

DEMOCRATIC REPUBLIC OF CONGO



**REPORT TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES'
RIGHTS ON THE IMPLEMENTATION OF THE AFRICAN CHARTER ON HUMAN
AND PEOPLES' RIGHTS**

FROM 2008 TO 2015 (11th, 12th and 13th Periodic Reports)

**AND OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND
PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN**

FROM 2005 TO 2015 (INITIAL REPORT and 1st, 2nd and 3rd Periodic
Reports)

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Introduction

1. This report is submitted in accordance with Article 62 of the African Charter on Human and Peoples' Rights read in conjunction with Article 26 of the Protocol to the Charter on the Rights of Women in Africa, and in accordance with the new guidelines of the African Commission on Human and Peoples' Rights. The latter recommends to State Parties to, henceforth, submit their periodic reports in two parts: Part A on the implementation of the Charter and Part B on the implementation of the Protocol.
2. With regard to Part A, the Democratic Republic of Congo is pleased to present its combined report covering the period from 2008 to 2015 (11th, 12th and 13th periodic reports). This part was prepared by the Interministerial Committee responsible for drafting the country's reports on the implementation of international legal instruments. This Committee is presided over by the Ministry of Justice and Human Rights and it comprises several sector ministries and some civil society organizations, in particular, those ones working in the human rights sector (ONGDH).
3. The preparation of Part A of this report took into consideration the final recommendations of the African Union Commission made following the preceding Combined Report contained in its document with reference No. ACHPR/RDC/8, 9, 10th Rep/744/03.010 of 3 December 2010. The drafting of this part is also meant to inform the Commission about progress achieved in implementing the African Charter on Human and Peoples' Rights since the last report and also about the difficulties encountered as well as future plans relating to the implementation of this Charter in the Democratic Republic of Congo.
4. In Part B, the Democratic Republic of Congo presents its combined initial report with the periodic reports dating from 2005 to 2015, and reaffirms its willingness to comply with its commitments to the ACHPR and to maintain constructive dialogue with the latter on legislative, administrative and other measures taken to give effect to the rights of women guaranteed by the Protocol, and to the obligations stipulated in the aforementioned Protocol.
5. The pieces of information presented in this second part of the report were collected and collated under the direction of the Ministry of Women, Family and Children's Affairs within the framework of a participatory and inclusive process involving experts from policy and democratic-support institutions, in particular from the Presidency of the Republic, Parliament (Senate and National Assembly), the National Human Rights Commission, the Higher Audiovisual and Communication Council, the Independent National Electoral Commission, experts from sector ministries, especially from the Ministry of Justice and Human Rights, the Interior and Security and the Ministry of Decentralization and Customary Affairs, the Ministries of Defence, Planning, Women, Family and Children's Affairs, Public Health, Social Affairs, Primary and Secondary Education, Higher and Tertiary Education, Labour, Employment and Social Welfare, Economy, Agriculture and Rural Development, Environment etc., as well as civil society organizations including women's associations and human rights organizations. This process is comprehensively developed in Part B of this State Report.

Part A: Implementation of the African Charter on Human and Peoples' Rights

General Background

6. The preparation of this report comes against the general background characterized on the political, security, economic and social fronts by the following issues:
7. **On the political and security front**, the country's situation is marked by the government's political will to continue with efforts aimed at restoring peace all over the country, particularly in the East. These efforts are broken down into several actions carried out under the direction of the Head of State and Commander-in-Chief of the Armed Forces of the Democratic Republic of Congo (FARDC) both at the diplomatic, political and military levels. Indeed, to improve the security situation in the eastern part of the country, the government resorted to both diplomacy and the use of force. Thus, in February 2013, a framework agreement was signed in Addis Ababa with the Heads of State of the sub-region and representatives of the United Nations in order to return to peace in the Great Lakes region, especially in the East of the DRC. At the end of this agreement,

the leaders of the signatory States committed themselves to the respect of territorial integrity and sovereignty of neighbouring countries and also pledged not to provide support for armed groups. The DRC renewed its commitment to carry out reforms to consolidate peace and strengthen the State. This agreement identified 18 commitments (6 at the national level, 8 at the regional level and 4 at the international level) as a benchmark strategic framework to end the recurring cycle of violence in the sub-region.

8. In line with the commitments of the DRC, the country's political landscape has improved in many respects. It has become more democratic and inclusive than in previous times. The Senate and the National Assembly are functioning in accordance with democratic principles.
9. Moreover, to strengthen national cohesion and curtail the state of insecurity in the Eastern part of the country, the President of the Republic convened a national dialogue in October, 2013, involving all the stakeholders in the nation. The victory of the FARDC over the M3 Rebel Movement was as a consequence of the national cohesion brought about by these consultations held in Kinshasa. Notwithstanding this success, the situation remains a little bit volatile since some armed groups (LRA, FDLR...) continue to be active in the East. In line with the recommendations of the consultative dialogue in Kinshasa, a government of national unity was put in place with the members of the opposition Republican party taking part. At the same time, Parliament passed an amnesty law in February, 2014 covering acts of insurrection and war, including political offences committed on the national territory. This law was promulgated by the Head of State and it is being implemented
10. To date, the government's resolve is to complete the task of national reconciliation by further engaging in political negotiations, which this time around, will involve the radical section of the national political opposition within the framework of an inclusive national political dialogue convened by the Head of State, since October 2015, a process which is steered by a facilitator appointed by the African Union.. The set objective is to bring together all Congolese people to seek a common ideal of peace, democracy and development and to organize peaceful elections throughout the country.
11. **On the economic front**, since 2002, the economy of the DRC has returned to the growth path (with an average growth rate of 7.5 %), as the country takes advantage of the good demand outlook on the world market and the high prices of raw materials. This growth slowed down in 2009 following the global economic-financial crisis. Thanks to the global economic recovery in 2010, growth picked up in the DRC with a certain amount of vigour. It was stimulated by investments in the extractive industries and by the dynamism of the agricultural, construction and trade sectors (trade and telecommunications). General trade benefitted from the reforms carried out in the customs sector (review of the Customs Code, reduction in the number of services operating at the borders and removal of overlapping controls). The cancellation of 90% of the external debt in 2010, within the context of reaching the completion point of the Heavily Indebted Poor Countries (HIPC) Initiative, helped to open up the fiscal space and to give the State increased resources to effectively implement its policy.
12. In 2014, the DRC attained an economic growth rate of 9.5%. The mining sector remains the key growth lever whereas it creates little value addition in terms of growth and employment, and is often subject to the shocks of global market uncertainties. Growth prospects high in 2016, even though prices of raw materials dropped considerably in the first half of 2015.
13. As a result of an effective coordination of budgetary and monetary policies, inflation, which had attained an annual average rate of 23.4% over the period 2005-2010 eased to 5.1% over the period 2011-2014, thus enhancing the credibility of the national currency and promoting exchange rate stability. Beyond this progress, particular attention must be focused on the issue of diversification of the Congolese economy, as it is still subject to the fluctuations of the world market prices for mining products; this will necessitate loosening up the structural constraints to the development of the private sector and strengthening of economic competitiveness. However, the end of the first half of 2016 and the beginning of the second half, an exchange rate overheating was observed on the market. The parity of the national currency in relation to the US dollar, on the average, rose from 95.000 Congolese to 105,000 Congolese francs for 100\$ US, i.e. an increase of close to 11%. This situation certainly destabilized the budgets of many people, in particular those of public servants whose salaries are not indexed to the rate of the US dollar.
14. **On the social front**, the DRC has since the year 2000, addressed the challenge of alleviating poverty by implementing the MDGs which have now been replaced by the SDGs. Considerable progress has

been achieved in the attainment of all these goals, particularly the MDG 2 which seeks to achieve universal primary education. Among the major achievements of the DRC's progression to the MDGs, the following ones can be cited:

- significant decrease in the incidence of poverty, though inequalities still persist across the country;
- improvement in enrolment, literacy and completion rates in primary and secondary schools;
- increase in boys-girls indices in education, particularly at the basic level where parity has been achieved;
- reduction in infant-child mortality;
- decrease in maternal mortality by one third since 2001, though it is still high compared with the African average;
- reduction in the trend of HIV/AIDS infection;
- enhancement of the protected zones, coupled with a very low rate of environmental degradation;
- improvement in the livelihoods of households with regard to electricity services as well as access to drinking water, sanitation and housing;
- enhancement of information and communication technology (ICT) for greater economic opportunities.

However, in spite of all these achievements, several challenges still persist, particularly in the area of means of communication, access to healthcare, equality and gender equity.

Measures taken towards the implementation of the recommendations made in the Concluding Observations arising from the consideration of the previous report.

15. The Democratic Republic of Congo took note of the recommendations contained in the concluding observations submitted after consideration of the previous report presented at the 48th Ordinary Session of the African Commission on Human and Peoples' Rights held from 10 to 24 November, 2010, in Banjul, the Gambia. In this regard, while thanking the Commission for the relevance of the observations made, it welcomed the fact that a number of measures had been taken to implement the recommendations in question.

The Commission had recommended to the Government of the Democratic Republic of Congo to:

i. Ensure that the "Interministerial Committee on the Preparation of its Initial and Periodic Human Rights Reports" carries out the preparation of subsequent periodic reports in consultation with civil society;

The DR-Congo has firmly resolved to formally involve civil society in the preparation of all periodic and initial reports on human rights. Thus, the preparation of this report was characterized by the active participation of human rights organizations and women's associations within the context of the interministerial committee responsible for drafting the country's reports on the implementation of international legal instruments.

Article 6 of the Ministerial Order No. 04/CAB/MDH/038KGB/2009 of 12 June, 2009 establishing the Interministerial Human Rights Committee provides that delegates of human rights NGOs, trade unions and other professional associations, may, in an advisory capacity, take part in deliberations of the Interministerial Committee at the invitation of the Minister for Human Rights.

ii. Take into consideration the need to send an intersectoral and interministerial delegation during the consideration of the next report;

The DR-Congo took note of this recommendation and promised to comply with this obligation during the presentation of subsequent reports.

iii. Adopt all relevant legislative measures including plans, policies and programmes to give effect to the provisions of the African Charter;

Concerning the relevant legislative measures as well as plans, policies and programmes to give effect to the provisions of the African Charter, efforts have been made in this regard as indicated

in this report.

iv. Indicate in the next periodic report the challenges faced by the DRC government in the effective implementation of human rights guaranteed by the African Charter;

The DR-Congo is making significant efforts to implement the rights guaranteed by the African Charter on Human and Peoples' Rights. However, its action is confronted with a number of difficulties related basically to the recurrence of armed conflicts in the East of the country.

v. Ensure that the subsequent periodic report contains updated disaggregated and statistical data;

This report contains adequate updated disaggregated and statistical data.

vi. Take the necessary measures to ratify the following instruments:

- **The African Charter on Democracy, Elections and Governance;**
- **The Protocol to the African Charter on the Establishment of an African Court of Human and Peoples' Rights , and make the required Declaration under Article 34 (6) of the aforementioned Protocol;**

The DR-Congo has taken note of this recommendation and promised to implement it.

vii. Accelerate the process of ratifying the Maputo Protocol;

The DR-Congo has ratified the MAPUTO Protocol, since 9/06/2008 and the instruments of ratification were deposited on 09/02/2009.

viii. Take the necessary measures to ensure the operationalization of the National Human Rights Commission (CNDH) of which the draft bill on its establishment is currently before the National Assembly in accordance with the Paris Principles on the establishment of institutions for the promotion and protection of human rights;

The DR-Congo has taken note of this recommendation and has implemented it. Currently, the National Human Rights Commission is operational and it is working in accordance with the Paris Principles on the establishment of institutions for the promotion and protection of human rights;

ix. Take the necessary measures towards the implementation of the Congolese Human and Peoples' Rights Charter of 2001, particularly in relation to the return of property confiscated from their owners;

The DR-Congo has taken note of this recommendation and has implemented it. Indeed, the files on confiscated property have been taken care of by the competent judicial authorities. The return is always done where it is established that the persons wronged are the bona fide property owners.

x. Take all the necessary measures for the effective implementation of the National Strategy to fight against sexual and gender-based violence as well as the effective implementation of the laws of 2006 on sexual violence, including the prosecution and penalization of the perpetrators of rape and other acts of violence against women;

Acts of sexual violence continue to be one of the characteristics of the conflict in the Democratic Republic of Congo, particularly in the East of the country.

According to statistics collected by the Ministry of Gender, Family and Children's Affairs, more than 15.352 were victims of acts of sexual violence in the Katanga, North-Kivu, and South-Kivu Provinces and in the Ituri District in 2013.

In view of the magnitude and seriousness of the phenomena, the government of the DRC has taken various measures to address the issue of sexual violence, particularly by enacting laws No. 06/018 of 20 July, 2006 amending and complementing the Decree of 30 January, 1940 on the Congolese

Criminal Code, No. 06/019 of 20 July, 2006 amending and complementing the Decree of 10 August, 1959 on the Congolese Criminal Procedure Code, No 08/011 of 14 July, 2008 on the rights of people living with HIV/AIDS and those affected, and No. 09/001 of 10 January, 2009 on the protection of the child. In 2009, the government designed a national strategy to address gender-based violence in collaboration with the United Nations and other partners. On 4 October, 2012, the government of the DRC and the United Nations Special Team on Children and Armed Conflicts adopted a plan of action against the recruitment and use of children and against serious human rights abuses perpetrated by the armed forces and security agencies.

Among the measures taken, it is also noteworthy to state that the personal representative of the Head of State was appointed and tasked with the fight against sexual violence and recruitment of children.

The DRC government and the United Nations have signed a Joint Communiqué on the fight against sexual violence in armed conflict situations in order to reactivate efforts already made. This joint communiqué lays emphasis on national ownership of priorities identified, in particular the fight against impunity and the establishment of mechanisms for the prevention of sexual violence within the framework of the process of disarmament, demobilization and reintegration, including security sector reforms.

It must be noted that the top hierarchy of the Armed Forces of the Democratic Republic of Congo have taken strong measures to combat sexual violence during conflicts. Thus, disciplinary and judicial measures have been enforced on regular basis against perpetrators of sexual violence. Efforts have also been made to strengthen the training of the military as far as sexual violence is concerned. Furthermore, prospective candidates for enlistment into the security agencies are properly subjected to background checks in order to disqualify persons who have committed serious human rights violations and offences against international humanitarian law.

xi. Take the necessary measures and adopt appropriate programmes for the eradication of all forms of violence against women, including the training of judges and police criminal investigation officers in the area of violence perpetrated against women;

The DR-Congo has a national strategy to fight against sexual and gender-based violence (SNVBG) comprising five components. The component “fighting against impunity” is intended to develop the capacity of the judicial apparatus and to design a criminal policy on sexual violence with a focus on victims’ rights, improve access to justice, provide reparation for victims through justice delivery and ensure the effective implementation of the 2000 laws on sexual violence.

Among the results recorded under this component, it is important to note the training of judges, criminal investigation police inspectors and other judicial service staff on the handling of such cases pertaining to sexual violence.

It is worth noting, that the armed forces of the DRC and the Congolese National Police have their respective plans in the fight against sexual violence. Within the context of these plans, all the stakeholders in the criminal chain are provided with training on sexual violence.

xii. Accelerate the operationalization of the National Agency responsible for the fight against violence perpetrated against women and the girl child and provide it with adequate human and financial resources

The DR-Congo has taken note of this recommendation and has given effect to it. Currently, the National Agency responsible for the fight against sexual violence perpetrated against women and young girls (AVIFEM) has adequate human resources. The remaining aspect is the allocation of substantial budgetary resources to the Agency.

xiii. Accelerate the operationalization of the Compensation Fund for Victims of Sexual Violence and ensure that it meets the needs of the people concerned;

The DR-Congo has taken note of this recommendation and promises to implement it. So far, the Senate Committee on Sexual Violence plans to create a reparation fund for the victims of sexual violence.

xiv. Adopt and ensure the implementation of a national action plan for the implementation of Resolution 1325 and 1820 of the United Nations Security Council;

Since 2010, the DRC has developed a five-year national action plan for the implementation of Resolution 1325 of the United Nations Security Council. This plan was reviewed in 2013 and the Ministry of Women, Family and Children's Affairs also prepared a practical guide on the incorporation of Resolution 1325 into the local development plan.

The implementation of this plan started with Orders by the Minister of Women, Family and Children's Affairs regarding the establishment of the various relevant bodies for the execution of activities earmarked for that purpose; particularly the establishment of a National Secretariat in line with Resolution 1325; this body has already started its operations. The national action plan 1325 also contributes to the implementation of the United Nations Security Council Resolution 1820.

xv. Review the domestic legislation by incorporating the Family Code to make it consistent with the Maputo Protocol, particularly in terms of its harmful practices on women and girls and of the issue of limiting the legal capacity of married women and the age of first marriage of girls;

The Family Code of 1987 was revised and promulgated on 25 July, 2016 by the President of the Republic. This revision touched on the issues raised above in line with the Maputo Protocol so that the new Family Code will be a major step forward in terms of the major achievements, in particular concerning:

The elimination and amendment of the discriminatory provisions contained in the previous Family Code of 1987, among others, the elimination of the obligation for a married woman to obtain prior authorization from her husband for any legal act (Article 448-450), ensuring uniformity of the marriageable age both for girls and boys at 18 years, etc.

xvi. Take appropriate measures to give full effect to the African Union's Solemn Declaration on Equality between men and women in Africa, by starting, among others, with the submission of annual reports to the African Union on the situation of women's rights in the DRC;

The DR-Congo has taken note of this recommendation and has complied with it by submitting the current report to the African Union; Part B of this report outlines the status of women's rights in the DRC. The appropriate measures have been formulated thereunder various thematic subjects to give full effect to the African Union's Solemn Declaration on Equality between Men and Women. These subjects correspond to 9 commitments made within the context of the Declarations, namely:

COMMITMENT 1: HIV/AIDS AND OTHER RELATED INFECTIOUS DISEASES
COMMITMENT 2: PARTICIPATION OF WOMEN IN THE PEACE PROCESS
COMMITMENT 3: CHILD SOLDIERS
COMMITMENT 4: VIOLENCE AGAINST WOMEN
COMMITMENT 5: THE PRINCIPLE OF EQUALITY BETWEEN MEN AND WOMEN
COMMITMENT 6: THE HUMAN RIGHTS OF WOMEN
COMMITMENT 7: THE RIGHTS TO LAND, PROPERTY AND INHERITANCE
COMMITMENT 8: WOMEN AND EDUCATION
COMMITMENT 9: RATIFICATION OF THE PROTOCOL AND MEASURES

xvii. Ensure that programs and measures are put in place to give effect to the principle of equality prescribed by the Constitution in order to increase the participation of Congolese women in all decision-making bodies;

The DRC has passed Law No. 015/013 of 1st August, 2015 on the modalities for the implementation of the rights of women and equality. This law was promulgated by the President of the Republic on 1st August, 2015. It touches on the elimination of all forms of discrimination against women and the promotion and protection of their rights, their full development and participation in the country's development, the protection of women against violence in public and private life, an equal representation of women in national, provincial and local institutions

and ensuring the implementation of gender equality. This law recognizes the rights and obligations of men and women and promotes the complementarity between them.

- xviii. Strengthen the programmes and policies in reproductive health in order to enhance access by women and adolescents to family planning , quality health services and to reduce maternal and child mortality rates by focusing specific attention on women from the indigenous populations/communities;**

The DRC has taken a number of measures in this regard to ensure the protection of women and adolescents. A lot of details on this issue have been provided in part B of this report.

- xix. Provide disaggregated data in the subsequent report on the number of citizens with access to basic health services.**

This report contains disaggregated data on the number of citizens with access to basic health services as outlined in Part B.

- xx. Provide disaggregated statistics on HIV/AIDS prevalence rates in the DRC.**

The disaggregated statistics in HIV/AIDS prevalence rates in the DRC can also be found in Part B of this report.

- xxi. Strengthen the programmes and measures to ensure that antiretrovirals are free**

In order to address the limited access to antiretrovirals, the DRC has designed a programme to fast-track universal access to prevention, treatment and care.

- xxii. Put in place programmes to provide care for AIDS orphans;**

The DRC provides support for programmes initiated by civil society organizations working in the health sector to care for AIDS orphans.

- xxiii. Provide disaggregated statistics on enrolment rates at the different levels of education;**

The DRC has taken note of this recommendation and is implementing it. The disaggregated statistics on the enrolment rates at the various levels of education are found in Part B of this report.

- xxiv. Strengthen policies and programs to reduce the disparities between girls and boys;**

The DRC has strengthened the policies and programmes put in place to reduce the disparities between girls and boys. Adequate information and data have been provided in Part B of this report.

- xxv. Increase the share of the national budget allocated to education and health;**

The State budget allocated to the education sector has increased consistently, though the sector still remains under-funded. This budget has witnessed a significant gradual and steady increase for the past four years.

Its share of public expenditure reached 16 % in 2014 as against 8% in 2000 and 4% in 1990, thus demonstrating the growing priority attached to education by the DRC government. The health sector has also been a focus of keen attention by the government which is making efforts to achieve the commitments made by African Heads of State in Abuja to allocate (15% of their national budgets).

- xxvi. Ensure that programmes and measures are put in place to promote improved access by**

women and young people to employment and social protection;

Concerning access by women to employment, it is worth noting that there is a national employment policy and vocational training in place which highlight programmes and measures enabling women to have access to education, vocational training just like men; access to employment, loans, decision-making bodies, to land, technical assistance and to markets just like their male counterparts. This policy provides for actions to be developed, particularly the review of legislative texts such as the labour code, the family code (for that purpose, the two initial texts have been revised), the mining code, the land law, the capacity building of women, grouping of women into cooperatives, access by women to micro-finance institutions; development of appropriate technology and infrastructure for women; provision of labour market data¹ in relation to women and the implementation of the National Gender Policy.

Regarding access by young people to employment, the national employment policy and vocational training also highlight programmes and measures to promote decent and productive employment opportunities and self-employment in order to assist young boys and girls to emerge from the poverty cycle and participate actively and fully in the national reconstruction and peace building process. A youth employment promotion programme (PROYEN) is operational at the Ministry of Employment and Social Welfare.

