

Policy Brief on Women's Political Participation in the Democratic Republic of the Congo (DRC)



The African Women's
Development and
Communication Network





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1. Introduction

Since 2019, the African Women's Development and Communication Network (FEMNET) has been a member of the Women's Political Participation (WPP) Consortium that seeks to *"enhance the inclusion of women in political participation in Africa"*. The WPP Consortium partners Gender Links, FEMNET, WLSA, IFAN-Gender Lab, FAWE and PADARE, have been implementing strategic interventions to contribute to increasing the political participation and representation of women in Botswana, Democratic Republic of Congo, Eswatini, Cote d'Ivoire, Kenya, Senegal, Tanzania and Zimbabwe, in line with the AU Maputo Protocol of 2003, various associated sub-regional protocols and standards, and the 2030 Agenda for Sustainable Development, with the International Institute for Democracy and Electoral Assistance (I-IDEA) providing technical and financial support.

This policy brief commissioned by FEMNET seeks to provide recommendations on increasing female participation in the political and public spheres in the Democratic Republic of the Congo (DRC). Where females face legislative, economic and structural challenges in their attempt to participate in the political and public spheres. Whilst forming 52% of the population, Congolese women represent only 12.8% of Parliament placing the country well below the sub-Saharan African average of 24%.

On the legislative front, the Congolese government has introduced legislation that seeks to promote women participation, including adding the principle of equality between males and females in the preamble to its Constitution during the constitutional revision of 18 February 2006. Articles 5, 12, 14 and 15 of the Constitution establish the basis for legitimising any policy of equality and equity. These measures however have no binding nature with the objectives of reducing inequalities and the establishment of a means to achieve them being neglected as few plans have been implemented.

Economically, women lack the means to fully participate, with more than 61% of Congolese women living below the poverty line.¹ With little to no control over their income as finances are controlled by males, females are dependent on their male relatives. The legislative requirement to deposit application fees, amounting to one million Congolese francs per seat or per candidate therefore creates a financial barrier that the majority of females cannot overcome.

Cultural influences grounded in patriarchal norms add a complexity to the challenge, with National laws and programs, such as the Congolese Family Code guaranteeing women's submission to men.

This policy brief recommends i) legislative reforms ii) structural reforms focused on education and awareness raising iii) the establishment of coordination frameworks for actions carried out by the state, civil society, women and local communities.



1.1 Background

The DRC is recovering from two decades of recurring armed conflict and inter-communal violence, which has resulted in the deaths of millions of civilians. As a post-conflict and fragile country, the DRC has faced an unprecedented security and humanitarian crisis, resulting in, among other things, poverty, crime, and the instability of political institutions and the judicial system.

The declaration of Felix Tshisekedi as the elected president of the DRC by the Independent National Electoral Commission (CENI) after the 2018 elections marked the first civilian transfer of power. Democratic development in the DRC however faces a myriad of challenges, including a legacy of exploitation and conflict, lack of physical and communications infrastructure, extreme poverty, and continuing pockets of insecurity.

Females have been disproportionately affected by the crisis with the country marked with exorbitant rates of sexual violence. According to a study by the American Journal of Public Health, up to 1.8 million Congolese women have been raped at least once in their life², causing some UN officials in 2010 to refer to the country as the “rape capital of the world”. To this day, women continue to be victims of various types of exploitation, including gender-based violence, human rights violations, and oppression. From January to August 2018, the Joint United Nations Office for Human Rights (UNJHRO) reported that at least 893 women and girls were victims of sexual and gender-based violence³.

Moreover, the political and security crisis has intensified the vulnerability of women and girls to poverty because they have to face the consequences of poor or inadequate access to basic public services, a reduction in economic opportunities, as well as reduced participation in political life. The United Nations entity UN Women found that very few Congolese women have access to decent jobs and the illiteracy rate among women and girls is higher than among men⁴.

