Law No. 15/013 of 1st August 2015 laying down detailed implementing the rights of women and gender

Reason

Since independence, the Democratic Republic of Congo has been making efforts to provide legal opportunities for men and women for their protection and security.

However, much remains to be done to ensure that women have sufficient access to decision-making bodies.

Inequalities of rights, luck and gender persist between men and women and make the Democratic Republic of Congo lose the useful contribution of women to the achievement of its sustainable human development goals. This persistence of disparities between men and women is found in almost all areas of national life, particularly in the political, economic, social and cultural spheres, disparities that inevitably lead to discrimination that impedes the proper implementation of gender parity.

Faced with this situation, the Constitution of 18 February 2006, as amended and supplemented to date, enshrines, in Articles 12 and 14, the principles equal rights, luck and sex.

The Democratic Republic of Congo has ratified a number of international, regional and subregional human rights legal instruments, including:

- the Universal Declaration of Human Rights;
- the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women;
- the Convention on the Elimination of All Discrimination against Women;
- the SADC Memorandum of Understanding on Gender and Development;
- United Nations Resolution 1325.

These international, regional and subregional legal instruments all proclaim equality of rights between men and women and constitute as many commitments for the Democratic Republic of the Congo to take legal and administrative measures for the enjoyment of these rights by wife.

The drafting of the Law on the Implementation of Women's Rights and Gender Equality is an application of article 14 of the Constitution.

It reinforces the commitment of the Congolese State to build a more just society where the behaviors, aspirations and different needs of men and women are taken into account.

Thus, the purpose of this Act is to promote gender equity and equal rights, opportunities and gender throughout the national life, including the equitable participation of women and men in the management of women and men. State affairs.

This Act comprises 38 articles grouped into 5 chapters:

- Chapter I: General Provisions
- Chapter II: Modalities of implementation
- Chapter III: Implementing Structures
- Chapter IV: Sanctions

These are the great articulations of this law.

Law

The National Assembly and the Senate have adopted;

The President of the Republic promulgates the Law whose content follows:
Chapter I: General Provisions

Section 1: Object

Article 1

This Law lays down the procedures for the application of the rights of women and gender equality in accordance with Article 14 of the Constitution.

These rights concern:

1. the elimination of all forms of discrimination against women and the protection and promotion of their rights;

2. the total development and full participation of women in the development of the Nation;

3. protection against violence against women in public life and in private life;

4. equitable representation within national, provincial and local institutions;

5. Gender parity.

Section 2: Scope

Article 2

The provisions of this Law apply to all areas of national life, including political, administrative, economic, social, cultural, judicial and security.
Article 3

For the purposes of this Law, the following terms mean:

1. sexist stereotypes: beliefs about characteristics, traits and areas of activity that are thought to be appropriate for women, men, girls and boys, in reference to the conventional roles they usually perform, at home or in society;

2. Discrimination: any distinction, exclusion or preference based on race, color, sex, religion, political opinion, national extraction or social origin which has the effect of destroying or altering the equality of opportunity or treatment;

3. positive discrimination: the principle of restoring equality by giving certain social categories preferential treatment through programs and guidance measures aimed at correcting existing discrimination;

4. Equality: being equal in terms of rights and duties, treatment, quantity or values, access to opportunities and results, including resources;

5. Gender equality: equal enjoyment of rights and access to opportunities and outcomes, including resources, by women, men, girls and boys;

6. fairness: feeling of natural justice based on the recognition of the rights of each;

7. Gender equity: fair and equitable distribution of benefits, rewards and opportunities among women, men, girls and boys;

8. Gender equity: a social reconstruction approach based on natural justice that leads to gender equality in relation to the roles and responsibilities of men and women;

9. gender: roles, duties and responsibilities that culture and society assign to women, men, girls and boys;

10. Gender mainstreaming: The process of identifying gender gaps and ensuring that the concerns and experiences of women, men, girls and boys are an integral part of the design, implementation and
implementation exercises. monitoring and evaluation of policies and programs in all spheres, so that they also benefit;

11. Gender parity: functional equality which consists of equal representation of men and women in access to decision-making bodies at all levels and in all spheres of national life, without discrimination; besides the principle of number, it also indicates conditions, positions and investments;

12. harmful practice: any act or gesture that negatively affects the human rights of women and men, such as the right to life, health, education, dignity and physical integrity;

13. Gender-based violence: acts perpetrated against women, men, girls and boys on the basis of their sex that cause or could cause physical, sexual, psychological, emotional or economic harm to them, including resort to such acts.

Chapter II: Modalities of implementation

Section 1: Women's Representation in the Political and Administrative Field

Article 4

The man and the woman enjoy equally all the political rights.

The woman is fairly represented in all the nominative and elective functions within national, provincial and local institutions, including the institutions supporting democracy, the economic and social council as well as public and private institutions. parastatics at all levels.

Article 5

Political parties take into account gender parity in the establishment of electoral lists under the conditions provided by the Electoral Law.

Article 6
The State adopts specific strategies to ensure equal opportunities for participation by women and men in all electoral processes, including election administration and voting.

It ensures that men are included in all activities related to gender and community mobilization.

Section 2: Women's participation in the economic field

Article 7

The country's economic development policies and programs are developed and implemented with gender considerations in mind. They provide everyone with equal access to resources and benefits.

The private sector promotes the participation of women in decision-making bodies.

Article 8

The state guarantees the right of women to private initiative.

It promotes, without sex discrimination, access to savings, loans, various opportunities and new technologies.

