



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
20 February 2013
English
Original: French

**Committee on the Elimination of Discrimination
against Women**
Fifty-fifth session
8-26 July 2013

**List of issues and questions with regard to the consideration
of periodic reports: Democratic Republic of the Congo**

Addendum

**Replies of the Democratic Republic of the Congo to the list of
issues to be taken up in connection with the consideration of its
combined sixth and seventh periodic reports***

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.



I. 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.

It should be recalled in this connection that the Government of the Democratic Republic of the Congo, at the United Nations Human Rights Council, officially rejected as biased and unobjective the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions of 14 June 2010 (A/HRC/14/24/Add.3) referred to in the second sentence of the question.

However, in connection with the first sentence of the question, our response is as follows:

(a) With regard to measures to stop atrocities of the kind mentioned, we would refer to the role of the establishment of the military operational court in the East of the country, which has had the task of prosecuting and punishing the perpetrators of sexual violence.

Furthermore, the Ministry of Defence has established a programme to reduce sexual violence, producing two training manuals:

- The first, focusing on gender in the national defence sector, has four modules:
 - Gender and the advancement of women;
 - The situation of women in the army;
 - The role of gender in defence reform;
 - Military leadership and promotion of gender.
- The second, focusing on technical support and capacity-building for the Forces armées de la République démocratique du Congo (FARDC), is aimed at preventing and combating sexual and gender-based violence.

The programme has also resulted in the production of two cartoons using the theme of gender-based violence. In addition, articles in the armed forces code of conduct launched and developed in December 2010 deal with gender and sexual violence.

In order to combat sexual violence, the Government uses the approach of prevention through awareness raising, and the dissemination of the armed forces code of conduct.

In the second half of 2012, the Government, through the dedicated sexual violence team and partners, put in place a number of positive measures to provide holistic health care for rape victims.

(b) With regard to compensation, the Government, as a first step, has increased the budget of the Ministry of Justice and Human Rights, to enable it to go at least some way towards meeting the needs connected with paying damages to victims of rape committed by State employees.

The Government is discussing a draft law for the establishment of a public compensation fund for rape victims.

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.

The security situation in North Kivu province has prevented both the usual degree of data gathering and verification of the allegations made in the letter of 16 November 2010.

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.

The data on the number of persons prosecuted and punished for violence against women are summarized in the table below, covering the period from July 2007 to June 2012:

Trends in prosecutions for serious crimes

| <i>Period</i> | <i>Trend</i> |
|-----------------------------|--|
| 1 July 2007 to 30 June 2008 | 840 investigations 292 prosecutions |
| 1 July 2008 to 30 June 2009 | 249 prosecutions |
| 1 July 2009 to 30 June 2010 | 337 prosecutions |
| 1 July 2010 to 30 June 2011 | 355 prosecutions 200 convictions |
| 1 July 2011 to 30 June 2012 | 224 prosecutions |

Source: 2012 MONUSCO Report/report on verdicts returned, backed by MONUSCO.

(c) The measures taken to ensure the effective implementation of the 2009 programme for combating impunity include strict enforcement of Act No 06/018 of 20 July 2006 amending and supplementing the Decree of 30 January 1940 on the Criminal Code and Act No 06/019 of 20 July 2006 amending and supplementing the Decree of 6 August 1959 on the Code of Criminal Procedure, which target all acts constituting sexual violence.

(d) Other measures include publicity, training and awareness-raising campaigns, containing specific modules and aimed at those involved in efforts against sexual violence.

In connection with combating impunity, the Government has developed and implemented the National Strategy against gender-based violence (SNVBG) and a related action plan, with the five following components:

- (i) Combating impunity in connection with sexual and gender-based violence;
- (ii) Protection against and prevention of any risk of violence for civilians, particularly women, girls and children;
- (iii) Support for extensive reform in the system of justice, the national police, the army, the security services and the civil service to take due account of gender as a cross-cutting, strategy issue;
- (iv) Multi-sector assistance to victims and survivors of gender-based violence, including sexual violence;
- (v) Collection, management and regular dissemination of all statistics and information on combating gender-based sexual violence, in order to reduce their scale substantially.

(e) The matter of the status of execution of the warrants for arrest of General Bosco Ntaganda requires a number of points to be made:

- At the outset, it should be understood that it has never been the intention of the authorities of the Democratic Republic of the Congo to give complete impunity to Bosco Ntaganda. The fact that they immediately set in motion the legal mechanisms provided for in the agreement between the United Nations and the International Criminal Court regarding the situation in the Democratic Republic of the Congo after notification and receipt of the warrant for his arrest is proof of this.
- Bosco Ntaganda's subsequent entry into the Forces armées de la République démocratique du Congo (FARDC) as a result of the Goma Agreement did not prevent him from being tried, as the Accord specifically ruled out impunity from prosecution for war crimes or crimes against humanity.