From an economic and social point of view, Congolese women are an essential stakeholder in the sustainable development of the DRC. Their role in food security, country building, social cohesion, and crisis prevention, even informally, is indisputable and contributes to the survival of Congolese society. Females, as important stakeholders, must be involved in political discourse and decision-making. The World Conference on Women, held in Beijing in 1995, specified that “without the active participation of women and the taking into account of their points of view at all levels of decision-making, the objectives of equality, sustainable development, and peace of a country are impossible to achieve”⁵, a fundamental principle noted during the press conference of the United Nations and the Inter-Parliamentary Union (IPU) on women in politics⁶ held on 8 June 2000.

2. State of Women's Participation in Political and Public Life

The right of women to participate in political life is guaranteed by several international conventions. In accordance with Resolution 1325 of the United Nations Security Council, women's political participation concerns their representativeness in the decision-making bodies of institutions that deal with conflict-related issues. Article 14 of the Constitution guarantees women significant representation in national, provincial and local institutions (30 percent of Congolese institution representatives must be women). But despite this provision, gender equality is very far from being implemented. Currently, women hold only 10.3% of the seats in the National Assembly (50 out of 485), while only 20 of the 100 senators are women. As for the provincial governments, this proportion varies from 10% to 30%.⁷

The creation of the Ministry of Gender, Family and Children in 2003, the 2006 amendments to articles 5, 11, 14 and 15 of the Constitution as well as the amendment of the 1981 Family Code in 2017 created a public policy in favour of women. Women's political participation in the DRC however remains weak, both at the candidate and voter level, owing to male dominant power structures, low education and low economic empowerment for women, as well as cultural norms and traditions dictating women's role in society.

Though the 2006 promulgated Constitution of the DRC asserted equal involvement of women and men in public decision-making, the reality of gender disparity in politics and public spheres continues. In the 2006 elections women made up 60% of the electorate voter participation. Interestingly, in South Kivu, the percentage was 82%, women voter participation this was achieved with collaboration from men in the community and family who told them how to vote⁸.

Myriad networks and non-governmental organizations (NGOs) have been established to promote the women's agenda and active participation in public decision-making. These include the *Caucus de Femme*, with representatives from all the eleven provinces, the Permanent Framework of Congolese Woman / *Cadre Permenant de Concertation de la Congolese* (CAFCO), and The Nothing Without Women Network/ *Rien Sans Les Femmes* ("RSLF").

Other organizations such as South Kivu Women's Media Association have been key in fighting the use of violence as a weapon of war using media. During the drafting of the 2006 constitution, women organizations were involved in lobbying for the law on sexual violence. Their efforts were supported by United Nations Mission in the Democratic Republic of Congo (MONUC). Organisations such as Comité National Femme et Développement (CONAFED) were involved in the 'Marche Mondiale' to condemn GBV.

Challenges to Women's Political Participation

The social construction of the sexes and the practices of socialization contribute to keeping women out of the spheres of power. Politics is considered as a public space and activities of women are limited to private spaces at the household and community level. There is the absence of a culture that enables women to have a significant interest in politics in DRC.

The factors that prevent women from exercising their political and civic rights at the national and local levels can be grouped into:

- (i) Socio-cultural challenges.
- (ii) Political challenges; and
- (iii) Economic challenges.

2.1 Socio-cultural challenges

Specific to the Congolese are the traditions and cultural values inherited from local customs which do not recognize any political role for women, sometimes prohibiting them from speaking in public or participating in the decision-making process, given the influence of social prejudice, marital status and religion. Women are often led by their husbands or male figures in forming opinions on voting and political participation. Churches in particular, which are immensely powerful agents of socialization in the DRC, routinely abuse fundamentalist interpretations of the teachings from the bible to the effect that God willed the submission of women to men.

