open a bank account, travel or accept job. Many aspects of the Code have been supplanted by more recent legislation (labour law, for example) but revision of the Code is still not scheduled and the revision seems likely to retain the definition of the husband as the head of the family, which has significant, negative effects on women.

The electoral law may have important consequences for women in the elections foreseen in the coming years, including in relation to the status of independent candidates, possible quotas for women candidates or seats, and so forth.²¹ It also represents an opportunity to consider the suitability of candidates standing for election: in November 2011 the Mayi Mayi Cheka leader, Cheka Ntabo Ntaberi, stood as a candidate for the National Assembly in the constituency of Walikale despite the fact that a warrant had been issued for his arrest in connection with the atrocities, including the reported rape of 387 people, committed in Walikale the previous year.²² Men accused of crimes such as mass rape are surely not suitable candidates for public office.

The MGFE is currently leading efforts to revise the national policy on gender equality and the national strategy against sexual and gender-based violence (SGBV), including extending the scope of the latter beyond the east of the country. The existence of two separate strategies reflects how gender, sexual violence and SGBV are understood, including the tendency to treat SGBV as only connected to the conflict in the east rather than as a country-wide problem. A national strategy on SGBV would ideally form part of a larger gender strategy addressing women's, men's, boys' and girls' roles, responsibilities, rights and power.

The Ministry of Gender, the Family and Child is the focal point for national and international actors (donors, non-governmental organisations (NGOs) and international organisations and agencies) working on gender issues. The Thematic Group on Gender and its sub-groups provide the opportunity for donor coordination. An organisational and institutional analysis of the ministry in 2013 found that it lacked the capacity to implement its mandate and that platforms for coordination were rather used for information exchange or planning events such as International Women's Day.²³ Interviews with

²⁰ This chapter presents updates from the Profile 2009, with the exception of the Family Code, given its importance. The Framework agreement for peace and security in the Great Lakes region is addressed in chapter 4.

²¹ The question of women and the elections is discussed in chapter 4 below.

²² Human Rights Watch, "DR Congo: Arrest Candidate Wanted for Mass Rape", 2 November 2011, <http://www.hrw.org/news/2011/11/02/dr-congo-arrest-candidate-wanted-mass-rape>.

²³ Delegation of the European Union 2013 *Appui au Ministère du Genre, de la Famille et de l'Enfant en RDC. Etude d'analyse organisationnelle et institutionnelle. Contrat no 2012/301648 Rapport Final Avril 2013*.

representatives from donors and international agencies confirmed this, and observed that the Ministry provided a vehicle for donor assistance, but lacked the necessary convening power to promote its agenda with other ministries.²⁴ On a more strategic level, there seems to be little reflection as to whether the existence of a separate ministry for gender, even one with adequate institutional capacity, is an effective strategy for promoting gender equality within the government. Sectoral programmes working with other ministries have difficulty in finding counterparts interested, competent or available to engage on gender-related programming reflecting a lack of national ownership.²⁵ Gender Focal Points exist at each ministry but these resources are under-utilised and lack capacity on gender issues.

At the provincial level, Focal Points for Gender have been established to support implementation of the National Gender Policy. They represent the Division of Gender at all levels of the administration. Gender Committees are also in place, including, in South Kivu, at neighbourhood level in Bukavu. A provincial Thematic Group for Gender has also been established and serves as a mechanism to identify gaps in the sector. This model is expected to be replicated across all the provinces. Some respondents in South Kivu felt that governmental policies are designed in a very top down manner, limiting the effectiveness of their application at the provincial level. It appears that the understanding and as a result, meaningful application, of policies tends to dissipate passing from central government to provincial level, from governmental structures to civil society organisations, and ultimately to the general public.

While acknowledging that there have been significant developments in gender policymaking over the recent years, provincial public officials in Equateur insist that understaffing of gender services and lack of resources for needs assessment, mapping, data collection and other similar crucial tasks make it difficult to implement national policies and strategies.²⁶ The Division of Gender, for instance, depends upon external partners for the deployment of its activities throughout the province. With the reduction of UN and international non-governmental organisations (INGO) presence in the province since 2013²⁷ and despite the 'gender-sensitive budget' of December 2013, the Division is faced with increased difficulties to deliver its mission. For the second semester 2013, for instance, the Division's budget was CF1.000.000 (around US\$ 1.000).²⁸

Nevertheless, the Division has been able to organise and run a House of Women (*Maison de la Femme*), a multifunctional resource centre aimed at mobilising and equipping individuals and women's groups around various activities contributing to improvement of the status of women. These include equipping schoolgirls with the life skills, training housewives on key household management and maintenance issues, running a community garden and a sewing workshop. The *Maison* also provides training to women entrepreneurs, like the *mamans malewa* who run small roadside restaurants.

The National Policy on Gender, the National Strategy against SGBV and the National Plan for the Application of UN Resolution 1325 are the policies that are more widely known in South Kivu than in Equateur. However, the knowledge of these policies is far from uniform. For example, the majority of respondents in South Kivu were familiar with the basic policies outlined in the National Policy on Gender and the National Strategy against SGBV, but did not know with any degree of specificity the action plans for the implementation of these policies. In Equateur, public awareness of key women

²⁴ Interviews, representatives of international organisations and agencies, Kinshasa.

²⁵ Interviews, sectoral programming staff, Kinshasa.

²⁶ Interviews with the head of the provincial Division of Gender and with women groups, Equateur.

²⁷ The UN Population Fund (UNFPA), for instance, closed its provincial office in 2011 as part of a restructuration of its presence in the country.

²⁸ Interviews at the Division of Gender, Equateur.

rights instruments and gender promotion policies remains very low in the province, with even many local authorities at the district or village level recognising that they have never heard of the UNSCR 1325, the Gender Policy, the National 1325 Action Plan or any other similar strategy.²⁹ This would seem to suggest that there is little communication and public education around international and national gender strategies, and little engagement with civil society. It also suggests that there is no real ownership of the issue that directives for public servants at the local level do not include gender consideration or are not applied, despite the government's commitments. These findings also suggest that outside Kinshasa, 'gender' is higher on the (political) agenda in the east where there is considerable inter/national attention to sexual violence, even though 'gender issues' are equally important in all parts of the country.

In South Kivu, the attention of authorities and civil society organisations seemed to be focused on the action plan for implementing UNSCR 1325, which foresees a wide variety of actions to be undertaken by CSOs, government and partners. Many CSOs state they carry out activities in the framework of the action plan for the implementation of UN Resolution 1325, as part of their own mandate or funded by various donors.³⁰ Many organisations implement similar types of activities, which are not coordinated by one organisation or form part of a unified plan. In Bukavu, several coordination groups exist but there is no systematic and structured coordination of activities among these different actors.³¹ The Division of Gender has recently set up a Steering Committee to coordinate government activities under the implementation action plan, which includes several actors including civil society. There is also a plan to establish local steering committees, and other elements of the action plan are to be implemented at a future date, but no deadline currently exists.

Recommendations:

The assignors should support MGFE in

- Revising and updating its road maps and action plans for the relevant strategies and policies to include a clear division of tasks (at provincial and central levels, between the relevant ministries, divisions and agencies) accompanied by an appropriate allocation of funding and benchmarks (i.e. specific outputs/outcomes).
- On a yearly basis, provincial ministries of gender should report on the implementation of national policies and plans against specific outputs/outcomes.
- Civil society organisations should also report on results in the appropriate coordination mechanisms, lobby the Ministry for specific improvements, and monitor implementation.
- Over time, the process of updating roadmaps and action plans should be more inclusive, engaging provincial ministries, technical divisions and civil society organisations.

Indicators of success could include:

- A review/update of the National Gender Policy Road Map with concrete indication of outputs and responsibilities.
- A yearly monitoring document on achievement of outputs/outcomes, and identifying areas where progress is difficult, is produced by the Division of Gender at the provincial level.

²⁹ Interviews with various heads of division and with public servants at the district and territory level, Equateur

³⁰ This echoes the problem of understanding who are the 'gender' actors, described in chapter 1

³¹ One respondent stated that coordination meetings look like group of friends sharing what they do.

- A mapping document of all activities implemented by civil society organisations and other actors is produced on a yearly basis by the Division of Gender.
- Provincial ministries incorporate their priorities into the review of national policies.

Sectoral recommendations

Upcoming legislation

- As noted in the previous Gender Country Profile, revision of the ***family code*** remains a pressing priority to remove the clauses that entrench discrimination against women in law.
- The ***law on equality*** may pass in the present parliamentary session, which should be a positive step forward. Donors should be ready to provide the Ministry of Gender with technical and political assistance in its implementation, and support civil society monitoring of the same.
- The ***electoral law***, parts of which may depend on the equality law. The draft bill should be carefully analysed from a gender perspective. The law's passage and implementation, and public awareness and understanding of it, should be a priority for international donors.³²



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³² See chapter 4.

3. Justice and human rights

Access to justice remains a challenge for women and men in DRC, particularly the poor outside urban areas. This is due to several factors, such as the high costs of legal proceedings, the prevalence of corruption, legal illiteracy, the insufficient number of courts and tribunals, and a lack of staff especially in remote areas. There is a general lack of trust in the justice system, which is seen to favour the rich and powerful. Limited training of judges, prosecutors and lawyers on women's rights³³ and discrimination present further obstacles to women's access to justice. In some cases magistrates and judges are not aware of national laws or international obligations, or just do not apply them; the 2006 law on sexual violence is widely (mis)interpreted across the country and inconsistently applied, for example.³⁴ The *Code de la famille* stipulates that a woman has to secure her husband's permission to access judicial institutions,³⁵ although these requirements may be overlooked.³⁶ In other cases, tradition and culture are obstacles to pursuing justice. For instance, a wife has the right to take her husband to court, but this is not commonly accepted in the traditional culture. Where a man controls household expenditure, a woman might not be able to afford to travel to the court, or pay the necessary fees and bribes. Solely responsible for childcare, she might not be able to arrange for another woman to take care of the family's children in her absence.³⁷ Women may also be less aware of their rights and therefore do not claim them.³⁸

Respondents in all our focus provinces consistently identified women's economic activities and economic rights as key priorities for women. The problems and discrimination women face in owning property, opening bank accounts and accessing land are enormous. Even when the law offers a modicum of protection for women's precarious socio-economic status, this may be undermined by traditional practice. Inheritance, for example, is a crucial issue for widows. By law, women are entitled to inherit as long as the marriage has been legally registered, but by tradition dictates that men will inherit. In some cases, this may be extreme: widows may be left without even their clothes when their husband dies.³⁹ Many marriages are not legally registered, for a variety of reasons, one of the most important being the costs (official and unofficial) associated with registration.⁴⁰ Respondents in the different provinces stated that women are not able to claim their inheritance because they are not aware of their legal rights, and in South Kivu many organisations promote legal literacy and human rights education projects for women.