The question facing the authorities of the Democratic Republic of the Congo was not whether Bosco Ntaganda should be arrested, but when was the best time to do so. In other words, the issue was more one of timing than of will.

- The position of the authorities of the Democratic Republic of the Congo on the need to arrest Bosco Ntaganda is clearer now than ever, but the current situation, including renewed clashes in North Kivu, means that such an operation would require thorough planning, in the light of the security challenges involved.

In conclusion, the authorities of the Democratic Republic of the Congo reaffirm their will to continue cooperation with the International Criminal Court. The undertake to execute the Court's arrest warrant for Bosco Ntaganda at the appropriate time, without prejudice to any prosecution that national courts might institute against him in connection with the serious crimes committed by the Mouvement du 23 mars (M23).

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.

Removal of the officers described in certain reports as perpetrators of violence during the conflict is a matter for the political authorities, following a conviction handed down in accordance with proper procedure.

The Armed Forces also have in place a Ministry of National Defence programme to combat sexual violence, made up of modules which include training for the Forces armées de la République démocratique du Congo (FARDC). All forces personnel so trained must go through the vetting process of the United Nations Joint Human Rights Office, to ensure that they have not committed acts of sexual violence.

Many of the military personnel completing this training are women (60 out of 250, or 24 per cent).

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.

The following action has been taken in connection with women's participation in decision-making with respect to peacebuilding:

1. Beginning in 1999, the Democratic Republic of the Congo joined other conflict-affected States in adhering to the provisions of Security Council resolution 1325 (2000);

2. On 10 July 1999, women from the Democratic Republic of the Congo attended the signing of the Lusaka Agreement, termed a "peace agreement", to give the inter-Congolese dialogue a chance of success;

3. In 2001, women took part in the talks between the parties to the conflict, held in Gaborone, Botswana, with the aim of achieving the signature of a Republican Pact, as well as the final communiqué regarding a ceasefire;

4. Women also organized good-offices approaches to the parties to the conflict in the region, leading up to the official start of the inter-Congolese dialogue, in which women played a major peacebuilding role under the leadership of Women as Partners for Peace in Africa (WOPPA);

This led to a national-level consultation of women to harmonize the terms of reference to be presented at the hearings, leading up to the Brussels inter-Congolese dialogue meeting;

5. The Nairobi talks in 2002 provided a further opportunity for women to agree on terms of reference for participation in the negotiation of the Global and Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Sun City in December 2002; and another meeting of women was held in Addis Ababa under the auspices of WOPPA to discuss peace. A number of related workshops took place;

6. In Kinshasa in 2005, the United Nations Development Fund for Women (UNIFEM) led an initial evaluation of the implementation of resolution 1325 (2000) by women;

7. A second summit of Heads of State and Government of the International Conference on the Great Lakes Region (ICGLR) member States was held in Nairobi on 15 December 2006 for the signature of a Pact on Security, Stability and Development in the Great Lakes Region. The summit was attended by a number of women from the countries of the region, including the Democratic Republic of the Congo;

8. In 2007, the process of launching a national action plan for the implementation of resolution 1325 (2000) was begun with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and under the coordination of the Ministry for Gender Issues, the Family and Children and the Ministry of the Interior;

In that connection, an option was provided for integration of the gender dimension into all national peace and security initiatives;

9. In 2008, the Pact on Security, Stability and Development in the Great Lakes Region was signed by member States of the region;

10. The *Voix de la femme congolaise* (Sauti Ya Mama Mukongomani) and *Voix des mamans congolaises du Nord Kivu* women's networks organized campaigns aimed at General Nkundabatware;

11. In 2009, the national action plan for the implementation of resolution 1325 (2000) was established and launched in the Democratic Republic of the Congo under the auspices of the Ministry for Gender Issues, the Family and Children;

12. In 2010, the Regional Women's Forum for security, stability and development in the Great Lakes Region was launched in Kinshasa;

13. Between 2011 and now, steps have been taken and mechanisms put in place as part of the implementation of resolution 1325 (2000), including a steering committee composed of Government, civil society and development partner representatives; and a Trust Fund to mobilize resources and involve women in political and peacebuilding negotiations, including the Kampala meeting seeking ways to halt the war in North Kivu in the Democratic Republic of the Congo;

14. With regard to defence, women have been appointed to posts as gender adviser in the private office of the Minister of National Defence and gender focal point (the officer in question is a colonel) in the Armed Forces of the Democratic Republic of the Congo (FARDC);

15. Article 3 of Organic Law no. 11/012 of 11 August 2011 on the organization and operation of the Armed Forces incorporates the gender dimension.

II. 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.**

The law on parity:

While articles 14 and 15 of the Constitution already deal with parity, a draft Organic Law on the matter has been adopted, though in different forms by each chamber of Parliament. It is currently with the joint Assembly/Senate committee with a view to harmonization into a uniform text before it is voted on and transmitted to the Head of State for promulgation.