With regard to social welfare, it is important to note that the law on the review of the social security code has been promulgated by the Head of State. There is also a social security programme (PROSECU), a national social protection programme (PNPS) and a law on mutual health insurance organizations.

xxvii. Accelerate the implementation of the “Innovation Contract” which was concluded in 2004 between the Government and public service workers unions, which eventually would pave the way for the upward adjustment of salaries of public servants and State officials;

The DRC has taken note of this recommendation and pledges to implement it gradually. Indeed, looking at the current state of public finances, this innovation contract is being implemented through a phased approach.

xxviii. Ensure that measures are put in place to take care of street children;

In the DRC, there is a national policy at the Ministry of Social Affairs for the integration of street children. The government provides support for initiatives by civil society organizations operating in the child welfare sector.

xxix. Ensure that measures and programmes are put in place to address issues of internally displaced persons in the country;

Since 2004, the government, with the support of the United Nations, has put in place several programmes, among others, the National Disarmament, Demobilization and Reintegration Programme (PNDDR), the Stabilization and Reconstruction Programme of the East of the DRC (STAREC) and the Security Sector Reform Programme (RSS). The international strategy of Support for the Security and Stability of the East of the DRC was developed as an Integrated Programming Framework (2009-2012) for the Democratic Republic of Congo. The objectives 1, 4, and 5 of this Plan were to improve security, i.e. to create a protective environment for the civilian population by strengthening the security agencies, improving their discipline and their control, while supporting the demobilization and reintegration of the armed groups, facilitating the Return, Reintegration and Rehabilitation of internally displaced people (PDI) and refugees, meeting the priority social needs of the returnees; addressing the root causes of conflicts and relaunching of economic recovery and addressing sexual violence. The National Commission for Refugees, established in 2003 by Decree No. 03/014 of 5 August, 2003 also takes care of internally displaced people under the oversight responsibility of the Ministry of the Interior in collaboration with the Ministry of Social Affairs and Humanitarian Actions.

¹ An information system on Gender (SIGEN) is in the process of being established. This system will be responsible for producing a statistical yearbook on gender issues every year. The first one is being reviewed for publication.

xxx. Harmonize the national legislation on freedom of expression and access to information to be consistent with Article 9 of the African Charter and the Declaration of the Principles of Freedom of Expression in Africa;

The DRC has taken note of this recommendation and has implemented it by drafting a bill on the decriminalization of press offences by the government for media professionals and by publishing Decree No. 14/007 of 4 March, 2014 on the establishment, organization and operation of National Migration Committee on Digital Terrestrial Television.

xxxi. Adopt legislation on access to information with the aim of implementing Article 9 of the African Charter and the Declaration of Principles on the Freedom of Expression in Africa;

The DR-Congo has taken note of this recommendation, but the draft bill on access to information has been with Parliament since September 2015.

xxxii. Take the necessary measures to actualize the right of freedom of expression and provide journalists with all the appropriate safeguards in carrying out their professional duties;

The DR-Congo has taken note of this recommendation and is implementing it. Indeed, a law on press freedom was enacted in Parliament and the Higher Audiovisual and Communication Council was established. Furthermore, the Government resolved to deepen the collaboration between the public authorities and media practitioners in order to organize capacity building sessions for media professionals on regular basis and ensure the participation of political stakeholders without discrimination through broadcasts in the radio stations and the television networks. In addition, to further strengthen the right to freedom of expression and the safety of journalists in carrying out their professional duties, the Congolese State encourages the establishment of non-governmental organisations which bring together media professionals.

xxxiii. Ensure that all political parties have equal access to instruments for the broadcast of information during political and electioneering campaigns;

During the electioneering campaigns, all political parties have equal access to instruments for the broadcasting information by complying with the relevant rules and regulations as determined by the Higher Audiovisual and Communication Council through guidelines and decisions, in particular the 2006 and 2011 guidelines on electioneering campaigns, Decision No. CSAC/AP/007/2001 of 22 October, 2011 relating to the implementing measures for the Directive governing electioneering campaign through the media, Act No. CSAC/B/005/2011 of 25 October 2011 on the establishment of a Vigilance and Electoral Ethics Committee through the Media, Observation No. CSAV/S-CVEM/K/033/2011 of 24 November 2011 on impartiality of the Media in a period of elections, Observation n° CSAV/S- CVEM/K/055/2011 of 14 December 2011 relating to media hype of opinions on the results of the 28 November, 2011 election results.

Indeed, the organic law on CSAC, under Article 4, specifies clearly that the CSAC shall ensure equal access by political parties, associations and any other person to official means of information and communication.

xxxiv. Take the necessary measures to speed up and operationalize the Independent National Electoral Commission and the Higher Audiovisual and Communication Council;

The DR-Congo has taken note of this recommendation and has implemented it. As at now, the Independent National Electoral Commission and the Higher Audiovisual and Communication Council have been established and are working smoothly.

xxxv. Take the necessary legislative and regulatory measures for the criminalization of torture in the Penal Code;

The Congolese lawmakers have adopted Law No. 11/008 of 9 July, 2011 on criminalization of torture and an awareness raising campaign has been organized in this regard by the Ministry of Justice and Human Rights among law enforcement agencies and the population.

xi. **Provide disaggregated statistics in your subsequent report on prisons and conditions of detention; STATISTICAL TABLE
OF DETAINEES IN PRISONS, JULY 2014 TO 2015.**

N°	PRISON	July		Aug		Sept		Oct		Nov		Dec		Jan		Feb 2015		March		April		May		June	
		M	W	M	W	M	W	M	W	M	W	M	W	M	W	M	W	M	W	M	W	M	W	M	W
0	PC	275	06	270	05	179	04	185	03	185	06	202	02	215	03	231	03	231	02	244	06	253	07	252	08
0	PC MATADI	500	08	486	07	480	06	508	08	432	08	454	09	569	11	608	04	617	06	607	04	576	05	559	06
0	PC	288	10	171	05	194	06	286	08	256	07	269	13	156	09	261	05	226	08	207	07	178	04	199	03
0	PC	485	19	485	21	490	28	459	17	458	19	424	17	458	17	445	16	441	19	465	14	468	13	446	17
0	PC	886	21	946	25	942	29	984	26	989	33	103	31	104	26	1072	30	108	30	110	36	107	32	120	32
0	PC			168	54	170	41	167	39	160	55	160	58	155	36	1567	35	156	80	165	66	162	95	161	90
0	PC	527	13	639	122	607	130	639	127	651	122	650	123	679	138	6961	132	694	153	694	112	659	126	667	119
0	PC MBUJI-	870	27	839	31	792	26	849	36	878	29	873	26	875	30	702	13	765	15	902	20	858	43	770	27
0	PC	310	08	302	10	329	10	325	13	347	10	320	16	430	05	415	06	423	04	397	03	394	04	380	08
1	PC	150	23	144	27	144	22	147	25	146	30	149	34	121	36	1263	43	128	32	125	35	125	30	131	32
1	PC GOMA	102	32	558	26	604	29	117	34	118	34	119	39	127	42	1325	34	139	30	139	30	142	36	147	38
1	CD OSIO	226		203		203		202		166		162		223		215		225		228		225		205	
1	CD BULUO	304		292		336		330		286		317		414		414		415		435					
1	PD BUNIA	123	22	120	20	122	23	122	20			122	24	123	31	1181	32	114	13	114	19	117	21	121	23
1	PD	557	08	382	07	380	06	395	06	361	09	461	15	546		583		561		403		487	13	583	14
	TOTAL	139	31	156	360	153	360	153	36	151	326	165	407	169	384	1724	353	173	392	170	352	153	429	168	417

With regard to the conditions of detention, it must be emphasized that the Democratic Republic of Congo is concerned about improving living conditions in prisons.

In this regard, the Minister of Justice and Human Rights issued a judicial organization Order No.029/CAB/MIN/J&DH/2013 on 28 January, 2013 on the establishment, organization and functioning of local supervisory committees for the Budgetary Management of Provincial, Central Prisons and Detention Camps. This Order brings about significant innovations in the management of jails and prisons as it establishes a Management Committee with oversight responsibility for funds allocated to every prison facility for the feeding and ration of inmates.

Several other measures have been taken to provide very good conditions in the prisons, namely:

- Regular inspection of holding cells and prisons by the magistrates from the public prosecutor's office
- Monitoring of places of detention by the protection Department of the General Human Rights Secretariat
- Capacity building of judicial investigation police officers on the rights

Furthermore, as part of its responsibility, the National Human Rights Commission (CNDH) periodically visits places of detention across the whole country.

xxxvi. Collaborate with the African Commission towards the implementation of the Robben Island Guidelines which provide for the prevention of torture and other cruel, inhuman and degrading treatment and punishment, particularly, by inviting the African Commission to undertake awareness raising mission in the DRC on this instrument relating to human and peoples' rights;

The DR Congo has ratified the Convention against Torture and its Optional Protocol which provides for the prevention of torture and other cruel, inhuman and degrading treatment and punishments. Currently, the DRC intends to establish a mechanism which will address the issue of control of prisons with the view to preventing torture; in other words, this task will be assigned to the National Human Rights Commission. With regard to the Robben Island Guidelines, the DRC promises to collaborate with the African Commission to ensure its implementation.

xxxvii. Take all the necessary measures towards the abolition of the death penalty in the DRC by taking into consideration international standards and resolutions of the African Commission on the abolition of the death penalty;

The DR-Congo is taking into consideration international standards and resolutions of the African Commission in this regard. Indeed, though the Congolese positive law still contains capital punishment, the DR Congo has observed a de facto moratorium for a period of thirteen (13) years during which period the death penalty has never been applied.

xxxix. Take appropriate legislative and other measures to end excessive preventive detentions and ensure compliance with every individual's right to be heard in a court of law within a reasonable period of time;

In a bid to avoid abuses by way of arrests and preventive detention, the Public Prosecutor can at any time request for the court records. Furthermore, the Ministry of Justice and Human Rights carries out monitoring in all the prisons across the country to identify any such abuses. This role always falls within the purview of the National Human Rights Commission.

xl. Take measures to safeguard the independence of the judiciary and develop the capacity of the judges

The DR- Congo has taken note of this recommendation and is implementing it. Indeed, the Higher Judicial Council is the only body with the prerogative to exercise judicial power. It is exclusively made up of judges and has its own budgetary allocation. To strengthen the independence of the judges, their salaries were increased by an average of 20% in 2011 for all the 3750 civil and military judges. With regard to capacity building of the law enforcement agencies and the judiciary, the DRC has also taken the following steps: Continuation of the establishment of special courts in 2013 ; particularly commercial, labour and juvenile courts ; the establishment of a judicial assistance unit under the military courts, which is currently on experimental basis in the East, appointment through Presidential Orders of 1 June, 2013, of Judges in order to operationalize the newly-created magistrates' courts, the commercial, juvenile and labour courts. The DRC is continuing with its judicial service reforms including defence and security sector reforms. In this context, several initiatives have been taken,

among others, judicial service reforms. On this issue, the laws mentioned below have been promulgated, Organic Law No. 13/00-B of 11 April, 2013 on the organisation, operations and the responsibilities of the judiciary; Organic Law No.13/010 of 19 February, 2013 on the procedure before the Court of Cassation and the Law on the organisation and functioning of the Constitutional Court. On the other hand, the Supreme Court of Justice has been split into 3 new courts, namely the Council of State, the Court of Cassation and the Constitutional Court.

xli. Ensure the effective implementation of the legal and judicial assistance programme in collaboration with the Bar Association

The legal and judicial assistance in collaboration with the various Bar Associations of the DRC exists and operates normally as stipulated in Part B of this report.

xlii. Establish reliable statistics and strengthen policies and plans to promote the enjoyment of economic, social and cultural rights in the DRC by laying emphasis on gender mainstreaming;

The DR-Congo has noted this recommendation and has implemented it. Indeed, reliable statistics are gradually being developed including national development policies and programmes that are more gender-sensitive. The Part B of this report adequately addresses this thematic issue.

xliii. Ensure that the terminology used to refer to the indigenous populations/communities complies with international and regional legal instruments ;

In the DRC, the terminology used to refer to the indigenous populations/communities is consistent with international and regional legal instruments.

xliv. Accelerate the ongoing legislative measures for the effective recognition of the rights of indigenous populations/communities in the DRC and strengthen the specific policies and programmes adopted for their benefit;

Since 2015, a private member's bill on the protection of the rights of indigenous peoples has been laid before Parliament. This draft bill seeks to provide equal protection before the law to vulnerable people, in particular pygmies.

xliv. Adopt measures on affirmative action to enable the indigenous populations/communities to participate in the political processes and be adequately consulted and represented in the decision-making processes regarding projects concerning them;

The DR- Congo has taken note of this recommendation and is making efforts to ensure the participation of indigenous populations/communities in decision-making and implementation of projects concerning them.

xlvi. Ensure the implementation of recommendations contained in the mission report issued by the Working Group on indigenous populations/communities in 2009;

The DR Congo has taken note of this recommendation and has promised to implement it.

xlvii. Carry out reform of the Forestry Code to ensure that the latter takes into account the specific needs of the indigenous populations and guarantees the rights of the populations and communities that depend on forest resources;

The Forestry Code of 29 April, 2002 establishes innovations which guarantee the rights of local and indigenous communities on which the latter depend.

Under the terms of the aforementioned Code, local and indigenous communities have the right to use forest resources to meet their needs without seeking prior authorization or paying any taxes.

In line with Article 22 of the above-mentioned Code, a local or indigenous community may at its own request obtain a forest commission on part or all the forests they have as

required by custom.

In line with Article 89 of the Code, a forest operator must comply with the specifications indicated in the Annex of his forest concession contract for the development of socio-economic infrastructure for the benefit of local communities.

xlviii. Ensure that lands expropriated from indigenous populations/communities are given back to them or in default, compensation should be paid to them for the loss of these lands;

In the DR- Congo, when a person or community is wronged concerning land rights, the Law of 18 July, 1973 provides the opportunity for the injured party to go to the law courts and tribunals to claim their rights.

The current Forestry Code guarantees the rights of local or indigenous populations by resorting two major mechanisms, i.e. through public investigations and consultation.

xlix. Ensure a head count of members of the indigenous populations and communities;

The DR -Congo has taken note of this recommendation and promises to implement it as part of the general population and housing census being prepared for the entire country.

i. Take the appropriate measures towards the systematic registration of all indigenous child births and ensure that birth certificates are issued to members of the indigenous populations/communities

The DR Congo has taken appropriate measures with the support of its partners, in particular UNICEF, for the systematic birth registration of all Congolese children including indigenous children.

ii. Take the necessary measures to recognize the right of access by the indigenous populations/communities to healthcare while respecting their traditions and practices and their ways of life;

The DR Congo has taken note of the recommendation and has implemented it. Indeed, traditional medicine is incorporated into the national health policy.

iii. Conduct an enquiry into the causes of massive violations of the rights of indigenous populations/communities committed in Ituri and bring the perpetrators to justice;

The DR Congo has taken note of this recommendation. Indeed, all the perpetrators of the massive human rights abuses in ITURI and other parts of the country have been brought before the law courts either locally or to the International Criminal Court

iiii. Accelerate the consideration and enactment by Parliament of the recent draft bill on environmental management and conservation;

The draft bill in question has been enacted by Parliament and promulgated by the Head of State. This is in reference to Law No. 11/09 of 9 July, 2011 on the fundamental principles governing environmental protection. Another Law was also passed and promulgated in 2014. This refers to Law No. 014/003 of 11 February, 2014 on the conservation of nature.

lv. Take the necessary measures for the implementation of the Convention on the Management of Lake Tanganyika, the Agreement on the Exploitation and Production of oil with Angola and the Conservation and Sustainable Management of Forest Ecosystems Treaty in Central Africa;

The DR Congo has taken note of this recommendation and has implemented it. Indeed, the necessary measures have been taken for the implementation of these different legal texts.

lv. Take appropriate measures to guarantee the rights of workers in the extractive industries;

The DR Congo has taken note of this recommendation and has complied with it. Indeed, the mining Code prevails on mining operators to take the appropriate safety measures to protect the workers in the extractive industries.

Ivi. Ensure that human rights defenders are provided with the necessary security in carrying out their activities in line with the United Nations Declaration on Human Rights Defenders and with the Principles of the African Charter;

In the DR Congo, Non-State Actors participate in the promotion and protection of human rights. This applies to many associations, trade unions, media organizations and political parties. The human rights NGOs operate according to Law No. 004/01 of 20 July, 2001 on non-profit associations and public utility organizations. However, to provide human rights defenders the security required in carrying out their activities, an Order was issued in 2011 by the Minister of Justice and Human Rights. It refers to Ministerial Order No. 219/CAB/MINJ&DH/2011 of 13 June, 2011, on the establishment, organisation and functioning of the Human Rights Protection Unit. To date, a draft bill is being prepared for the protection of human rights defenders.

Ivii. Accelerate the inquiry into the circumstances surrounding the death of Mr. Chebeya Floribert and forward the conclusions to the African Commission;

The DR Congo has fast-tracked and completed the investigations into the circumstances surrounding the death of Mr. Chebeya Floribert, to the extent that his case file has been placed before a competent court which has ruled straightaway and sentenced the perpetrators of this heinous assassination.

Iviii. Provide the African Commission with all the relevant information in the next periodic report on the implementation of the recommendations contained in these concluding observations

The relevant information on the implementation of recommendations contained in the Concluding Observations of the previous report has been provided in the different answers contained in this report.

Measures taken towards the publication and dissemination of the recommendations contained in the Concluding Observations resulting from the consideration of the previous report

16. It must be noted that no specific measures have been taken towards the publication and dissemination of the recommendations contained in the Concluding Observations resulting from the review of the previous report. Indeed, these observations were received only quite recently by the DRC.

PROGRESS ACHIEVED IN THE IMPLEMENTATION OF THE AFRICAN CHARTER OF HUMAN AND PEOPLES' RIGHTS SINCE THE LAST REPORT.

GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF CIVIL AND POLITICAL RIGHTS

The Constitution:

17. The Constitution of the Democratic Republic of Congo as amended by Law No. 11/002 of 20 January 2011 on the review of some Articles of the Constitution of 18 February, 2006, upholds in Title II all human rights and fundamental liberties stipulated in the African Charter on Human and Peoples' Rights, in particular civil and political rights.

General implementation measures:

18. The legislative and other enabling measures adopted in support of human rights instruments since the last report are the following:

Apart from the Constitution, several ordinary and organic laws have been promulgated since 2010. They include, among others, the following legal texts: (i) organic Law No. 11/001 of 10 January, 2011 on the organisation, remit and operationalization of the Higher Audiovisual and Communication Council (CSAC); (ii) Law No.10/010 of 27 April, 2010 on public procurements; (iii) Law No. 11/008 of 9 July, 2011 on criminalization of torture; (iv) Law

No.011/22 of 24 December, 2011 on the fundamental principles governing agriculture; (v) Law No. 11/007 of 6 July, 2011 on the implementation of the Convention on the Prohibition of Employment, Storage, Production and the Transfer of Anti-Personnel Mines and their Destruction in the DRC; (vi) Law No. 011/009 of 9 July, 2011 on the fundamental principles relating to environmental protection; (vii) Law No.11/003 of 25 July, 2011 amending Law No. 06/006 of 9 March, 2006 on the organisation of presidential, parliamentary, provincial, urban and local elections (viii) Law No. 11/014 of 17 August, 2011 on the distribution of seats per electoral constituency; (ix) Organic Law No. 13/010 of 19 February, 2013 on the procedure at the Court of Cassation; (x) Organic Law No.13/011-B of 11 April, 2013 on the organisation, functioning and responsibilities of Courts under the Judiciary; (xi) Organic Law No. 13/012 of 19 April, 2013 amending and complementing Organic Law No.10/013 of 28 July, 2010 on the organisation and operationalization of the CENI; (xii) Law No.13/005 of 15 January, 2013 on the status of the military in the Armed Forces of the Democratic Republic of Congo; (xiii) Law No. 13/013 of 1 June, 2013 on the status of the career staff of the National Police; (xiv) Organic Law No. 13/026 of 15 October, 2013 on the organisation and functioning of the Constitutional Court; (xv) Law No.13/011 of 21 March, 2013 on the establishment of the National Human Rights Commission.

The DRC has also pursued efforts concerning the ratification of international human rights Conventions. They include, among others, Accession to the Treaty for the Harmonisation of Business Law in Africa by Law No. 10/002/ of 11 February, 2012 authorising accession of the DRC to the OHADA Treaty and on 23 September, 2010 to the Optional Protocol of the Convention against Torture and other Inhuman or Degrading Treatment and Punishments and Law No. 13/024 of 27 July, 2013 on the authorisation of accession by the DRC to the Rights of People with Disabilities and its Optional Protocol.

19. Some administrative measures were also taken by the government to enforce the different laws passed by Parliament. They include, among others, the following measures:

- Decree No. 11/01 of 5 January, 2011 issued by the Prime Minister to determine the jurisdictions and the ordinary seats of Juvenile Courts to ensure their establishment;
- Decree No.13/008 of 23 January, 2013 on the establishment of a national humanitarian consultative framework;
- Ministerial Order No. 219/CAB/MINJ&DH/2011 of 13 June, 2011 on the establishment, organisation and functioning of the Human Rights Defenders Protection Unit;
- Orders No. 001/CAB/MIN/J&DH/2011 and No.002/CAB/J&DH/2011 on the respective establishment of secondary seats of Juvenile Courts and the determination of their jurisdiction and grouping of jurisdictions of Juvenile Courts for the implementation of measures relating to their custody, education and protection;
- Ministerial Order No. 063/CAB.MIN AFF SAH SN/2012 of 17 September, 2012 on the Establishment, organisation and functioning of the corps of social assistants in the DRC;
- Order for Judicial Organisation No. 029/CAB/MIN/J&DH/2013 of 28 January, 2013 on the Establishment, Organisation and Functioning of Local Supervision Committees for Budgetary Management of Provincial Central Prisons and Detention Camps.

MEASURES TAKEN TO GUARANTEE THE EFFECTIVE ENJOYMENT OF FUNDAMENTAL RIGHTS RECOGNIZED BY THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

Article 1: HUMAN AND PEOPLES' RIGHTS, DUTIES AND FREEDOMS.

20. Notwithstanding what the DRC presented in its tenth report, the Constitution of 18 February, 2006 as amended by Law No. 11/002 of 20 January, 2011 on the review of some Articles of the Constitution, has declared and provided guarantees for almost all the rights, duties and freedoms stipulated in the African Charter on Human and Peoples' Rights . This is in reference to Articles 11 to 67. They also include laws passed by Parliament for the implementation of the constitutional provisions guaranteeing rights, duties and freedoms protected by the Charter.

Article 2: NON-DISCRIMINATION.

21. Besides what has been presented in the previous report, the enjoyment of fundamental rights and freedoms stipulated in the Charter is guaranteed to all Congolese citizens and foreigners living in the DRC without any distinction whatsoever. The laws cited below uphold non-discrimination among individuals :

- Law No. 118/0011 of 14 July, 2008 on the protection of the rights of persons living with HIV/AIDS;

- Law No.15/001 of 12 February, 2015 amending and complementing the Law organising presidential, legislative, provincial, urban, municipal and local elections as amended by Law No. 11/003 of 25 June, 2011.
- Law No.11/013 of 1st August, 2015 on the modalities for the enforcement of women's rights and parity.
- Law No. 016/08 of 15 July, 2016 amending and complementing the Family Code of 1987.