Although articles 43 and 44 of the Constitution stipulate free obligatory education and the eradication of illiteracy, most girls often drop out of school because of marriage and/or pregnancy. The demographic and health survey carried out by the Ministry of Planning in 2007 shows that 20% of Congolese women aged between 15 and 49 years did not receive any formal education, compared to only 5% of men of the same age. As many as 40% of all women nationally are illiterate, compared to only 15% of men, with a literacy rate varying according to the place of residence: 19% of women living in urban areas are illiterate, against 58% in rural areas and also in terms of economic status.⁹ Improving the education of women will increase women's overall eligibility to run for office as well as enhance their knowledge of civic rights.

2.2 Political challenges

Women are confronted with the reluctance of the population to vote for women. Their only means of trying to convince potential supporters is through verbal campaigns, which is different from the campaigns traditionally carried out by their male counterparts, which consist in particular of giving gifts. Thus, the democratization

of the political party process is a real challenge which must be considered to achieve greater empowerment of women and to promote their visibility in the political arena. Many females are unable to meet the new electoral law for candidates running for a parliamentary seat¹⁰ of a three-year university degree¹¹.

2.3 Economic challenges

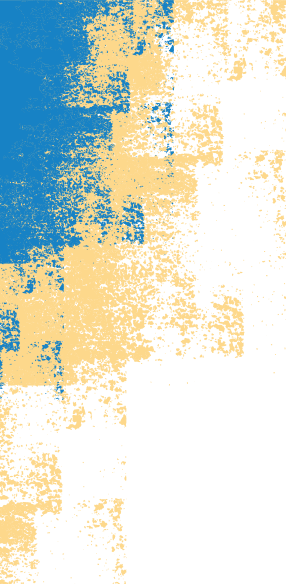
Poverty and lack of economic security are often cited as some of the major barriers to women's political participation. Poverty is a reality for the majority of Congolese women with more than 61% of Congolese women living below the poverty line.¹² Women have little to no control over their income as finances are controlled by men, making women dependent on their male relatives.

The Family Code was revised in July 2017, allowing women to open bank accounts and apply for loans without their husbands' permission. Following this move, at the community level, Village Savings and Loans Associations (VSLAs) have been heavily implemented through international NGOs and have brought some measure of financial independence to women outside of urban areas.

3. The State of Congolese Women's Role in Electoral, Executive, Legal and Legislative Frameworks

Women obtained the right to vote in 1964, as much as 54 years later, the report is bleak: out of 22 candidates that ran in the 2018 presidential elections, only one woman was represented. There has been a subtle change in political will to involving women in the decision-making process. This is epitomized by the election of Jeannine Mabunda as the first female President (Speaker) of the National Assembly in 2019, although she was impeached on December 10, 2020. More recently Alphonsine Kalume Asengo Cheusi was appointed as the first female member of the Constitutional Court, which is male-dominated and made up of 9 judges¹³. Women only make up 9% of the national assembly and face significant barriers in achieving gender parity¹⁴.

Female progression is further hindered by lack of funding and capital. Articles 104 and 121 of the DRC's Electoral Law stipulate that candidates for legislative and presidential elections must pay 1.6 million CDF, while article 14 stipulates a registration fee of 1 million CDF for provincial elections. The country DRC has subscribed to various



international legal agreements including The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Sustainable Development Goal 5, scrutiny of the results shows the persistence of discrimination against women.

The Constitution requires the state to guarantee equal representation of the sexes at all levels – national, provincial and local – and the Electoral Law demands that the lists of candidates or coalitions consider the need for equal representation of men and women. The ruling People’s Party for Reconstruction and Democracy (PPRD), the opposition Movement for the Liberation of Congo (MLC) and the Congolese Rally for Democracy (RCD) all adopted a 30% quota for the representation by women but these quotas were not implemented. The policy on parity has been put in place through Act No. 15/013 of August 1, 2015. It is clear that these measures are not binding in nature, with the Inter-ministerial Committee and the National Gender and Parity Council, not in existence to this day. The optional, fragmented and discontinuous nature of equality policies has therefore hindered real progress in this area. At the governmental level, the Ministry of Gender, Family, and Children oversees the national gender policy, which includes the implementation of UNSCR 1325.