The area of rights around which there is the loudest rhetoric is undoubtedly justice for sexual violence. Victims of sexual violence are predominantly women, followed by children. 99% of the perpetrators are men,⁴¹ the overwhelming majority of whom are over 18.⁴² Sexual violence is then, men's violence against primarily women and children, and men's violence against some men. The legal framework criminalising sexual violence in DRC is well known. Briefly, it combines national legislation, such as the

³³ CEDAW /C/COD/CO/6-7, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo.

³⁴ Interview, Kinshasa.

³⁵ Art. 448 and following of *code de la famille*, confirmed during interviews conducted in Bukavu, Kinshasa.

³⁶ Interviews, Kinshasa.

³⁷ Focus group, Bas Congo; interviews Kinshasa.

³⁸ Focus groups Bas Congo, South Kivu.

³⁹ Focus groups, Bas Congo.

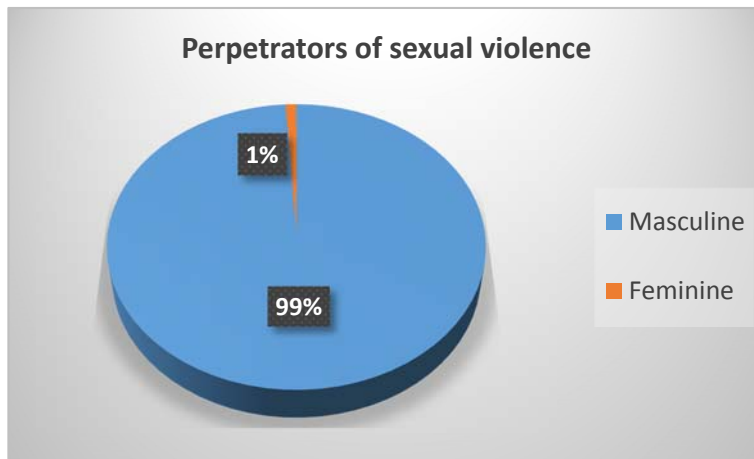
⁴⁰ Interview, Kinshasa.

⁴¹ République Démocratique du Congo Ministère de la Famille et de l'Enfant 2013 *Ampleur des violences sexuelles en RDC et actions de lutte contre le phénomène de 2011 à 2012* p.20.

⁴² République Démocratique du Congo Ministère de la Famille et de l'Enfant, 2013, *ibid*, p.21

2006 law against sexual violence and a range of international obligations, including the Convention on the Elimination of all forms of Discrimination against Women, the Rome Statute of the International Criminal Court (even if the accompanying implementation legislation has still not been adopted) and UN Security Council Resolutions 1325+.⁴³

Figure 1: Perpetrators of sexual violence (Ministry of Gender/UNDP)



Source: République Démocratique du Congo Ministère de la Famille et de l'Enfant 2013 p.20

The United Nations Joint Human Rights Office (UNJHRO) reported in April 2014 that the incidents of sexual violence between 2010 and end 2013 remain 'extremely serious due to their scale, their systematic nature and the number of victims.'⁴⁴

UNJHRO report does not claim to give a comprehensive overview of the incidents of sexual violence: it does not include sexual violence committed by civilians in non-conflict areas, for example. Sexual violence is not limited to conflict-affected areas in the east. In the east, sexual violence is perpetrated by civilians, not only members of the security forces and armed groups. The International Men and Gender Equality Survey in North Kivu found that 'more than half of all women reported being exposed to some form of sexual violence, the majority of this outside of conflict.'⁴⁵ The age of victims is noticeably lower in the west than in the east.⁴⁶

⁴³ See Profile 2009, and a more comprehensive analysis in United Nations Joint Human Rights Office (UNJHRO) in the Democratic Republic of the Congo, 2014 *Progress and obstacles in the fight against impunity for sexual violence in the Democratic Republic of the Congo*.

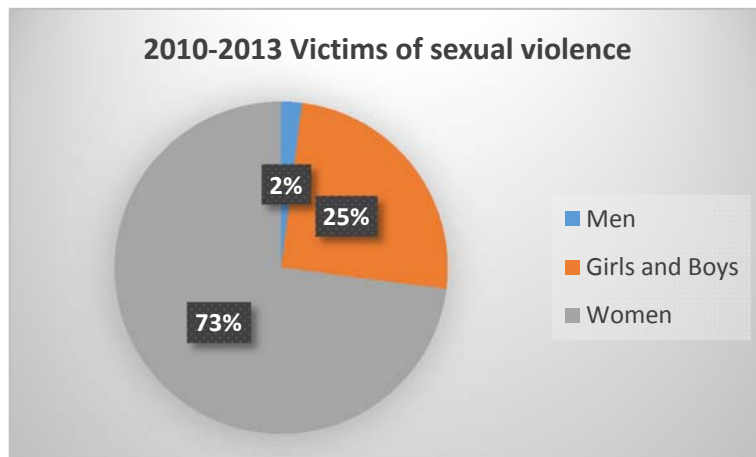
⁴⁴ UNJHRO 2014 *ibid*, p.3

⁴⁵ Sonke Gender Justice Network 2012 *Gender Relations, Sexual Violence and the Effects of conflict on Women and Men in North Kivu: Eastern Democratic Republic of Congo: Preliminary Results from the International of Men and Gender Equality Survey (IMAGES)* p.8

http://www.genderjustice.org.za/index.php?option=com_docman&task=doc_download&gid=101471&Itemid=153

⁴⁶ République Démocratique du Congo Ministère de la Famille et de l'Enfant, 2013, *ibid*, p.21

Figure 2: Victims of sexual violence (UNJHRO)



Source: UNJHRO
2014, p.11

The challenge of successfully investigating the prosecuting sexual violence is illustrated by the Minova trial. In 2012, up to 1000 women and girls were raped when the army entered Minova. In May 2014, only two soldiers of the 39 accused were found guilty of rape as a war crime. All the officers were acquitted. The UNJHRO report – which pre-dates the verdict in the Minova case - notes that although there has been some progress in prosecuting the perpetrators of sexual violence, most cases are not investigated or even reported. Victims fear retaliation and stigmatization by family and community, a situation worsened by the ‘limited efforts of some Congolese authorities to prosecute such crimes’ coupled with limited capacities and corruption.⁴⁷

Limited access to justice and a lack of faith in the formal justice system contributes to the ongoing use of traditional mediation (or justice) systems including for cases of sexual violence. These *arrangements à l’amiable* usually result in a lower settlement than what the victim would have obtained if a normal judicial procedure were held, and in many cases will be paid to the victim’s male relative rather than to her. Advocates of such alternative practices believe that it is ‘preventing conflicts since the government is promoting impunity’⁴⁸ and others point to the fact that even if a victim is awarded reparation by a court, it is rarely paid. Victims and their relatives may also take matters into their own hands, increasing ‘popular justice’ and social conflicts.⁴⁹

The desperate need to end impunity for sexual violence is widely acknowledged. The need to address impunity for other violations is also crucial, but more generally overlooked. Tactics for achieving it may backfire, however. There is growing concern amongst human rights and rule of law advocates at the apparent lack of due process in handling allegations of sexual violence, particularly on the legal advice and representation available for defendants (‘equality of arms’ is a basic tenet of the rule of law).⁵⁰ Certainly, international assistance from donors and NGOs appears to favour the prosecution rather than defence. As allegations that accusations of rape are a revenge strategy are commonplace,⁵¹ low standards of due process may well cause a backlash and *increase* impunity for sexual violence as well as undermining the rule of law more generally. Increasing the skills of the *parquets* in prosecuting

⁴⁷ UNJHRO 2014 *ibid*, p.3; see also UN Development Programme (UNDP) and Ministère de la Justice 2011 *Un an de monitoring judiciaire sur l’application des lois sur les violences sexuelles à l’Est de la RDC, quel bilan pour l’année 2010? Rapport annuel de monitoring judiciaire des cas de violences sexuelles Nord Kivu, Sud Kivu et Ituri*

⁴⁸ Focus group meeting with men, Bikoro, Equateur

⁴⁹ Interview with the provincial Division of Human Rights, Equateur

⁵⁰ UNDP and Ministère de la Justice 2011 *ibid.*; Interview, Kinshasa.

⁵¹ Interviews, Kinshasa; focus groups Bas Congo, South Kivu

sexual offences fairly will be important to address this.

Some respondents felt that greater numbers of female judges, lawyers and legal professionals more generally would be more responsive in dealing with cases brought by women and better suited to follow cases related to sexual violence.⁵² A recent study found that women magistrates are more likely to apply the law in cases of sexual violence than their male counterparts (a number of whom groundlessly accused their female colleagues of acting emotionally and punishing perpetrators of sexual violence too severely).⁵³

There is a general lack of magistrates in DRC, which contributes to the poor rule of law. There are currently around 3 600 (of which 589, i.e. 16%, are women), when around 5 000 would be needed for the judicial system to operate properly and perhaps as many as 10 000 to meet international standards.⁵⁴ In South Kivu, there are 10 female and 118 male judges, and no women judges in Equateur. In South Kivu, the number of females increases when it comes to auxiliaries: at this level there are 17 female lawyers and 170 male *auxiliaries de justice*; and 35 female and 150 male *defenseurs judiciaires*. There are no female lawyers serving in the military jurisdictions in either Equateur or South Kivu. Reform of the justice system presents an opportunity to increase the representation of women in the magistracy. Despite the cultural barriers to women's participation, including a reluctance to speak in public, male magistrates, and most, but not all, defendants appear to accept women magistrates. However, the recent decline in educational standards that has had a heavy impact on the quality of the magistracy in general means that there is an urgent need to train today's students (male and female) adequately for entering the profession.⁵⁵ Extra effort may also be necessary to encourage women law graduates to take up their profession.

