



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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List of issues and questions with regard to the consideration of periodic reports

Democratic Republic of the Congo

The pre-session working group examined the combined sixth and seventh periodic report of the Democratic Republic of the Congo (CEDAW/C/COD/6-7).

Women in conflict situations

1. The report mentions the prevalence, as a result of the conflict in the eastern part of the State party, of large-scale rapes, massacres, the use of rape, genital mutilation, sexual slavery and forced pregnancies as weapons of war and widespread HIV/AIDS, large-scale displacements, wandering, family break-ups and marginalization, trauma and exacerbation of poverty among women (pages 22 and 23). The report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, of 14 June 2010 (A/HRC/14/24/Add.3), denounces the prevalence and horrific nature of sexual violence atrocities and the shocking lack of accountability in the country's domestic legal system, both military and civilian. Please indicate the measures that are being taken to stop these atrocities and to provide remedies and health-care services for women victims of violence suffered during the conflict. Please also provide information on the steps taken to adopt the draft law for the establishment of a fund to enable the State party to pay damages to the victims of rape.

2. On 16 November 2010, the Committee requested that the State party submit an exceptional report on alleged rape and other forms of sexual violence perpetrated against women in the context of the conflict, in line with article 18 (b) of the Convention. Pending the submission of the requested report without further delay, please provide up-to-date information on the subject matter.

3. In 2008, the Special Rapporteur on violence against women noted that impunity for rape remained "massive" in the State party, especially for State security forces (A/HRC/7/6/Add.4). Please provide data on the number of persons



prosecuted and punished for violence against women during the conflict. Please provide information on the measures taken to ensure the effective implementation of the 2009 programme for combating impunity (page 25 of the report of the State party) and indicate the measures taken to ensure women's access to justice and the indictment, prosecution and punishment of perpetrators of acts of violence committed during the conflict. Please also indicate the status of execution of the warrants for arrest of General Bosco Ntaganda, issued by the International Criminal Court, which considers that there are reasonable grounds to believe that he is responsible for committing war crimes and crimes against humanity, including rape and sexual slavery.

4. Seven of the thematic special procedure mandate holders recommended that the Government remove identified perpetrators of serious human rights violations from its ranks and echoed the call of the Security Council for the establishment of a screening mechanism whereby each officer would be vetted for his past human rights record, including for key official positions (A/HRC/10/59, para. 97). Please provide information on the implementation of this recommendation as regards perpetrators of serious violations of the human rights of women.

5. In light of the previous concluding observations of the Committee (A/61/38), please provide information on women's participation in decision-making with respect to peacebuilding, in conformity with Security Council resolution 1325 (2000) on women and peace and security.

Constitutional, legislative and institutional framework

6. Please provide detailed information on the content of the draft law on parity and indicate a time frame for its adoption. Please also provide information on the progress of the ongoing reform of the judicial system and the time frame for its finalization. Please indicate the impact of the measures taken to provide legal aid services, in particular for victims of sexual violence, and indicate the number of complaints submitted by women to the courts, the type of alleged violations and the outcome of those cases.

National machinery for the advancement of women

7. Please provide information on the content and implementation of the national policy on gender issues and the national gender mainstreaming strategy in development policies and programmes. Please also provide information on the measures taken to strengthen the collaboration between the State party and civil society as regards the implementation of measures for the advancement of women. In 2009, the United Nations High Commissioner for Human Rights recommended enhancing the efficiency of, and increasing transparency over, the collection of State resources and prioritizing the allocation of these resources to further the realization of human rights. Please provide detailed and precise information on the measures taken in this regard and in particular concerning the allocation of State resources to the human rights of women. Please also provide data on the allocation of State resources and international funds for the human rights of women.

Stereotypes and harmful practices

8. Please indicate concrete measures taken and envisaged to change social and cultural patterns and eliminate gender-based stereotypes, harmful practices and

discrimination between girls and boys in the family (page 22 of the report of the State party). Please indicate whether the State party envisages developing a comprehensive plan to eliminate entrenched gender stereotypes and harmful practices.

Violence against women

9. The report mentions the prevalence, also in non-conflict areas, of sexual violence such as rape, including rape of minors and very young children in mining zones and at school, incest, sexual harassment, forced prostitution, juvenile prostitution and genital mutilation (page 22). In addition, information before the Committee indicates the prevalence of domestic violence. Please indicate the measures taken and envisaged to address these alarming issues and provide detailed information on the measures taken to: (a) effectively implement the 2009 national strategy to combat gender-based violence and its action plan, as well as the zero tolerance policy, and (b) combat the existing culture of impunity. Please also indicate the steps taken to adopt a comprehensive law on all forms of violence against women, as recommended by the Committee in its previous concluding observations (A/61/38, para. 339).

Trafficking and exploitation of prostitution

10. In its report, the State party indicated that trafficking in women is not a widespread phenomenon in the country (page 11). Please indicate whether the State party envisages carrying out a study to investigate the scope, extent and causes of human trafficking and forced prostitution, particularly of women and girls, including through the collection and analysis of data on trafficking and exploitation of women in prostitution. Please also indicate the measures adopted or envisaged to prevent and punish trafficking and exploitation of prostitution, in line with article 6 of the Convention. Please indicate whether the State party envisages enacting a law and developing a comprehensive national strategy to address trafficking in women and girls and exploitation of prostitution. Please further indicate the measures taken to provide educational and economic alternatives to prostitution and introduce exit programmes, as well as rehabilitation and reintegration measures for women exploited in prostitution.