Reform of the judicial system:

Reform of the judicial system is well under way, and has the following specific aims:

- full transposition into the domestic legal order of the principles set out in the Constitution of the Third Republic, and implementation of those principles, by means of a restoration of the judicial system and the establishment of new courts;
- better access to justice for every person;
- building better staff capacities and performance in the judicial system;
- combating corruption and misconduct in public office.

The Government has gradually attained these goals with the support of development partners and United Nations agencies.

Accordingly, action has been taken in the fields of administration of justice and the corrections system. Examples include:

- Operationalizing courts and tribunals, backed by an overall audit of administrative staff in the judicial and corrections systems; support for the compilation and issuing of procedural manuals and human resources management tools; stronger inspection and monitoring mechanisms, establishment of a system of performance assessment and career management, support for the organization and conduct of disciplinary hearings for judges and support for the organization of sessions of the Supreme Council of the Judiciary.
- Construction and/or rehabilitation of court infrastructure, for example, partial rehabilitation of the Peace Tribunal at Uvira; security and finishing-related construction work at the Peace Tribunals in Masisi, Bunyakiri and Fizi; building of a military wing at Goma prison and completion of the military court buildings at Goma and Bukavu.

III. 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.

With regard to the content and implementation of the national policy on gender equality and the national strategy to mainstream gender into development policies and programmes:

(a) Content:

The National Policy on Gender Issues, adopted in July 2009, is built around four main themes:

- Equality and equity in the family;
- Equal participation in the household and market economies;
- Equality before the law and in everyday life;
- Gender impact considered in any activity involving multiple participants.

The basis of the Policy is the need to change behaviour, mentality and degrading cultural traditions in order to ensure that equality before the law and enjoyment of equality and equal opportunities for women and girls are lasting and well rooted in public and private life, and above all in national custom.

The strategic directions of the Policy stem from the National Strategy for gender-mainstreaming in the country's development policies, programmes and projects, endorsed by the Government in 2004. It too has four main themes:

- equitable promotion of women's and men's situation and social status in the family and the community;
- equitable promotion of women's and men's position in the household and market economies;
- equitable promotion and exercise of the rights and responsibilities of women and men, and improvement of women's access to and position in decision-making;
- improving the impact of measures to improve gender equality and equal access by women and men.

Each of the main themes is directed at reducing the gender inequality identified in the gender-disparity situation analysis as constituting an obstacle to the

exercise of gender equality and equal access for women and men to the resources and opportunities of the country's society.

The National Policy on Gender Issues is a roadmap for the Government, civil society, the judiciary, the private sector, information and communication technology staff, universities and research centres and donors.

Associated with the Policy is a National Action Plan for implementation, which serves as a practical guide for those involved at national, provincial and local levels, and takes its inspiration from sectoral action plans, in order to improve the impact of, and emphasize the link with, those plans.

The National Policy on Gender Issues includes short-, medium- and long-term activities.

It includes action aimed at preventing violence, criminalizing violations, providing for victim protection and social and economic integration and changing behaviour and mentality. It emphasizes steps to improve family well-being, targets an audience of men and boys, proposes simple tools and provides for regular follow-up and organized verification.

(b) Implementation:

- Established policy in the Democratic Republic of the Congo for the protection and advancement of women, girls and girl children:
- Articles 13, 14 and 15 of the 2006 Constitution and the Gender Parity Bill;
- Promulgation of the 2009 Protection of Children Act;
- Establishment of the National Policy on Gender Issues, 2009;
- Launch of an awareness-raising campaign entitled "I Denounce", adopted by the countries of the Great Lakes region as "I Denounce and Say No" (2008-2009);
- Establishment of the National Fund for the promotion of women and the protection of children (FONAFEN);
- Establishment of local women's councils;
- Establishment in 2009 of the National Agency for eliminating violence against women and adolescent and very young girls (AVIFEM);
- Formulation and implementation of the National Strategy against gender-based violence (SNVBG), placing a priority on combating sexual violence (2009-2010);
- Establishment of the national steering committee for the implementation of Security Council resolution 1325 (2000) and formulation of an action plan also covering Security Council resolution 1820 (2008) (2008-2010);
- Establishment of women's centres as sources of advice, assistance and support (finished in North Kivu and Equateur; under construction in Maniéma and Kinshasa) (2008-2010);
- The National Strategy on maternal and child mortality;
- Putting into operation the Great Lakes Regional Research and Documentation Centre for women, gender and peacebuilding (2008-2010);

- Establishment of the National Task Force to Combat HIV/AIDS;
- Repositioning of family planning (2009-2010).

With regard to measures taken to strengthen collaboration between the Government and civil society, a strategic role in mainstreaming gender in national development policies and programmes is played by private enterprises, whether owned by individuals or groups, and also local initiatives and civil society organizations, especially women's organizations. The reasons are their "critical mass" effect, their role as observers and their potential as a source of good practice, both individually and as a group.