The future National Commission on Human Rights is charged with monitoring respect for the rights of vulnerable individuals and groups, particularly women and the implementation of DRC's international human rights obligations.⁵⁶ At the time of writing, the composition of the Commission, including how women would be represented, remained unclear. Women's participation in the Commission will be important; monitoring the work of the Commission to ensure that it adequately addresses all the human rights of women and girls will likely be more so.⁵⁷

Recommendations:

Rule of law reform is important for women generally, as the rule of law may remove discriminatory practices that prevent them from accessing land, claiming their inheritance and otherwise enjoying their rights. The assignors should therefore

- Ensure that rule of law reform remains a priority.
- Continue to support judicial responses to sexual violence, emphasising the importance of due process.
- Support justice projects that also target other violations that affect women, such as abuse of economic rights, and ensure that women are able to access justice for the range of violations they experience.

⁵² Focus groups, Bas Congo, South Kivu.

⁵³ Programme d'Appui à la Réforme de la Justice (PARJ), 2014 *Etude sur la féminisation de la magistrature en République Démocratique du Congo, ou comment définir une politique de parité dans la magistrature*

⁵⁴ PARJ 2014 *ibid* p.9

⁵⁵ PARJ 2014 *ibid*

⁵⁶ Observatoire de la parité http://www.observatoiredeparite.org/spip/spip.php?article80&id_rubrique=57

⁵⁷ Interview, Kinshasa; focus groups, Kinshasa,

- Commit to supporting rule of law reform programming with comprehensive political engagement to hold perpetrators of abuse accountable.
- Support the professionalization of the justice sector, and within this, promote a feminisation of the magistracy, through support networks for female lawyers, for example.
- Advocate that the government demonstrates its commitment to equality, including when the new courts, such as the Constitutional Court, are established, by ensuring that competent staff is appointed to the court, including a good number of women. Similarly, there should be adequate representation of women in the National Commission of Human Rights.
- Seek to redress the imbalance between donor support for women's reproductive health and reproductive rights, which are largely overlooked, through support to outreach and education campaigns to women in general and to healthcare providers.
- Monitor directly (and indirectly through supporting civil society projects) the extent to which the planned National Commission on Human Rights promotes and monitors women's and girls' enjoyment of all their human rights across all its work. The extent to which the Commission demonstrably achieves this should be a basic condition for donor support to the Commission itself and to its projects.



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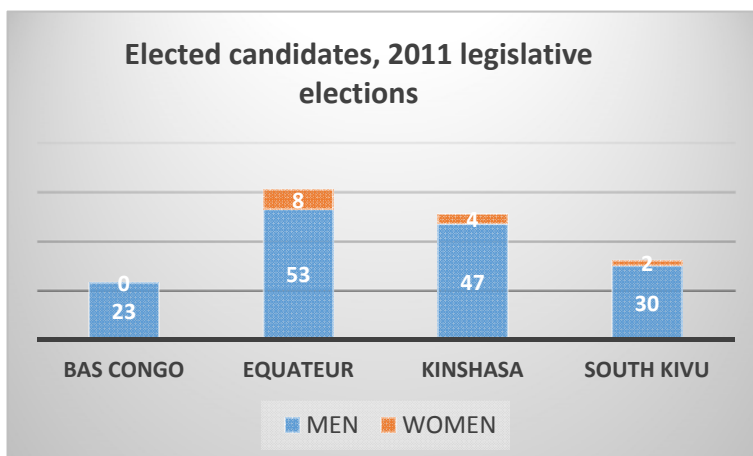
4. Political situation, access to services and participation in peace processes

Women's participation in governance more broadly was discussed in chapter 1. This chapter considers how women participate politically, particularly in elections. Given the electoral calendar this is especially relevant. The chapter then addresses how women access basic services, limited in this report to health and education. Finally, the chapter briefly considers women's role in peace processes to date.

4.1 Women's political participation

Women's political participation in DRC is generally agreed to be weak, both in terms of women voting or standing as candidates in elections. The table below shows the number of male and female candidates elected in the legislative elections of 2011 in the focus provinces of this report and nationally. Bas Congo did not elect a single woman. The reasons given for low female political participation are common to the focus provinces of this Gender Country Profile. They include traditional and cultural norms and beliefs, lack of education and financial resources, and supporting power structures.⁵⁸ Concern about low female representation led President Kabila to suggest the possibility of adding an additional seat for which only women could compete in electoral districts of three seats or more in future elections.⁵⁹

Figure 3: Elected candidates, 2011 legislative elections, focus provinces

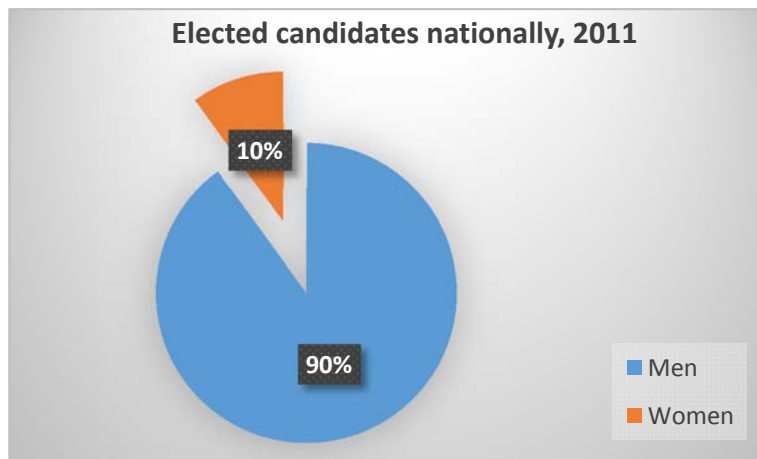


Source: Data drawn from
*Commission Électorale Nationale
Indépendante (CENI)*

⁵⁸ See also reports such as Catherine Odimba, Paul Robain Namegabe and Julienne Baseke Nzabandora 2012 *La participation des femmes dans les processus de paix et la prise de décision politique en République Démocratique du Congo* International Alert

⁵⁹ Discours du président Joseph Kabila devant le Congrès 23-10-2013.

Figure 4: Elected candidates nationally, 2011.



Source: Data drawn from *Commission Électorale Nationale Indépendante (CENI)*

4.2 Women voters

Much of the discourse around women's political participation revolves around the number of women included in the electoral lists, numbers elected to assemblies or appointed to government or traditional structures. Numeric data are often used as the main indicator for women's participation in politics and for progress towards gender equality. But the reliance on numeric data tells us little about the power held by women within these institutions.

Where women did vote, four main factors emerge from the discussions with key informants as having been the key determinants of candidate's choice. These are, in order of importance: the imperative to accommodate with husband's choices, material incentives, perceived candidates' capabilities (perhaps more in urban than rural areas, and more amongst educated women) and identification with candidates.⁶⁰ Cultural barriers persist, with respondents describing women politicians as not being 'feminine' anymore, having become 'half-men'⁶¹ or 'loose women.'⁶² Respondents expect women to show a natural solidarity with each other and are disappointed when they don't. 'It is men who are voting women since women hate each other', 'Women's jealousy is natural' commented some participants in men focus groups.⁶³

Respondents suggest civic and electoral education for women and dedicated funding aimed at supporting eligible women candidates could increase women's participation in public life, including voting and running for office. The government and its development partners are seen as the key responsible for creating economic incentives and support for women participation in electoral processes.⁶⁴ Respondents also felt that the Division of Gender and CSOs, including political parties, have a great role to play in mobilising and educating women for a greater political and civic involvement.⁶⁵

Importantly, respondents do not discuss party politics, agenda or manifestos but concentrate on the individual. Women's associations replicate this, stating the need to support women because they are

⁶⁰ Focus group and interviews in Equateur, Bas Congo and Kinshasa.

⁶¹ Focus group meetings with groups of men and with women, interviews with civil society organisations, Equateur.

⁶² Focus group meetings, interviews, Bas Congo

⁶³ Focus group meetings with groups of men, Bikoro

⁶⁴ Focus group meetings, South Kivu.

⁶⁵ Interviews with heads of provincial divisions and focus group meetings with women in various villages

women.⁶⁶ This reflects an urgent need to reform political parties and the political environment, including but by no means limited to the numbers of women on the list. A democratic culture of policy rather than person would likely benefit women (as candidates); introducing the possibility of holding politicians accountable to electoral promises and manifestos could improve the treatment of 'gender issues'.

4.3 Access to services

There are significant disparities in access to basic services between provinces, and within provinces between urban and rural populations. Urban areas tend to be the focus of service provision, including when it comes to access to life-saving information and education.⁶⁷ Since rural areas are where the poorest and most vulnerable people reside (including indigenous people), the current configuration of service provision benefits the well-off rather than those in need. Equateur, for example, has DRC's highest prevalence of monetary poverty (92.6% living on less than US\$1 per day in 2006).⁶⁸ In the absence of governmental support, humanitarian or development aid, its inhabitants have difficulties accessing (quality) services. In this context, women's access to services is generally weaker than men's given men's almost exclusive control of the household's financial resources and decision-making. For instance, heads of households prefer investing in boys' education since this is more promising in terms of future financial benefit (as women do not control finances), thus perpetuating the marginalisation of girls and women as they are socially perceived as not being good 'investments'.⁶⁹

4.4 Healthcare

Although women use health facilities more than men, women suffer from poorer health. Women's health is undermined by men's control over women's bodies, women's lack of freedom to move (e.g. to access health facilities) and access to resources (e.g. to pay for medical care),⁷⁰ including food as women and girls are often the last to eat. Female health professionals in Kisantu endorsed this finding, and believed that excessive physical labour, compared to men, and the strain of multiple births seriously weakened women's health. They also observed that men were better cared for in the home (by their wives) prior to hospitalisation and tended to arrive at hospital in a better state than women. They also noted that while women left their other duties to care for their hospitalised husbands, women tended to be left alone.⁷¹ As in other sectors, when families have scarce resources they tend to prioritise boys over girls. Traditionally, men control the family budget and in some cases women have to ask their husband permission to access health services.⁷²

⁶⁶ Focus group with political women, Kinshasa.