Article 3: EQUALITY BEFORE THE LAW AND EQUAL PROTECTION OF THE LAW

22. Since 2007, the DRC has undertaken reforms in order to strengthen equality of all citizens before the law and equal protection of the law.
23. In addition to the answers provided in the 2010 report, the Congolese Parliament has adopted organic law No. 13/13/011-B of 11 April, 2013 on the organisation, operations and competence of the courts within the judiciary, which devolves on the Appeal Courts the competency to hear first degree criminal offence such as genocide, war crimes and crimes against humanity committed by persons falling within the scope of their jurisdiction and that of the magistrates' courts, but which were previously tried under only military courts.
24. It must also be underscored that in 2015, a draft bill on the protection of persons with disabilities was presented to Parliament, including a draft bill on the protection of indigenous peoples. These two draft bills are to ensure that vulnerable people, a category which also comprises of people with disabilities and indigenous peoples, in particular pygmies, also receive equal protection under the law.

Article 4: THE RIGHT TO LIFE AND PHYSICAL AND MORAL INTEGRITY

25. Beyond the relevant provisions of the Constitution of 18 February, 2006, as amended to date, establishing the inviolability of the human being, the right to life, physical and moral integrity, as guaranteed and protected by the African Charter on Human and Peoples' Rights has undergone a significant development in the DRC.
26. Thus, since 2002, the DRC has ratified the Rome Statute of the International Criminal Court, and in 2015, the Congolese Parliament passed 4 laws on the implementation of the Statute of the International Criminal Court. This includes, among others, Law No. 15/022 of 31 December, 2015 amending and complementing the Decree of 30 January, 1940 on the Criminal Code; Law No. 15/023 of 31 December, 2015 amending Law No. 24/2002 of 18 December 2002 on the military criminal Code; Law No. 15/024 of 31 December, 2015 amending and complementing the Decree of 6/8/1959 on the criminal procedure code, Law No. 15/025 of 31 December, 2015 amending and complementing Law No. 023/2002 of 18 November, 2002 on the military judicial code.
27. Though these initial laws have been promulgated and published in the official gazette, the latter has, to date, not yet been promulgated and disseminated.
28. In any case, in 2015, the Congolese lawmakers wanted to comply with the requirements of the Statute of the International Criminal Court which does not provide for the death penalty as constituting an assault to life as guaranteed and protected by the Charter and other relevant human rights legal instruments.

ARTICLE 5: RIGHT TO THE RESPECT OF HUMAN DIGNITY, RECOGNITION OF LEGAL STATUS AND THE RIGHT NOT TO BE SUBJECTED TO TORTURE, SLAVERY AND SLAVE TRADE.

29. In a bid to add to and update what has already been said in the tenth periodic report, the DRC has adopted strong measures to demonstrate its commitment to the African Charter on Human and Peoples' Rights and its genuine will to effectively address violations of the respect of human dignity, and to maintain the recognition of the legal status and the right not to be subjected to torture, slavery and slave trade.
30. Thus, the Constitution of 18 February 2006 as amended to date specifies in Article 16 that human life is sacred. The State is duty bound to respect and to protect that life. Every individual has the right to life, to physical integrity and to freely develop their personality by respecting the law, public order, the rights of others and good moral standards. No human being can be held in slavery or related conditions. No individual can be subjected to inhuman, cruel or degrading treatment and no one can be held under forced or compulsory labour.

31. Similarly, the Congolese lawmakers have passed Law No. 11/008 of 9 July, 2011 on the criminalization of torture which provides in Article 48 (a) that "Any public servant or public officer, or any person tasked with a public service or any person acting on the orders of or the instigation of such an official or with his express or tacit consent of such an official, wilfully inflicts pain on a person in order to elicit from the person or a third party, information or confessions, as a means of punishing the individual for an act that he or a third party has committed or is suspected to have committed, to intimidate him or to pressurize a third party or for any other motive based on a form of discrimination of any kind, shall be punished by a prison sentence of 5 to 10 years for penal servitude and a fine of 5000 to 100, 000 Congolese francs.
32. In the event where the facts of the case prove that the victim suffered from a serious trauma, sickness or permanent labour incapacitation, a physical or psychological defect or where the victim is a pregnant woman, a minor by age or the person is old or living with a disability, the perpetrator shall be sentenced to a term of imprisonment of 10 to 20 years and a fine of between 100,000 and 200,000 Congolese francs.

Article 6: THE RIGHT TO FREEDOM AND TO THE SECURITY OF HIS PERSON

33. The Constitution of 18 February, 2006 as amended, to date, has established individual and group rights guaranteed to citizens. The information provided in the previous report is still valid.

Article 7: THE RIGHT TO HAVE ONE'S CAUSE HEARD IN COURT AND THE RIGHT TO A FAIR TRIAL

34. Apart from the information already provided on this subject matter by the DRC in the previous report, there is no new information.

Article 8: FREEDOM OF CONSCIENCE AND OF RELIGION

35. There is no new information on this subject matter apart from all the information provided in the previous report.

Article 9: RIGHT TO INFORMATION AND TO FREEDOM OF OPINION

36. As presented in the tenth periodic report, the right to information and to freedom of opinion is guaranteed in the DRC.
37. The Democratic Republic of Congo currently has 445 newspapers and periodicals. The radio and television media organs have increased from 287 in 2009 to 447 to date, with 260 radio broadcast stations and 187 television networks. Through these media outlets, the Congolese citizens and those who have chosen the DRC as their second home, express themselves freely without any restrictions subject to compliance with the law, public order and accepted standards of behaviour.
38. Furthermore, the information sector has been enriched by a new regulatory body, established by organic law No. 11/001 of 10 January 2011 on the establishment, organisation, functions and operations of the Higher Audiovisual and Communication Council (CSAC).

Article 10: FREEDOM OF ASSOCIATION

39. There is no new information on this subject matter apart from the information provided by the DRC in its previous report.

Article 11: FREEDOM OF ASSEMBLY

40. With regard to freedom of assembly, it must be noted that a law was passed at the beginning of 2016 by Parliament. However, it is awaiting promulgation and publication.

Article 12: FREEDOM OF ASSEMBLY AND RESIDENCE

41. No new information has been provided on this subject matter apart from those presented by the DRC in the previous periodic report.

Article 13: RIGHT TO PARTICIPATE IN THE MANAGEMENT OF PUBLIC AFFAIRS OF ONE'S COUNTRY

42. Under the terms of this law, the Democratic Republic of Congo has made a significant effort to ensure that gender parity becomes effective by promulgating the law of 1 August, 2015 on the modalities for the implementation of the rights of women and parity.
43. It must be underscored that the principle of representation of women has already been established in texts governing all the supporting democratic institutions and the Economic and Social Council.

Article 14: THE RIGHT TO PROPERTY

44. There is no new development apart from the information provided in the previous DRC report.

Article 15: THE RIGHT TO WORK

45. Apart from what has been provided in the previous report, it must be pointed out that in the search for solutions to basic social needs; the government has initiated a major policy on infrastructural development, the implementation of which has led to the creation of new jobs for the benefit of national work force. From 2011 to 2013, the number of jobs thus created rose to 156,887. With regard to freedom of association, the labour world in the DRC currently can boast of 129 trade unions in the public sector and 233 in the private and semi-public sectors, but their capacity building is carried out in accordance with international labour standards.
46. On this subject matter, it must be indicated that for the first time ever in the DRC, social elections are organised in the public administration in accordance with Order No. 013/CABMIN/FP/J-CK/40/DN/GNK/019/013 of 1 July, 2013 on the Electoral Code pertaining trades union elections within the public administration.

Article 16: RIGHT TO HEALTH AND WELFARE

47. Apart from what has been indicated in the previous report, it can be specified that in order to facilitate access by Congolese citizens to healthcare, the government has made efforts in the following areas: equipment and rehabilitation of 66 general referral hospitals and 330 health centres with the assistance of UNICEF and GAVI; rehabilitation of 120 other general referral hospitals and 1280 health centres with the support of the Global Fund; rehabilitation of the Medical Education Institute in Kinshasa.
48. As part of the support for the public health sector, the government has undertaken several interventions relating to the prevention and care for malaria (distribution of insecticide mosquito nets), Vitamin A vaccination, the establishment of minimum standards for emergency surgery and emergency obstetrical care, mass campaigns and medical kits distribution to people living with HIV/AIDS, immunization campaigns against tuberculosis, poliomyelitis and yellow fever.
49. Between 2010 and 2011, life expectancy for men rose from 48 to 53 years while that of women increased from 48 to 56 years (source WHO and UNDP). Additional information has been provided in Part B of this report.

Article 17: THE RIGHT TO EDUCATION AND FREEDOM TO CULTURAL LIFE

50. Apart from the information provided in the previous report, the DRC has developed a national education strategy comprising, among others, the sub-sectors of primary, secondary and vocational education implemented under the (2012-2014) interim education plan; its flagship action launched in 2010, is free primary education in the public sector of the country apart from the cities of Kinshasa and Lubumbashi.

51. By means of this free education policy, the gross enrolment ratio increased from 83.4% to 98 between 2007 and 2012.
52. Other achievements have also been recorded within the context of this strategy, namely: the construction and rehabilitation of school infrastructure (1000 schools with 128 of them already built, while 513 are still ongoing including 149 schools under the basic education assistance project called "PROSEB". Others are the building of training centres and resources for the continuous training of teachers (Kinshasa, Bandundu, Kalemie, Kowezi, Kikwit, Mbandaka and Kisangani); the increase in the national budgetary allocation for education which rose by 15% in 2013 and by 17% in 2014; responsibility for school textbooks for pupils at the primary level and teachers' textbooks. The parity index was 0.87 in 2012. Further information on this thematic issue has been provided in Part B of this report.

Article 18: PROTECTION OF THE FAMILY, ELIMINATION OF DISCRIMINATION AGAINST WOMEN AND PROTECTION OF CHILD RIGHTS

53. In order to address discrimination against women, the DRC has taken some legislative initiatives such as Law No. 11/013 of 1 August 2015 on the implementation of modalities on the rights of women and gender parity, and the law amending and complementing the Family Code.
54. Law No. 15/001 of 12 February, 2015 amending and complementing Law No. 06 of 9 March, 2006 on the organisation of presidential, legislative, provincial, urban, municipal and local elections as amended by Law 11/003 of 25 June, 2011.
55. In order to protect the child, the government issued Decree No. 13/008 of 23 January, 2013 on the establishment of the framework for national humanitarian dialogue, Ministerial Order No. 143 of 10 November, 2010 on the establishment of the Steering Committee on Streetism, the ministerial Order No. 063/CABMIN AFF SAHSN/2012 of 17 September, 2012 on the establishment, organisation and functions of the social assistants corps in the DRC was issued.
56. Furthermore, strategies were designed, among others, the strategy for the implementation of the national youth policy, the Strategic Plan for the Development of Literacy and Non-Formal Education (from 2012, 2020) the implementation of which has already started; the National Action plan for Orphans and Vulnerable Children.
57. It is necessary to also mention the process of gradual free primary education initiated in the public sector, the improved access to education in line with the Interim Education Plan (PIE), the building of schools and health centres from government's own resources and the total eradication of the phenomenon of child soldiers from the army.

Articles 19 and 20: THE RIGHT OF PEOPLES TO SELF-DETERMINATION

58. There is no new development on this thematic issue as compared to the information provided in the previous report.

Articles 21 and 22: NATURAL RESOURCES AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS

59. Additional information has been provided in part B of this report.

Article 23: PEACE AND SECURITY

60. With regard to peace and security, the development of the situation is what has been presented within the general context of this report.

Article 24: THE RIGHT OF PEOPLES TO A SATISFACTORY ENVIRONMENT

61. Since 2002, the government has initiated a reform of the forestry sector. In 2009, the government committed itself to the implementation of a mechanism for the reduction of emissions caused by deforestation and forest degradation (REDD). The issue of access to

energy and the development of renewable energy is at the centre of environmental protection and improvement of housing.

62. In 2012, the DRC committed itself to the objectives of the initiative "Sustainable Energy for All" due to be achieved by 2030: (i) universal access to electricity, (ii) doubling of the share of renewable energy in the energy mix in order to attain at least a ratio of 30% of the energy used in the country, and (iii) the doubling of energy efficiency.
63. For the past five years, tremendous efforts have been made to increase electricity supply. Government action has focused on improving governance in the sector and on the launch of huge hydro-electric projects. Thus, the country passed a law in June, 2014 liberalising the electricity sector in all its operational branches (production, transmission and distribution). It also designed a mapping plan for renewable energy which has identified more than 780 sites for the development of small hydroelectric stations on its 145 sites. The government has launched several energy projects, among which are the Inga 3 (4800 MW), Zongo 2 (150MW), Kakobola (10.5 MW), Grand Katende (64 MW), Ruzz 3 (145 MW), Nzilo and Nseke (450MW), etc. These are all huge financially demanding hydroelectric projects with the aim of doubling the average rate of access to electricity, increasing it from 9% in 2012 to 18% by 2016 (+_ 2.5 billion USD).
64. In spite of the huge wealth in fresh water resources, access to improved drinking water is low in the DRC: 32.6% of the populations in rural communities and close to 85% of the urban population have access to improved sustainable drinking water.
65. At the institutional level, the water sector is characterized by the restructuring of the National Water and Sanitation Action Committee (CNAEA). Parliament has not yet passed the draft bill on water in the DRC. The country has in place a national sanitation policy and a national hygiene policy.

Article 25: DUTY OF PROMOTING THE RESPECT OF THE CHARTER, EDUCATION AND POPULARIZATION OF HUMAN RIGHTS

66. The DR Congo has gotten down to promoting human rights in accordance with the country's Constitution. For instance, since 2009, the Civic Education and Social Actions Service of the FARDC (National Army) has trained military people in the different regions: 350 peer officer trainers in human rights and international humanitarian law. Furthermore, to enforce Article 45, (6) and (7) of the Constitution, these same rights are taught both at the Military Academy in Katanga and the Staff College in Kinshasa. It is also worth mentioning that the Ministry of Defence and Former Combatants and the Ministry of Justice and Human Rights, with the assistance of international and national partners (MONUSCO and others), organize on regular basis training sessions on this theme, particularly for judges and other legal officials.
67. Similarly, the Universities Board of the Congo, a competent body in terms of programme development in the Universities, has adopted a human rights programme at the Faculty of Law.
68. Finally, the Ministry of Justice and Human Rights, organized from July 2012 to November 2013, a national popularisation campaign on the law pertaining to the criminalization of torture for the benefit of the defence and security forces and for officials of the prisons service.

Article 26: INDEPENDENCE OF THE JUDICIARY

69. This item has been sufficiently developed in the answer provided for the concluding recommendation No. xi.

Article 27: DUTY TO RESPECT THE FAMILY AND SOCIETY

70. As indicated in the previous report, the basic family unit of the human community is organized in a manner as to ensure its unity, stability and its protection. It is placed under the protection of public authorities. Care and education to be provided for children are a natural right and a duty that parents must exercise under the supervision of and with the assistance of public

authorities.

71. Children have a duty to assist their parents. The law determines the rules governing marriage and the organization of the family. This law is the Family Code. This basic legal text has just been revised to bring it in line with international instruments. This action is to ensure that it is consistent with the promotion of gender and the protection of children's rights. The achievements of this revision have been clearly indicated in the answer provided in the concluding recommendation No. xv.

Article 28: EVERY INDIVIDUAL SHALL HAVE THE DUTY TO RESPECT AND CONSIDER HIS FELLOW BEINGS

72. The information provided in the previous report adequately addresses this issue.

Article 29: THE RESPONSIBILITY OF THE INDIVIDUAL TOWARDS THE STATE

73. With regard to this issue, there is no information except what has been provided in the previous report.

Difficulties encountered in the implementation of the African Charter on Human and Peoples' Rights and measures taken to resolve them.

74. The DR- Congo government is making significant efforts to implement the rights guaranteed by the African Charter on Human and Peoples' Rights. However, its action is confronted with a number of difficulties related mainly to the recurrence of armed conflicts in the Eastern part of the country, with some attendant consequences: they include the limited size of the budget, attributable, on the one hand, to the low mobilization of public revenue and to the allocation of a greater part of available resources to the peace-building process all over the country, on the other; the inadequate financial allocation for the social sectors and to the justice and human rights sector.

Future Plans related to the Implementation of the Charter

75. Better prospects exist for the satisfactory operationalization of the post -2015 Development Agenda of the DRC. These are due to the current development vision of the country, the expertise acquired through the experience of implementing the MDGs and the renewed commitment of the government to actualize its development vision which falls directly within the scope of respect for human rights, among others, the socio-economic rights of the people.
76. Since 2011, the DRC has had strong commitment to the Revolution of the Modernity Vision espoused by the President of the Republic. This vision, which can be broken down into seven key points, is based on the ambition to ensure that the country joins the comity of (i) middle income countries by 2020; (ii) emerging countries by 2030, and (iii) developed countries by 2050. The implementation or operationalization instruments of these three phases are the following: the National Forward-looking Strategy (ENPRDC/2035) which is being developed and will specify the long-term development vision of the country and the different short and long term development plans as a single and unifying framework. The ENPRDC/2035) will enable the country to (i) undertake a pre-diagnosis of the situation through a summary of the potential dynamics of the development of the economy and the Congolese society and to address the issues and challenges by dealing with and promoting these dynamics; and , (ii) proposing various development scenarios for the country by 2035.
77. With regard to the short and medium term development plans, the DSCR-2 and the PAG 2012-2016 have helped to prepare the country for emergence by consolidating institutional peace and stability within the macroeconomic framework. To this day, the DRC is preparing its PNSD for the period 2017-2050 which will make the country, (i) a middle-income one based on the transformation of its agriculture, (ii) an emerging country by 2030 through an intensive industrialization of its economy, and finally, (iii) a developed country by 2050 due to the creation of a society based on the dissemination of know-how and knowledge.

Measures taken to implement the recommendations made during the promotion

missions by the Special Mechanisms

78. Concerning the recommendations made during the promotion missions undertaken by the Special Mechanisms, the DR Congo, which has taken note of those recommendations, started to take appropriate measures to promote rights protected by the African Charter.

Part B: Implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

I. Preparation Process

79. In accordance with the guidelines laid down by the African Commission on Human and Peoples' Rights on State reporting regarding the implementation of the Protocol to the Charter on the Rights of Women in Africa, the preparation of part B of this report by the Democratic Republic of Congo was an inclusive and participatory national process. Indeed, this process brought together multi-sectoral experts from political institutions of the country (Presidency of the Republic, the Senate, the National Assembly), democracy-oriented support institutions (the National Independent Electoral Commission, National Human Rights Commission, Higher Audiovisual and Communication Council, Economic and Social Council), civil society organizations including women's and human rights associations and technical and financial partners, among which are the UN Women, the UNFPA and UNDP.
80. The process of drafting this report consisted of several stages, namely: the launch of the process by Her Excellency the Minister of Women, Family and Children's Affairs, the training under the high patronage of His Excellency, the Prime Minister and Head of Government, experts engaged to collect data on the implementation of the MAPUTO Protocol, the collection of data at the national level and in the provinces of the country by trained experts, data consolidation and the preparation of preliminary State report by a limited team of experts, the validation of the preliminary document at a workshop that brought together all stakeholders on women's issues in the country, and ultimately, the definitive drafting of the final document by a team of experts and its endorsement by the government of the Democratic Republic of the Congo.
81. This process received the financial support of the Congolese government and the technical support of UN Women. For the government, this support is a clear demonstration of its commitment to promote women's rights in the country. Indeed, the drafting of the DRC's State report on the implementation of the Maputo Protocol offers the country the opportunity to highlight the progress achieved in promoting women's rights for several years, even before the entry into force of the Protocol and its ratification by the Congolese State.
82. With regard to the data collection on the implementation by the DRC of the provisions on the rights protected by the Maputo Protocol, it must be pointed out that the information provided in Part B of this report originates from different documents, particularly the DSCR I and II, the combined CEDAW reports, the report on the review and assessment of the Beijing +20 Plan of Action, the 2011 UN Gender Report, the IDISA/DRC 2012 Report, the different national surveys (MICS, DHS-DRC-2007,2013-2014), a Review Report on the achievements of the MDGs 2000-2015 and many other sources of public and private information collected all over the country within the framework of drafting this report.
83. Regarding this process, it is important to underscore the fact that Madam Reine ALAPINI GANSOU, Special Rapporteur on Human Rights Defenders in Africa, was in Kinshasa at the invitation of the Congolese Government to support the training of multi-sectoral experts engaged with the task of data collection and drafting of the State Report. On behalf of the government, the Ministry of Women, Family and Children's Affairs, which was tasked with steering the drafting process of this part of the report, seizes the opportunity to express its profound gratitude to her.

II. Background Information

▪ **LEGAL FRAMEWORK**

84. The description of this framework is carried out by referring briefly to the Constitution of the Republic and to international, regional and sub-regional legal instruments, to national laws, policies and programmes implemented in the country.

The Constitution of 18 February, 2006:

85. Since 2006, the DRC has adopted a Constitution which was approved through a popular referendum. This Constitution translates the country's commitment to the promotion and protection of human rights. Indeed, several Articles (57 in all) are devoted to human rights, fundamental freedoms, rights and duties of the citizen and the State. In responding to the signs of the times, the said Constitution, also introduces an important innovation by formalizing gender parity in Article 14.

86. Consequently, the constituents reaffirmed the commitment of the DRC to human rights and fundamental freedoms as specified in international and regional legal instruments which the country has acceded to, namely (i) the Universal Declaration of Human Rights, (ii) the African Charter on Human and Peoples' Rights, (iii) the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, (iv) the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), (v) Resolution 1325 of the United Nations Security Council which incorporates a gender-specific approach to conflict resolution processes, peace-building operations and provides for the participation of women in key institutions and decision-making bodies, etc.

87. For the Congolese government, quite apart from the ratified international, regional and sub-regional Conventions, some of which are mentioned above, the signing and ratification of the Protocol on the Right of Women in Africa is a major event. Indeed, for expert observers, this Protocol is the most far-reaching legal instrument in terms of women's rights in Africa since it embodies specific articles targeted at both physical and psychological violence perpetrated against women victims. The ratification of this Protocol as well as all the aforementioned legal instruments call for results in their implementation at the national level.

88. With regard to the MAPUTO Protocol, its implementation in the DRC is made much easier since the Constitution of 18 February, 2006, in its Title II, establishes human rights, fundamental freedoms, the rights and duties of citizens and the State. A large number of Articles deal appropriately with the issues raised in the Maputo Protocol on civil and political rights, economic, social and cultural rights as well as group rights. They include in particular, Articles 11, 12, 13, 14, 15 and 16. Thus, the DRC has in its Constitution one of the most explicit interpretations of the rights of women.