All of these measures reflect the desirable and expected degree of citizen's involvement and activism in promoting and raising awareness of gender mainstreaming in development policies and programmes.

Civil society also has a fundamental role in gathering data on sexual violence to be relayed to the central authorities via provincial bodies.

- By Prime Ministerial Decree No. 09/37 of 10 October 2009, the Government of the Democratic Republic of the Congo established a public institution called the National Fund for the promotion of women and the protection of children (FONAFEN). Its primary missions are:
 - To harness resources at the national and international levels;
 - To manage these resources so that they benefit programmes, projects and activities related to the promotion of women and the protection of children;
 - To provide strategy, technical and policy advice for development partners working for the advancement of women and the protection of children;
 - To help organizations working for the advancement of women and the protection of children to gather resources.

IV. 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.

- The 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 include the following: enshrining as constitutional principles the prohibition of discrimination against women and parity and equitable representation of women within provincial, national and local institutions (the preamble to the Constitution reaffirms the commitment of the Democratic Republic of the Congo to women's rights and the goal of parity and balanced gender representation within the institutions of the country).

The relevant passage reads as follows: “Reaffirming our adherence and attachment to the Universal Declaration of Human Rights, the African Charter on Human and Peoples’ Rights, the United Nations Conventions on the Rights of the Child and on the Elimination of All Forms of Discrimination against Women, particularly to the goal of equal representation of men and women in the institutions of the country, as well as to the international instruments on the protection and promotion of human rights.”

Article 13 of the Constitution is also relevant. It prohibits all discriminatory measures in the areas of education, access to public functions and all other areas, while article 14 calls upon the Government to ensure the elimination of all forms of discrimination against women in the political, economic, social and cultural spheres, take all appropriate measures in order to ensure women’s comprehensive advancement and their full participation in the nation’s development, combat all forms of violence against women in public and private life, provide equitable representation in national, provincial and local institutions and guarantee parity between men and women in said institutions.

Also relevant are the Act on sexual violence and the organic laws on political parties and the financing thereof, which prohibit ethnic, religious, sexual and linguistic discrimination in the establishment, organization and operation of political parties. With regard to the composition of the National Independent Electoral Commission (CENI), the organic law on the operation of that institution states in its article 10 that members will be appointed in such a way as to be representative of the country’s population, including from the standpoint of gender. Moreover, the Act on gender equality, currently being prepared, and the Framework Act on Education, are also relevant here. In accordance with the instruments that the Democratic Republic of the Congo has ratified, the Framework Act on Education admits no discrimination against women with regard to access to basic, primary, secondary, higher or university education. Access to educational institutions at all levels, to courses and programmes of study, as well as to scholarships, is guaranteed to all without gender discrimination.

- The Democratic Republic of the Congo has a National Policy on Gender Issues (PNG), a National Strategy against gender-based violence (SNVBG) and a National Strategy on maternal and child mortality (SNGFE).

There are national radio and television broadcasts about combating violence against women and girls. The *Journaliste de l’enfant* network produces, hosts and broadcasts radio and television shows and columns in newspapers and other print media on equality and women’s and children’s rights.

V. 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).

Among the most important measures taken and envisaged by the Government to address these problems, which have been described as “alarming”, are the following:

- Act No. 06/018 of 20 July 2006 amending and supplementing the Decree of 30 January 1940 on the Criminal Code;
- Act No. 06/019 of 20 July 2006 amending and supplementing the Decree of 6 August 1959 on the Code of Criminal Procedure;
- Act No. 09/001 of 10 January 2009 on the protection of children;
- The Criminal Code, book II;
- Two workshops hosted by the National Ministry of Defence involved several institutions (public, private and partner organizations). The purpose of the first workshop was to harmonize training modules on addressing sexual violence, and the second examined practical outcomes.

In August 2012, the Minister of National Defence officially endorsed this programme.

This programme is now being incorporated into all training for the Forces armées de la République démocratique du Congo, including in schools and military academies.

VI. 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.

- The Democratic Republic of the Congo intends to carry out a comprehensive study on the important issue of trafficking in women and exploitation of prostitution. However, work in that area is at a standstill owing to the recurring armed conflicts taking place along the national borders. The study will require substantial financial and material resources.

The following measures have been adopted,

- Act 09/001 of 10 January 2009, article 162 of which provides for the protection of children;
- Articles 167 to 174 of Act 06/018 of 20 July 2006 amending and supplementing the Decree of 30 January 1940 on the Criminal Code;
- The National social protection strategy for vulnerable groups in the Democratic Republic of the Congo of March 2008;
- The National plan of action for orphans and vulnerable children;
- The National implementation plan for the national social protection strategy for vulnerable groups of March 2008;
- The study to be carried out in the country on the scope, extent and causes of human trafficking and forced prostitution will determine how the Government proceeds with regard to the adoption of a law and development of a comprehensive strategy to address trafficking in women and girls and exploitation of prostitution;
- The Government has enacted the following measures to provide educational and economic alternatives to prostitution:
 - A strategic plan to support and promote self-sufficiency among child mothers;
 - A National social protection strategy for vulnerable groups in the Democratic Republic of the Congo;
 - A five-year implementation plan for the National social protection strategy for vulnerable groups;
 - A National plan of action for orphans and vulnerable children living in the Democratic Republic of the Congo.