⁶⁷ Interview with UNICEF

⁶⁸ République démocratique du Congo/Province de l'Equateur, Document de Stratégie de la Croissance et de la Réduction de la Pauvreté, 2006

⁶⁹ Interviews with men and women in several villages, Equateur,

⁷⁰ Fodié Maguiraga, Luisa Ryan, Isabelle Turcotte and Lombardo, Bridget. 2012. A Gender Analysis in the DRC. Integrated Health Project.

⁷¹ Focus group, health professionals, Bas Congo.

⁷² Focus groups, Bas Congo, Equateur. South Kivu.

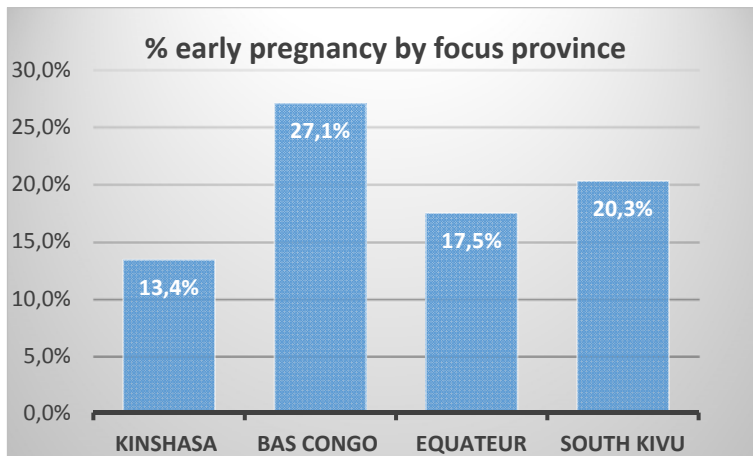
19% of deaths of women aged 15-49 are due to childbirth

--EDS-RDC 2007

The absence of a functioning health sector means that the healthcare available appears to be determined to a large extent, by supply rather than demand. As with other basic services (such as education, see below) religious institutions play an important role in delivering basic services. Women's health, like women's identity, is seen predominantly through the lens of her reproductive health (but not her reproductive rights), and healthcare options available may be largely determined by religious norms rather than need.

Maternal health seems to be slowly improving.⁷³ Early pregnancy is a key health problem across the country, with an average of 25% of women aged 20-24 giving birth to a live child before the age of 18.⁷⁴ Even in areas where sexual violence and unwanted pregnancy, especially amongst young girls are serious problems, family planning advice and services are not available in Catholic-run hospitals, for example. People seeking these services have to go elsewhere,⁷⁵ if they can afford them.⁷⁶

Figure 5: Percentage of early pregnancy by focus province



Source: Data from MICS-2010 p.117

Equateur province has the lowest prevalence of contraceptive use in provinces considered, of around 3%.⁷⁷ This seems to be due to a lack of coordination between actors in the various relevant sectors,⁷⁸ insufficient public funding and poor service provision.⁷⁹ Poor healthcare provision in Equateur is apparent in other relevant areas too: despite widespread prostitution, including by children as young as 11-15 years old, there remains huge unmet needs in terms of HIV/AIDS prevention, treatment and care. In Bikoro, for instance, the minimal HIV prevention, treatment and care package is not integrated in the territory's health services and all cases must be referred to health facilities in Mbandaka, an impossible trip for a mainly poor population. Large parts of the province also lack specialised and skilled

⁷³ EDS-RDC 2014, p.19

⁷⁴ République Démocratique du Congo 2011 *Enquête par grappes à indicateurs multiples MICS-2010 Rapport Final* p.116

⁷⁵ Focus group, healthcare professionals, Bas Congo.

⁷⁶ *According to the 2008-2009 National Health Reports, sexual and reproductive health services are funded by households (68%), donors (31%) and INGOs (1%).* *Projet des Systèmes de Santé 20/20, Rapports Nationaux de Santé 2008-2009. Résumé exécutif, Bethesda, MD :*

⁷⁷ *Planification Familiale: Plan Stratégique National à vision multisectorielle (2014-2020).*

⁷⁸ Interview with UNICEF, Equateur.

⁷⁹ Only 40 out of the 69 health zones in Equateur, or 58% of the total, have family planning services in their health services packages (UNICEF, *Mapping of Family Planning and Mother-to-child Transmission Prevention Interventions and Actors, 2011 and 2012*).

personnel to respond to the health needs of mothers and their children. Surgical repairs for obstetrical or traumatic fistula for instance cannot be performed in Equateur simply because there is not a single surgeon with the necessary skills in the province.⁸⁰

South Kivu, by contrast, receives more funding and attention for healthcare, at least in relation to sexual violence. The priorities for the provincial government in South Kivu are to increase the access to basic services, the fight against HIV/AIDS, tuberculosis, malaria and childhood diseases (rubella and tetanus), ensure access to quality medicines and fight against counterfeit medicines, promote family planning, ensure safe motherhood and assisted childbirth. The disparity between healthcare provisions earmarked for victims of sexual violence leads women, in some cases, to declare themselves victims of sexual violence in order to secure treatments, especially in the case of fistulas.⁸¹

In general, health centres supported by international organisations have better capacity to respond to cases of sexual violence.⁸² Survivors of sexual violence should be treated for free but this is reportedly not always the case. There are also cases of women travelling long distances to access health facilities in town. This may be due to several factors including the higher quality of certain health facilities as well as the stigma associated with sexual violence, and the fear and insecurity to remain in the area.⁸³

4.5 Education

Respondents repeatedly stressed the importance of female illiteracy as a barrier to women's enjoyment of their rights.⁸⁴ In South Kivu, data regarding women's education show that 35% of women have no education, with 5,6% of women having completed primary education, 1% secondary education, and only 0,7% had access to higher education.⁸⁵ Respondents tended to identify education as the main need for girls, yet it is still common practice to prioritise boys' education over girls' education.⁸⁶ There are several conflicting discourses around girls' education. Firstly, respondents state that when resources are scarce, families often choose to send the boys to school because a girl will marry, and her husband will take care of her and control the family finances (suggesting the girl's parents will not benefit from the investment). Others suggested that educating a girl makes her less marriageable.

The tables below present the differences between boys' and girls' access to education in the focus provinces. The disparity between all access to secondary education between Kinshasa and the rest, particularly Equateur, is striking.

⁸⁰ Interview with the head of the Bikoro hospital.

⁸¹ Nynke Douma and Dorothea Hilhorst "Fond de commerce? Sexual violence assistance in the Democratic Republic of Congo" 2012; Maria Eriksson Baaz and Maria Stern 2013 *Sexual Violence as a Weapon of War? Perceptions, Prescriptions, Problems in the Congo and Beyond*, Zed Books with Nordiska Afrikainstitutet.

⁸² Interviews in Bukavu.

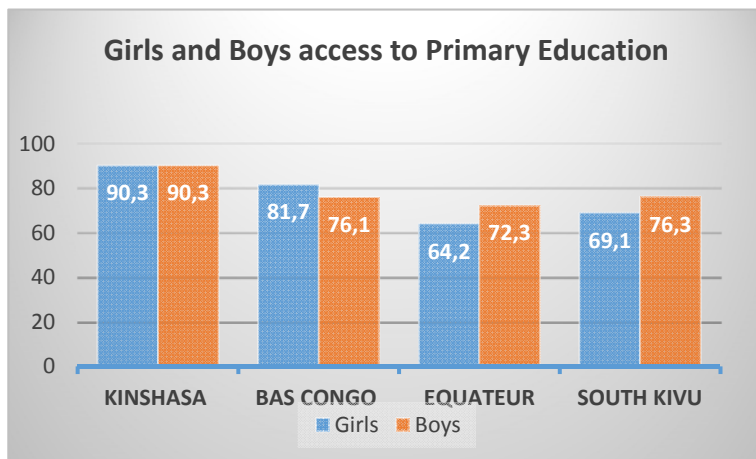
⁸³ Interviews conducted in Bukavu

⁸⁴ Focus groups, Bas Congo, Kinshasa.

⁸⁵ EDS-RDC 2007

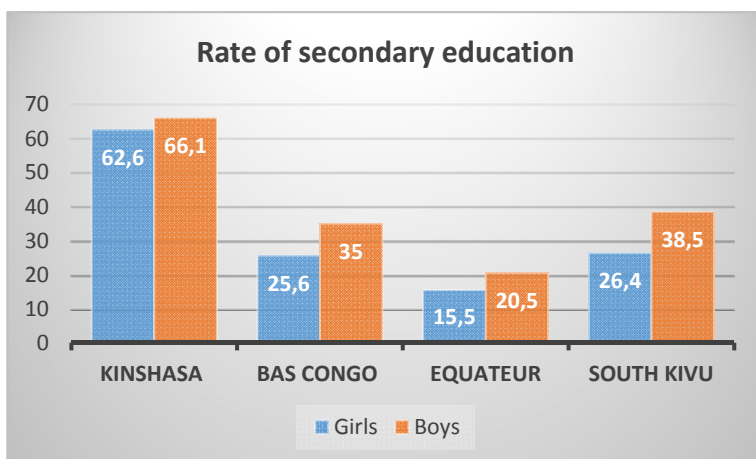
⁸⁶ Focus groups, Bas Congo, Equateur, Kinshasa, South Kivu.

