



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

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**Committee on the Elimination of Discrimination
against Women**

**Report submitted by the Democratic Republic of the Congo
under the exceptional reporting procedure***

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* The present document is being issued without formal editing.



I. Introduction

1. The Democratic Republic of the Congo has been a party to the Convention on the Elimination of All Forms of Discrimination against Women since 17 October 1986. Pursuant to article 18 of the Convention, “States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention”.

2. In accordance with that provision, the Government of the Republic submitted its eighth periodic report on the implementation of the Convention in July 2019. The present report is a response to the letter CEDAW/DRC/2023 of 19 December 2023 from the Chair of the Committee on the Elimination of Discrimination against Women, concerning sexual violence related to the conflict in the east of the Democratic Republic of the Congo, addressed to the Ambassador Extraordinary, Plenipotentiary and Permanent Representative of the Democratic Republic of the Congo to the United Nations Office at Geneva.

3. In the present exceptional report, the Government is submitting information on the political response, the security and humanitarian response, the judicial response and the fight against impunity.

II. Political response

A. Reply to the question raised in paragraph 1 (a)

4. The Government of the Democratic Republic of the Congo has taken the following political and operational decisions in order to ensure that the civilian population is protected against sexual violence and other related human rights violations perpetrated by the parties to the ongoing conflict in eastern Democratic Republic of the Congo, in particular after the departure of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO):

- His Excellency the President of the Democratic Republic of the Congo has promulgated Act No. 022/065 of 26 December 2022, establishing the fundamental principles relating to the protection of and reparations for victims of conflict-related sexual violence and other crimes against the peace and security of humankind;
- Order-Act No. 023/023, signed on 11 September 2023, supplements the Decree of 30 January 1940 containing the Criminal Code, and serves to criminalize the various forms of gender-based violence and entitle victims of gender-based violence to free access to justice;
- Order-Act No. 023/024, adopted on 11 September 2023, amends and supplements the Decree of 6 August 1959 containing the Code of Criminal Procedure, and requires that cases involving sexual violence be handled promptly;
- On 9 June 2023, a commission of inquiry was established to investigate possible acts of violence committed by the Armed Forces of the Democratic Republic of the Congo (FARDC) in Goma and Kwamouth;
- Police stations have been established and community policing has been introduced near the camps for internally displaced persons;

- Joint FARDC–Congolese National Police patrols have been organized to secure the camps for internally displaced persons.

5. In the provinces where MONUSCO has already completed its withdrawal, the following measures have been put in place to ensure the security and protection of civilians:

- Police officers have been recruited and trained;
- Local Congolese National Police stations have been established at sites vacated by MONUSCO, particularly in areas where there have been inter-community conflicts, with a view to restoring State authority;
- Squadrons of the Special Police for Child Protection and the Prevention of Sexual Violence have been recruited and deployed at the various camps;
- Capacity-building has been provided for the various units of the Congolese National Police which are deployed and tasked with protecting civilians;
- Joint FARDC–Congolese National Police patrols have been organized to protect civilians.

B. Reply to the question raised in paragraph 1 (b)

6. In order to prevent electoral and post-electoral violence, including sexual violence to which civilians might be exposed, the Government of the Democratic Republic of the Congo has taken the following measures:

- Revitalization of the technical group on election security, led by the Deputy Prime Minister and Minister of the Interior, Security and Customary Affairs. The group is made up of the Ministry of the Interior, the Ministry of National Defence, the Ministry of Justice, the National Intelligence Agency and the General Directorate for Migration;
- Training and deployment of special units of the Congolese National Police tasked with ensuring a safe electoral process;
- Establishment of a multi-party coordination unit made up of the Congolese National Police, the Independent National Electoral Commission, the Ministry of Justice, the Permanent Consultative Mechanism for Congolese Women and the Programme for the Prevention and Mediation of Election-related Conflicts. The unit has raised the alarm concerning all forms of violence, including violence against women, and each of the competent bodies has immediately responded.

7. For the next election cycle, in 2028, the Government has drawn up a road map for combating violence against women in the Democratic Republic of the Congo, with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). There are seven areas of work under the road map: (i) establishment of an evidence base on violence against women in politics, (ii) legal and regulatory reform, (iii) positive masculinity, (iv) capacity-building for the judiciary, (v) support for the electoral process, (vi) holistic support for victims and (vii) coordination of actions aimed at combating violence.

C. Reply to the question raised in paragraph 1 (c)

8. The current status of implementation of the action plans of FARDC and the Congolese National Police on preventing and combating sexual violence in the Democratic Republic of the Congo is as follows:

- New judges have been appointed and assigned in most of the rural courts with a view to ensuring local access to justice for victims of sexual violence and other types of abuse;
- Several commanding officers and military judges, 8.3 per cent of whom are women, have been trained;
- Civic and patriotic educators and communicators have been trained and deployed in units engaged in combat;
- Several instructors have received training at instruction and training centres;
- Unit commanders have signed commitments (710);
- The Chief of General Staff has signed and disseminated the FARDC directive banning the presence of military officers in mining zones;
- The FARDC Code of Ethics and Military Conduct, which includes relevant articles on the prevention of sexual violence, has been published;
- Two training modules, on sexual violence and gender, have been added to the FARDC curriculum.