VII. 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.

Among actions envisaged to achieve equal representation of women and men in all areas of political and public life, the Government has submitted for adoption by Parliament a draft law on various approaches to realizing women's rights and equality, which is currently under consideration by the Joint Assembly/Senate committee.

However, with promulgation of this law still pending, the proportion of men and women in the political sphere (representation in the public sector and civil society as at 2011) is as follows:

| <i>No. Subcomponent and indicators</i> | <i>Women %</i> | <i>Men %</i> | <i>Parity index (%)</i> |
|--|----------------|--------------|-------------------------|
| 1. Member of Parliament | 42 | 458 | 0.09 |
| Senate | 5 | 103 | 0.05 |
| 2. Minister | 5 | 40 | 0.13 |
| 3. Leadership positions in the civil service and public institutions | 16 | 132 | 0.12 |
| 4. Employment in the security forces (military); | 3 | 97 | 0.03 |
| Employment in the security forces (police) | 6 | 94 | 0.06 |
| 5. Judges and prosecutors | 25 | 75 | 0.33 |
| 6. Leadership positions in political parties (women founders of parties) | 8 | 384 | 0.02 |
| Total | | | 0.12 |

Source: Millennium Development Goals Report (2010).

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

The issuance since December 2009 of a Government strategy document on women's political participation in democratic governance has met the following strategic objectives:

- Supporting the vote for and adoption of the Act on implementation of gender equality and advocacy for a method of appointment to decision-making posts that takes account of gender balance and female representation;
- Promoting gender mainstreaming in the Electoral Act and the Act on the organization and operations of the National Independent Electoral Commission, as well as in the procedures and capacity-building for electoral agencies and individuals overseeing elections;
- Strengthening the ability of political parties and their senior officials to mainstream gender into their political programmes, electoral lists and campaign activities;
- Supporting women and their organizations at all electoral levels;
- Building the capacity of civil society organizations responsible for electoral gender awareness-raising for education in civics and electoral affairs;
- Strengthening the gender capacity of journalists, the media and community and opinion leaders in civic and electoral activities and;
- Storing, documenting and disseminating good gender practices in civic and electoral activities, in order to encourage women to participate actively in governance at all levels.

VIII. 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.

Specific measures taken to register all children in the Democratic Republic of the Congo include the National plan of action for registration of births with the civil registry, drafted and adopted in October 2008 by a panel of delegates from various ministries and civil society stakeholder organizations, and now being revised. The implementation of this plan and of the National strategy to revitalize the services of the civil registry throughout the entire country is significantly increasing the number of births being registered. Steps taken to simplify the registration of births with the civil registry include the following:

- Registration with the civil registry is free of charge for children aged one to three months;
- The Ministry of the Interior hosted an awareness campaign in Kinshasa on the importance of registering children with the civil registry, subsequently repeated in all provinces in 2008;
- Branch offices where children can be registered with the civil registry have been opened in the country's regions;
- Interior Ministry officials have been deployed to maternity hospitals and health centres for the purpose of implementing the provisions on registration of children with the civil registry.

With regard to the legal provisions governing women's right to retain their nationality in case of marriage to a foreign national: the reformed Act on nationality of 2004 now recognizes that women, like men, have the right to transmit their nationality by filiation. Article 7, paragraph 1 states that "A child with one Congolese parent, whether the father or the mother, is Congolese by birth".

Moreover, article 18 of the same Act states that "marriage does not, by operation of law, have any effect on Congolese nationality", meaning that marriage to a foreign national no longer results in a woman losing her nationality.

Article 19 of the Act states, "A foreign national or stateless person marrying a Congolese national may, following a waiting period of seven years from the date of the marriage, acquire Congolese nationality, by a decree deliberated in the Council of Ministers at the proposal of the Ministry of Justice and the Keeper of the Seals, provided that as of the date of submission of the request, the spouses continue to cohabit and that the Congolese spouse has maintained his or her nationality".

Clearly then, under the provisions of this article, a woman may confer her nationality upon her spouse.

IX. 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.**

Government measures to allocate adequate infrastructure and funding to education include an increase in budget funds for education at both the national and provincial levels in order to address the high level of female illiteracy; increase the enrolment rate of girls in primary, secondary, vocational and higher education; make primary school free of charge except in the city-province of Kinshasa and the province of Katanga; and lower fees in public education institutions.