Figure 6: Girls' and boys' access to primary education by focus province



Source: MICS-2010

Figure 7: Girls' and boys' access to secondary education by focus province



Source: MICS-2010

A dominant theme in Bas Congo is that girl's education was necessary to prevent early pregnancy outside marriage, which was identified as a major social problem. The same respondents, even when challenged on the point, did not prioritise educating young men not to produce unwanted pregnancies with young partners, believing them to have natural, uncontrollable sexual urges.⁸⁷ Numerical data for girls' (and boys') access to education only goes so far in assessing progress towards, or away from, gender equality. Attention needs to be given to *what* children of both sexes are taught, both in terms of gender roles⁸⁸ and in relation to sexuality, reproductive health and rights.⁸⁹ As noted in the context of healthcare above, in the absence of a functioning state education system, education provided by religious or other bodies may promote rigid gender norms that perpetuate discrimination against girls, and promote pre-determined, limited notions of appropriate behaviour. This presents a particular danger to girls although the damage cause to boys and men (and then to women and girls) by promoting attainable models of masculinity is perhaps underestimated.⁹⁰ Finally, schools are not safe places. Besides systematic discrimination against girls, teachers also rape and commit other violations against the pupils in their care, primarily girls, often going by the euphemism of 'sexually transmitted

⁸⁷ Focus groups, Bas Congo.

⁸⁸ Interview, UNICEF, Kinshasa

⁸⁹ Interviews, bilateral donors, Kinshasa.

⁹⁰ Observations from interviews Bas Congo, Kinshasa.

grades'.⁹¹

4.6 Women's participation in peace processes

Peace agreements are generally believed to be more sustainable if women participate in the process. The Framework Agreement for the Great Lakes region, agreed in 2013, mentioned sexual violence but no other women's protection needs, and did not include any measures to include women in its implementation.⁹² The Great Lakes Women's Platform (GLWP) launched by UN Special Envoy of the Secretary General to the Great Lakes region Mary Robinson in January 2014 seemed to present an opportunity for women to enhance their participation in the peace process. However, so far participation of women and women's organisations from South Kivu has been limited.⁹³ Apart from the Special Envoy, no women participated in the talks between the M23 and the Congolese government in Kampala. Women's groups from the east were apparently not represented in at the conference on women's engagement in peace processes convened by the Special Envoy in Bujumbura in 2013. The Special Envoy visited Bukavu in March 2014 and held a meeting with members of civil society, but members of women's organisations felt that there was very limited time to discuss key issues.⁹⁴

In the numerous peace processes in recent years, women's involvement has followed similar patterns. Women have participated to a certain degree in large-scale peace conferences, such as Sun City in 2002 and the Goma conference in 2008 but have been largely excluded from less public events. Where women have participated in peace conferences, or where they have on rare occasions been consulted by mediators, it has been on 'women's issues', usually limited to rape and sexual violence in a very superficial way. Women with extensive experience in disarmament, demobilisation and reintegration efforts, for example, and with connections to and knowledge of armed groups are generally not consulted on, and do not speak up on these issues. Women are also encouraged to speak with 'one voice' as if 'women' were a homogenous group with one, shared opinion.⁹⁵ The failure of national and international mediators to date to engage with the range of women's opinions on peace and security in DRC can only be a missed opportunity. Projects run by INGOs in the east and elsewhere may help women from civil society participate more fully in future processes.⁹⁶

Recommendations:

Women are likely to benefit from free elections and a reform of the political parties as well as from peaceful elections. In light of the upcoming elections, donors should:

- Provide immediate assistance to the women's movement and civil society to help prepare for the elections, in terms of: civic education and outreach, helping candidates develop pro-women policies, prepare for election monitoring etc.

⁹¹ Interviews, bilateral donors, Kinshasa; focus group, Bas Congo.

⁹² Sharanjeet Parmar 2013 *Women's agenda key to stabilising eastern Congo*, Central African Forum, African Arguments, available at <http://africanarguments.org/2013/08/19/women's-agenda-is-key-to-stabilising-eastern-congo---by-sharanjeet-parmar/>.

⁹³ Focus groups, interviews, South Kivu,

⁹⁴ Focus groups, Bukavu.

⁹⁵ See for example L Davis 2013 *ibid*.

⁹⁶ Such as Kvinna til Kvinna and International Alert; Oxfam.

- Support civic education campaigns, educating the electors and encouraging women and men to vote responsibly.
- Conduct a gender analysis of the electoral law and monitor its application.
- Help political parties to reform, including by strengthening the role of policy rather than personality, and supporting parties and civil society in developing pro-women policies for the parties.
- Encourage parties to present lists including women in winnable positions.
- Support a cross-party group of female candidates in preparing for the elections.
- Encourage measures to screen suitability of candidates for electoral office, including on the individual's human rights record.
- Support the women's movement in developing a campaign around the elections that prioritises pro-woman policy commitments and candidates, rather than just women per se, and that reaches out to male candidates who can prove a commitment to women's equality.
- Support monitoring of candidates on promises, campaigning behaviour and voting record once in office, including on 'gender issues.'
- Support a gender-sensitive approach to organising successful elections, including the logistics, location and opening hours of polling stations, provisions for the illiterate etc. Donors should also consider 'gender' training for monitors to ensure, for example, that women's husbands do not vote in their place. The secrecy of the ballot is also a 'gender' issue.

Access to public services:

In general, the assignors should:

- Advocate that the government adopt gender-sensitive education and healthcare reform systemically, and that the government takes ownership of these critical areas of public service. Donors should monitor progress and ensure that development assistance is accompanied by comprehensive and robust political engagement.
- Support major public awareness campaigns by the government to promote education for girls.
- Scrutinise the recipients of development assistance to ensure that schools and healthcare providers do not perpetuate discrimination against women and girls. Recipients of development aid for education should promote gender equality, healthcare providers should respond to need rather than deliver gender norms that perpetuate discrimination.
- Support initiatives that encourage girls to broaden their aspirations rather than be limited by conservative notions of appropriate female behaviour. Similarly, boys should not be constrained by dominant models of negative masculinity, so donors should support efforts to promote and model positive masculinity in schools, communities and families, giving boys positive role models and attainable aspirations.
- Support efforts to hold school boards, teachers and local authorities accountable for violations of pupils' rights, including sexual violence, including ending acceptance of and impunity for 'sexually transmitted grades.'

- Support projects that include sexuality education on the curriculum for boys and girls, with a view to reducing early pregnancy, early marriage and other forms of sexual violence.
- Insist that vocational training schemes for girls are based on an analysis of what market opportunities there are locally (i.e. where there is the possibility of income generation), rather than on gender stereotyping. Currently, many initiatives seem likely to lead to saturating the local market with more seamstresses (for example) than the local economy, which is generally weak, can support. These activities are unlikely to be income generating, or motivating for young people.
- Support initiatives that encourage women to enrol in university and train for the professions (including the law). Additional classes, such as in rhetoric might contribute to greater numbers of female law graduates taking up the profession.
- Broaden their support for women's health, including but going beyond reproductive health and support for victims of sexual violence.
- Attempt to redress the balance in development assistance available for healthcare facilities and education in 'overlooked' provinces like Equateur, where the lack of services has an important (negative) impact on women.

Participating in peace processes:

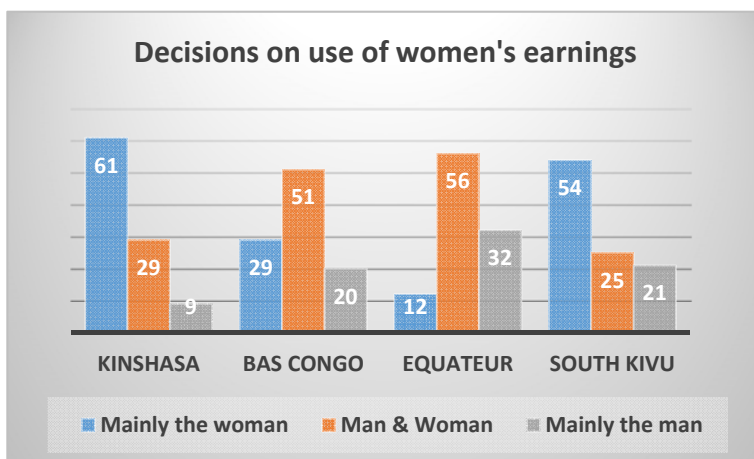
- Donors should support civil society initiatives that facilitate a range of women – and a variety of opinions – engaging with national authorities and the UN, particularly the Special Envoy, in implementing the peace agreement in the east.
- Donors should strongly encourage, in programming but also in the political dialogue, the national authorities and the UN to engage a range of women's voices in meaningful consultation in the peace processes in the east.

5. Women's socio-economic situation

In a country famously endowed with riches almost beyond belief, the vast majority of the population are desperately poor, and women are the poorest of all.⁹⁷ DRC is currently enjoying economic growth, and a key question would be to assess how women benefit from that growth. In common with the rest of this study, the data and documentation available to the team focussed on the majority of women, who are poor. So did the respondents. There are, however, wealthy Congolese women who are successful in business.

Focus group participants and interviewees repeatedly identified economic activity as high priority for women. With the decline in male-dominated 'formal' employment, particularly in the public sector, the 'informal' sector is the main source of livelihoods. 97% of women in South Kivu work in the informal sector, compared to 85% of men. Women work in precarious conditions with low salaries. Only 2.4% of women have regular salaries in contrast with 18.4% of men. In DRC, women earn on average less than men: the average income for women is US\$15 a month compared to US\$20 a month for men.⁹⁸ In Equateur, women are also said to be active in petty trade of goods and agricultural products but since this is in the informal sector, there is no reliable data available⁹⁹ Fishing is almost exclusively a masculine sector.¹⁰⁰

Figure 8: Decision making on women's earnings



Source: Data from table 17.2 EDS-RDC 2007

Women, particularly poor, rural women, have little financial autonomy.¹⁰¹ In Bas Congo, the income that women generate from tending small-scale plots is vital for feeding and housing the family. Yet she may still have to pay her husband rent from the land she farms, in other words from the household budget; money she has to pay for education, food and health care. What the man does with 'his money' is up to him, but he is not meant to put it towards the family's needs.¹⁰² In Equateur, this pattern is repeated.

⁹⁷ DRC ranks 186th on the UNDP's Human Development Index, with a Gender Inequality Index of 0.681. <http://hdr.undp.org/en/countries/profiles/COD>

⁹⁸ UNDP "Profil resume pauvrete et conditions de vie des menages" 2009.