9. Those steps have led to a drastic reduction in sexual violence committed by FARDC personnel. The action plan to combat sexual violence perpetrated by the Congolese National Police is also being implemented, with close collaboration between the Congolese National Police and FARDC. The commanders of major police units, including judicial police officers, formalized the collaboration by signing commitments to combat sexual violence. Judicial police officers have received accelerated training on, inter alia, the fight against sexual violence.

10. However, despite that progress, certain challenges remain for both FARDC and the Congolese National Police. For example:

- Insecurity persists in the east of the country, sometimes hampering investigations in combat zones;
- Members of armed groups regularly wear FARDC uniforms, leading to confusion as to the status of the perpetrators of crimes;
- There are not enough judges to handle the volume of cases, and the courts required to deal with victims can be remote;
- There are insufficient logistical and financial resources to implement the action plan.

D. Reply to the question raised in paragraph 1 (d)

11. The following progress has been made with regard to the appointment of the high-level technical team responsible for updating and implementing the national road map on preventing and responding to conflict-related sexual violence, in line with the 2013 Joint Communiqué and the 2019 Addendum thereto:

- The various institutions involved in implementing the Addendum to the Communiqué have all been officially notified and asked to designate delegates

to take part in the meetings and follow-up work. However, the team has yet to be formalized by Prime Ministerial decree;

- Combating sexual violence is part of the implementation of the Addendum to the Joint Communiqué signed in 2013 between the Government of the Democratic Republic of the Congo and the United Nations, which entails the following priorities for FARDC:
- Training of defence personnel;
- Withdrawal of defence forces from mining areas and deployment of mining police;
- Judicial action and efforts to combat impunity.

E. Reply to the question raised in paragraph 2 (a)

12. The Government has taken the following measures at the central and provincial levels to prevent sexual violence perpetrated against civilians fleeing the conflicts in eastern Democratic Republic of the Congo:

- The toll-free numbers 122 and 400030 for reporting cases of sexual and related violence have been established, as an alert mechanism;
- Police stations and community policing have been established near the camps for internally displaced persons;
- Gender-based violence coordinators have been appointed at the camps for internally displaced persons;
- Safe spaces and counselling centres have been established at the camps;
- The Government's action plan for the period 2024–2028 includes a number of measures to ensure the development of the defence and security forces, in particular by ensuring financing and implementing the military and Congolese National Police planning laws. The action plan also provides for the pursuit and eradication of the armed groups operating in the country, particularly in the east.

F. Reply to the question raised in paragraph 2 (b)

13. The central and provincial governments have stepped up the fight against impunity by pursuing a zero-tolerance campaign against the perpetrators of sexual violence.

G. Reply to the question raised in paragraph 3

14. The following information can be provided with regard to the impact of the easing of the state of siege on the security and humanitarian situation of the civilian population, including victims and survivors:

- The civil courts have taken back the handling of cases within their jurisdiction which were formerly being handled by the military courts, resulting in a reduction in case processing time;
- The lifting of the curfew has had a positive impact with respect to the right to freedom of movement.

H. Reply to the question raised in paragraph 4

15. The following information can be provided with regard to the current status of prevention of and response to sexual violence in the context of ongoing regional efforts for peace and security in eastern Democratic Republic of the Congo, including the Nairobi and Luanda peace processes and the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region:

- With regard to the Kampala Declaration, the Democratic Republic of the Congo is actively implementing a zero-tolerance campaign against sexual and gender-based violence. The Government and its partners have organized numerous training courses for the security forces, judges, Police and other stakeholders. In the absence of special tribunals, courts and tribunals are holding special mobile court hearings for the perpetrators of sexual violence;
- Mechanisms to prevent sexual violence were not envisioned during the previous stages of the Nairobi and Luanda processes. However, there has been high-level advocacy in favour of integrating gender and the prevention of and fight against sexual violence into those processes, in particular through the implementation of the disarmament, demobilization, community recovery and stabilization programme;
- The Addis Ababa Framework Agreement does indeed require all signatory countries to take measures to prevent and respond to sexual violence. To date, only the Democratic Republic of the Congo is endeavouring to do its part; and, in fact, some neighbouring countries from which the armed groups are departing are acting as facilitators to the groups.

III. Security and humanitarian situation

A. Reply to the question raised in paragraph 5 (a)

16. The following measures have been taken:

- The security and defence services are controlling entry into and exit from the camps for internally displaced persons;
- Congolese National Police personnel have been trained to manage the camps;
- Sentry boxes and containers have been provided;
- The thirty-fourth military region has prohibited visits to the camps for refugees and internally displaced persons for military purposes;
- The disarmament, demobilization, community recovery and stabilization programme has been implemented to reduce the circulation of firearms.