■ Electoral Framework

The DRC adopted a mixed electoral system in 2011 consisting of both a first-past-the-post (FPTP) majority system and an open-list proportional representation to elect the national and provincial legislatures in order to facilitate the formation of a solid majority in those bodies. The law provides for a simple majority FPTP system for electoral constituencies with only one seat and a proportional representation (PR) system with an open-list preference for constituencies of two or more seats.

The principle of gender parity is not binding with regard to the gender composition of the electoral candidate lists of a political party, effectively causing the provisions of the Electoral Law No. 06/006 of March 09, 2006 to generate indirect discrimination as to the electability of women. In addition, Act No. 17/013 of 24 December 2017, amending the 2006 Electoral Law, contains two provisions that have been the subject of much controversy, namely:

- The requirement to deposit an application fee of one million Congolese francs per seat or per candidate,
- The establishment of a representativeness threshold, which obliges aspiring deputies to collect at least 1% of the total number of votes at the national level.

The use of open lists of political parties rather than closed lists reinforces the indirect discrimination against women, as voters in patriarchal societies tend to choose male candidates.

Based on the observation of the low participation of women in electoral processes, the CENI implemented a gender and elections strategy with a 2017-2022 action plan, which provides for electoral education campaigns and sensitization of voters and women's networks, in order to encourage Congolese women to get involved as candidates, voters, observers, witnesses or electoral agents¹⁵.

■ Executive

The electability of Congolese women at different political levels is low, and the last elections in 2018 were no exception. Less than 12% of decision-making positions in the public service are held by women and women represent only 18%, on average, of provincial governments. The last government of Prime Minister Tshibala (2017-2019) had 10.2% of women in ministerial positions which, in the majority of cases, were hierarchically less important than those held by men.

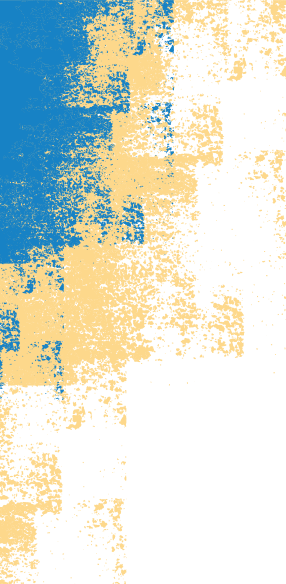
The government under the new Head of State, elected in December 2018, is made up of 17% women, including a female Deputy Prime Minister, Elysee Munembwe Tamukumwe. Although the percentage remains low, it is useful to note that large portfolios have been allocated to women, such as the Ministry of Planning, the Ministry of Labor, Employment and Social Affairs, the Ministry of Public Service and the Ministry of National Economy.

4. Recommendations

The participation of women is derisory and without intervention no change will be seen. There should be clear steps, legal frameworks and tackling of cultural norms to improve the participation of women in politics. The DRC needs to demonstrate from campaign stages capacitating of female political participation, so as to achieve the 2019-2023's Five-Year Development Plan which aims for "a diversified economy with inclusive growth and growing middle income".

■ Reform of the legal and legislative framework

Political reform needs to be bolstered by serious reforms accompanied with binding policy measures. In spite of the guarantee of equal rights in the 2005 Constitution and the criminalisation of rape in 2006, the Congolese legislation remains contradictory. It should be made mandatory for political parties to have gender parity internal policy with consequences for non-compliance. National laws and programs such as the Congolese Family Code, and article 13 of the Electoral Law which renders article 14 of



the 2006 Constitution meaningless, needs to be revised and modernised in order to achieve the objective of gender equality.