89. To concretize all these constitutional principles, the implementation of the mechanisms for the promotion and protection of human rights and fundamental freedoms is within the jurisdiction of the central and provincial authorities in accordance with Article 203 of the Constitution. However, the ratification of international legal instruments is the exclusive preserve of the central authorities (Article 202 of the Constitution).

90. The Table below gives an overview of the determination of the DRC for the past 30 years to accede to international and regional standards, among others, in terms of protecting and promoting the rights of women and children (See Annexes in Tables).

Laws on the enforcement of constitutional principles

91. In order to ensure the enforcement of the constitutional rights presented above, a number of laws have been passed by the DRC Parliament and promulgated by the President of the Republic. At the provincial level, edicts have been issued on the promotion of the rights of women.

92. Tables No. 2 and 3 indicate some of the laws passed at the national level and some edicts adopted at the provincial level. All these legislative advancements at the national and provincial levels indicate that undeniable significant achievements have been made at the political level.

However, a lot of work still needs to be done to eradicate the remaining discriminatory provisions in some laws, customs and practices as well as in popularizing the texts relating to the rights of women and children.

Policies and Programmes developed on Gender Issues

93. To give effect to the rights laid down by the Constitution and the laws passed by Parliament, several policies and programmes have been developed, adopted and implemented by the government. Table 3 presents some of the policies and programmes.

▪ Implementation of the Protocol at the national courts

94. Article 215 of the Constitution of 18 February, 2006 provides that "International Treaties and Agreements regularly concluded have, when published, greater authority than the law, provided that each treaty or agreement is implemented by the other party". This clearly means that the DRC belongs to a unitary system and therefore all international and regional legal instruments duly ratified by the DRC within the framework of the United Nations and the African Union are an integral part of the internal legal order. Furthermore, the Constitution devolves a higher authority on these Treaties or Agreements provided that the other party implements them. However, the enforcement of ratified treaties in the Congolese Courts and tribunals is subject to their publication in the Official Journal.

▪ The relevant State institutions for the implementation of the Maputo Protocol

The Ministry of Women, Family and Children's Affairs

95. The first and foremost institution involved in the implementation of the Maputo Protocol is the government through the Ministry of Women, Family and Children's Affairs. The historical background of the Ministry starts from the 1960's during which period the first woman was appointed in politics. From the onset, the Ministry was responsible for Social Affairs and it has gone through a lot of changes both in its form and its designation, organization and in the content of its responsibilities.

96. Through all these changes, a permanent feature has to be highlighted in the concept: it focuses on women, their status and rights which take centre-stage in the development of this ministry, though the responsibilities have not consistently reflected the changes in gender-related concepts. The fact still remains that the changes in the designation and organization have not always followed a change at the conceptual level concerning functions and organizational charts.

97. Generally, the responsibilities of the Ministry have always varied between the concept based on women's affairs and the status of women and the cross-cutting concept of gender and equality between men and women. Currently, the responsibilities are as follows:

- Protection and promotion of the status **of women, the family and children** in collaboration with the Ministries concerned.
- Study and implementation of all the measures intended to bring to a halt any form of discrimination and violence perpetrated against **women** in order to ensure **equality of rights with men.**
- Development of the legal and institutional framework to ensure **women's** participation in the development of the nation and equitable representation in national, provincial and local institutions.
- Collaboration with the Ministries by focusing on (i) human rights; (ii) education (iii) justice (iv) health, and (v) social affairs in order to improve the **status of woman and children.**
- Promotion and popularization of all the studies and research related to the **condition of women and children.**
- **Effective integration of women** in various policies and programmes in the DRC.

The National Council for Women and its provincial Representation

98. In 1998, at the same time as the Ministry evolved, the National Women's Council was established in order to address the implementation of actions of the Beijing Programme adopted at the 4th World Women's Conference. The Council is an advisory body to government, comprising delegates from the technical ministries dealing with issues of women and young girls, NGOs and Associations working for the promotion of women and delegates sent as observers to organizations of the United Nations system. In every province, the National Council for Women is represented by a Provincial Council chaired by the Provincial Governor and assisted by the Head of the Provincial Division for Gender Affairs.

The Ministry of Justice and Human Rights

99. The Ministry of Justice and Human Rights is also a Ministry which is tasked with promoting the MAPUTO Protocol and with contributing to the implementation of the national plan in view of the fact that the rights of women form an integral part of human rights.

Provincial Governments and Provincial Synergies

100. Under the provincial governments, ministries of human rights, justice and women's affairs exist under different designations. These ministries have the responsibility of ensuring the implementation of the MAPUTO Protocol. Indeed, the promotion and protection of human rights and fundamental freedoms fall within the jurisdiction of the central and provincial authorities.

101. The provincial synergies in the fight against impunity resulting from sexual violence are structures consisting of different stakeholders involved in the fight (government provincial delegates, the provincial Assemblies, the Bar, judges, NGOs, medical officers, etc.)

The National Human Rights Commission (CNDH)

102. Established pursuant to Article 222, paragraph 3 of the Constitution by Ordinance Law No. 0011/2013 of 21 March 2013, the CNDH is an advisory body with legal status, independent from other institutions, tasked with promoting and protecting human rights and it assists the government through its advisory opinions, proposals and considerations on human rights, international humanitarian law, humanitarian action and the respect for the fundamental guarantees for exercising public freedoms and for all issues of general import falling within its area of competence. This institution is also tasked with promoting and protecting the rights of women in the sub-committee on "Specific Rights of Women"

Specialized Structures of the Ministry of Women, Family and Children's Affairs

103. The other implementing institutions of the MAPUTO Protocol are specialized structures which operate within the Ministry of Women, Family and Children's Affairs. They include the following:

- The Study and Planning Unit for the Protection of Women, the Family and Protection of Children, "CEPFE" established in 2007.
- The National Agency for Combating Violence against Women, Young People and the Girl Child "AVIFEM", which was established in 2009.
- The National Fund for the Promotion of Women and Protection of Children, "FONAFEN" which was established in 2009.
- The Regional Research and Documentation Centre on Women, Gender and Peace Building in the Great Lakes region. "CERED-GL" which was established in 2008.
- The National Documentation and Family Information Centre, associated with CERED-GL, with the acronym CENADIF/CNACR" which was established in 2008.
- **Other Relevant Technical Structures of Government and Parliament for the Implementation of the MAPUTO Protocol**

The Interministerial Technical Committee for the Preparation and Monitoring of Initial and Periodic Human Rights Reports

104. An Interministerial Technical Committee for the preparation and monitoring of initial and periodic human rights reports was established by Order of the Ministry of Human Rights on 13

December 2001, which Order was revised successively on 17 April, 2007 and 12 June, 2009, and it is made up members from the various ministries. Apart from the preparation of reports, the Committee ensures monitoring and evaluation of the implementation of human rights Treaties and recommendations by Treaty Bodies. The MAPUTO Protocol is part of these instruments. The Committee also ensures the preservation of documents and keeps statistics on the human rights situation, including all group rights.

Parliamentary Networks on Human Rights and Gender

105. The establishment of the Parliamentary Network on Human Rights in Parliament, in the post-elections era in 2006, is a major advantage for the promotion of human rights in the country. This network of senators and deputies is aimed at attracting the attention of the government on key human rights issues for which urgent solution would be proffered. Alongside this national human rights mechanism, there are also provincial and national Parliamentary networks on gender which focus more on issues relating to the rights of women.

III IMPLEMENTATION OF THE PROVISIONS OF THE PROTOCOL

1. EQUALITY/NON-DISCRIMINATION

▪ ELIMINATION OF DISCRIMINATION (ARTICLE 2)

106. In the light of the country's situation, characterized by persistent gender inequalities and taking into consideration the commitments made by ratifying international and regional instruments on the elimination of all forms of discrimination against women, i.e. the MAPUTO Protocol, particularly Article 2, points 1 and 2, the Democratic Republic of Congo has resolved to establish the principle of gender equality in the Constitution of the country. This principle is implemented in all aspects of national life, economic, political, social and cultural. Indeed, the Constitution of 18 February, 2006 prohibits in Article 13, any discriminatory measures in education and access to public service or in any other domain.

107. Article 14 of the Constitution is more explicit as it enjoins public authorities to ensure the elimination of any form of discrimination against women in political, economic, social and cultural spheres and to take all necessary measures to ensure the full development and participation of women in the development of the nation, and to fight against any form of violence perpetrated against women in public and private life; to ensure that women enjoy equitable representation in national, provincial and local institutions and to guarantee the implementation of gender parity in the said institutions.

108. In order to comply with the Constitution of the country and with all international and regional legal instruments regarding the rights of women to which the DRC has acceded, the existing laws thereof are strictly implemented, while some of them have been reviewed and other developed to ensure equality and non-discrimination among men and women in all spheres of national life

109. This refers specifically to the following laws for purposes of illustration:

- The framework law on primary, secondary and vocational education including higher and tertiary education which reaffirms the principle of equality and non-discrimination. Access to schools at all levels, to all disciplines and curricula, and to scholarships is provided to all without any discrimination based on gender or any other criterion.
- Law No. 015/2002 of 16 October, 2002 on the new labour code, in Article 7 does not make any distinction between men and women when concluding a labour contract. Indeed, this law has brought about significant innovations, particularly, the removal of Article 3 of the previous Code of 1963 which imposed matrimonial authorisation for married women to offer her services in proper and due form;
- Law No. 18/003 of 17 July, 1981 on the status of career staff in public services which specifies in Article 8, equal conditions of access to the public service for men and women;

- Law No. 06/006 of 9 March, 2006 on the organization of presidential, legislative, provincial, urban, municipal and local elections which stipulates in Article 4 that all Congolese citizens, irrespective of their gender, have the right to take part in voting. Article 9 of the same law authorises them to freely choose to be candidates at all levels.
 - Law No. 15/013 of 1 August, 2015 on the modalities for the implementation of the rights of women and gender equality, which in its preamble refers to international, regional and sub-regional human rights legal instruments ratified by the DRC and confirms in Article 1, the commitment of the Congolese State to implement Article 14 of the Constitution and to respect the specific rights of women.
110. These legislative measures and many others adopted in specific thematic areas prohibit and punish all forms of discriminations and harmful practices which undermine the health and the general well-being of women. To ensure their implementation, the DRC has put in place institutional mechanisms and adopted some administrative measures to promote and guarantee the specific rights of women.
111. It is within this context that one must situate: (i) the creation of the Ministry of Women, Family and Children's Affairs, (ii) the establishment of different national, provincial and local mechanisms and other operational structures for the promotion and protection of the rights of women, in particular, the Joint National, Provincial and Local Coordinating Technical Committees for Combating Sexual Violence (CTC), the National , Provincial and Local Grassroots Women's Councils, provincial and local synergies to combat sexual violence (CPLVS), the National Steering Committee for Resolution 1325.
112. These structures benefit from government support through budgetary allocations. This allows them to plan and carry out their activities. Some civil society organizations working to promote and protect the rights of women also receive some money from budgetary sources. These organizations include CAFCO, REFAMP, UNAF, LIZADEEL, etc.
113. To improve the role and the place of women in the Congolese society, the DRC government, with the support of the international community, has been determined for the past ten years, to eliminate discriminations to which women fall victim in all facets of national life. This ambition, stipulated in the new Republican Constitution adopted on 18 February, 2006, has particularly resulted in the adoption of the National Gender Policy (PNG) which is a unique reference and guiding framework in terms of gender promotion in the country. This policy is the gender implementation instrument of the National Strategic Document for Growth and Poverty Reduction (DSCR II).
114. The National Gender Policy (PNG) has been broken down by the government into different strategies developed and implemented in the country, among which are the National Gender Integration Strategy for Gender Sensitive Planning and Budgeting, the National Gender Strategy for Combating Gender-based Violence (SNVBG), the National Gender Strategy for Combating Maternal and Child Mortality and the National Strategy for the Political Participation of Women in Democratic Governance which is in the process of being finalized.
115. With regard to educating the public on the prohibition of gender-based discrimination, several awareness raising campaigns and advocacy measures have been carried out, namely:
- The elimination of discriminatory provisions contained in the Family Code (To date, this Code has already been revised);
 - The fight against sexual violence (campaign: "I denounce" , carried out by the government, NGOs and partners)
 - Access by all "Boys and Girls to School" (etc)
116. Apart from the administrative and institutional measures, the DRC regularly produces reports in order to assess the implementation of international and regional legal instruments and texts which it has ratified to ensure the promotion of the rights of women, such as CEDAW,

the Beijing Platform and the Biannual National Gender Report, the second edition of which is being prepared with the support of UNDP.

All these reports bring up difficulties which slow down the implementation of national laws and international legal instruments on the elimination of discrimination against women. These include, in particular the non-popularization of international, regional and sub-regional legal instruments ratified by the DRC and its own laws related to the promotion of women, the persistence of mentalities, stereotypes and discriminatory socio-cultural practices against women as well as the inadequacy of financial resources allocated to gender equity and equality.

▪ **ACCESS TO JUSTICE, INCLUDING LEGAL ASSISTANCE AND THE TRAINING OF LAW ENFORCEMENT AGENCIES (ARTICLE 8)**

117. In terms of access by women to justice and equal protection before the law, Article 12 of the Constitution of the DRC provides that all Congolese are equal before the law and have the right to equal protection under the law. The organic law No. 13/011-B of 11 April, 2013 on the organization, functioning and competence of the courts under the judiciary allows men and women to have access to legal and judicial services. Legal assistance is automatically given to any person who is unable to seek a counsel of their choice.
118. Furthermore, in terms of sexual violence, access to justice by survivors is free, and at the same time, they enjoy legal assistance. Moreover, the Criminal Code which hardly punished certain offences (rape, public indecency) currently punishes close to 17 offences under sexual violence as a result of the passage of laws in 2006 on sexual violence.
119. By way of administrative measures, the Ministry of Justice and Human Rights has adopted a number of Orders and Circular Notes ordering the exemption of legal fees for women victims of rape and reminded judges to implement international human rights Conventions which take precedence over any conflicting domestic legislation and the specific measures for women in the criminal system from the preliminary investigation through the trial to the execution of sentence. It is also important to point out among the achievements, the budgetary provision for civil society organizations which monitor cases of women and girls who are victims of rape. Legal clinics are organized by these organizations where the victims of sexual violence receive free legal assistance. In addition, mobile courts are organized in nearby courts where the act of sexual violence is committed to promote local-level justice and awareness raising among sections of the society regarding the rights of women.
120. Among the initiatives taken to facilitate access to justice by all men and women, the government has worked to strengthen the judicial apparatus, particularly by recruiting judges and establishing magistrates' courts in all the provinces. Moreover, the witnesses and the victims of sexual violence enjoy special protection.
121. To raise awareness and educate the population on the respect for women's rights since 2006, lots of activities have been organized regularly : awareness raising is carried out by the government and civil society against sexual violence and early marriages with the support of technical and financial partners, sixteen (16) days of activism against VSBG, advocacy among traditional chiefs for the elimination of harmful practices against women and girls with the support of the MONUSCO Gender Bureau, the judicial audit of sexual violence in the Tshangu District in Kinshasa with the NGOs as well as the community mobilization for the prevention of sexual violence and HIV/AIDS with the support of UN Women.
122. In the Democratic Republic of Congo, all the initiatives on the improvement of access by women to judicial assistance and services are encouraged and supported by the government. This applies to associations and civil society which is concerned with promoting women and children's rights, particularly the Association of Women Lawyers of the Congo (AFEJUCO), the Africa League Zone for Human Rights, Students and School Pupils (LIZADEEL). Among the administrative measures, it is appropriate to also indicate the existence of a free judicial assistance system among the Bar Associations in which lawyers are automatically appointed by Presidents of Bar Associations to assist victims of sexual violence benevolently. Indeed, to

bring deprived and vulnerable people closer to the justice system, including women and children, an Order was made on the organization of judicial assistance. It must also be noted that juvenile courts have been established; Courts in Kinshasa and the provinces have been rehabilitated and reconstructed, etc.

123. However, in spite of the hopes raised by the laws on sexual violence and their initial enforcements which led to the imprisonment of a number of criminals, it must be noted that some women victims of sexual violence have still not received compensation in respect of civil damages ordered by judges. The lack of satisfactory judicial redress for women victims of sexual violence leads to the loss of confidence in the courts by the victims, and this creates a deeper gap between men and women in terms of access to justice.
124. Though, generally, the Congolese criminal Code establishes offences and sentences in an impersonal manner and therefore non-discriminatory, it must be admitted that some difficulties remain, particularly de jure and de facto discrimination in the Congolese criminal justice system. Concerning the offence of adultery, there has been flagrant discrimination against women. Quite often, it is the woman who is condemned whereas the offence of adultery, whether it is caused by man or woman must be punished in equal measure. The revised Family Code has provided a positive ruling on this issue.
125. Thus, the Ministry of Women, Family and Children's Affairs and its partners are calling for the philosophy of the Congolese criminal law to be reviewed in order to develop a new criminal code based on human rights, dignity of the human being and equality among men and women while seeking to provide specific protection to the most vulnerable, particularly women subjected to outmoded customs and freedom-destroying stereotypes.
126. The difficulties include the non –popularization of laws and mechanisms established to promote access by women to justice and the poor knowledge on the part of the magistrates, lawyers, court clerks and prison personnel about international and regional legal instruments on the rights of women and gender.
127. The national consultations on justice organized recently in the country undertook a diagnosis and made recommendations to rectify this deplorable situation.
128. Among the progress achieved, there is the need to mention the development of policies and programmes with strategic pillars, among others, to improve access by women to justice, the major ones are: the STAREC programme, an important aspect of the fight against sexual violence has been implemented and coordinated by the Minister of Women, Family and Children's Affairs, the National Strategy for Combating Sexual and Gender-based Violence, the judicial system reform programme which has enabled magistrates' courts to be established in the major cities of the country. Regarding the protection of women's rights, the Procedural Code also specifies that the physical search of the body of a woman should be done by another woman in an enclosed location. The same rule is applicable to the judicial police officers working at the borders and prison officers. Moreover, in the prisons, men and women are lodged in separate cells and quarters. Thus, in Congolese prisons, there are spaces for men and quarters for women.
129. With regard to the equitable representation of women in judicial institutions and those responsible for law enforcement, the DRC government initiated a recruitment drive of new magistrates in 2010 and 2011 based on competitive entrance organized by the Higher Judicial Council: out of 2000 magistrates recruited, at least 400 of them were women. Tables No. 4 and 5 indicate the representation of women and men in the judicial bodies and the Congolese National Police.

▪ **POLITICAL PARTICIPATION AND DECISION-MAKING (ARTICLE 9)**

130. In this thematic area, the government's vision is to promote the implementation of gender equality as prescribed by country's Constitution. Indeed, Article 14 explicitly raises the option and request of the public authorities to ensure the elimination of all forms of discrimination against women and to ensure the promotion and protection of their rights, in particular the right of women to equal representation in national, provincial and local institutions. This

political will was confirmed by the Head of State in his State of the Nation address on 8 December, 2010: "One of the major challenges we need to rise above in the coming years for the development of the DRC is the implementation of gender parity. There is no reason to have any doubts about it, if we so desire, we can get there".

131. Consequently, to guarantee the rights of women, especially their right to political participation within the context of democratic governance under conditions of equality and gender parity, several legislative measures have been adopted and they include:

- The law on political parties which prohibits discrimination based on ethnic origin, religion, gender and language in the formation, organization and functioning of political parties. Under the terms of Article 13 of the Law on financing political parties, the latter shall qualify to receive subsidy from the public Treasury only when the gender parity ratio has been determined after drawing up the electoral lists;
- The organic law on the functioning of the Independent National Electoral Commission stipulates in Article 7 that the appointment of members must take into consideration the national representation of women;
- Law No. 11/013 of 11 August, 2011 on the organization, functioning of the Congolese National Police (PNC) encourages and promotes the recruitment of women into the police service as provided for in Articles 56 and 59 respectively to the effect that " the strength of the workforce at all levels, the command positions at all times and under all circumstances must take into account objective criteria related both to physical fitness, adequate knowledge, proven moral records and to equitable representation in the provinces. It shall also take into account gender representation" and that "the recruitment into the national police must take place through competitive examinations, either internally or by direct means, according to the needs expressed in the national budget , while taking into consideration" the provincial balance, gender and equalizations determined within the services and units";
- Law No. 015/013 of 1 August 2015 on the modality for the implementation of the rights of women and parity which sets the "modalities for the implementation of these rights in line with Article 14 of the Constitution. This law is also based on international legal instruments ratified by the country; this is additional proof of the political will and commitment of the Congolese authorities to incorporate gender into all segments of national life.

132. As institutional mechanisms , the Gender Thematic Groups are being established in the provinces with the aim of providing support for the preparation, implementation and monitoring-evaluation of the national, provincial or local development strategy in collaboration with the DSCR II, the National Gender Policy, the National Strategy for Combating Sexual and Gender-based Violence and the National Action Plan on Resolution 1325.

133. The Gender Thematic Groups have the mandate to support the Ministry of Women, Family and Children's Affairs in defining, developing, implementing, monitoring and evaluating sector-based development policies, strategies in relation to gender equality and empowerment of women and also assisting in ensuring ownership of sector-based policies, strategies and programmes in the area of gender by the various stakeholders, mobilizing and coordinating funding the implementation of these policies, strategies and programmes, and promoting the harmonization of sectoral interventions by donors in order to ensure a better division of labour in the area of gender.

134. With regard to policies and programmes related to political participation of women, it must be indicated that the National Strategy for the Political Participation of Women in Democratic Governance is in the process of finalization. Towards this end, several projects have been designed and executed, in particular, the design of a female political leadership mapping with the support of the UNDP, UN Women and the active involvement of CENI.

135. The Ministry of Women, Family and Children's Affairs with the support of the technical and financial partners and women's NGOs organize capacity building activities for political parties

and their leaders, journalists, the media, community and opinion leaders in order to incorporate gender, civic and electoral education in their programmes and activities .

136. Among the impediments that prevent women from fully enjoying their political rights, one can mention harmful socio-cultural bottlenecks, the low involvement of women in political activities, the low access by women to income and to credit, to training and information. This situation is more precarious for women living in the rural communities.

▪ **EDUCATION (ARTICLE 12)**

137. The Constitution of the DRC stipulates in Articles 43 and 44 that every individual shall have the right to school education which is provided through national education and provides for a specific programme for the eradication of illiteracy considered as a national duty. It specifies in Article 45 that education is free and that every individual shall have access to national educational establishments according to their capacities without any discrimination as to their place of origin, race, religion, sex, political or philosophical opinions, physical, mental or sensory state. These constitutional provisions establish the principle of equality of opportunities, free access and non-discrimination in the area of education and training.

138. The framework law on education is consistent with the country's Constitution and with international legal instruments which the DRC has acceded to. This national law does not tolerate any discrimination against women in terms of access basic, primary, secondary, higher and tertiary education. According to this law, access to education at all levels, disciplines or curricula, scholarships is guaranteed to all without any discrimination whatsoever based on gender or any other criterion.