In its priority programme of action, the Government set the goal of achieving universal primary education by 2010, by meeting challenges in the education sector based on the following six strategy directions:

(1) Improved access, equity and retention of children in school at the various levels of both formal and informal education and especially in primary school, particularly for girls and children, young people and adults who are vulnerable, disadvantaged or in difficult situations;

(2) Comprehensive improvement in the quality of education, including efficient management and improved facilities at all levels;

(3) Greater relevance of curriculum content to adapt it to learners' need for national and international perspectives and to the national development programme;

(4) Improvements to the management (financial, pedagogical and administrative) and governance of the education and training systems;

(5) Decentralization to the provinces of administrative authority and management of the system, in accordance with the Act on decentralization (not yet promulgated);

(6) Improved human resources management through implementation of a monitoring and career advancement plan for teaching staff.

- At the sectoral level in the area of primary, secondary vocational education, please note the following:
 - The Framework Act on national education (Senate);
 - The special status of teachers and social educators (Senate);

- The National education strategy, Support for the Recovery of the Education Sector (PARSE);
- The education policy of the Democratic Republic of the Congo.

At the subsectoral level in the area of literacy and informal education:

- The literacy development and informal education strategy (AENF) for the period 2012-2016-2020;
- Implementation plan for the literacy development and informal education strategy now being developed (Administration/MASN);
- Women's participation in producing and presenting radio programmes on literacy, informal education, civil rights and women's rights, in all the languages of the country;
- The development strategy for the primary, secondary and vocational education subsector (2010-2016) of May 2010;
- School feeding pilot now being developed by the Ministry of Social Affairs and the Ministry for Primary, Secondary and Professional Education;
- Reading textbook;
- The school curriculum reform now being designed aims to eliminate stereotypes in textbooks.

X. 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.

The economic crisis, compounded by rioting in September 1991 and January 1993, has disrupted the structure of the formal economy with the collapse of companies and the ensuing loss of thousands of jobs. The new informal economy has facilitated the large-scale inclusion of women. Women even assume the headship of households where they are the breadwinners.

| | <i>Employment by gender and province</i> | | | |
|--------------------|--|---------------|-------------------|---------------|
| | <i>Employed</i> | | <i>Unemployed</i> | |
| | <i>Male</i> | <i>Female</i> | <i>Male</i> | <i>Female</i> |
| Place of residence | | | | |
| Urban | 58.7 | 49.2 | 9.4 | 5.6 |
| Rural | 63.4 | 76.6 | 10.4 | 4.1 |
| Province | | | | |
| Kinshasa | 56.2 | 44.8 | 8.7 | 5.6 |
| Bas-Congo | 70.7 | 68.4 | 8.0 | 2.8 |
| Bandundu | 51.0 | 77.9 | 8.2 | 3.6 |
| Equateur | 61.5 | 61.9 | 5.1 | 3.8 |
| Orientale | 75.5 | 74.0 | 2.6 | 3.3 |
| North Kivu | 68.9 | 68.2 | 10.2 | 5.7 |
| South Kivu | 57.2 | 59.2 | 11.1 | 8.7 |
| Maniema | 60.8 | 63.7 | 10.2 | 5.8 |
| Katanga | 64.6 | 56.6 | 13.1 | 8.1 |
| Kasai Oriental | 60.8 | 60.0 | 19.5 | 6.4 |
| Kasai Occidental 1 | 60.6 | 79.4 | 13.6 | 1.1 |
| National | 63.5 | 64.1 | 9.3 | 4.8 |

Source: *Population and Health Survey 2007*.

The table above shows that the variances in the percentage of employed women and men are minor in many provinces, with better figures sometimes for women, sometimes for men.

| | <i>Occupation by gender</i> | |
|-------------------------|-----------------------------|---------------|
| | <i>Male</i> | <i>Female</i> |
| Occupation | | |
| Senior management | 14.2 | 3.3 |
| Employee | 0.8 | 0.6 |
| Sales and services | 10.1 | 25.4 |
| Skilled manual labour | 17.5 | 2.4 |
| Unskilled manual labour | 7.4 | 2.7 |
| Agriculture | 48.7 | 64.8 |
| Unemployed | 1.3 | 0.7 |

Source: *Population and Health Survey 2007*.

Examination of the ratio of unemployed men and women reveals higher unemployment among men, except in the Orientale province. However, disparities become evident when the nature of work performed by men and women is examined; women are overrepresented in low-status positions.

More than 14 in 100 men work in senior management, compared to three in 100 women. Men also outnumber women among skilled and unskilled labourers. The figures show that women have a more limited presence in jobs that require technical skills and a high level of education.

XI. 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.

As a mark of its commitment to the Millennium Development Goals (MDGs), the Democratic Republic of the Congo has adopted several frameworks and documents relating to maternal, newborn and child health. These include the National reproductive health policy, the road map for accelerated maternal and newborn mortality reduction, the compendium of standards and guidelines on reproductive health, the standards for adolescent and youth health services, child health record booklets which include new growth curves, the Integrated Management of Childhood Illness (IMCI) strategy for health systems and communities, and the prevention of mother-to-child transmission (PMTCT).