Additionally, the Family Code that limits and forces women's submission to men as are women not allowed to own property or sign any official documents without the husband's consent must be updated and reviewed. The candidate registration fees need reviewing and reduction so that fees, in particular, will be more inclusive and affordable for marginalized groups (especially women). The legislation on quotas needs to be aligned to the United Nations recommendation reserving at least 30% of positions of responsibility for women in decision-making bodies, to ensure that the interests of women are taken into account¹⁶.

■ **Capacity building through training, education and increased funding**

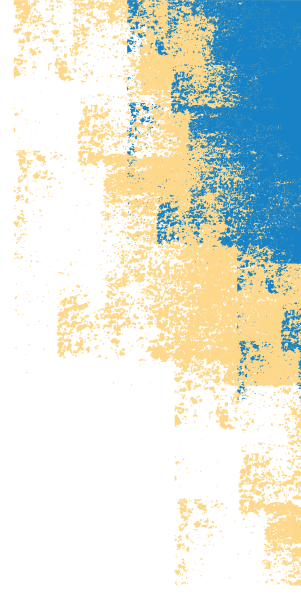
The gender gap in electoral turnout in DRC reflects complex social dynamics. Addressing this challenge requires concerted and collaborative action by women's rights organizations, political parties, and civil society organizations (CSOs) in the DRC. The promotion of positive masculinity dialogues and increased access to the education of girls with a focus on access to secondary education will encourage females to actively participate in the political and public space. Increased gender awareness is necessary to reduce stereotypes and retrograde practices through the integration of the gender dimension into school curricula.

Countrywide electoral education with a specific focus on women will increase capacity, among the training objectives must be allocation of funds and incentives initiatives. These will assist in strengthening female capacity to participate in the political and public sphere. The establishment of a preparation academy on female leadership, coaching and mentoring will ensure the success of women politicians. This needs to be reinforced by follow-up training, including programs to popularise legislative and legal texts favourable to the promotion of women's rights.

Coordination frameworks must be established to align actions carried out by the state, civil society, women and local communities in favour of the promotion of gender. Women must be economically empowered to increase their autonomy and eligibility as political actors. Institutions such as police should be trained on gender sensitivity and policy change in key areas such as recruitment and professional development should be promoted.

■ **Changing Advocacy efforts recommendations**

There is a need to change the current methodology of advocacy. This can be achieved by adopting various strategies such as focusing on men as allies with an effective



action plan. Concrete steps to establish sensitivity and awareness of the concept of women's involvement in governance is relatable. The efforts should be channelled through networks as they provide a platform for resource and information sharing providing a unified voice. Spaces should be created within the local government to promote participatory governance.

■ **Political parties reform**

Parties need to work with women in their structures through actions such as providing incentives and aid to women candidates. The mindset that the Women's Committees and movements within political parties are detrimental to male candidates needs to be a mindset changed. Political parties need to support gender equality in their party constitutions and party electoral rules. This should drive the increase of women nominated in political party seats during elections and other party lists through proportional representation. The electoral body should ensure the compliance of parties in increasing women involvement.

■ **International support**

Women led community organisations and networks in collaboration with regional bodies such as SADC and Economic Community of Central African States (ECCAS) must play an essential role in achieving these objectives. There should be increased support for increasing the efficacy of national and subnational women rights platforms and networks. This can be enhanced through the development of an African women's lobby structure to advocate for the political representation of women in decision-making bodies and gender-sensitive policies.