⁹⁹ Interviews and focus groups, Equateur.

¹⁰⁰ Interviews with heads of divisions, women development groups and focus groups with women and men in Equateur.

¹⁰¹ Focus groups, Equateur, Bas Congo.

¹⁰² Focus groups, interviews, Bas Congo.

'Customs say that the man is the chief with the legitimate right to take decisions', 'My wife is the cashier, and I am the manager. If she does anything without my authorisation, I must beat her' or 'money belongs to us [men]' were recurrent statements by men participating in the focus groups.¹⁰³

The main economic activities in South Kivu are agriculture, mining, commerce and international trade. Women are generally perceived to participate in these activities, particularly commerce, in a marginal and informal way, although little research has been done (provincially or nationally) into female entrepreneurship beyond small-scale trading.

In the trade sector, women often work as petty vendors. The sector is not regulated and they have no legal protection, social security or any other benefits. They are also subjected to a high level of official and unofficial taxation. In Kinshasa, women traders appear to have been hit particularly hard, including physically, by police efforts to 'clean up the streets.'



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The agricultural sector is one of the main sectors of activity for women. Land use in DRC is regulated and managed by a dual system comprised of national laws and traditional power structures. The traditional chiefs play a key role in the allocation and management of land. These structures are attached to cultural values and strongly dominated by males. This has an impact on women, especially for their access to land.¹⁰⁴ In Bas Congo, for example, a woman cannot grow a tree because this would signify she owns the land.¹⁰⁵ Although many families depend on the products women are able to grow on tiny pieces of land, women rarely own the land.

Some (women) entrepreneurs set up small scale businesses that play an important part in the local economy, such as the *centres de transformation* in Bas Congo.

In terms of property and acquisition, women rarely have the financial resources required to buy land and may be prohibited from buying land under the terms of the *Code de famille*, if applied. They also face challenges inheriting the land. They have the right to inherit land as long as they can prove their rights. In many cases widows are facing challenges in claiming their inheritance¹⁰⁶ especially when the marriage was not registered or in cases of polygamy, second wives have no rights.

¹⁰³ Focus groups in several villages, Equateur.

¹⁰⁴ Focus group, Bas Congo, South Kivu.

¹⁰⁵ Focus group, Bas Congo.

¹⁰⁶ Annie Matundu Mbambi (wilpf drc) and Marie-Claire Faray-Kele (uk wilpf) "Gender inequality and social institutions in the D.R.Congo", April-December 2010.

Women can rent land, often without formal contract. In some cases, if the land becomes productive, the landowner may bar women from continuing usage. In other cases, women and their children can be hired as casual labour in large plantations. They usually come from families that have no land, have little bargaining power, and are poorly paid. In other cases, they perform some work for a landowner and in exchange are given a plot of land that they can cultivate for themselves. This practice has become particularly exploitative as often women are requested to perform a variety of unpaid chores for the landowner, such as fetching water, washing clothes, etc.¹⁰⁷

Artisanal mining is an important part of South Kivu's economy, which attracts workers driven by poverty. Women in the mining sector do not have access to the same opportunities as men.¹⁰⁸ They are involved in a range of activities, including mining but are often excluded due to tradition or superstition. Bushi women are not accepted in mining areas for example, as they are believed to bring bad luck.¹⁰⁹ Women are more usually engaged, in supporting activities such as washing, sorting materials, and transportation, which are less profitable. Women also work in the camps around the mines in restaurants, hotels or small businesses, or as sex workers. While everyone in the mine sector is exposed to various risks, women, girls and boys are particularly vulnerable.¹¹⁰ In general they work in precarious social and environmental conditions, and in some cases in South Kivu they are exposed to coercion, intimidation, sexual violence, HIV/AIDS, abuses and exploitation. There is a lack of protective laws granting safe working conditions for women in mines.¹¹¹ For instance, the mining code does not include specific gender provision. Related to the presence of women in the area is also their children and the consequent problem of child labour in mining.¹¹²

Women have little time or money for leisure pursuits, or political activism. Even the most basic domestic activities in the household can reflect deep gender inequalities. According to interviewees in Equateur, lunch or dinner times often offer the picture of the husband comfortably sitting and eating at the only table in the house while the wife and children sit 'slightly far'. 'A woman is lucky to eat with her husband; women eat in the kitchen.'¹¹³ The husband also has priority for the best parts of the meals, even if he is not the main bread-winner. The same is also true for rest-time: the husband's rest is sacred. The household's resources such as mattresses, bed sheets or blankets are used to ensure his comfort before the needs of other members of the household are taken into account.¹¹⁴

Recommendations:

In addition to broader efforts to alleviate poverty, and rule of law reform included above, donors should pay particular attention to:

- Initiatives to support women's access to land as well as justice (to protect her economic rights)

¹⁰⁷ Interviews in Bukavu, Bas Congo. See also IFDP "Problématique foncière dans la chefferie de Kabare ainsi que dans la zone urbano-rurale de Kasha (Bukavu)", 2012.

¹⁰⁸ Interviews, Bukavu. See also Hannah Poole Hahn, Karen Hayes, and Azra Kacapor "Breaking the Chain *Ending the supply of child-mined minerals*". And "Gendering the Field Towards Sustainable Livelihoods for Mining Communities" Edited by Kuntala Lahiri-Dutt, 2011.

¹⁰⁹ Bushi women are not accepted in the mining area as it is believed that they bring bad luck. Interview in Bukavu.

¹¹⁰ Hannah Poole Hahn, et al *ibid*; Kuntala Lahiri-Dutt, 2011. *Ibid*.

¹¹¹ <http://blogs.worldbank.org/energy/extractive-industries-fragile-settings-present-opportunities-and-risks-women>, Pact "Women in Artisanal Mining in the Democratic Republic of Congo".

¹¹² Hannah Poole Hahn, et al 2011, *ibid*.

¹¹³ Interviews with men and women in Bokolomwaki, Equateur.

¹¹⁴ Focus group meetings with women's groups and with men's groups in various urban and rural areas.

- Commission gender-impact studies of possible regularisation of 'informal' economic activities, such as petty vendors, cross-border trade and mining and use these studies to inform gender-sensitive approaches to economic development and greater safety and working conditions.
- Commission research into the practices of successful businesswomen, who are overshadowed by the dominant perception of women's economic activities as small-scale traders and farmers.
- Information campaigns to increase men's responsibility towards the household budget, in particular, contributing to education and healthcare costs.
- More broadly, measures to encourage men to take up more responsibility for gender equality within their own families and communities.



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6. Gender-based violence

The low status of women and girls is closely related to gender-based violence. As with 'gender' more

Gender-based violence (GBV)

is any harmful act that is perpetrated against a person's will, based on socially ascribed differences between males and females. GBV has a greater impact on women and girls than on boys and men. Examples of GBV include (but are not limited to): differential access to food and services, sexual exploitation and abuse, including trafficking, child marriage, female genital mutilation/cutting, sexual harassment, dowry/bride price abuse, honour killing, domestic or intimate partner violence, deprivation of inheritance or property, and elder abuse.

broadly, the term is not generally understood.¹¹⁵ Gender-based violence, in the form of discrimination, is pervasive in DRC as the previous chapters have shown.

Domestic violence is believed to be widespread, and is generally accepted by women and men as a legitimate response to a woman's (perceived) failings, such as : burning a meal, arguing with him, going out without telling him, neglecting the children or refusing to have sex with him. Well over 70% of women felt that one or more of these reasons justified a man beating his wife.¹¹⁶ Domestic violence appears commonplace and may be even more severe against women who are physically disabled, albino or belong to an indigenous group, such as pygmies.¹¹⁷

Definition adapted from Global Protection Cluster¹¹⁸

There are strong gender differences between street-children in Kinshasa. Girls (about 26% of street-children)¹¹⁹ are more likely to have been thrown out by their families, whereas boys may have been trafficked for labour or to be part of criminal activities. Girl street children are more heavily stigmatised than boys and are much more difficult to reunite with their families after time on the street, which usually involves sex work.¹²⁰

In Equateur, the status of married women according to local customs varies and can be very precarious. In the Ngbandi culture, a man can 'give' his wife to a respected guest as a proof of his consideration, while Zandes accept that a man takes a younger sister of his wife when the latter reaches menopause. Yet the Ngombes and the Songes, also in Equateur, insist that 'the left hand washes the right' as an image of the climate of mutual understanding and help that must prevail in a household.¹²¹ Women in Bas Congo point out that 'in the old days' when cultural prejudices against women were even stronger, rape on the level that is happening today simply did not happen.¹²²

The extent of sexual violence in DRC is horrific, and shows no sign of reducing.¹²³ The data for incidents of sexual violence are unreliable, and multi sectoral methods of collection mean that there must, logically, be duplication. Even allowing for the unreliability of the data concerning reported cases, there

¹¹⁵ Interviews, Kinshasa, Bas Congo.

¹¹⁶ Table 17.5 EDS-RDC 2007.

¹¹⁷ Interviews at the Maison de la Femme, Mbandaka, Equateur.

¹¹⁸ See <http://www.globalprotectioncluster.org/en/areas-of-responsibility/gender-based-violence.html>

¹¹⁹ War Child UK online <http://www.warchild.org.uk/what-we-do/democratic-republic-of-congo/kinshasa-project>

¹²⁰ Interview, Kinshasa; see also War Child UK, <http://www.warchild.org.uk/what-we-do/democratic-republic-of-congo/kinshasa-project>

¹²¹ Ministry of Gender, National Gender Report. pp. 48, 39 and 60.

¹²² Focus groups and interviews, Bas Congo.