Participation in decision-making and representation at the international level

11. The report refers to Act No. 08/005 of 10 June 2008 requesting that political parties consider gender equality in establishing electoral lists (page 8). Please provide information on the actions envisaged to achieve equal representation of women and men in all areas of political and public life, in particular in decision-making positions in the Government at the central, provincial and local levels, in the legislature, the judiciary, decentralized regional bodies and in the civil service at national, provincial and local levels, including through the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004), and as recommended in paragraph 355 of the previous concluding observations of the Committee.

12. Please provide information on the content, implementation and impact of the national strategy for the participation of women in democratic governance.

Nationality and citizenship

13. According to information received by the Committee, the rate of childbirth registration is very low in the State party. Please indicate the legislative and practical steps taken or envisaged to ensure that all children are registered. Please provide detailed information on the legal provisions regulating the right for women to retain their nationality when they marry a foreign man.

Education

14. Please indicate the measures taken to: (a) allocate adequate infrastructure and funding to education; (b) address the high level of female illiteracy; (c) increase the enrolment rate of girls in primary, secondary, vocational and higher education; (d) reduce the school drop-out rate among girls, including for reasons such as pregnancy and early and forced marriage; and (e) overcome the economic and cultural obstacles to women's and girls' access to education. As recommended in the previous concluding observations of the Committee (para. 359), please indicate the legislative provisions and policy measures adopted to implement articles 43 and 44 of the Constitution, providing for free and mandatory primary education and the eradication of illiteracy, and provide information on whether the State party has monitored the impact of the 2011 campaign for enrolment of children and has taken corrective measures. Please also indicate the steps taken to curb violence and sexual harassment of girls in schools and to eliminate stereotypical attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training.

Employment

15. Please provide data on the representation of women in the informal, public and private sectors and in decision-making positions. Please also indicate the measures taken to protect women who work in the mining sector from exploitative labour and the steps taken to ensure that protective measures for women are strictly limited to maternity protection and not based on stereotypical perceptions of their abilities and their role in society. Please also indicate whether the State party envisages adopting legal provisions offering additional avenues for redress to victims of sexual harassment.

Health

16. Please provide information on the measures taken to implement the national strategy to combat maternal and infant mortality and the measures envisaged to enhance the implementation of this strategy. Please provide information on the measures taken and envisaged to address: (a) the persisting high rates of maternal mortality and teenage pregnancy; (b) the high number of cases of vesico-vaginal fistula; (c) the persisting lack of access to basic health-care services, including essential obstetric care; and (d) the existence of sociocultural factors that prevent women from accessing these services. Please also provide information on the measures taken to: (a) significantly increase the availability and accessibility of comprehensive education on sexual and reproductive health and rights and family planning services and (b) increase the rate of contraceptive use.

17. Please provide information on the impact of unsafe abortion on women's health, including maternal mortality rates, and indicate whether the State party

envisages legalizing abortion in cases of rape or incest and when pregnancy is harmful to the mother's life and/or health.

18. The State party mentioned the high prevalence of HIV/AIDS, particularly as a result of the conflict (page 23 of the report). Please provide information on the measures envisaged to: (a) reduce the prevalence of HIV/AIDS, including mother-to-child transmission; and (b) improve availability and access to HIV/AIDS services, including access to antiretroviral treatment, especially in rural and remote areas.

Disadvantaged groups of women

19. Please indicate whether the State party has assessed and monitored the impact on rural women of the integrated rural development policy and of the national strategy on microfinance (2008-2012) and whether it has taken corrective measures. Please provide information on the measures envisaged to ensure that rural women have effective access to health, education, land, water, food, housing, credit and income-generation projects. Please also indicate the measures taken to prevent acts of violence against, and ensure protection and assistance to, disadvantaged groups of women such as internally displaced women, women belonging to the Pygmy community, women and children accused of witchcraft, women and girl albinos, girls living on the street, women in detention and women with disabilities. Please indicate the steps taken to ensure prosecution and punishment of the perpetrators of violence and discrimination against disadvantaged groups of women. Please also indicate whether the State party envisages ratifying the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

Marriage and family relations

20. On page 20 of the report, the State party indicates that the 1987 Family Code is being revised. Please indicate the measures taken to accelerate its revision and provide a clear time frame for its adoption. Please indicate whether the State party envisages withdrawing all discriminatory provisions, including those related to the need for authorization of the husband for any legal act (articles 448, 449 and 450); the husband head of household (article 353); the choice of the place of residence by the husband (article 454); a broader definition of the offence of adultery for women than for men (article 467); and the woman's duty to obey her husband (article 444). Please also provide information on the legal provisions and the practice with regard to women's right to inheritance.

Optional Protocol and amendment to article 20, paragraph 1, of the Convention

21. Please indicate any progress made with respect to ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20, paragraph 1, of the Convention.