139. To ensure that every citizen has access to education and to guarantee quality education, the State established a network of primary, secondary and tertiary educational institutions. Initiatives by the private sector come to support this network to the extent that the educational sector is in the hands of State authorities which control all the institutions and determine the operational rules. In that respect, the public authorities have taken measures to ensure gender equality in education , the major ones focus on : (i) elimination of obstacles impeding access to school by girls and boys (ii) strengthening the presence and maintenance of girls and women in higher education (sciences, mathematics and technology), (iii) reduction of the gap between men and women in basic functional literacy, and (iv) elimination of obstacles preventing the enrolment of adolescent pregnant girls.

140. All these measures have been supported by concrete actions such as the Circular Note issued by the Ministry of Primary and Secondary Education requesting the heads of schools to allow pregnant girls/mothers to continue with their studies, free and compulsory primary education for all boys and girls in the school, the establishment of social promotion centres across the country, the award of scholarships to boys and girls who distinguish themselves, etc.

141. Indeed, in March 2010, the government adopted a new educational policy dubbed (2010-2016 Strategy for the Development of Primary, Secondary and Vocational Education) with three major objectives: (i) increase access, accessibility, equity and retention at the various levels of education, in particular at the basic education level; (ii) improve the quality and relevance of education, and (iii) strengthen governance in the sector.

142. In order to ensure universal access to basic education, the government has decided to promote free and compulsory primary education for all (girls and boys) in line with the Constitutional provisions. This decision was concretized with (i) the gradual elimination of school fees ; (ii) identification and integration of children excluded from the school system; (iii) the reduction of geographical disparities and inequalities among men and women and social groups (iv) support for the local communities towards the development of pre-school education in order to facilitate the transition to primary education.

143. In relation to this new education policy, several measures and programmes have been implemented by the government to increase enrolments. They include, among others: (i) the campaign code-named "All Children to School" launched in 2005 with the support of UNICEF; (ii) free education decreed since 2010; (ii) School Infrastructure Rehabilitation and Reconstruction (PRISE) intended to build 1000 schools yearly; (iii) gradual mechanization of

primary teachers ; (iv) the Campaign to Enrol children of between 6 and 7 years in primary one ; (v) the award of scholarships to young girls outside the school system for their integration (DFID, Educate a child); (vi) the supply of 18 million school textbooks and teachers' textbooks; (vii) the payment of teachers' salaries through the banking system and the regular payment of the operational expenditure of schools' management offices.

144. Moreover, other programmes have been designed and implemented to improve the education sector and especially to facilitate and encourage enrolment of girls. Among the important programmes, one can cite the following: Acceleration Programme for the Enrolment of Girls initiated by the government with the support of UNICEF, the Special Programme for the Eradication of Illiteracy, the gendered representation programme in French and mathematics textbooks in the DRC and gender equality, the Cooperation programme or cooperation Agreement between the government and UNICEF between 2006 and 2007; a component of the country programme comprising of 4 sectoral and cross-cutting programmes. Its objective is to provide quality formal or non-formal education to children from 3 to 6 years based on gender parity, the policy relating to specific opportunity costs for girls with the aim of promoting retention of vulnerable girls of 12 years and more in primary schools and the school communication and mobilization of girls.
145. Similarly, the financing of the education sector has increased exponentially in recent years even though the sector still remains under-funded. The State budget allocated to the education sector has been increasing steadily and quite significantly for the past four years. Its share of the public expenditure reached 16% in 2014 as against 8% in 2000 and 4% in 1990, thus, attesting to the growing priority given to education by the DRC government. Compared to the GDP, the public educational expenditure which was 1.6% of GDP in 2010 reached 2.1% in 2013 and 3.8% in 2014. Similarly, the support of the TFP to the education sector increased significantly in the last few years and their financial contribution to the needs of the sector increased from less than 8% in 2010 to close to 20% in 2013.
146. This performance shows the capacity of the Congolese educational system to significantly reduce the school dropout rates, especially among girls. Indeed, progress can be seen among girls as the completion rates at the primary level increased from 48.6% in 2009 to more than 70% in 2013 (MDGs Review).
147. With regard to the awareness raising among the public for the enrolment of girls, several campaigns have been organized by the Congolese government in partnership with civil society organizations and technical and financial partners with flagship themes such as "Girls and boys to school", "Education is the child's right".
148. Concerning the difficulties encountered in the implementation of rights protected by the MAPUTO Protocol on access by girls and women to education and training, one can cite the major ones as being: socio-economic bottlenecks.
149. The disaggregated data that appear in Table No. 11 indicate the progress achieved in terms of enrolment of girls at the primary and secondary level for the period from 2007 -2013. It can be observed in the city of Kinshasa and the province of Bas-Congo, that there is almost perfect equality in terms of enrolment of girls and boys; the situation is not very good in the provinces of Maniema and Katanga where high disparities exist at the secondary level.

2. PROTECTION OF WOMEN FROM VIOLENCE

▪ Physical integrity and dignity, including sexual violence, trafficking in women and medical and scientific experiments (Articles 3 and 4)

150. With regard to the fight against violence perpetrated against women, young girls and the girl-child, the DRC has made significant progress, but a lot remains to be done. Article 16 of the Constitution of 18 February, 2006 stipulates that the human being is sacred and this imposes an obligation on the State to respect and protect such an individual. This same provision prescribes the right to life, physical integrity as well as the free development of the personality.
151. With specific reference to violence against women, Article 14 (3) of the same Constitution

mandates the State to take measures to combat all forms of violence against women in public and private life. More precisely, Article 15 of the Constitution requires public authorities to ensure the elimination of sexual violence, international treaties and agreements notwithstanding, any sexual violence committed against any person, with the intention to destabilize or to displace a family or to make a whole people disappear, is established as a crime against humanity punishable by law.

152. Thus, to translate this clearly expressed will into action in this country's fundamental law, two laws were promulgated on 20th July, 2006, in particular, Law No.06/018 of 20 July, 2006 on sexual violence amending and complementing the Decree of 30 January, 1940 the Congolese Penal Code; and Law No. 06/019 of 20 July, 2006, amending and complementing the Decree of 6 August, 1959 which enacted the Congolese Criminal Procedure Code. Among the innovations brought about by these two laws to date in relation to the legislation in force is the establishment of the various forms of sexual violence previously not included as an offence in the criminal code, the definition of rape in accordance with international standards applicable to this subject matter, as well as the determination of the relevant sanctions.

153. In order to contribute to the prevention and reduction of sexual and gender-based violence, the improvement of holistic care for survivors of violence and rehabilitation of perpetrators of these acts, a national strategy to combat gender-based violence was developed in 2009 by the Ministry of Gender Affairs. This strategy, coupled with an action plan, defines the government's policy and actions needed to address this canker. The SNVBG comprises five (5) components, namely: (i) fighting impunity (ii) ensuring protection and prevention, (iii) undertaking security sector reforms (iv) ensuring multisectoral assistance, as well as (v) data and mapping.

154. To monitor the implementation of the SNVBG and other strategies developed for the promotion of women's rights and the fight against various forms of violence perpetrated against women, young women and girls in the DRC, a national agency to combat violence against women (AVIFEM) (AVIFEM) was established and a National Fund put in place to promote and protect women and children (FONAFEN); these bodies are now operational, although they often confronted with financial challenges. The same situation applies to the Study and Planning Unit for the Promotion of Women, the Family and Child Protection (CEPFE) a strategic structure at the Ministry of Gender Affairs, which among others, is responsible for the collection, processing and publication of statistical data on violence committed against women and children.

155. To ensure the monitoring of sectoral policy implementation within the framework of the Growth and Poverty Reduction Strategy Paper (DSCR II), the interministerial Committee in charge of steering the said strategies, created several sectoral thematic groups as discussion forums, among which are the Gender Thematic Group (GTG), one of which sub-groups addresses sexual and gender-based violence issues. The purpose of this sub-group is to promote dialogue between the government, financial and technical partners, civil society organisations and the private sector in the implementation of policies, strategies, plans and programmes related to the fight against sexual and gender-based violence. This group has representations at the provincial level.

156. With regard to trafficking of women or their involvement in scientific or biological experiments without their consent, the country has not yet recorded any such case. However, isolated cases of trafficking or attempted child trafficking have been reported; people involved in such acts have been arrested and brought before competent judicial authorities. The Government is considering the establishment of a High National Authority on the adoption of children

- **Harmful practices inflicted on women, including female genital mutilation (Article 5)**

157. Harmful practices defined by the MAPUTO Protocol relate to any behaviour, attitude or practice which negatively affects women's fundamental rights such as the right to life, healthcare, education, dignity and physical integrity.

On this subject matter, the DRC Constitution stipulates that human life is sacred, that the right to healthcare is guaranteed by the State, that every individual has the right to education and all human beings are born free and equal in dignity and rights. The translation into practice of these constitutional principles is carried out systematically among the people, who on the whole, respect human life and aspire, more or less intensely, to attain equity and gender equality.

158. In spite of this collective aspiration, there are however some harmful practices inflicted on women, young girls and little girls within the communities in the DRC. These practices, as identified by gender activists across the country, include, among others: (i) early marriages of girls, marriage by abduction, (ii) girls dropping out of school, (iii) prostitution of young girls, (iv) sexual violence and abuse of widows, etc. As a matter of fact, the young women and girls are particularly victims of early sexuality for various reasons: more than 51% of marriages in the DRC are carried out with girls under 18 years old; more than 45% of girls between the ages of 16 and 18 years have sex with adults. The early sexual intercourse among girls can be explained by the fact that some girls, due to poverty engage in prostitution at a very young age. The effect of the early marriage among young girls is that they drop out of school and some parents give them out in marriage due to the benefits they derive from the payment of dowry, which action is also a consequence of the harsh economic circumstances.
159. Moreover, the war and the recent conflicts in the country have led to other forms of negative practices inflicted on women, besides those that were prevalent in the various traditions. Practices such as sexual mutilations exist on a very small scale in ritual form and it is difficult to detect, particularly in the north of the country, more specifically among the NGWAKA in the former Equateur province. However, since the outbreak of the war in the East of the country, many sexual mutilation cases have been reported. Reports received at the PANZI hospital where survivors of sexual violence are taken care of in the eastern part of the Democratic Republic of Congo, reveal that most of the survivors treated in this hospital have not only been raped, but that their genital parts have often been mutilated. This practice is frequent and their abusers resort to it in order to increase the women's risk of contracting HIV/AIDS and thereby making it impossible for them to give birth.
160. To address this situation, the government has initiated some legislative reforms:
- The two Laws of 20 July, 2006 on sexual violence provide sanctions against perpetrators of harmful practices such as sexual mutilation, exploitation of minors for purposes of debauchery, pimping, forced prostitution, harassment and sexual slavery, forced marriage, harassment and sexual slavery, forced marriage, zoophilia, deliberate transmission of sexually transmitted infections, child trafficking and exploitation for sexual purposes, pregnancy and forced sterilization, prostitution and pornography involving children.
 - Article 407 of the Family Code has set the age of marriage at 18, even though the ideal vision of marriage compels some girls to enter into marriage at a very early age so as not to miss the opportunity, especially in a situation where the parents are poor. For the State, no official can celebrate marriage for which both spouses or one of them is under 18.
 - **Stereotyping of women (Article 4(2) (c))**
161. The DRC is a vast country with continental dimensions comprising more than 450 ethnic groups whose cultures differ from one another. This cultural diversity would also be the basis of different forms of stereotypes of women. Indeed, the perception of the role and place of the woman differs somewhat from one culture to another. In the DRC, there are stereotypes, some of which enhance the value of women while others degrade them, but generally, most of them tend to look down on them.
162. In order to identify the root causes of violence against women, assess their consequences

and take adequate measures for their prevention and elimination, several studies have been carried out across the country by independent researchers and/or at the request of the country's political institutions with the support of technical and financial partners (UN Women, UNFPA and UNDP). Today, in the DRC, violence against women, young women and girls is a thriving field of research. In any case, everyone has assessed the extent of the phenomenon, given its magnitude and is working fervently for its elimination. Studies on the decisive factors of gender-based violence in conflict and non-conflict zones, provincial gender profiles, communication strategy for behavioural change in the context of combating sexual and gender-based violence, the study of the contradictory relationships between the idealized hegemonic masculinity and the realities of men's life, and the transformation of masculinity, the study on the assistance to victims of sexual violence in the DRC, and so many others have been carried out in recent years in the DRC.

163. Recently, a study on the typology and mapping of gender-based violence has been carried out in order to determine the types of violence women are confronted with, the causes and their consequences, but also their mapping owing to the involvement of socio-cultural factors related to the various provinces of the country. Indeed, the phenomenon of sexual and gender-based violence is more or less the same throughout the country.
164. It is for this reason that the national strategy for combating the VSBG is being revised so as to take into account not only the economic situations such as armed and community conflicts but also, and above all, stereotypes that are anchored in the mentality and behaviour of individuals within the grassroots communities. With the view to initiating a fight against violence on women, the Government through MINIGFAE, and with the assistance of UNESCO, has developed a national communication strategy on this issue.. This strategy focuses precisely on the fight against stereotypes and other sexist prejudices, in line with the results of field studies.
165. These studies, for the most part, have revealed that the factors underlying gender-based violence are economic (monetary poverty), legal and political (weakness of authority, impunity.), but also socio-cultural (outmoded customs, prolonged celibacy, conception about sexuality, obscene music and dances, man's superiority, stereotyping women, violent films and pornography) and environmental factors. The determinants of the VSBG are biological (long abstinence, excessive libido.) and psychological (aggressiveness, inability to approach girls, etc.).
166. The studies have also shown that the low social status of women for a long time has gradually improved. Increasingly, men and women themselves are becoming aware of the ability of women to achieve many things in society just in the same way as men. Moreover, the economic crises affecting most households seem to be in favour of women because in the absence of a formal job for the husband, the survival of the household is assured by the informal work of the woman. This weakens the man's hegemonic power, especially in the management of the household income.
167. To prevent the causes and reduce the consequences of violence against women, appropriate measures have been taken by the Government, including (i) the promotion of gender equality in education, (ii) revision of the family code (development of a new gender-sensitive Family Code), (iii) the passage and promulgation of laws ensuring equal access to employment and social protection,(iv) Ratification of the OHADA chart of accounts which places special emphasis on non-discrimination in economic matters between men and women, (v) Encouragement and strengthening of the representation of women in political structures, etc.

- **Sexual Harassment**

168. Education and health are the two social variables which allow women and men to take advantage of opportunities offered them in life. When you have the knowledge and are in good health you can be useful within the community. The comparative analysis of the situation of men and women in these two sectors shows indices of parity greater or equal to

0.80. However, with regard to education, gender inequality increases as and when men and women progress in the educational ladder. Thus, there are fewer and fewer women in higher education as compared to men, particularly because of the sexual harassment of girls.

169. Even after studies, the ordeals of women are still not over because this bad practice is also very common at the workplace where recruitment, promotion and other social benefits are sometimes conditioned by the request of sexual favours from women by corporate heads or managers. All these increase the women's risk of contracting HIV/AIDS or other STDs. Several African countries are confronted with this problem which complicates women's access to education, training and employment.

170. For the public authorities, such practices can neither be condoned nor tolerated even though women still cannot publicly denounce their perpetrators. Thus, the DRC Government has ratified the Beijing Document as well as the 1993 Vienna Declaration relating to violence against women and has also adopted provisions to prevent sexual harassment in the workplace, in schools and other places.

171. In that respect, Articles 73 and 74 of the Labour Code are labelled as follows: "The employer shall be guilty of a gross misconduct which allows the worker to terminate the contract when the employer seriously fails to fulfil the obligations of the contract, especially in the case where the employer is guilty of dishonesty, sexual or moral harassment, intimidation, wrongdoing, gross misconduct or tolerance on the part of other workers of similar acts"; "The worker shall be guilty of gross misconduct which allows the employer to terminate the contract when the worker fails to fulfil the provisions of the contract, especially in the case where the worker is guilty of dishonesty, sexual or moral harassment, intimidation, physical assault and serious insults to the employer or his staff"

172. The laws of 2006 on sexual violence also punish sexual harassment as an offence as defined by this new criminal code.

- **Domestic violence (Article 4(2) (a)**

173. Apart from the sexual violence in the country, especially due to war and armed conflicts, particularly in the Eastern part of the country, there is also domestic violence perpetrated in the households against women and children. Domestic violence includes physical, verbal and psychological violence. Studies have shown that women and children in the DRC experience all these forms of domestic violence ranging from verbal violence (insults, humiliation) to real physical trauma (sprains, dislocations, burns, injuries, fractures, broken teeth, etc.), including economic, legal and emotional violence. Generally speaking, it is physical violence that is more common as compared to other forms of violence as shown in Table No. 12.

174. Nearly all men in the DRC, even the most educated do not approve of gender equality and still hold on to stereotypes. Likewise, women have accepted most of the social norms that support their position as inferior compared to men. Yet, it is precisely such attitudes which influence the occurrence of most violent actions against women. The findings of the 2007 DHS survey have shown that more than three quarters of women (76%) think it is justifiable for a man to beat his wife if she argues with him, burns his food, abandons the children, goes out without telling him, or refuses to have sex with him. Such an opinion is to some extent supported and backed by the church which recommends that women should obey and submit to the husband who is the family head. It is rare to see a woman who has sued the husband for violence, yet these exist in many families.

175. From a legal point of view, no specific law had been passed or promulgated until then to curb domestic violence. These are considered as common law offences punishable by the Congolese Criminal Code. But in view of the extent of these acts of violence and the fact that they have been trivialized by the relevant bodies, the Government is planning to pass a special law on this aspect. Indeed domestic violence which, for a long time, has been regarded as a private matter within the family is nowadays regarded as a serious human right violation that must be punished

- **Support for victims of violence including medical services and psychological counselling**

176. Since 2009, in the DRC, the means of combating gender-based violence are defined in the National Strategic Paper for Combating Gender-based Violence developed by MINIGÉFAE. This strategy, as mentioned above, includes an action plan and comprises 5 components. It defines the government policy in the fight against the VSBG. However, the evaluation of this strategy two years after its development and its implementation has revealed that it focused on sexual violence leaving other forms of violence; the same is true of the various actions or activities planned and implemented, most of which partly concern the provinces in the Eastern part of the country which experienced the atrocities of the warring parties. It is for this reason that the SNVBG is currently being revised to include all forms of violence in the new strategy and actions to be carried out throughout the country.

177. Support for victims of violence, whether sexual or domestic, is therefore done within the framework of the SNVBG. Several actions have been carried out in recent years on the basis of the various components of the said strategy. The objective of the multisectoral assistance component was to facilitate access of the survivors of sexual violence to essential services. Through this component, the provision of psycho-social, medical care and economic reintegration of the survivors has been ensured. Listening centres in urban areas and listening houses within the communities have been set up to promote early warning of sexual violence. PEP kits have been provided in several healthcare centres of the country, the socio-economic and educational reintegration of survivors has also been provided. Legal assistance is provided through the creation of specific units dealing with sexual violence within the State administrative courts.

178. The "Data and Mapping" component was to facilitate the collection, processing, storage, analysis and sharing of information on sexual violence. To date, an integrated database is available at the Ministry of Women, Family and Children's Affairs and field actors provide inputs. This database makes it possible to publish annual reports on incidences of violence occurring in the various provinces and on the means to control them.

179. In 2014, the report revealed 19,937 incidences of sexual and gender-based violence reported in 2013 in 7 provinces of the country (East and West of the country) out of a total of 11 provinces. Among these, 63.1% have received psychosocial assistance, 52.7% medical assistance and 21.9% have received legal and judicial assistance. Insufficient financial resources are the root cause of this low level of care which has declined compared with the year 2012 where 92% of survivors received medical assistance and 79% psychosocial assistance.

3. RIGHTS RELATING TO MARRIAGE (ARTICLES 6-7)

180. Article 40 (1) of the Constitution of the DRC recognizes that every individual has the right to marry the person of his choice, of the opposite sex and to start a family. In addition, Article 330 of the Congolese family code, an authoritative legal instrument regulating all issues relating to marriage, defines marriage as "a civil, public and solemn act through which a man and a woman who are not bound by a previous registered marriage establish a legal and lasting union whose conditions, effects and dissolution are determined by law." This is to say that marriage is a personal act in which each of the future spouses must give their consent; this consent is free, express and received by the civil registrar. According to the spirit of this Article, a marriage cannot take place if the two parties do not give their consent.

181. However, according to the customs in the hinterland, unions like abduction, forced and early marriage as well as preferential and endogamous marriage still exist. These customary practices which fly in the face of the law still makes the DRC one of the countries in the world where the birth rate among adolescents remains high (25% according to the State of the World Population Report 2013) ..

182. The term union encompasses civil marriage, religious and customary marriage as well as de

facto marriage. Women who are not in a union, not widows, not separated and not divorced constitute the spinster group. The results of the DHS survey conducted in 2013 show that more than six out of ten women aged between 15 and 49 years (64%) were in a union at the time of the survey: 46% were married and 18% were in a de facto union. A little over one out of four women were spinsters (26%). Moreover, the union of 10% of women had broken down – 8% were divorced or separated and 2% were widows.

183. All these figures show that women are in a difficult situation where marriage is concerned. Since the Government of the DRC is very much aware of the situation, it has taken a number of legislative and administrative measures to protect the rights of women, no matter their matrimonial status.

**■ MARRIAGE AND ITS EFFECTS ON PROPERTY, NATIONALITY AND NAME
(ARTICLE 6 (e) to (j))**

184. Article 34, Paragraph 1 of the Constitution of the DRC stipulates that private property is sacred. It guarantees the right to individual and joint property acquired in accordance with the law or customs as well as encourages and ensures the safety of private, national and foreign investments. Paragraph 3 of the same Article recommends the prohibition of the dispossession of a person of his property, except for purposes of the public good and upon payment of a prior fair consideration made under circumstances determined by law. The same law states that no one's property may be seized unless a competent legal authority takes a decision to that effect, and no one's property may be divested without a valid reason recognized by a court of law.

185. With regard to matrimonial regimes, the law identifies three forms (i) maintenance of separate estates; (ii) communal estate comprising only property acquired after marriage, and (iii) joint estate of husband and wife comprising all property. The registrar must explain these three types of settlements to the future spouses and warn them that if they fail to make a choice, the settlement involving communal estate comprising only property acquired after marriage will be applied to them. The settlement chosen by the future spouses is always stated on the marriage certificate. The rights and obligations under these forms of settlement and in the Constitution make no exception for anyone and concern both men and women.