¹²³ See chapter 3.

is no evidence to suggest that rates of sexual violence are decreasing despite the attention received. To the contrary, there is evidence that sexual violence is increasing – perpetrators in the east are increasingly civilian, including family members of the victim and, away from the conflict in the east, perpetration rates are increasing in Kinshasa and Bas Congo.¹²⁴

Sexual violence is overwhelmingly perpetrated by men, as figure 1 above shows. It is men’s violence, and it appears to be increasingly civilian men’s violence. The vast majority of victims are women, but men are also victims of sexual violence committed by other men both through rape and by witnessing sexual violence committed against family members, for example.¹²⁵

Sexual violence dominates the statistics and discourse on sexual and gender-based violence. In South Kivu, for example, government data for 2013 indicate 6,614 cases of SGBV occurred in the province. The majority of these cases (96%) were rape cases.¹²⁶ Many respondents indicated that cases of SGBV are often not reported due to the stigma perceived by victims of sexual violence, while other forms of violence, such as domestic violence, marital rape and harassment go unreported because they are still culturally accepted or because women are not aware of their rights. In common with other parts of the country, discussion on SGBV is often reduced to sexual violence.

Why has sexual violence proven so resistant in the face of so much national and international attention? It is striking how sexual violence is described – as a ‘phenomenon’¹²⁷ or ‘epidemic.’ These terms convey a sense that sexual violence is organic and has a life of its own. But sexual violence is surely a set of decisions made by men – either to commit the act themselves, to allow or even others to commit acts that they know are wrong¹²⁸ all within an environment that has changed somehow to allow this to happen, or be unable to prevent it. This is the case even in places like Bas Congo that have been relatively free from violence in recent years.

Attitudes by some men in leadership positions must surely make the situation worse: a senior figure in the *districte des Cataractes* explained at considerable length how women’s dress provokes rape, and that the reported rape of a 12 year-old girl by an unrelated doctor in Kisantu should be understood as ‘incest’ rather than rape.¹²⁹ Ignorance or wilful misunderstanding of national legislation is not, in this case and presumably in others, a bar to a position of responsibility, which includes coordinating local security and judicial authorities.

In South Kivu a number of organisations working on sexual violence are coordinated by various clusters according to the sectors indicated in the National Strategy Against SGBV and the accompanying implementation plan. Some organisations interviewed reported they were engaged in prevention activities, which mainly consisted of awareness raising, training and advocacy. The role of men in the prevention of SGBV is increasingly recognized and considered important. Sensitisation activities often target men and women, and involve men in the conduct of sensitization activities. In Equateur, there is a huge gap in terms of local actors that register as working on SGBV issues and those who actually report on their activities. The provincial government did not include support to victims of SGBV in its running budget.¹³⁰ As a result, the intended actions for prevention, multisectoral support (economic,

¹²⁴ Interviews, Kinshasa.

¹²⁵ See Gender Country Profile 2009

¹²⁶ Data from Ministry of Gender, South Kivu.

¹²⁷ République Démocratique du Congo Ministère de la Famille et de l’Enfant 2013 *Ampleur des violences sexuelles en RDC et actions de lutte contre le phénomène de 2011 à 2012* p.20.

¹²⁸ Baaz and Stern (2013) *ibid.*

¹²⁹ Interview, Mbanza-Ngungu.

¹³⁰ Interview with the Ministry of Health, Social Affairs and Relations with the Provincial Assembly

psycho-social, etc.) and the strengthening of the capacities of anti-SGBV actors to deliver their mission and build the recommended coordination mechanisms were only very partly implemented.

One of the concepts that emerged from various interviews in South Kivu was the need for a ‘new socialisation’ on the essential role that men and women play in this socialization, starting from their household and expanding to the community at large. This concept recognises the important role families have in education, and encourages men and women to model positive behaviour. The concept includes a more equitable distribution of household tasks, including cooking, washing, childcare between family members and giving equal priority to boys’ and girls’ education.¹³¹

Most activities addressing sexual violence are *responses* to sexual violence, not attempts to *prevent* it. These include strengthening judicial responses to crimes that have already been committed. Impunity – for a whole range of crimes affecting women, from corruption to sexual violence – remains a serious impediment to the country’s economic and political development and for gender equality. Yet the connection between criminal prosecution and deterrence has always been tenuous. Pursuing the perpetrators of crimes of sexual violence is important for its own sake, and for the sake of justice. The assumption that (limited numbers) of prosecutions will *prevent* future crimes remains unproven, and seriously challenged by the continuously escalating statistics.

Donors are also keen to be seen to be funding psycho-medical support and assistance for survivors of sexual violence. As with judicial responses, these are important and necessary interventions for their own sake. But they do not, cannot *prevent* future violations. Sexual violence is not a health issue but acts by men that have health consequences, primarily for the women victims and also for her broader family and community.

Prevention, on the other hand, is limited to ‘awareness raising,’ ‘sensibilisation’ or human rights training within the security services. Yet there is no evidence that it is a lack of awareness that is causing men to rape; far from it.

Gender-based violence takes many forms in DRC, including through discrimination against people who are lesbian, gay, bisexual, transgender, intersexed or questioning (LGBTIQ). In many parts of the country, LGBTIQ people keep a very low profile, often outwardly conforming to the norm (by being married and having children, for example).¹³² People who are LGBTIQ or are perceived to be are reportedly often rejected by their family, assaulted, raped, and threatened. Respondents suggest that lesbian and transgender people are particularly exposed to sexual violence. Few organisations work openly to protect the rights of LGBTIQ people, and members of these organisations are stigmatised and often accused of promoting homosexuality. In Bukavu, seven members of one organisation have reportedly been victims of arbitrary arrest, of sexual violence and of death threats to the extent that the president of the organisation escaped abroad.¹³³

There is currently no legislation governing homosexual activity. A draft bill has been prepared that would criminalise homosexual acts, discussion and passage of the bill would likely increase discrimination against LGBTIQ people, or people perceived to be, exacerbating the country’s poor record and image on human rights protection, particularly in connection with sexual and gender-based violence.

¹³¹ Interviews, South Kivu.

¹³² Interviews, Kinshasa.

¹³³ Focus groups, interviews, South Kivu.

Finally, on a positive note, it would appear that Female Genital Mutilation in Equateur, where it has been practiced in the past, is in sharp decline, as local people have been effectively educated to see its health, social and economic impact.¹³⁴

Recommendations:

Efforts to reduce discrimination are included in all of the recommendations above. In addition, the assignors should:

- Focus on efforts to end men's violence against women and men by highlighting men's agency both in committing the crimes and in stopping them. Awareness raising is clearly not enough.
- Require competence and integrity from public officials, including on understanding and applying national legislation in relation to discrimination and violations, as a fundamental component in all development assistance.
- Support projects that model positive masculinities, including at school, which may help prevent discrimination and violence in the future.



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¹³⁴ Interviews, Equateur. It was not identified as a problem in South Kivu or Bas Congo.

Conclusions: Challenges for gender equality

This final chapter of the Gender Country Profile presents cross-cutting conclusions on the challenges for gender equality, drawn from the analysis presented above, and makes recommendations to address them. As stated at the outset, the intention of this report is to identify key issues and trends to be addressed.

1. What's going on? Statistics, their absence and use

Reliable statistical data in DRC is notoriously hard to come by, with most relying on the same (incomplete) sets of data, or collecting their own data sources. Statistics on domestic and sexual violence are difficult in any context; more so, perhaps in DRC than most.

Reliable demographic data is clearly an urgent need in DRC, for many reasons. Using data, however reliable, is problematic from a gender point of view, however. Numbers can show how many women participated in activities, or underwent medical interventions and can demonstrate inequality. But the extent to which numbers can demonstrate qualitative changes in women's lives are limited. Despite this constraint, donors, ministries and NGOs alike appear to rely on numerical data to try to show qualitative change. This may also be due to the 'perversely incentivised reporting' common across these organisations. Reporting officers are motivated to show progress, not identify problems or setbacks. The result is an overly optimistic picture of the success of interventions, which bears little or no relation to circumstances on the ground, but which continue to inform policy-making and programme-design and the cycle continues.¹³⁵

2. Who are 'Congolese women'?

Different people from different regions, tribes, religions and agencies use different definitions for 'women.' On the face of it, rural people, men and women, define 'women' in terms of reproduction, whether or not she is married and is a mother, while staff from international agencies tend to describe women rather in legal terms, as female adults, that is over 18. In principle, this second definition should allow a wider and more nuanced definition of womanhood. A lack of clarity around who women and girls are presents problems understanding of their different needs or expectations, and the programmes and policies designed to benefit them.

The majority of women (and indeed men) are poor, and it this view of women that dominates national and international agendas in DRC. There is apparently little attempt by external actors to understand how power operates in DRC, how the Congolese govern each other and what are the roles of state and non-state institutions. Understanding these 'neo-patrimonial' systems – and the roles of women within them - would likely contribute to better policy and programming.

The image of the poor woman dominates, yet little is known about women who wield power, be it economic or political. Understanding ways in which women acquire, maintain, use and lose power is a missing piece, as are women's achievements. The traffic-cop robots in Kinshasa and Lubumbashi have caught international attention – and they are designed by a woman. National and international actors lack critical awareness of or engagement with the assumptions they make of, and how they see and talk about 'Congolese women', their needs and priorities.

The research for this report suggests the following conclusions as to how women and seen and treated in DRC, within the scope of this report.

¹³⁵Interviews, Kinshasa

a. Objects for charity, not rights-bearers

Closely connected to the dominant image of the poor, powerless women victim, women seem treated more as objects of charity rather than rights bearers. This is reflected in a tendency to prioritise the palliative over preventive, particularly in the case of sexual violence. In healthcare, focus is overwhelmingly on women's reproductive health, not her general health and well-being. The focus on reproductive health is in no way matched by supporting women's reproductive rights, or her control over her body. This unbalance suggest that the government and donors improve women's lot (marginally), but not change the status quo.

As with development aid more generally, the government benefits from development aid programmes operated by agencies or NGOs providing healthcare, education, emergency services for street-children, legal advice. These are core functions of the state, which is responsible for the wellbeing of its citizens. The particular danger is that these remain add-ons: the government does not impede them, but does not allocate resources to them, or become much engaged. Once the donor leaves, the project dries up. Programmes of particular importance for gender equality must therefore be accompanied by robust political engagement to improve the chances for systemic change.

b. Women as perpetrators of gender inequality

Although usually implicit rather than explicit, much of the discourse around gender equality and the assumptions behind programming place the blame for gender inequality on women. As mothers, women are responsible for the education of their children, including – or primarily – their moral education. Women are therefore – the argument goes - the primary perpetrators and victims of cultural and social discrimination against women.¹³⁶ 'We teach our sons to rape'¹³⁷ Women and men criticise women for not showing solidarity with other women, by voting for them because they are women during elections, or by helping other women or 'women's issues' once within an institution. Women do not access their rights because they are ignorant of them.¹³⁸

c. The burden of gender equality

Economic hardship means that many women work hard all day, look after their children and households with little rest and – on top of this – are expected to mobilise, 'get involved' in their communities, take charge, all with little or no help. Once women achieve even a modicum of power, particularly within public institutions, they are expected to be more competent than their male counterparts, resist corruption, and show solidarity with other women. The expectations heaped on them are unreasonably high, and so women are, in effect, set up to fail.