Article 9

The State takes measures to eliminate any practice that is detrimental to the rights of women with regard to access to property, management, administration, enjoyment and disposition of property.

Section 3: Protection and Promotion of Women in the Sociocultural and Health Fields

Article 10
Men and women have the right to equal opportunities and access to education and training.

To this end, the Government implements specific programs to:

1. to promote parity between girls and boys in schooling;
2. orient girls in all educational streams;
3. significantly reduce the gap in the literacy rate between men and women;
4. recover out-of-school children of both sexes through special programs, apprenticeships and vocational training;
5. take charge of the training and education of poor girls and boys;
6. ensure that girls-mothers or pregnant women continue their education.

Article 11

All stereotypes and stereotypes are forbidden at all levels of education, including teaching tools, curricula, extra-curricular and cultural activities, school orientation, career choice, advertising and teaching. 'audio-visual.

Article 12

The State develops a policy which encourages, by means of incentives, the construction, from public or private funds, of information, training, promotion and defense centers for the rights of women and young girls, in each village, group, chieftaincy, sector, neighborhood, commune and city.

Article 13

Men and women are equal partners in reproductive health.

They choose a family planning method that takes into account their respective health.
Article 14

The State guarantees to the woman, during pregnancy, childbirth and after childbirth, appropriate health care services at reduced cost, at reasonable distances and, where appropriate, free of charge and benefits. Socioprofessionals acquired.

Article 15

The state is primarily responsible for the fight against HIV / AIDS. It defines the policy, outlines the main orientations and draws up programs for prevention, management, negative impact mitigation and research.

The HIV-positive woman and man benefit from all the provisions put in place by the State as part of the national reproductive health policy.

Article 16

In the fight against violence against women, the state ensures the medical, psychological and socio-cultural care of the victim.

Article 17

Without prejudice to the provisions of the Family Code, men and women have the same rights and obligations in their family and marital relations.

Article 18

The woman's right to marriage and her full development in the home can not be hindered by dowry.

Article 19

In the event of death, it is forbidden, under penalty of legal proceedings, to inflict on the surviving spouse inhuman, humiliating and degrading treatment.
Article 20

It is forbidden to discriminate against workers on grounds of sex, in particular on the basis of marital status, family status or, in the case of women, on their state of pregnancy.

Article 21

Without prejudice to the legal provisions in force, the prohibition of any discrimination applies to any harmful practice related in particular to the hiring, the allocation of the tasks, the conditions of work, the remuneration and other social benefits, the promotion and termination of the employment contract.

Article 22

The State encourages, by means of incentives, employers who hire women to correct existing inequalities and who adopt policies to better reconcile family and professional obligations such as flexible and flexible work schedules, employment on time full and partial, other conditions of work and social security.

Article 23

The State takes coercive measures to ensure respect for human dignity in the treatment of the image of women and men, in the production and dissemination of advertising, dance, choreography, theater, fashion and audiovisual.

Article 24

The State takes appropriate measures to change patterns and patterns of socio-cultural behavior of women and men, through public education, through strategies using new information and communication technologies, in order to achieve the elimination of all harmful cultural practices and practices based on the idea of inferiority or superiority of one or the other sex or the stereotyped roles of women and men.
Section 4: Protecting and Promoting Women in Judicial and Security Matters

Article 25

Every woman has the right to respect for her life, her physical integrity and the security of her person. All forms of exploitation, punishment and inhuman or degrading treatment are prohibited.

Article 26

The State ensures judicial care, compensation and the socio-economic reintegration of victims of gender-based violence.

Article 27

The competent authorities in this regard shall promote the access of women and promote them within the judiciary, the armed forces, the national police and the security services, in accordance with article 1 of this Law.

Chapter III: Implementing Structures

Article 28

The structures responsible for the implementation of this Law are:

1. the Interministerial Committee;
2. The National Council of Gender and Parity.

Article 29
The Interministerial Committee is a high-level body composed of Ministries with gender, women and family, employment, youth, planning, social affairs, health, education and justice.

Its mission is to stimulate the dynamics of the evolution of issues relating to women's rights and gender equality.

Article 30

The National Council of Gender and Parity is an inclusive mechanism composed of representatives of the institutions, the Ministries concerned and the active forces working for the advancement of women.

Its mission is:

- to promote women's and men's ownership of the gender dimension;
- formulate and propose policies, programs and measures necessary for the implementation of gender equality and women's rights.

Article 31

A Decree of the Prime Minister, deliberated in the Council of Ministers, determines the organization and functioning of the Interministerial Committee and the National Council of Gender and Parity.

Article 32

National, provincial and local institutions, institutions and public services publish the measures taken to implement gender equality and carry out their annual assessment.

Chapter IV: Sanctions

Article 33
Any political party whose electoral list does not take into account the gender dimension is not eligible for public funding.

Article 34

Any violation of the provisions of this Law is punishable in accordance with the Laws of the Republic.

Article 35

Without prejudice to other penalties provided for by the particular texts, any processing of images and sounds made in violation of human dignity and established moral rules is punishable by a fine of between 100,000 and 1,000,000 Francs. Congolese.


Article 36

Under this Act, measures to correct existing inequalities are taken for the progressive implementation of gender parity through affirmative action in the public and private spheres.

Article 37

All previous provisions contrary to this Law are hereby repealed.

Article 38

This Act comes into force on the date of its promulgation.

Done at Lubumbashi on 1st August 2015
Joseph KABILA KABANGE