186. Article 508 of the Family Code specifies that where, through the desire of the spouses, the management of property is not assigned to the husband, each of the spouses administers their property and receives income accruing therefrom. The law also authorizes women to manage and administer the effects reserved for her personal use, particularly clothes, jewels and working instruments as well as any compensation and damages to be enjoyed by her due to an accident which may have deprived her of professional earnings she is entitled to rely on. The wife manages and administers property she acquires in the discharge of a profession other than that of her husband and the savings made therefrom.

187. After the marriage, the wife may take the surname of her husband and keep it even after the end of the marriage as a result of death. However, the law also allows the wife to retain her name, although she is entitled to use her husband's name (Article 62 of the Family Code). In this case, she affixes her husband's name to hers. The law also allows a widow who has not remarried to continue using her husband's name till she dies.

188. Concerning nationality, Article 10 of the Constitution of the DRC provides that it is one and exclusive. It cannot be held concurrently with another; it is either by origin or by individual acquisition. An organic law determines the conditions for recognition, acquisition or loss and recovery of Congolese nationality. The Family Code stipulates that Congolese nationality can be acquired through naturalization, option, adoption, marriage, birth and residence in the Republic of Congo. A foreigner or a stateless person who contracts a marriage with a spouse of Congolese nationality may, after a period of seven years as from the date of the marriage, acquire Congolese nationality per Decree issued after deliberations by Cabinet and upon a proposal by the Minister of Justice and Attorney-General, on condition that at the time the application is submitted, the union between the spouses has not ceased and that the Congolese spouse has retained his/her nationality.

189. However, the 2007 reformed nationality law now entitles men and women to transfer Congolese nationality through affiliation. Besides, marriage with a foreigner no longer leads to the loss of nationality by women, just as a woman can confer nationality on her spouse.

190. On the nationality of children, Article 13 of the Family Code sets forth the criteria for them to acquire Congolese nationality. This deals with children born in the Democratic Republic of Congo or abroad with one of the parents having Congolese nationality; children adopted legally by Congolese, and children one of whose adoptive parents has acquired or voluntarily recovered Congolese nationality. The law makes no distinction on account of sex in this matter. Moreover, Article 14 of the Family Code stipulates that unemancipated minors whose father or mother has obtained Congolese nationality through option acquire Congolese nationality ipso facto at the same time as his/her parent. Unemancipated minors whose father or mother is unknown acquire Congolese nationality in accordance with the provisions of Article 8 of the said code.

▪ **MINIMUM AGE FOR MARRIAGE (ARTICLE 6(b))**

191. The minimum age required for marriage as defined by law is 18 years. This is why any sexual act or marriage contracted before this age is a punishable act provided for by law. In fact, Congolese law recognizes forced marriage as violence against women. Article 336 of the Congolese Family Code provides for sanctions against any individual who forces a person to get married against his/her will or who, out of bad faith, prevents the conclusion of a marriage which has met all the legal conditions. Similarly, the law on sexual violence of 20 July, 2006 amending and complementing the Decree of 30 January, 1940 on the criminal code provides for a punishment of twelve years' imprisonment and a fine of not less than 100,000 constant Congolese Francs for anyone who gives out or forces a girl who has not attained the minimum age into marriage. Furthermore, Articles 2 and 48 of Law No. 09/001 of 10 January, 2009 on the protection of children set the minimum age for marriage for women and men at 18 years.

192. In this regard, the Government of the DRC, through the Ministry of Women, Family and Children's Affairs and with support from UNICEF, got involved in a huge national campaign to combat early marriage in the course of this year. This activity is targeting both the urban and rural areas, where the phenomenon is more serious.

193. According to the 2013-2014 DRC-DHS, women first enter into marriage at an earlier age than men: the average age at which people first enter into marriage is 18.7 years for women aged between 25 and 49 years and 24.2 years for men of the same age group. The average age at which people first have sex is 16.8 years for women and 17.6 years for men. Women have their first sexual encounter 1.9 years before their first marriage; for men, the difference is 6.3 years.

▪ **REGISTRATION OF MARRIAGES (ARTICLE 6(O))**

194. With regard to the registration of marriages to ensure their legal recognition, this provision is applied in the DRC. In fact, Order No. 88/089 of 7 July, 1988 sets forth the rules on the keeping of birth, marriage and death certificates and Article 391 of the Congolese Family Code clearly stipulates that the registrar of births, marriages and deaths who celebrates or registers a marriage must enter the certificate covering it into the register of marriages, while the model of the marriage certificate is determined by a ministerial order.

195. Congolese law recognizes marriages celebrated in the family setting in accordance with custom; this form of marriage is the most frequent in Congolese society which is predominantly rural. However, once the marriage has been celebrated within the family setting, it must be registered at the birth, marriage and death registry because it changes the legal status of the person. Article 370 of the Family Code provides that during the month following the celebration of the family marriage, the spouses and possibly their assigns must appear before the registrar to have it established, published and registered. After the one-month deadline specified under Article 370, the peace tribunal will take a decision on the

matter either upon a request by the Public Prosecutor's Department or a request by any other interested person (Article 378 of the Family Code).

196. To register a marriage celebrated within the family setting, the law requires the spouses to present their declaration to get married with an indication of the date of the celebration of the family marriage and an indication that the marriage formalities have been followed; where necessary, the name, profession, domicile and residence of the witness (es) of the customary marriage will be added. If the marriage is celebrated by the registrar, the marriage documents must include the completed publication formalities, declaration by the contracting parties to get married, decision on the terms of their union by the registrar as well as the nature of all documents produced.

197. However, whether the marriage is celebrated within a family setting or before a registrar, representation by assigns may be authorized on serious grounds by a Justice of the Peace. It is for this reason that it is recommended that the marriage should be recognized and registered in accordance with law. In addition, with regard to betrothal, the Congolese State recommends in Article 340 of the Family Code that its form should be regulated by the custom of the affianced couple. In the event of a conflict of customs, the custom of the woman will be applied. However, a betrothal cannot be entered into the records of the registry office.

198. Yet, in practice, many couples live together for many years without regularizing their marital status. Often, it is when the marriage relationship is under threat (legal separation, claims of property, divorce...) that people realize the importance of registering marriages.. To address this situation, the government, through the Ministry of the Interior has, in accordance with the law, set up branches of the civil registry offices in each province, region and areas to issue civil status certificates prepared by the main registries which they represent. That is the reason why several women's associations, with the support of the government and TFPs, have in recent times launched awareness raising campaigns for the solemnization of marriages and registration of marriages at the civil registry. Following these campaigns, hundreds of marriages have been registered and celebrated every year at no cost through the initiative of the First Lady of the Republic in collaboration with the Ministry of Gender Affairs and the municipal authorities.

- **PROTECTION OF WOMEN IN POLYGAMOUS MARRIAGES (ARTICLE 6 (c))**

199. As definition of marriage shows , form of marriage which is encouraged and protected by law is the monogamous marriage , rather than the polygamous marriage. An act through which a man and a woman who are not bound by a previous registered marriage. Article 354 of the Family Code, goes further to stipulate that no one can contract a new marriage before the dissolution or annulment of the previous one. However, Article 925 recognizes the validity of polygamous marriages which took place before 1951.

200. Nevertheless, in spite of the recognition of monogamous unions by the Congolese State, polygamy remains quite widespread because it affects 22% of women who are currently in a union. Among women in a union, 18% have a co-wife, 4% have at least two and 2% are not in a position to tell the number of their co-wives. Besides, it is observed that the proportion of women with at least one co-wife increases constantly with age, rising from 8% for the 15-19 years bracket, to 25% for the 30-34 years bracket and to a maximum of 29% for the 40-49 years bracket. However, Law No. 87/010 of 1 August, 1987 on the family code does not recognize polygamous marriages.

- **Protection of Women during Separation, Divorce and Annulment of Marriage (Article 7)**

201. The provisions of the Congolese Family Code protect women during divorce, separation or annulment of marriages because most often, they are at a disadvantage when there is a break-up. Article 581 stipulates that the court may grant the disadvantaged spouse a portion of the estate from the other spouse's own funds independently of the settlement of accounts applicable to them at the time of the divorce. Article 582 goes further by stipulating as follows: the divorced woman retains the right to receive support from the man during the period of

pregnancy and in the course of the year following the birth of her child if the pregnancy commenced before the divorce. She loses this right to support if it is legally established that the husband is not father of her child.

202. In order to ensure that women have access to justice so that all of these rights can be asserted, peace tribunals are sited across the country; and where there is no such tribunal, the county courts have jurisdiction in the matter, in accordance with Organic Law No. 13/011-B of 11 April, 2013 on the organization, running and powers of the courts under the judicial system.

▪ **Protection of Children in the Family (Article 6 (i) & (j))**

203. Article 41 of the Constitution deals with the issue of the protection of Children their families and requires the authorities to ensure the protection of children in difficult circumstances; and to bring before court the perpetrators and accomplices of acts of violence against children. The abandonment and maltreatment of children, particularly paedophilia, sexual abuse as well as accusation of witchcraft, are prohibited and punishable by law. Parents have a duty to take care of their children and to ensure their protection from any act of violence both in and outside the home. Furthermore, the law on sexual violence of 20 July, 2006 provides for punishment against any person who encourages the debauchery of persons aged less than 18 or who uses them for sexual purposes for a consideration; if the offence is committed by a person exercising authority as a parent or guardian, the culprit will be stripped of the exercise of the said parental authority or guardianship. Article 48 of Law No. 09/001 of 10 January, 2009 on the protection of children prohibits the betrothal and marriage of children; this law also stipulates that the higher interest of children must be a predominant concern in all decisions and measures taken for them.

204. Furthermore, the legal provisions aimed at protecting children have been stated in the Convention on the Rights of the Child of 2 September, 1990 and its Optional Protocol of 25 May, 2000 ratified by the DRC.

205. Although these legislative measures have been taken, the protection of children within the household is not always ensured, and it is actually one of the major concerns in the DRC. A substantial number of children from broken homes can be found in the streets of the big towns; most of these children are from rebuilt families where children are accused of witchcraft. In 2014, Kinshasa alone had more than 25,000 children from broken homes.

206. In the face of this problem, a few projects are being implemented, particularly the Project for the Reintegration of Street Children in Urban Areas which has been receiving funding from the World Bank since 2001 and whose objectives are: promoting total or minimum access to basic social services; establishing the basis for social reintegration and/or reunification with families, and carrying out any activity likely to reduce vulnerability and the risks to which children are exposed in the street.

4. RIGHTS TO HEALTH AND REPRODUCTION

207. Article 47 of the Constitution of the DRC guarantees the right to health and food security. Consequently, the Government of the DRC is of the opinion that the enjoyment of the best possible health conditions is a fundamental right for every human being, irrespective of sex, race, religion, political beliefs and socio-economic situation.

▪ **Access to Health Services (Article 14(2) (a))**

208. All over the world, health problems have a distinctive effect on the vulnerable and marginalized social categories. The probability of dying before the age of five is 16 times higher for children in low income countries than for those in high income countries (WHO, 2013). Unfortunately, the DRC belongs to the category of low income countries where most of the population, i.e. 69.24%, live in the rural areas. Here, the people are generally poor, suffer a poorer state of health, malnourished, vulnerable to catastrophic diseases and suffer a

reduction of life expectancy at birth from year to year, average infant and maternal mortality rate as well as the average incidence of diseases are higher than what obtains in other segments of the population. They suffer from diseases like tuberculosis which mainly affect young adults in the most productive period of their lives, while the risk is even higher for persons living with HIV.

209. Furthermore, in addition to the fact that women account for the majority of the population of the DRC (52%), they also constitute one of the most vulnerable groups, particularly in the rural areas where the lack of money or low household incomes, cost of health care, self-medication among households in case of illness and the long distance between the households and the health centres are the main causes or determining factors which explain why poor households cannot access health care in the DRC.
210. Ultimately, all social segments pay money to access health care. That is why the percentage of access to health care by the population varies according to the level of economic well-being, level of education and place of abode. In fact, studies have shown that among women in the poorest fifth, 80.8% have difficulty in accessing health care, against 50% among richer women. This money problem affects more women in the rural areas (74.9%) than those in the urban areas (58.4%). Similarly, uneducated women (79.9%) are more frequently confronted with this problem than those who have had secondary education (61.4%) and those who have had higher education (40.1%) (DRC-DHS, 2013-2014). Differences are also observed at the provincial level – more than 72% of women in the Equateur, the Orientale Province, the two Kasais and Bandundu, against only 45.1% in Kinshasa. The seriousness of this problem worsens significantly with the number of living children. In addition, for 38.9% of women, it is the distance they have to travel to reach the health care centres which hinders access to health care. As is to be expected, these problems are much more frequent in the rural areas than in the urban centres. They are also more frequent among women living in households classified under the poorest two fifths. They vary from province to province. In Equateur and the Orientale Province, one out of two women faced problems of distance in order to reach health facilities (DRC-DHS, 2013-2014).
211. The current structuring of the Ministry of Health into 13 Central Departments and 52 Specialized Programmes meets the needs of universal health care coverage to address the problems raised above, particularly the poor income of the head of household, high cost of health care, self-medication and the long distance to be covered by the people before they reach health centres. In this regard, the DRC is divided into 11 provinces (now 26), which are themselves sub-divided into administrative districts, which are in turn distributed into health zones. A health zone corresponds to the internationally-used concept of a health district: a network of primary healthcare centres supervised by a district hospital for treatment of all ailments which go beyond the resources and capacity of the health centres. Health infrastructure may be the property of the State or private non-profit stakeholders. As a general rule, the latter often enter into a contractual agreement with the State which clarifies the rights and responsibilities of the two parties, but they retain significant autonomy in the area of management. The organization of health services in the Democratic Republic of Congo follows this three-stage pyramid: health zone (ZS), general referral hospital (HGR) and health centre (CS). On the whole, the country has 515 health zones distributed in all the provinces.
212. As part of the “five-project” policy of the Republic initiated by the Head of State, several projects have been carried out by the Government in order to address the various problems raised concerning access to health care by the people. Health centres have been built in the country, general referral hospitals have been rehabilitated, and medical training institutions have been refurbished and equipped, while several health centres and hospitals have been provided with subvented pharmaceutical products.
213. By way of illustration, the free distribution of insecticide-treated mosquito nets (two per household) has been embarked upon throughout the country. This measure is contributing to the fight against malaria and the promotion of the right to health. Substantial funding has been provided for projects aimed at combating certain diseases (AIDS, tuberculosis,

malaria, etc.). As is the case for so many other programmes of the Ministry of Health, national programmes designed combat these diseases are being implemented.

214. Several sensitization and capacity strengthening activities are being carried out among all segments of the Congolese population on nutrition, cleanliness, hygiene and others and for health providers on care for the sick in their various departments, particularly in the East of the country where the health situation deteriorated after armed conflicts..

▪ **Reproductive Health Services, including the Reduction of Maternal Mortality (ARTICLE 14(1) (a) & (b))**

215. Due to the above-mentioned crisis, the health system is going through; the DRC witnessed one of the highest mortality rates in the world in the 1990's. It was 550 per 100,000 live births in 1990, 870 in 1995, 1,837 in 1999 and 1,289 in 2001. In the eastern part of the country, the situation was even more tragic. Rates of around 3,000 per 100,000 live deaths were recorded. In 2013, the maternal mortality rate was estimated at 846 per 100,000 live deaths. This rate remained relatively high, like in other Sub-Saharan countries where it stands at between 500 and 1,000 maternal deaths for 100,000 live births.

216. In order to improve maternal health based on the resolutions of the 1994 International Conference on Population and Development (ICPD) and the Millennium Declaration (2000), the DRC reaffirmed at the 2005 World Summit its commitment to the attainment of the Millennium Development Goal relating to the improvement in maternal health. Thus, the government, with the support of some technical and financial partners, has put in place several strategies to combat maternal mortality. In this regard, the health policy adopted in 2001 has maternal health as one of the strategic pillars which consider the monitoring of pregnant women as one of the main components of the policy. This way, the Government has adopted a reproductive health (RH) policy, introduced the national reproductive health programme (PNSR) intended to facilitate its implementation and developed standards for the supply of services and the incorporation of RH into the minimum package of primary health care activities.

217. Thus, per ministerial order No. 1250/CAB/MIN/S/AJ/KIZ/009/2001 of 9 December, 2001, the Minister of Health established a National Reproductive Health Programme (PNSR). The National Reproductive Health Programme is tasked to implement the National Policy of the DRC on reproductive health. It is the pivot around which revolve the RH activities in the country to improve maternal health and reduce the risk of death relating to the complication of RH problems (pregnancy, illegal abortion, STIs and HIV/AIDS) for persons who have reached the child-bearing age, the youth and adolescents, children and older persons as defined by the MDGs.

218. The following activities are part of the implementation of this policy, namely the launch of the Campaign for the Accelerated Reduction in Maternal Mortality in Africa (CARMMA) in 2011, the draft law on reproductive health and family planning which is awaiting promulgation as well as the commitment of the Government which was given concrete expression by the consideration of family planning in the DSCR-2 and the PAG for the period 2012-2016. Among the maternal health improvement strategies, emphasis should be placed on the H4+ inter-agency initiative which brings together WHO, UNFPA, UNICEF, World Bank, UNAIDS and UN Women. The latter supports the Government to implement the overall strategy of the United Nations Secretary-General (Every Woman, Every Child) on women and children's health supported by the Canadian Catalytic Fund.

219. The objective of the DRC was to reduce the maternal mortality rate by three-fourths between 1990 and 2015. In fact, maternal morbidity and mortality are basically due to the poor level of qualified medical assistance in an environment where the fertility rate is high, i.e. 6.6 children per woman, against the African average of 4.7 and the global rate of 2.5. Fertility occurs early in the DRC because one out of five female adolescents has already had at least one live birth (*OMO 2000-2015 Biannual Report: Evaluation of Progress conducted by the DRC*).

220. In the rural areas, the proportion is maintained at 22%, while in the urban areas, a slight reduction is observed (17% in 2001 to 15% in 2007). The percentage of adolescent mothers is reducing with the increase in the level of education, reducing from 32% among the uneducated to 11% for those with secondary education. The high fertility rate among Congolese women is due to the poor use of contraceptives, particularly modern contraceptive methods. In 2001, only one out of 25 married women used one method of contraception or another to space or limit births. Nearly half of married women did not even use natural family planning means. In 2007, only 5.7% of women used modern contraceptive methods, and 4 out of 5 women used no method. However, the level of assistance for child delivery has improved, but it still remains poor. Just 6 out of 10 births are assisted by a qualified medical officer, including 7% by a doctor, 38% by a nurse, 34% by a birth attendant and 3% by a midwife, i.e. an average of 80%. Medical assistance also varies depending on the milieu. It is 94% in the urban areas and 74% in the rural areas.
221. With regard to antenatal visits, it is observed that on the whole, more than eight out of ten women (85%) sought the services of a trained officer. However, the coverage of the required four visits for ante-natal care has remained poor, although slight progress has been made, with an increase from 44% in 2010 to 48% in 2014.
222. Given that the health of mothers, new-born babies and children remains a major concern in the DRC, the vision is to have a Congolese nation where every child born should be a desired child who should not die from avoidable causes; a nation where every woman would enjoy good maternal health and should not lose her life or witness a life threatened by avoidable diseases and disease conditions associated with pregnancy or child delivery, and finally a nation where men, women and the youth enjoy good quality sexual health free from STIs and HIV/AIDS as well as from harmful and discriminatory practices linked to sex and/or gender.
223. For this vision to materialize, the Government of the DRC has been making a lot of efforts since the launch of the Risk-Free Maternity Initiative in 1987 and, like other countries, acceded to several conventions, particularly the components of the programme of action of the International Conference on Population and Sustainable Development (ICPD, Cairo, 1994) in which Reproductive Health (RH) was defined as the state of the general well-being, both physical, mental and social of the human being, as it concerns everything which has to do with the genitals, their functions and functioning, and not only the absence of diseases or disabilities. This supposes that a person can lead a completely safe and adequate sex life, be able to procreate and to choose to do so as often or as fewer times as possible. With regard to women, it is up to them to exercise their right to control their fertility.
224. To fulfil these commitments, the DRC has adopted several national legislative measures, particularly the following:
- Article 3 of the law on sexual violence, amending Articles 172, 173 and 174 of the criminal code, penalizes any person who engages in sex without the consent of the woman and takes all the attendant consequences into account.
 - The statutory instrument on the need to apply Desirable Births/Family Planning in the DR Congo through activities based on the well-being of the family.
225. In order to resolve all these problems relating to reproductive health and maternal mortality, the PNSR is active in the Health Zone to ensure that the entire population can access reproductive healthcare. It is at this level that all RH activities are carried out in accordance with the strategic pillars and directives of the central level under the supervision of the provincial framework team. At this level, in accordance with the principle of integration, it is the operational unit for both planning and implementation of RH activities.
226. For example, the Health Promotion Service of (SPS) of Caritas Congo Asbl, in the DR Congo, is partnering the Government to implement the Primary Health Care Access Project (ASSP) in Kinshasa and its environs in order to improve access to quality health care by the people living in the Health Zones with support from the ASSP project which has set a target of reaching 80% of assisted births, 92% of one-year old children vaccinated against measles (Rate of Coverage Anti-Measles Vaccine VAR), 70% of pregnant women who have received at least two doses of sulfadoxine-pyrimthamine (Fansidar), Intermittent Preventive

Treatment (IPT) and 45% of expected persons who have availed themselves of the treatment services provided by the health facilities (rate of use of treatment services).

227. Apart from Kinshasa, the project is being implemented in the cluster comprising the Maniema Province (10 health zones/ZS) and the Orientale Province (3 health zones ZS), i.e. 3 concerned dioceses, namely Kisangani, Kindu and Kasongo.
228. After the implementation of the project, assisted births stood at 9,615 out of 14,260 cases, i.e. 67.4%; 10,920 out of the 12,229 expected children were vaccinated against measles, i.e. a VAR coverage rate of 89.3% for TPI; 10,308 pregnant women received at least two doses of SP (Fansidar) out of the 12,186 expected cases (84.6%); 112,510 out of the expected 171,072 persons availed themselves of curative services, i.e. a curative service utilisation rate of 70.4%.
229. RH services are generally offered in the DRC in the following reproductive health activity areas:
- Safe motherhood: antenatal care, safe delivery, basic care in case of obstetric complications, care for newly-born babies, post-natal care and breast-feeding;
 - Family planning information and services;
 - Prevention and handling of sterility and sexual dysfunction among both men and women;
 - Prevention and handling of abortion-related complications;
 - Awareness raising on the part of men in order to involve them in Reproductive Health and to make them jointly aware of their responsibilities to enhance the role and status of women;
 - Prevention and handling of genital infections, particularly sexually transmitted infections (STIs); including HIV infections and the acquired immune deficiency syndrome (AIDS);
 - Promotion of sound sexual development from pre-adolescence, safe and responsible sex throughout life and gender equality;
 - Elimination of harmful practices like female genital mutilation, early marriage, domestic violence and sexual violence against women;
 - Handling of non-infectious genital conditions such as genital fistula, cervical cancer, complications from female genital mutilation and menopause-related reproductive health problems.