References

Endnotes

- 1 Thontwa, S., De Herdt, T., Marivoet, W. and Ulimwengu, J., 2017. *National Datasets On Livelihoods In The DRC: Precisely Wrong Or Vaguely Right?*. [online] Institute of Development Policy. Available at: <<https://reliefweb.int/sites/reliefweb.int/files/resources/wp-201712.pdf>> [Accessed 8 December 2020].
- 2 American Journal of Public Health, 2011, p. 1060. According to the disputed figures of A. Peterman et al., "Estimates and Determinants of Sexual Violence Against Women in the Democratic Republic of Congo" accessed 11 October 2020
- 3 United States Department of State Country, Reports on Human Rights Practices for 2018, 2018, p. 42, <<https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/democratic-republic-of-the-congo/>>, accessed 11 October 2020
- 4 The United Nations Entity for Gender Equality and the Empowerment of Women <<https://www.africawomen.org/fr/where-we-are/west-and-central-africa/democratic-republic-of-congo>>, accessed 11 October 2020
- 5 United Nations publication, Report of the Fourth World Conference on Women: Struggle for Equality, Development and Peace, Beijing, September 4-15, 1995 <<https://www.inclusivepeace.org/sites/default/files/IPTI-ONU-Femmes-Faire-Que-Les-Femmes-Comptent.pdf>> Strategic Objective F.6, section 181, accessed 11 October 2020
- 6 PARLINE database on national parliaments', n.d., <<http://archive.ipu.org/press-f/gen98.htm>> accessed 11 October 2020
- 7 Brakes on the political participation of Congolese women, especially during the election period Study report. [online]. 2017. P-51. <https://www.internews.org/sites/default/files/2017-10/Internews_DRC_WomenParticipation_French_FullReport_2017-10.pdf>, accessed 13 October 2020
- 8 International Alert. 2007. *Participation Politique Des Femmes Dans Les Pays Sortant D'Un Conflit Dans La Région Des Grands Lacs En Afrique*. [online] Available at: <<https://www.international-alert.org/publications/participation-politique-des-femmes-dans-les-pays-sortant-dun-conflit-dans-grands-lacs>> [Accessed 25 October 2020].
- 9 Rapport National sur la Revue et Evaluation du Plan d'Action de Beijing+20. République Démocratique du Congo. Ministère du Genre, de la Famille et de l'Enfant. Kinshasa, [en ligne]. Juin 2014 <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/CSW/59/National_reviews/Democratic_Republic_of_Congo_review_Beijing20.pdf>, accessed 25 October 2020
- 10 Soschildrensvillages.ca. 2011. *Women's Rights Will Not Advance Without Women Politicians*. [online] Available at: <<https://www.soschildrensvillages.ca/womens-rights-will-not-advance-without-women-politicians>> [Accessed 10 December 2020].
- 11 Soschildrensvillages.ca. 2011. *Women's Rights Will Not Advance Without Women Politicians*. [online] Available at: <<https://www.soschildrensvillages.ca/womens-rights-will-not-advance-without-women-politicians>> [Accessed 10 December 2020].
- 12 Thontwa, S., De Herdt, T., Marivoet, W. and Ulimwengu, J., 2017. *National Datasets On Livelihoods In The DRC: Precisely Wrong Or Vaguely Right?*. [online] Institute of Development Policy. Available at: <<https://reliefweb.int/sites/reliefweb.int/files/resources/wp-201712.pdf>> [Accessed 8 December 2020].
- 13 <https://www.cour-constitutionnelle.cd/>
- 14 Selimovic, J., Brandt, Å. and Jacobson, A., 2020. *Equal Power Lasting Peace The Democratic Republic Of Congo. No Peace For Women..* [online] www.equalpowerlastingpeace.org. Available at: <https://kvinnatillkvinna.org/wp-content/uploads/2018/10/13-Equal-power-lasting-peace-DRC_ENG.pdf> [Accessed 8 December 2020].
- 15 <<https://www.ceni.cd/articles/le-consortium-des-reseaux-des-femmes-et-aux-partenaires-recoit-le-plan-d-action-de-la-strategie-genre-et-elections-2017-2022-de-la-ceni>>, accessed 13 October 2020
- 16 United Nations, Women & Elections March 2005 <<https://www.un.org/womenwatch/osagi/wps/publication/WomenAndElections.pdf>> , accessed 13 October 2020



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