¹³⁶ Focus groups, Bas Congo.

¹³⁷ Activist, Kinshasa.

¹³⁸ Focus groups, Bas Congo, Kinshasa.

Women contribute to DRC's development in many different ways. Kinshasa's world famous traffic cop-robots, for example, were designed by engineer Thérèse Kirongosi

3. Lack of ownership of and priority for 'gender'

There is no debate or common understanding of 'gender' in DRC. The term is used differently by different actors and agencies, and the lack of clarity fogs policy-making and muddies programming. The number of actors claiming to work on 'gender' seems to have grown, and is certainly large. Yet many seem to lack capacities or strategies for enhancing gender relations (or indeed an understanding that this is what gender entails). Counting women participants in a project is thought to be enough, without considering whether policies or programmes have changed – for the better or worse – women's socio-economic conditions, enjoyment of their civic, social political and human rights or access to services. Popular in headquarters in the global North, 'gender' has frequently lost its meaning by the time it gets to implementation. At a national level, policies are sent out from Kinshasa to the provinces, but without the accompanying budgets or capacities

to implement them.

'Gender' tends to be an add-on, and is rarely fully integrated into policy-making or programme design (beyond counting female recipients). In two of the sectoral areas this report addresses, this presents a serious challenge. In the absence of effective state provision of basic services like health and education, non-state actors may be critical for service delivery. The gender norms that these non-state actors, often churches or religious groups uphold through the (non)- provision of services, may act directly to perpetuate discrimination against women and girls, closing down their opportunities and aspirations.

Equating 'gender' with sexual violence is harmful. Reducing 'gender' and even gender-based violence to sexual violence undermines efforts to promote gender equality and stop men's violence. The majority of projects designed to 'address' sexual violence are responses to the consequences of men's violence and do not seek to prevent it. The message from national and international actors therefore seems to be that they will try to alleviate (some) individual women's suffering but not protect the women's rights and prevent abuse of those rights. Women can receive charity, if they are lucky. But they should rather be treated for what they are: citizens with rights that the government, primarily, and the 'international community,' indirectly, are **obliged** to protect.

4. Embedded parameters for women

It is striking how closed most programmes designed to address gender are underpinned by clear assumptions of appropriate female behaviour. Girls are educated, with international support, to become beauticians or seamstresses. Numerous CSOs train countless girls to be seamstresses, for example, with no analysis of whether the local economy could support them.

In a country in desperate need of skilled healthcare professional and teachers, let alone plumbers, builders, engineers, civil servants, accountants and lawyers, the education system and internationally supported projects seem designed to close down women's and girls' aspirations, rather than encourage them.

Overarching Recommendations

The following recommendations suggest ways in which the government and donors can address the trends identified above.

1. Imagining 'women' in DRC: Publicise women's roles in DRC

Pervasive stereotypes of women and discrimination against them represent a major challenge for gender equality. Women and girls are not valued as much as men and boys. To change this, political, social and religious leaders should invite and promote public debate on the range of positive roles women and girls play in DRC today, and promote the country's development, in and beyond the traditional spheres of appropriate female behaviour. The work of women leaders in their sectors should be better publicised, drawing attention not only to what women can do, but also to what they are already doing.

2. Consider the whole woman: Designing 'gender' policies

- The Ministry of Gender, the Gender thematic working group and interested donors should start a **strategic level discussion of what gender equality** means concretely in DR DRC.
- International actors should clarify their own policies, starting with **critical self-assessment** of their programmes. Are these intended to help improve gender equality, that is increase women's power in state and society, or are they palliative, intended to improve the lot of women and girls within the status quo? Do policies consider the whole woman, or just her role as mother? If policies/programmes are intended to support gender equality, then they need to be **reviewed from the design level** onwards, and include **nuanced indicators** that attempt to measure change, not numbers.
- Given the large number of actors working, or claiming to work, on 'gender issues', donors should conduct smart mapping exercises of actors in specific provinces, that include a qualitative assessment of the actors objectives and results, in line with the self-assessment described above.
- Donors should **scrutinise the gender norms of the recipients of assistance**, particularly those delivering services, to ensure that they do not perpetuate discrimination.
- Donors should base their programmes on **solid research** rather than assumptions of the power structures in DRC, how women acquire, retain, use and lose power.

3. From separation to integration

Donors should support and monitor the integration of women and 'women's issues' into institutions and civil society, gradually helping end the separation and exclusion of women and 'women's issues' from decision-making.

4. 'Gender equality' is political, not technical

To be successful, enhancing gender equality is a systematic political endeavour. Providing education or healthcare for women and girls, for example, is necessary humanitarian assistance. Unless these interventions are framed as part of a continuous political engagement to promote systemic change so that women and girls are able to access the services to which they are entitled as a matter of course, there is a risk that women and girls are treated as objects of charity, not as rights-bearers.

5. Demand men's agency

A striking aspect of 'gender' work in DRC is how little men's agency is addressed in policies and programmes. Women are expected to gain skills and take up new occupations, claim their rights, work all day and raise their families. Men are absent from the discourse.

The government and donors should consider the following as priorities:

- **Sexuality education for girls and boys:** early and/or unwanted pregnancy cannot be controlled by educating girls alone, especially since they have so little control over their own bodies. Boys need to learn this from a young age, and learn to take responsibility for their actions.
- **Men have to take responsibility for their families** by prioritising the family budget and modelling positive behaviour within the family, including taking on household tasks.
- **Men's competence to be proven:** all holders of public office should expect to prove their competence. Misinterpretation of the law, for example, is not acceptable.
- **Men have to take responsibility for the country:** men are the main decision makers and are already stepping forward in civil society to help promote gender equality and end sexual violence; it is time for men to hold each other accountable.
- **Men's violence to end:** 'awareness raising' has not ended sexual violence. Men must stop the violence men commit, and hold each other accountable for it.

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Annex 2: List of organisations interviewed

The team interviewed in total 210 individuals, and had 9 focus groups in Kinshasa, Bas Congo and Equateur.

Additional key stakeholders and organisations were interviewed:

In Kinshasa:

1. Belgian Embassy
2. Swedish Embassy
3. DFID
4. Dutch Embassy
5. MONUSCO
6. Carter Center
7. Independent expert 1 (Human rights)
8. Independent expert 2 (Justice)
9. Independent expert 3 (Elections)
10. Independent expert 4 (Gender)
11. Ministry of Gender, Family, Child
12. Programme pour la Reforme de la Justice (PARJ)
13. Oxfam GB
14. Si Jeunesse Savait
15. UNICEF
16. Belgian Technical Cooperation
17. WILPF DRC
18. USAID
19. Min Honoraire de la Condition Feminine
20. Fonds pour les Femmes Congolaises
21. War Child UK

In Bas Congo (in addition to focus groups):

22. Administration de la District des Cataractes
23. Administration locale Madimba
24. EFMEV
25. Hopital St Luc (kisantu)

In Bukavu:

26. Assemblée provincial, Bukavu
27. SARCAF
28. Division Provinciale du Genre de la Famille et de l'Enfant du Sud Kivu
29. Observatoire de la perite en DRC
30. Mwamikazi Baharanyi Esperence
31. Ministère de la Santé, du genre, de la famille, de l'enfant et des Affaires humanitaires
32. Division provinciale des Affaires sociales
33. Parti politique PCP
34. Parti politique MSR (Mouvelent social pour le renouveau), et TGD (Tous le genre et le développement),
35. UNHCR
36. L'Administrateur services sociaux et communautaires
37. UNFPA
38. MONUSCO, DDRR,
39. UNICEF
40. International Alert

41. Life and Peace Institute
42. Cordaid foundation
43. IFDP Innovation et Formation pour le Development et la Paix "IFDP
44. ICCO Cooperation
45. CAUCUS des femmes
46. COFAS (Conseil des Organisations des Femmes Agissant en Synergie)
47. Pour CDJP (le comité diocésain pour la justice et la paix)
48. CAFCO Cadre permanent de Concertation des Femmes Congolaises (Permanent Framework of Congolese Women)
49. Rainbow Sunrise Mapambazuko RSMAPEF (Association pour l'entreprenariat féminin)
50. OGP
51. Réseau d'Innovation Organisationelle (RIO)
52. Vday organization

In Equateur:

53. Division Provinciale des Affaires sociales, Equateur
54. Division Provinciale du genre, famille et enfant, Equateur
55. Division Provinciale de la Justice et Garde des Sceaux, Equateur
56. Division Provinciale des droits humains, Equateur
57. Coordination Provinciale de la Nouvelle Société Civile
58. Ministère de la Sante, Affaires sociaux et relations avec le parlement
59. Maison de la femme
60. UNICEF-Bureau provincial equateur
61. UNHCR-bureau de Mbandaka
62. Division provincial du genre, famille et enfants
63. Police Speciale de la protection des enfants et de la femme
64. MONUSCO Unité des droits de l'homme
65. Ministère du genre, enfants, Media, nouvelles technologies de l'information et porte-parole du gouvernement provinciale
66. Association pour la protection et l'encadrement des enfants-APEE
67. Collectif des femmes de l'equateur-COLFEQ
68. Reseau d'encadrement des pygmees de l'Equateur- REPEQ
69. Les AIGLONS asbl
70. Service genre du territoire de Bikoro
71. Hôpital Général de référence de Bikoro
72. Collectif des Femmes de l'Equateur- COLFEQ
73. Zone de Santé de Lolanga Mampoko



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