PROVISIONS FOR ABORTION (ARTICLE 14 (2) (c))

230. Abortion is certainly one of the oldest and most universal arguments where discrepancies exist even in the traditional approaches regarding relationships between ethics and law since the subject matter falls within the scope of legal philosophy, the question of procreation by way of its two key characteristics; the law or freedom to procreate, and the right to refuse to procreate, the most obvious manifestation being abortion, also referred to as termination of pregnancy. With regard to the freedom to procreate, it is the possibility to decide if and when sex life should lead to procreation, be it natural or artificial.
231. Concerning the right to refuse to procreate, which is the purpose of Article 14 (2) (c) of the MAPUTO Protocol, in spite of the various discussions, studies and other proposals for social protection which have taken place in the country before the ratification of the MAPUTO Protocol, and even after same, the DRC did not adopt any measure or legal instrument for medicalized abortion, even in case of sexual aggression, rape or incest. On the other hand, Articles 166 and 167 of the criminal code strictly penalize the practice of any kind of abortion: "Any person who, through food, beverages, medicines, violence or any other means makes a woman undergo an abortion shall be sentenced to a term of five to fifteen years in prison, and a woman who voluntarily undergoes an abortion shall be sentenced to a term of five to ten years in prison."
232. However, one is allowed to take all measures for an abortion when precautionary measures are taken in accordance with the ethics of the medical profession when the pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus. Such an intervention must be approved by a forensic scientist who will prepare a document to be attached to the file of the sick woman.
233. This means that with regard to the understanding of the MAPUTO Protocol, measures must be thought of beyond all the considerations raised above. .

▪ **HIV/AIDS (ARTICLE 14 (1) (d))**

234. With regard to HIV/AIDS and sexually transmitted infections, and referring to Article 14 I(d) of the Maputo Protocol, the Democratic Republic of Congo is dealing with the protection of the rights of persons living with and affected by HIV/AIDS, particularly as it relates to discrimination and stigmatization. Armed with Presidential Decree No. 04/029 of 17 March, 2004 on the establishment and organization of the National Anti-AIDS Multisectoral Programme (PNMLS) and Statutory Instrument No. 08/011 of 14 July, 2008 and its implementation, the country has since been demonstrating a firm determination
235. to wage a serious national onslaught mainly through the involvement of national leadership (the Head of State) and the establishment of the various monitoring and evaluation organs at the local, provincial and national levels. In fact, the National Anti-AIDS Programme (PNLS) has been established to stop and reverse the spread of HIV/AIDS; it coordinates all anti-HIV/AIDS activities and ensures the sensitization of the population and care for AIDS patients and orphans.
236. The PNMLS is under the authority of the President of the Republic. The two above mentioned national legislative measures constitute an effective legal basis for the fight against AIDS in the DRC. Although the coverage of the national territory in terms of the availability of antiretrovirals is still inadequate, the protection of the rights of persons in the area of HIV is now guaranteed. The Government is making considerable efforts to improve access to health: a law on the protection of the rights of persons living with or affected by HIV/AIDS was passed in 2008 (Law No. 08/011 of 14 July, 2008).
237. For the protection of the specific rights of women, children and young girls, the Ministry of Women, Family and Children's Affairs carried out the following activities:
- validated and adopted in May, 2006 the sectoral plan to combat transmissible infections and HIV/AIDS. On the one hand, this plan ensures the implementation of the National Anti-AIDS Strategic Plan in the gender sector;
 - organized a workshop on the status of legal enactments for the protection of persons living with HIV/AIDS and women who are victims of sexual violence in order to strengthen the fight against sexual violence and rape, which is used as a weapon of war mainly in the Eastern part of the country;
 - formulated the national strategy to combat gender-based sexual violence and its plan of action which was applied in the Eastern part of the DRC in the STAREC zone;
 - adopted a plan of action for Security Council Resolution 1325 in October, 2010, one of whose thematic areas deals with women and HIV/AIDS.
238. With regard to limited access to anti-retrovirals, a roadmap was formulated to fast-track universal access to prevention, treatment and care from 2007 to 2010. However, it is important to note that the period 2005-2010 was full of activities aimed at preventing and combating HIV/AIDS.
239. In addition to the mechanisms for the implementation of administrative and legal measures, several activities were carried out to sensitize the public, particularly the popularization of the law on the protection of persons living with and affected by HIV/AIDS and the law on sexual violence.
240. This period also witnessed a major event: the mobilization of financial resources which enabled the implementation of the national strategic plan (2010-2014) through several bilateral and multilateral sources.
241. Thus, the "Let's Unite Against HIV/AIDS and for Children" and "I Condemn" or "Stop AIDS" campaign was organized. While they were at it, the gender sector benefitted from training and capacity building programmes for the Prevention of Mother-to-Child Transmission (PMCT), paediatric care and the application of the laws through facilitation by legal practitioners and population experts. Furthermore, customary leaders also benefitted from training on their role in the preservation of age-old harmful practices like early marriage, domestic violence, etc.

242. Ultimately, the legal arsenal put in place today in the DRC ensures the protection of the rights of persons, particularly those of women and girls, and the crackdown on sexual abuses against them. Law No. 06/018 on the elimination of sexual violence focuses on an amendment of the criminal code, but also condemns the deliberate transmission of incurable sexually transmitted infections.

243. On the other hand, the establishment of legal clinics strengthens the legal aid for victims of sexual violence. The current outcomes are very satisfactory, although women remain more affected than men.

▪ **Sex Education (Article 14(1) (G))**

244. In the area of sex education, services are mainly targeted at adolescents and the youth, and sometimes adults. Service providers are often closely associated with religious denominations, i.e. the Catholic Church, the Protestant Church and others. Aspects linked to sexuality are either included in life-long education lessons or presented in the form of sensitization sessions.

245. However, the Congolese Government has since 2003 paved the way with the establishment of the National Adolescent Health Programme. In fact, departmental order No. 1250/CAB/MINIS/001 of 13 January, 2003 puts in place a programme responsible for adolescent health aimed at warning adolescents against early and unprotected sex, early and unwanted pregnancy and risks of contracting HIV/AIDS and sexually transmitted diseases as well as against unsafe abortion in schools in particular and among the youth in general.

246. Many administrative measures have been taken to support the said order, in spite of their inadequate application and the lack of monitoring. The same also goes for the establishment of adolescent and youth centres throughout the country to offer specific reproductive health services as well as to ensure the promotion of the use of contraceptives for the prevention of STIs and HIV/AIDS and the establishment of the Network of Youth to Combat HIV/AIDS. With the support of its traditional partners, and under the coordination of the PNLS, the Congolese government is regularly ensuring the training of sex workers, particularly women, in order to protect themselves and their sex partners from HIV/AIDS and sexually transmitted infections.

247. Thus, the Government has been playing a bigger role in sex education since 2014 by incorporating subjects relating to family and sex life into the educational system in order to combat the transmission of HIV/AIDS and sexually transmitted infections in schools.

248. In view of the current situation characterized by the fact that an increasing number of women and young people are being infected by HIV/AIDS, the use of contraceptives is being encouraged through sensitization activities with the possibility of access to the modes of prevention. It is precisely for this reason that the National Adolescent Health Programme is training peer educators consisting of young people educating other young people (boys and girls in schools and sports circles) on the various aspects of life, including youth sexuality and the fight against HIV/AIDS.

5. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

249. The medium and long term development vision of the DRC, as defined in the Poverty Reduction and Growth Strategy Paper (PRGSP **II**) outlining the economic and social policy of the country, is to partner all stakeholders to build a society without discrimination where men, women, girls and boys have the same opportunities and rights to participate in its development and to enjoy the benefits of its growth.

250. However, a comparative analysis of the situation of men and women in the Democratic Republic of Congo shows persistent gender disparities which have more serious effects on women in all spheres of economic, social and cultural development. These gender-based disparities are huge gaps which hinder poverty reduction and the development of the country for that matter.

251. Yet, the development of the Congolese society requires the contribution of both men and women. Women, who make up more than half of the population (52%), must participate on an equal footing with men by accessing the job market. To date, the job market is characterized by a high labour force penetration rate which conceals a deep under-employment and poverty phenomenon. The labour force penetration rate is 55.89%. This rate is estimated at 64.06% for the rural areas, as against only 43.97 in the urban areas. The distribution by sex of these outcomes shows that in the urban areas, more men (51.06%) are employed than women (37.44%), while in the rural areas, more women (64.11%) are employed than men (35.89%). Since 2006, women have had a higher representation in the market with a rapid increase in their labour force penetration rate between 2005 and 2012 (5~% in 2005 and 64.11% in 2012).

▪ **ECONOMIC AND WELFARE RIGHTS (ARTICLE 13)**

252. The Government of the Democratic Republic of Congo has passed a number of legislative texts to ensure the protection of the rights of women and particularly the working woman. In fact, Law No. 015/2002 of 16 October, 2002 on the Labour Code contains relevant provisions for the protection of the working woman:

- Article 1 of the Labour Code has extended its scope of application to small and medium enterprises and small and medium industries of the informal sector as well as social, cultural, community and philanthropic organizations which use salaried Workers; irrespective of their race, sex, civil status, religion or political opinion”: it is in these sectors that most women work;
- Articles 3 to 5: prohibit the worst forms of child labour (boys and girls) and demand immediate action for their elimination;

Demand the strengthening of anti-discriminatory measures directed against women and persons with disabilities; rehabilitation of the labour courts; institutional capacity building in the area of training and professional upgrading through the participation of professional employers’ and workers’ organizations; creation of the appropriate occupational health and safety structures in order to ensure the optimal protection of workers from pollution.

Among the ILO Conventions ratified by the DRC, one can cite the following:

- 138 on the minimum age;
- 182 on the elimination of the worst forms of child
- 100 on equal remuneration for men and women;
- 111 on discrimination with regard to employment and profession.

253. In the DRC, the Labour Code sets the capacity to take up employment at sixteen years. In this regard:

- a worker is “any natural person who has attained the age of entering into a contract, no matter his/her sex, civil status and nationality, who has undertaken to make his professional skills available to ...”, **Article 7**;
- the following in particular cannot be valid reasons for dismissal: “race, colour, marital status, family responsibilities, pregnancy, child delivery and its effects, religion, political opinion, national ancestry or social origin, ethnic group and absence from work during maternity leave” (**Article 62**);
- under the same equal working, qualification and professional and performance conditions, pay must be equal for all workers, no matter their origin, sex and age. **Article 86**;
- women and children under 18 and persons with disabilities cannot work at night in public or private industrial establishments.... **Article 125**;
- orders of the Minister of Labour and Social Welfare issued upon the advice of the National Labour Council determine the working conditions of women, children and persons with disabilities, and particularly define the nature of the types of work they are not allowed to do. **Article 128**;
- maternity cannot be a source of discrimination in employment. It is particularly prohibited to require a woman applying for a job to take a pregnancy test or to present a certificate testifying to the state of pregnancy or otherwise, except for jobs which are entirely or partially forbidden for pregnant or breast-feeding

women or jobs which entail an acknowledged or significant risk for the health of the woman and child. **Article 128;**

- any pregnant woman whose status has been medically certified may nullify her employment contract without notice and without for the same purpose having to pay compensation for breach of contract. The same right is granted her for a period of eight weeks after delivery.
- During the period, whether the child is alive or not, the salaried woman is entitled to two-thirds of her pay and the contractual benefits in kind are also maintained. During the same period, the employer cannot breach the employment contract. **Article 129**
- The benefits of the provisions of Article 129 of this code are established for any salaried woman, given that these provisions apply to her whether she is married or not, or whether the child is alive or not.
- Upon child birth, and without this interruption of work qualifying to be considered as a cause for a breach of contract, any woman is entitled to suspend work for fourteen consecutive weeks, a maximum of eight of which will be spent after delivery and six before delivery. **Article 130;**
- When the woman is breastfeeding her child, she is entitled to two rest periods of thirty minutes per day in all cases to enable her to breastfeed the child. These rest periods are factored into remuneration for time worked. **Article 132.**

254. With regard to children (boys and girls), the same Code stipulates that:

- children cannot be employed even as apprentices in a company before the age of 15, except where the Factory Inspector expressly grants a waiver and upon the authority of the parent or guardian. **Article 133.**
- All the worst forms of child labour are abolished under **Article 3.**
The worst forms of child labour include the following in particular:
 - All forms of slavery or similar practices such as the selling of or trading in children, debt bondage and serfdom as well as forced or compulsory labour, including the forceful or compulsory recruitment for armed conflicts;
 - Use, recruitment or supply of children for the purposes of prostitution, production of pornographic material, pornographic shows or obscene dances;
 - Use, recruitment or supply of children for the purposes of illegal activities, particularly the production and trafficking of narcotics;
 - Jobs which, owing to their nature or conditions under which they are performed, are likely to harm the health, safety, dignity or morality of the child.
- A National Committee to combat the worst forms of child labour has been established.

255. Other legislative measures have been taken for both men and women. They include:

- Decree-Law of 29 June, 1961, as currently amended, which organizes the operation of the general social security regime and institutionalizes the establishment of the Fund called the National Social Security Institute (INSS);
- Article 9 of Law No. 11-020 of 15 September, 2011 setting the rules for micro-finance schemes in the DRC, which stipulates that, any person, depending on the level of his capacity, shall enjoy access to services provided by micro-finance institutions without any discrimination, while Article 10 also establishes that micro-finance is fully open to women, particularly in contributing capital, opening of accounts, enjoying access to credit or any other service. The law allows women in the informal sector to have access to credit in order to improve their businesses.
- Article 18 of the Law on the modalities for the application of the rights of women and parity among men and women stipulates that without prejudice to the provisions of the family code, men and women have the same rights and obligations in their family and marital relations;
- Decree-Law of 16 September, 2003 setting forth the terms of reference of the Ministry of Planning relating the identification, organization, supervision and integration of the informal economy . This law virtually addresses job concerns and economic activities of women. A desk has also been created to promote the establishment of businesses especially by women.
- Statutory Instrument No. 13 /002 of 23 February, 2013 on the setting of taxes, duties and other revenues of a common interest (taxation and specific purpose taxation).

256. At the administrative level, several measures have been taken to apply the various legislative enactments relating to work and employment in the DRC. The Orders are following;

- Order No. 12/CAB.MIN/TPS/116/2005 of 26 October, 2005 setting the modalities for the dismissal of workers;
- Ministerial Order No. 12/CAB.MIN/TPS/114/2005 of 26 October, 2005 on the prohibition of sexual or psychological harassment in the execution of an employment contract;
- Inter-Ministerial Order No. 12/CAB.MIN/TPS/AR/34/2005 of 10 June, 2006 on the establishment and running of the national committee to combat the worst forms of child labour;
- Ministerial Order No. 12/CAB.MIN/TPS/045/2008 of 08 August, 2008 determining the working conditions of children.

257. At the institutional level, several mechanisms have been put in place for the implementation of the rights specifically protected by the MAPUTO Protocol in the area of labour and employment. Mention can be made of the following institutions:

- Economic and Social Council;
- National Labour Council (CNT);
- National Committee to combat the worst forms of child labour, 2006;
- Steering Committee on Demobilization, Disarmament and Reintegration;
- National Vocational Training Institute (INPP);
- National Social Security Institute (INSS);
- National Labour Office (ONEM);
- Social Fund of the Democratic Republic of Congo;
- National Industrial Promotion Fund;
- Child Protection Brigade, 2009;
- General Labour Inspectorate (for arbitration);
- Labour Courts;
- Commercial Courts.

258. The Democratic Republic of Congo has formulated and adopted policies and programmes for the implementation of legislative and administrative measures to promote the well-being of women. The following documents speak to the issue:

- National Gender Policy;
- National Policy for Employment and Vocational Training, 2015;
- National Youth Policy;
- National Population Policy;
- National Plan of Action to Combat the Worst Forms of Child Labour, 2011;
- Youth Employment Plan of Action, 2008;
- Poverty Reduction Strategy Paper I and II;
- Priority Government Programme of Action;
- Gender-Sensitive Budgeting Strategy;
- National Strategy for the Incorporation of Gender into National Development;
- National Demobilization and Reintegration Programme Implementation Unit (UE-PNDDR), 2007;
- Framework Employment and Income Generation Programme (PROCER);
- National Youth Employment Programme (PRO-YEN);
- National Workplace Gender Equity Programme.

259. With regard to the sensitization of the public, there is a synergy between the activities initiated by civil society and those of the Government. Such is the case of the work done by Radio Solaire to disseminate certain enactments and to sensitize the people of South Kivu on the same. In fact, community radio stations are sensitizing women in the informal sector on the mode of farming and appropriate agricultural techniques. The people are sensitized on existing employment statistics through the distribution of leaflets (Survey 1-2-3 of 2012). National Television shows local language programmes on women's employment, the informal sector which engages huge numbers of women and many other programmes on the worst forms of child labour. In addition, the country has just organized a roundtable meeting on the issue of social protection and insurance, with one of the items on its agenda being the situation

of women in the informal sector.

260. Individual disputes and group conflicts in the area of labour are governed by Articles 298 to 329 of the Labour Code. Economic conflicts are brought before the commercial courts.

261. However, the implementation of legislative measures taken due to the lack of a substantial State budget to support the execution of all these measures. The effect of this situation is that women are left ignorant of their economic rights and victims of several attendant violations as a result of the poor level of sensitization and their poor level of education.

262. Finally, women, particularly those in the rural areas, find it difficult to access formal employment; although legislative measures have been taken to organize the agricultural sector, they are in the informal agricultural sector which is still not well structured in the country.

▪ **RIGHT TO FOOD SECURITY (ARTICLE 15)**

263. Article 47 of the Constitution of 18 February, 2006 guarantees the right to food security. Article 48 also guarantees the right of access to potable water and electricity. The main source of hydroelectric power production in the Democratic Republic of Congo is the Inga dam. However, a substantial part of this production is meant for export, thereby making the rate of access to electricity by the local population very low: 1% in the rural areas, 30% in the cities and 6% at the national level, whereas the Sub-Saharan African average stands at 24.6%. Mindful of this situation, the Government has redefined its policy in order to increase the capacity of the Inga, recover all its exports earnings and to enable the population to have better access to electric energy.

264. The population also has poor access to potable water: 12% in the rural areas and 37% in the urban communities; in addition, the sources and wells used by the population are often not protected. With the collaboration of development partners, particularly GIZ, the Government is striving to strengthen the capacity of the REGIDESO (26 out of its 94 water distribution centres were completely destroyed during the armed conflicts in the East of the country).

265. Among legislative measures taken to implement specifically protected food security rights, mention can be made of the following:

- Law No. 11/022 of 24 December, 2011 on the fundamental principles relating to agriculture which stipulates in Article 1 that the fundamental principles on agriculture aim at promoting agriculture and the growth of agricultural production in order to ensure food security and the development of the rural areas;
- Law No. 82-002 of 28 May, 1982 on the regulation of hunting (explanatory statement and Article 53 relating to the issuance of individual rural hunting permits to inhabitants of rural communities and villages and Article 54 relating to group hunting permits).

266. To save the Congolese population from hunger and malnutrition, the interventions identified by the government focus on the following: (i) improvement in the productivity of smallholders, particularly in the rural areas; (ii) development of "other income-generating activities in the rural areas" and improvement in access (iii) introduction of nutrition programmes and monitoring of food and nutritional security; (iv) improvement in rural activities, and (v) strengthening of the agricultural management and monitoring-evaluation system. These interventions will strengthen the capacity of women working in the rural agricultural sector.

267. Since 2000, the DRC has adopted a national nutrition policy, the implementation and application of which have been assigned to the National Nutrition Programme (PRONANUT) to put an end to the precarious nutritional situation of its population. Between 2010 and 2012, the Government also granted subsidies to farmers in the form of improved seeds and other inputs in order to improve their productivity and food supply as well as to ensure a reduction in food prices. Many women have been beneficiaries of these subsidies.

268. The DRC has put institutional mechanisms in place to ensure food security. Mention can be made of the following:
- National Strategic Reserve;
 - National Seed Department (SENASEM);
 - National Department for Fertilizers and Related Inputs (SENAFIC);
 - National Fishery Promotion Department (SENADEP);
 - National Veterinary Input and Stockbreeding Department (SENIVEL)
 - National Aquaculture Department (SENAQUA);
 - National Rice Programme (PI\IR);
 - National Programme for the Development of Family-Owned Stockbreeding (PRONADEF);
 - Centre for the Adaptation and Production of Improved Seeds (CAPSA);
 - Centre for the Adaptation of Indigenous Cattle (CASI) and Poultry Centres;
 - FNDAR: National and Provincial Fund for Agricultural and Rural Development;
 - National Programme for the Development of Family-Owned Stockbreeding (PRONADEF)
269. 2012, as part of the fight against hunger and malnutrition, the Government decided to construct agro-industrial parks to further develop the agricultural sector and the national food industry. Plans are afoot for the construction of 40 parks. Currently, only one park has been constructed under the initial initiative (Bukanga-Lonzo Agro-industrial Park). The second one will be constructed at Ruzizi (in the eastern part of the country).
270. Furthermore, a few projects have been initiated and executed to boost agriculture and reduce hunger. These are as follows:
- Support project for the rehabilitation and stimulation of the agricultural sector (PARRSA);
 - Support project for the development of rural infrastructure (PADIR)
 - Support project for the development of agroforestry (PADA);
 - Integrated programme for the rehabilitation of agriculture in Maniema (PIRAM);
 - Support programme for zones supplying Kinshasa with food and garden products (PAPAKIN);
 - National Agricultural Investment Programme (PNIA);
 - Agricultural governance, gender and human and institutional capacity building;
 - Gender, empowerment of rural women;
 - Management of food and nutritional security and strategic reserves;
 - Promotion of the agricultural sub-sectors and agri-business;
 - PANA-ASA Project: This Project is aimed at strengthening the capacity of the agricultural sector in the DRC for the purpose of planning and responding to the additional threats posed by climate change to production and food security (2010-2014).
271. With regard to the sensitization of the public, several local language media activities, training sessions for women peasants in agricultural practices and grassroots as well as awareness and information sessions were organized. The dissemination of agricultural techniques among seed growers for the growth of agricultural production is ensured by both male and female stakeholders of the sector.
272. Agricultural campaigns are organized throughout the country through the involvement of women mainly operating in the agricultural sector. The sensitization campaign on the capacity for adaptation and management of climate change impacts on agricultural production and food security in the Democratic Republic of Congo is also ensured by the Government and various operators in the ecological sector. The celebration of the international day of the peasant woman on 15 October every year is an opportunity to provide sensitization on and enhance the value of the activities of peasant women.
273. In February, 2001, the DRC acceded to the agricultural development process initiated by the New Partnership for Africa's Development (NEPAD) by adopting the resolution on the key

stages to be implemented in the area of agriculture in Cairo. In June, 2002, the country then adopted the Comprehensive African Agricultural Development Programme (CAADP) in June, 2002 in Rome, before signing the agreement committing member countries to devote at least 10% of their national budgets to agricultural investments in July, 2003 in Maputo.