To strengthen the protective measures taken, the Ministry of Health and its partners exploited the synergies between maternal, newborn and child health to begin drafting standards and guidelines for integrated action on maternal and newborn health. A series of workshops were held, bringing together Ministry experts and financial and technical partners. These workshops have resulted in an eight-volume document that will help to achieve the goals of the national health development plan over the 2011-2015 five-year period and in phases to follow. It will strengthen measures already taken and disseminate standards and guidelines for the benefit not only of health-care providers (doctors, nurses) and community health workers at the operational level, but also of administrators, programme managers and various other decision makers at health area, provincial and central levels and development partners, to be used as a basis for design, planning, implementation and monitoring and evaluation.

For ease of use, the document is organized by theme into eight volumes, namely:

1. Standards and guidelines for essential obstetric care;
2. Standards and guidelines for emergency obstetric care;
3. Standards and guidelines for essential and emergency newborn care;

4. Standards and guidelines for action on child health;
5. Standards and guidelines for action on health for adolescents and young people;
6. Standards and guidelines for family planning;
7. Standards and guidelines for health care for victims/survivors of sexual violence;
8. Standards and guidelines for community-based action on maternal, newborn and child health.

Persisting high rates of maternal mortality and teenage pregnancy:

(i) Provisions are being made to draft standards and guidelines for operational procedures in antenatal consultation, concerning:

1. Health and nutrition education
2. Provider-initiated HIV testing and counselling (PITC): all pregnant women should know their HIV serostatus
3. Antiretroviral (ARV) therapy and prophylaxis and co-trimoxazole prophylaxis for pregnant women living with HIV
4. Anti-tetanus vaccination (TT) according to the following schedule:
 - TT 1: at the first antenatal check-up
 - TT 2: one month after TT 1
 - TT 3: six months after TT 2 (or during subsequent pregnancy)
 - TT 4: one year after TT 3 (or during subsequent pregnancy)
 - TT 5: one year after TT 4 (or during subsequent pregnancy)
5. Intermittent presumptive treatment (IPT) for malaria by administration of sulfadoxine 500 mg/pyrimethamine 25 mg (SP). The treatment of three tablets per dose should be taken orally and under supervision, as follows:
 - SP 1: from the 16th week of gestation, or once foetal movements begin to be felt
 - SP 2: between the 24th and 28th week of pregnancy
 - SP 3: during the 32nd week of pregnancy, only for HIV-positive women not treated with co-trimoxazole.
6. Promotion of the use of long-lasting insecticidal nets (LLINs)
7. Micronutrient supplementation: iron-folate (60 mg iron + 400 µg folate) administered orally in a single daily dose of one tablet from the first antenatal check-up and for three months post-partum
8. Presumptive treatment for hookworm: a course of mebendazole is administered at least once during pregnancy — either, from the 16th week, in twice-daily doses of one 100 mg tablet for three days, or in a

single dose of one 500 mg tablet from the second trimester (not before the 16th week), with a second dose six months later

9. Screening and treatment for syphilis
10. Diagnosis and treatment of Sexually Transmitted Infections (STI)
11. Detection and treatment of pregnancy-related diseases
12. Detection of diseases that affect pregnancy
13. Detection of danger signs
14. Timely referral of pregnancies with complications.

(ii) There are also health area infrastructure standards: special facilities for antenatal check-ups will be provided in a health centres that have basic maternity care services or at General Referral Hospitals (GRHs) that have a Department of Obstetrics and Gynaecology.

(iii) These health centres and hospitals should be equipped with medicines, supplies and consumables in line with the national list of essential medicines applicable to antenatal consultations.

(iv) Such facilities must also be equipped with the following for antenatal consultations:

- Delivery tools (technical tools): antenatal consultation cards/forms, educational materials (picture boxes, advice cards and others, as necessary)
- Management tools (data collection tools): antenatal consultation cards, appointment cards, antenatal consultation logbook, referral slips, referral/counter-referral logbook, immunization records, stock cards, RPR/HIV/CD4 testing logbook, specimen transfer forms and results forms, results logbook, laboratory logbook, logbook for follow-up of HIV-positive women, transfusion monitoring notebook, haemovigilance cards and, in referral hospitals, donor registers
- Reporting tools: report notebook, monthly activity report templates
- Supervision tools: supervision logbook/notebook, supervision template.

To address early pregnancies, the following measures have been put in place:

(a) awareness-raising campaigns on the use of contraceptive methods: on World Contraception Day, for example, free birth control products are distributed to those who accept them;

(b) door-to-door campaigns to encourage women to seek medical attention;

(c) capacity-building workshops for health-care providers to ensure proper delivery of service;

(d) awareness-raising meetings with community leaders; and

(e) radio and television programmes providing education on and promoting the use of medical services that offer the minimum package of antenatal health services.