B. Reply to the question raised in paragraph 5 (b)

17. By decree of the Governor of North Kivu Province, the Lushagala and Rusayo sites have been expanded, with one expansion at Lushagala and two at Rusayo. This makes a total of three camps for internally displaced persons that have been expanded. Other initiatives aimed at enlarging and extending the camps are currently being studied with a view to increasing the effectiveness of the measures already taken.

C. Reply to the question raised in paragraph 5 (c)

18. Investigations are under way to obtain factual evidence to corroborate possible allegations of sexual violence, including rape, perpetrated or allegedly perpetrated by State agents and the “Wazalendo” self-defence groups.

D. Reply to the question raised in paragraph 5 (d)

19. The decision by the Mayor of Goma to close the brothels has led to the effective closure of the following establishments in the town of Goma: Mama Lipo, Hôtel la Bravoure, Nganga Kibana, Nganda Kuzimu chez Kiza and Nganda chez Maman Tantine, located behind the town hall.

E. Reply to the question raised in paragraph 5 (e)

20. The following measures have been taken:

- The Ministry of Social Affairs and Humanitarian Action has developed an action plan to strengthen the humanitarian response; a key component of the plan is dedicated to combating gender-based violence;
- In partnership with humanitarian actors, the Government is providing means of subsistence to limit the exposure of displaced women and girls in the Bulengo camp to the risk of sexual violence, with a view to promoting their economic empowerment, as part of various projects.

21. Those measures have enabled 9,500 women to receive socioeconomic integration assistance. The process is ongoing.

F. Reply to the question raised in paragraph 5 (f)

22. The following measures have been taken:

- The Prime Minister and Head of Government has signed Decree No. 23/09 of 22 February 2023 on the establishment, organization and operation of integrated multisectoral service centres for survivors of gender-based violence in the Democratic Republic of the Congo;
- Mobile clinics have been set up in the camps for internally displaced persons;
- Health centres and the various health-care zones have been equipped with post-rape kits;
- Health-care providers have benefited from capacity-building in the holistic care of survivors of gender-based violence;
- Integrated multisectoral service centres for the holistic care of survivors of gender-based violence have been set up in the general referral hospitals.

G. Reply to the question raised in paragraph 5 (g)

23. The following measures have been taken to strengthen the capacity of service providers:

- Humanitarian midwives have been deployed;

- Capacity-building has been provided for the various units that make up the integrated multisectoral service centres for the care of survivors of gender-based violence (medical, psychosocial, legal and judicial, as well as socioeconomic and educational reintegration units).

IV. Judicial response and the fight against impunity

A. Reply to the question raised in paragraph 6

24. Data is currently being compiled in order to obtain reliable statistics on possible sexual violence perpetrated in and around Goma.

B. Reply to the question raised in paragraph 7

25. Data is currently being compiled in order to obtain reliable statistics on the number of investigations, arrests, arrest warrants, convictions and sentences handed down or disciplinary measures taken against perpetrators of sexual violence.

C. Reply to the question raised in paragraph 8

26. The following measures have been put in place:

- Police stations and community policing have been established near the camps for internally displaced persons;
- Gender-based violence coordinators have been deployed to the camps for internally displaced persons;
- Legal clinics, mobile clinics, safe spaces and counselling centres have been established at sites (see United Nations Population Fund (UNFPA));
- Holistic care for survivors of gender-based violence is being provided through the four units that make up the integrated multisectoral service centres: medical units, psychosocial units, legal and judicial units and socioeconomic reintegration units;
- The national reparations fund for victims of conflict-related sexual violence and other crimes against the peace and security of humankind has been made operational;
- The toll-free numbers 122 and 400030 for reporting cases of sexual and related violence have been established, as an alert mechanism;
- The courts and tribunals are organizing mobile court hearings to publicly convict the perpetrators of all these acts of violence;
- The moratorium on the death penalty in the Democratic Republic of the Congo has been lifted;
- Order-Act No. 23/023 of 11 September 2023, which amends and supplements the Decree of 30 January 1940 containing the Congolese Criminal Code, and serves to criminalize the various forms of gender-based violence, has entered into force.

27. In addition, the Government's action plan for the period 2024–2028 includes a number of measures designed to safeguard access to rights and high-quality justice for all, while improving the administration of justice.

D. Reply to the question raised in paragraph 9

28. The competent authority has already adopted the implementation measures for Act No. 23/014 of 22 May 2023. All that remains is for them to be put into practice.

E. Reply to the question raised in paragraph 10

29. The outcomes of the work of the commission of inquiry are not yet available.

F. Reply to the question raised in paragraph 11

30. The process for identifying the victims who will benefit from reparations is governed by articles 50–52 of Act No. 022/065 of 26 December 2022, establishing the fundamental principles relating to the protection of and reparations for victims of conflict-related sexual violence and other crimes against the peace and security of humankind. The national reparations fund for victims of conflict-related sexual violence and other crimes against the peace and security of humankind will provide various types of support: psychosocial, socioeconomic and legal. In addition, there are two types of reparations: collective and individual. Plans are being made to move forward with collective reparations.