Persisting lack of access to basic health-care services, including essential obstetric care

- Improve standards of living to empower all individuals to take care of themselves, including by administering first aid
- Inform the population on the merits and role of essential obstetric care facilities;
- Offer check-ups at any time during and throughout the pregnancy, establishing a specific schedule;
- Additional check-ups may be required in pregnancies with complications, including in pregnant women living with HIV, pregnant teenagers and girls, pregnant women with sickle-cell trait/disease, victims of sexual violence/pregnant survivors of sexual violence;
- Prevent unwanted pregnancy and address the problem of unsafe abortions;
- Improve access to high-quality medical services;
- Bring health centres closer to the people.

Sociocultural factors that prevent women from accessing these services

- An underinformed population;
- A lack of intensive campaigns;
- Non-involvement of leaders;
- Backward customs.

Availability and accessibility of comprehensive education on sexual and reproductive health and rights and family planning services

- Health centres throughout the country;
- Capacity-building for health workers in existing health areas;
- National reproductive health programme adopted and implemented;
- Outreach and awareness raising campaigns on sexual and reproductive health and family planning;
- Radio and television programmes broadcast in local languages to provide education on and promote the use and merit of medical services that offer the minimum package of antenatal health services.

Contraceptive use

- Awareness-raising campaigns on the use of contraceptive methods organized; free birth control products distributed to the population at special events;
- Door-to-door campaigns to encourage women to seek medical attention;
- Capacity-building for health-care providers to ensure proper delivery of service;
- Awareness-raising meetings with community leaders;

- Practical sessions on contraceptive use with testimonials on the merits of contraceptives.

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.

Abortions outside a medical setting are damaging to women's health and, as such, are punishable offences under articles 165 and 166, Book II of the Criminal Code.

Abortion is an offence in the Democratic Republic of the Congo, regardless of the motive and whether self-induced or performed by another person. Offenders may be liable to severe penalties as provided for in the aforementioned laws. The law criminalizing abortion remains in force to this day.

There are currently no plans to amend it.

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.

Reducing the prevalence of HIV/AIDS, including mother-to-child transmission

The following have been put in place:

- (a) Health and nutrition education sessions provided for pregnant women attending antenatal consultations by the appropriate services;
- (b) Provider-initiated HIV testing and counselling (PITC) sessions: all pregnant women should know their HIV serostatus and pregnant women living with HIV should be treated with co-trimoxazole prophylaxis, under the targeted Ministry of Health programme;
- (c) Appropriate antiretroviral treatments for affected persons.

Improving availability and access to HIV/AIDS services, including access to antiretroviral treatment, especially in rural and remote areas

- (a) Integration of prevention of mother-to-child transmission (PMTCT) and maternal, newborn and child health (MNCH) services;
- (b) Improvement in quality of PMTCT and MNCH services;
- (c) Capacity-building for health-care providers;
- (d) Involvement of community and pregnant women's partners;
- (e) Implementation of innovative measures;
- (f) More awareness-raising sessions to educate the population on the advantages of these services;

(g) A law on the protection of persons living with HIV was promulgated in 2006; it aims to protect them from discrimination.

XII. 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).

Studies show that 61.2 per cent of women live below the poverty line, as opposed to 59.3 per cent of men. In addition, 61.15 per cent of female-headed households live below the poverty line, compared to 54.32 per cent of male-headed households (National Policy on Gender Issues, 2009).

Since 2008, various national organizations and development partners (European Union, USAID, Canadian International Development Agency (CIDA)) have worked together to implement a programme promoting microcredit to give women access to resources, thus reducing their poverty. Figures from the Trust Merchant Bank (TMB) show that women account for 66 per cent of those who access microcredit with reduced interest rates.

However, this policy of economic empowerment is limited by women's social dependence, because men usually have a greater say in the decisions taken in the household.

While women remain the principal household providers at local, provincial and national levels, they do not have a recognized economic status.

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa has not yet been ratified.

XIII. 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.

- The process is under way. The proposed revision of the Family Code is being discussed in the Council of Ministers. Once this stage has been completed, the draft will be submitted to Parliament for consideration and adoption, with possible promulgation by the end of 2013.
- The new law would remove all of the obstacles to women's full legal capacity; it eliminates the need for the husband's prior authorization and enshrines the concept that spouses owe each other respect and mutual consideration and must share and manage household tasks.
- With regard to information on the legal provisions and the practice with regard to women's right to inheritance, article 758, paragraph 3, of the Family Code stipulates: the surviving spouse, mother and father and full, consanguine or uterine siblings belong to three distinct groups in the second category of heirs. This means that women in the Democratic Republic of the Congo have the right to inherit their husband's property. The spouses' inheritance is regulated in accordance with the matrimonial regime chosen from the three regimes available under the Family Code: communal estate, separate property and communal estate comprising only property acquired after marriage.

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.

The ratification process has already begun. The ratification instruments are currently being finalized by the relevant authorities. The Government is ready to vote in favour of the amendment to article 20, paragraph 1, of the Convention.