274. Concerning available remedies, there is the unit of agricultural inspectors for the settlement of disputes arising out of agricultural activities organized throughout the country. Where necessary, these administrative remedies may lead to legal remedies.

275. The following are some of the difficulties encountered in the implementation of the rights protected by the MAPUTO Protocol:

- The low purchasing power of consumers and inadequate addition of value to agricultural produce;
- Difficulties in accessing agricultural credit;
- Low productivity of the plant, animal and fish sub-sectors;
- Persistent inadequate budgetary allocation;
- Dualistic land regime wavering between the law and traditional authority;
- Poor financing capacity of the agricultural sector (investments);
- Deterioration of the living conditions in the rural areas.

▪ **RIGHT TO DECENT HOUSING (ARTICLE 16)**

276. The Congolese people continue to face serious housing problems, with an estimated annual housing stock deficit of 240,000 units in 2008. While the average household size is 5.4 persons, two-thirds of the households live in units made up of less than 3 rooms. The towns are characterized by inhabitants building by themselves on risky lands without any form of planning and the necessary accompanying infrastructure. The main constraints to the development of social housing are: (i) lack of specialized private or public operators (land planners, property developers and funding institutions), (ii) ineffectiveness of the land management system, and (iii) lack of incentives for better urban management.

277. To address this issue, the Government intends to carry out several activities, including the following: promoting the construction of social housing units, improving the regulatory framework of the sector (through the formulation and passage of the town planning code, passage of legislation on the protection of private property, land tenure and leasehold) as well as formulating urban development plans and, establishing housing funding institutions such as the Bank for Housing.

278. In the area of legislative measures, the country has enough laws to adequately implement the specifically protected housing rights for men and women:

- Article 48 of the Constitution of 18 February, 2006, guarantees the right to decent housing for men and women;
- Article 138, Paragraph 3 of the Labour Code stipulates that working women are entitled to housing or a housing allowance. Article 139, Paragraph (a) stipulates that a ministerial order issued upon the advice of the National Labour Council determines cases for which housing must be provided, its maximum repayment value and the conditions it must fulfil, particularly with regard to sanitation and the protection of women and young girls who do not live with their families.

279. Furthermore, the country has acceded to the United Nations Resolution 66/207 on housing and development and to the Universal Declaration of Human Rights which mentions adequate housing for all... in Article 25.

280. At the institutional level, it is the Ministry of Urban Development and Housing which is tasked with the design and implementation of housing policies and programmes. It has a Housing Research Unit and a National Rural Housing Department (SENHARU). However, it should be noted that this sector is confronted with numerous challenges as a result of the lack of financial resources. To regulate this sector, the ministry has issued several Orders, including the following:

- Order No. 001/CAB/MIN URB-HAB/CJ/AP/2010 of 11 March, 2010 on the regulation

of the issuance of building permits;

- Inter-ministerial Order No.120/89 of 6 September, 1989 on measures for the protection of the public health of towns, urban, commercial, agricultural and mining centres as well as rural towns;
- Ministerial Order No. CAB/MIN-ATUHI TPR 1007/2013 of 26 June, 2013 on the regulation of building permits in the DRC.

281. Regarding housing, the Congolese Government has a national plan of action (Plan of 2 March, 2002) which recommends the consideration of the gender dimension. This plan has 4 objectives: (i) absorb the housing, basic infrastructure and socio-community equipment deficit; (ii) sanitize the urban fabric; (iii) establish land and real estate financing systems, and (iv) strengthen the planning and urban management capacity at both the local and national levels.

282. In addition, the Government is organizing grassroots sensitization and information campaigns on the consequences of unplanned construction within the population. Seminars, conferences and publication of reports on housing are also being organized by state and non-state actors.

283. However, over the last few years, a few cases of expropriation which occurred for public interest purposes have been recorded, while there have been evictions of people from places not fit for habitation. State workers who wrongfully issued land titles have been the cause of this situation in many instances. Thus, in 2009, the Government dismissed more than 200 corrupt workers of the Ministry of Lands.

284. Remedies exist for all persons in the event of a violation of their rights: legal and administrative remedies at the public prosecutor's department for the handling of disputes and at the housing department of the various administrative jurisdictions or decentralized territorial entities.

285. The huge difficulties confronting the country in its quest to provide its people with adequate housing makes women more disadvantaged: they have serious difficulties in accessing decent housing.

286. According to Survey 1-2-3 (2012) on housing, 52.4% of the housing units in the urban areas are built with durable materials, against a mere 7.2% in the rural areas.

▪ **RIGHT TO A POSITIVE CULTURAL ENVIRONMENT (Art. 17)**

287. Article 14 of the Constitution of 18 February, 2006, states that "the authorities shall ensure the elimination of all forms of discrimination against women as well as the protection and promotion of their rights. They shall take appropriate measures in all areas, particularly in the civil, political, economic, social and cultural spheres to ensure the full development of women and their total participation in national development".

288. Law No. 06/018 of 20 July, 2006 which amends and complements the Decree of 30 January, 1940 on the Congolese criminal code provides for and penalizes offences which tend to undermine the dignity of women.

289. The revised family code aims at creating a positive cultural environment for the promotion of women in society. The same goes for the establishment of various structures operating in the gender promotion sector, particularly the Research and Planning Unit for the promotion and protection of women, the family and children, Agency to Combat Violence Against Women, National Fund for the Promotion of Women and Protection of Children, National Centre for Research and Documentation on Women and Gender, etc.

290. To ensure the right to a positive cultural environment, the country has formulated and adopted policies and strategies, namely:

- National Gender Policy;
- National strategy to combat gender-based violence;
- National strategy for the integration of gender into policies and programme
- National strategy for gender-sensitive planning and budgeting.

291. Sensitization campaigns on non-discrimination are being organized: sensitization through the procession held on 8 March on the occasion of International Women's Day, media local language engagement on the consideration of gender and the right to gender equality as well as a 16-day activism drive.
292. In fact, the country is suffering from backward customs which make women victims of numerous forms of discrimination. They have serious difficulties due to sexist prejudices in proverbs, maxims, opinions and vernacular. Congolese culture does not encourage the promotion of women. In respect of the cumbersome socio-cultural practices affecting Congolese society, the budget allocated for gender issues does not encourage the creation of a positive cultural environment for women. Indeed, the poor perception or lack of acknowledgement of the place and importance of culture in national development and the non-existence of a national cultural charter and a consistent programme for the promotion of culture are some of the major problems confronting the DRC in the cultural sector.
293. The post-conflict situation of the Democratic Republic of Congo requires a new look at culture as conflict prevention and inter-cultural dialogue strategy and the need for cultural engineering. Among others, the vision of the Government in this regard is to incorporate the cultural dimension into all levels of development programmes and to recognize, preserve and promote cultural values and identities in order to encourage inter-cultural dialogue, not forgetting the recognition, protection and development of the cultural heritage and support for capacity development in this area. The realization of this vision will be done through several strategic pillars, including the promotion of cultural and artistic products in order to ensure a change in backward mentalities and customs regarding the image of women, young girls and children and the formulation of a cultural policy and a national cultural charter.
294. The participation of women in the formulation of cultural policies at all levels is particularly ensured by the law on the rights of women and parity between men and women. In fact, this law requires the equal participation of women in all sectors of national life and the formulation of policies for their implementation. As soon as women get involved both professionally and politically, the culture and arts sector is particularly affected. In the DRC, women are playing active roles in the socio-cultural committees of Parliament and even chair them sometimes. The GUNGU cultural festival, which has become an important cultural event in the country, is led by a woman. Very often, it happens that the Government's representative at the helm of affairs at the Ministry of Culture and Arts is a woman. This provides women with an opportunity to participate in the formulation of the national cultural policy. At the level of the Francophonie, an international cultural institution, the DRC is represented by a woman.

▪ RIGHT TO A HEALTHY AND SUSTAINABLE ENVIRONMENT (Art. 18)

295. The Government of the Democratic Republic of Congo is making the environment its main concern, especially the forestry and nature conservation sector. Owing to the potentials and opportunities it offers, the country is well in view on the international scene as a provider of environmental services to the entire planet and particularly as a host of rare and varied ecosystems rich in biodiversity. In spite of the efforts by the Government, Congolese men and women still do not have access to a healthy and sustainable environment; access to potable water is a problem especially in the rural areas, while sanitation in living environments is pathetic and precarious. The recurrent wars of which the country has been a victim have led to the displacement of the populations, insecurity in protected areas and a devastating impact on the environment. All these armed conflicts do not also allow women who constitute most of the population to live in a healthy and viable environment.
296. Generally, however, the following legislative measures have been taken to implement rights specifically protected by the MAPUTO Protocol:
- Law No. o. 11/009 of 9 July, 2011 on the fundamental principles relating to the protection of the environment. Articles 46 and 47 stipulate that "Everyone has the right

to a healthy environment which promotes his full development..." Everyone has the right to breathe air which is not harmful to his life. Any emission into the air which is likely to harm the environment or health is prohibited..." In application of the law which seeks to protect the interest of both men and women, the appropriate standards for the storage, transportation and elimination of toxic waste are strictly respected.

- Law No. 011/202 of 29 August, 2002 on the Forest Code: Article 36 on the right of the population living in or near the forest zone to use the resources therein; Article 39 on the rights of users in the graded forest to the collection of dead wood and straw, collection of fruits, edible or medicinal plants, harvesting of gums, resin or honey, collection of caterpillars, snails or frogs, removal of wood for the purposes of housing or craft work; and finally, Article 43 on the rights of user in protected forests. This law puts men and women on an equal footing with regard to the management and preservation of the environment as well as the judicious use of natural resources.

297. It should also be stated that the DRC confirmed its willingness to participate in the global effort to preserve the environment at the international level by acceding to the international agreements and conventions on climate negotiations in order to make its position known and to make a case for its concerns, particularly the protocol on climate change of 16 February, 2005.

298. However, well before that, the country had already acceded to the African Convention on the Preservation of Nature and Natural Resources of 15 September, 1968 as well as the Convention on the Pollution of the Sea Resulting from the Dumping of Waste of 9 December, 1972.

299. Since 1975, an institutional framework for the management of the environment and preservation of nature has been developed by the DRC. This involves the Ministry of the Environment, Preservation of Nature, Tourism and Sustainable Development (MECND). Through its administrative structures operating at the central and provincial levels, this institutional framework has undertaken several activities which have led to the formulation of the National Environmental Plan and the adoption of the framework law on environmental protection.

300. Among the administrative structures which are part of this institutional framework, one can make particular mention of those put in place to enable women and men living in the rural areas and virtually in or near the forest areas to have a healthy environment which promotes their full development:

- Congolese Institute for the Preservation of Nature;
- DAS: Land Improvement Department of MEDO;
- National Agricultural Extension Department;
- National Department for Rural Activities and Extension;
- National Rural Information Department;
- National Centre on the Environment;
- National Rural Youth Department (SENEJER);
- National Department for Integrated Rural Development (SENDRI);
- National Renewable Energy Department (SENEN).

301. Among others, the mission of the last department is to promote research and investment in the area of new and renewable energy sources and to involve women in those activities, as desired by the MAPUTO Protocol.

302. With regard to policies and programmes implemented for a healthy and sustainable environment, the Democratic Republic of Congo has a number of programmes including the following:

- National Environmental, Forestry, Water and Biodiversity Programme (PNEFEB2);
- National Programme for Adaptation to Climate Change (PANA-AFE);
- National Land Improvement Programme (PNA)

303. In the area of the management, handling, storage and disposal of domestic waste, the

government has prioritized the development of the national strategy structured around the strengthening of the capacity of the provinces and ETDs to take charge of their responsibilities in order to find suitable solutions to each type of housing and environment, reorganization of the sub-sector in accordance with the laws on decentralization and the promotion of hygienic latrines, waste management systems (liquid, solid and gaseous), fight against disease vectors and pollution as well as education, information and communication for behavioural change. This is how systems for the collection, transportation and handling of solid waste (including controlled dumping) are being sited in the main towns of the country. In the city of Kinshasa, for example, the communes have sorting points for domestic waste to be sent to a treatment centre (CET) operated in the east of the city with the support of the European Union.

304. Concerning the education of the population, the DRC waged a campaign on the popularization of the articles of Law No. 11/009 of 9 July, 2011 on the fundamental principles on the protection of the environment. In fact, in order to ensure the sustainable management and protection of the environment, the Government's policy consisted in strengthening the institutional mechanisms to combat all forms of pollution through the sanitization of the environment and improvement in the standard of living, in accordance with international Conventions and Treaties. Several of the following specific actions are being implemented: (i) consideration of the gender dimension in the management of renewable natural resources; (ii) improvement in management capacity through educative measures, training, research and institutional consolidation; (iii) organization of sensitization and educational campaigns on the human environment for the population in order to stimulate behavioural change, and (iv) active involvement of all stakeholders, particularly the ministries, sectoral public departments, civil society and the private sector.

▪ **RIGHT TO SUSTAINABLE DEVELOPMENT, INCLUDING THE RIGHT TO PROPERTY OWNERSHIP AS WELL AS ACCESS TO LAND AND CREDIT (Art. 19)**

305. Concerning the right to sustainable development, including the right to property ownership as well as access to land and credit, the country has put in place laws among which mention can be made of the following:

- Law No. 11/022 of 24 December, 2011 on the fundamental principles relating to agriculture: Article 8.
- Law No. 73-021 of 20 July, 1973 on the general regulations, land and real estate regulations as well as the collateral regulations, as amended and complemented by Law No. 80-008 of 18 July, 1980.
- Articles 9 and 10, Section 2 of the law on parity between men and women: the State shall guarantee the right to private initiative by women and encourage access to savings, credit and the various opportunities new technologies without gender-based discrimination... and "the State shall take all measures to eliminate any harmful practice militating against the rights of women with regard to access to ownership, management, administration, use and disposal of assets..."
- Law No. 11-020 of 15 September, 2011 setting the rules on micro finance in the DRC; Articles 9 and 10.

306. Since 2000, the human development index has continued to improve from 0.274 in 2000 to 0.414 in 2013, with an average annual growth of 3.24% and a gradual improvement in the living conditions of the people. However, the social context is still worrying with a poverty rate of 61.3% which is characterized by huge disparities in income levels between individuals and between the urban and rural areas.

307. To combat poverty which mainly affects women and to provide the population with sustainable development, including the right to property as well as access to land and credit, the Government has formulated projects and strategies which include the following:

- Growth and Poverty Reduction Strategy Paper (GPRSP 2);
- Agricultural governance, gender as well as human and institutional capacity strengthening;

- Gender and empowerment of rural women;
- PANA- ASA PROJECT: Agricultural sector capacity strengthening project in the DRC (2010-2014);
- National Environmental, Forestry, Water and Biodiversity Programme (PN EFEB2).

308. For the education of the population, the DRC organized a campaign on the articles of Law No. 11/009 of 9 July, 2011 on the fundamental principles relating to the protection of the environment and the PNEFEB popularization campaign. It should also be stated that in June 2002, the country approved the Comprehensive African Agricultural Development Programme (CAADP) in Rome, before signing the agreement committing member countries to allocate at least 10% of their national budgets to agricultural investment in 2003 in Maputo.

6. RIGHT TO PEACE (ARTICLE 10)

309. The vision of the government is to enable the DRC to live at peace with itself and with its neighbouring countries to foster national unity and consolidated territorial integrity. That is why, in order to strengthen governance and peace, the policy of the Government defined in the Growth and Poverty Reduction Strategy Paper (GPRSP 2) aims at consolidating political stability, security, the authority of the State and republican governance which determine the effective implementation of the development activities of the country and the attainment of development outcomes centred on gender equality.

▪ INCLUSION OF WOMEN IN THE CONFLICT PREVENTION AND PEACEKEEPING PROCESS (ARTICLE 10(1)) AND IN ALL ASPECTS OF POST-CONFLICT RECONSTRUCTION AND REHABILITATION (ARTICLE 10(2))

310. Articles 51 and 52, as well as Articles 14 and 15a of the Constitution of the Democratic Republic of Congo of 18 February, 2006 as amended currently establish the rights of all Congolese, particularly women, to peace, security for peaceful and harmonious coexistence of all ethnic groups of the country and the protection of vulnerable groups and all minorities.

311. To give meaning to this intention expressed in the Constitution, and considering the war and armed conflict situation which has prevailed in the country since 1996, the DRC has made several commitments at the local, regional and international levels to restore peace and security to areas of conflict in times past and carried out several reforms to consolidate peace and security as well as to ensure the reconstruction of the country.

312. While the MAPUTO Protocol had not yet come into force, this work was done in accordance with United Nations Security Council Resolution 1325 of 2000 to which the country has acceded. In fact, this basic international legal instrument affirms the role of women in the conflict resolution and peace consolidation process and urges countries to consider the representation of women during the various peace talks.

313. For the increased participation of women in sensitization programmes relating to peace and the culture of peace, it should be noted that various information and sensitization activities conducted by women and for women are organized annually by the Ministry of Women, Family and Children's Affairs and civil society organizations: it should also be noted that days of reflection are organized by women from the various sectors in March every year for women. Finally, note should be taken of the world women's walk for peace organized in Bukavu on 17 October, 2010.

314. In the last two decades, Congolese women have played a significant role in the conflict prevention, management and resolution process at the local, regional, continental and international levels. In fact, in the quest for peace in the country, particularly in the east, several agreements were signed over the period 2005-2015 between the Government of the DRC, the various warring factions and the neighbouring countries to put an end to the cycle of violence, particularly in the eastern part of the country. Among these agreements, mention should be made of the (i) pact of 15 December, 2006 on the security, stability and development of the Great Lakes region; (ii) various commitments made as part of the tripartite commission in Lubumbashi (DRC) on 8 June, 2007 and in Kampala on 17 September, 2007 to do away with the threat of illegal armed groups through peaceful or military means; (iii) joint communiqué of the Government of the DRC and the Government of Rwanda on a common approach to put an end to the threat to the peace and stability of the two countries and the Great Lakes region, and (iv) "Nairobi" communiqué signed by the Congolese and Rwandan governments on 9 November, 2007 with the purpose of disarming the FDLR.

315. Upon the initiative of the Government of Congo, a conference was organized in January, 2008 in Goma (North-Kivu Province of the DRC) on the peace, security and development of the country which was attended by 22 armed groups in the east of the country and led to the signing of the deed of commitment which called for a cease fire, the withdrawal of troops from the important areas of the east and the creation of a buffer zone by and for the United Nations. On 23 March, 2009, a peace accord signed in Goma by the Government of the DRC and the National Congress for Democracy and Progress (CNDP) provided for an end to hostilities and measures for the disarmament, demobilization and social reintegration of ex-combatants. Similarly, on 24 February, 2013, the framework agreement on peace, security and cooperation for the region was signed in Addis-Ababa by the DRC and 11 countries of the region. Upon the initiative of the Government, national consultations held in Kinshasa in 2013 brought all the relevant stakeholders of the nation to the same table to ensure the consolidation of internal cohesion as well as economic and social development. This shows the country's commitment to the promotion of peace and security as well as the restoration of the authority of the State throughout the country.
316. During the signing of these agreements, women were represented, except that not many of them were there. However, their gender needs were taken into account, in accordance with the spirit of the MAPUTO Protocol and United Nations Security Council Resolution 1325.

Table 14 presents the representation of women at peace negotiations.

It can be seen in this table that the participation of women in the various agreements did not exceed 15%: it was about 13.6% during the signing of the 2002 Sun City Global and Inclusive Agreement, 1.1% during the 2008 Goma Act of Commitment and 15% during the 2013 Palais du Peuple National Consultations. For some agreements like the "Pact on Security, Stability and Development in the Great Lakes Region" signed in 2006 and the "Peace Pact between the Congolese Government and the Congress for the Defence of the People (CNDP)" signed on 23 March, 2009, no female representation was reported. This suggests that women are poorly represented in political governance because the purpose of peace negotiations is not only the cessation of hostilities between warring factions, but has become a real space, and indeed a political framework, for the definition, negotiation and adoption of the terms and priorities of the peace and governance consolidation process with regard to reconciliation, socio-economic reconstruction, institutional reforms and the post-conflict security sector. Here, the country has a long way to go to ensure the equitable representation of women. The adoption and passage of Law No. 15/013 of 1 August, 2015 on the modalities for the application of women's rights and parity will certainly contribute to the improvement of the representation of women in decision-making bodies.

317. However, over the last two decades, although their level of representation was poor, Congolese women have made a remarkable contribution to the process towards the quest for peace, democratization and the consolidation of national unity. In spite of the numerous obstacles, they are playing an active role in all peace negotiation processes. Furthermore, the increasing number of women's associations and women leaders operating in the Democratic Republic of Congo and, in certain cases, taking part in meetings for the quest for peace is proof of the actual and potential contribution of women to the country's pacification and democratization process. The participation of women leaders of the Equateur province in the ENYELE community conflicts can be mentioned here as an example.
318. With regard to the participation of women in the local, national, regional, continental and international decision-making mechanisms for peace, a national committee, provincial and local steering committees and the corresponding secretariats for the monitoring of the implementation of the national plan of action of Resolution 1325 have been established by the minister responsible for gender issues. At the regional level, the DRC is involved in the process for the adoption of the regional plan of action of Resolution 1325 which is made up of three countries (Rwanda, Burundi and DRC) and has led to the establishment of the Sub-Regional Steering Committee for which it has provided the secretariat.

- **Involvement of Women in all Aspects of the Planning, Formulation and Implementation of Post-Conflict Reconstruction and Rehabilitation Programmes**

319. With regard to progress made in the area of the right of women to peace and the reconstruction of the country after the devastating armed conflict, note should be taken of the establishment of the National Ex-Combatant Disarmament, Demobilization and Reintegration Programme (PNDDR), AMANI or STAREC programme, establishment of an office to coordinate the mechanism for the monitoring of the 2013 Addis-Ababa framework agreement and the international support strategy for stabilization and security (ISSSS). Mention can also be made of the establishment of a Regional Centre for Research and Documentation on Gender, Women and Peace Building in the Great Lakes Region (CERED-GL) by the ministers responsible for gender which has its headquarters in Kinshasa, establishment of the NHRC/DRC, etc. In addition, funds have been allocated to civil society organizations to carry out programmes on women, peace and security. In each of these programmes, the gender dimension has been taken into account.
320. The PNDDR is a programme established by presidential decree after the peace agreements signed in 2003 as part of the security sector reforms. For its implementation, the Congolese Government received funding from financial backers, particularly the World Bank and the Multi-Country Demobilization and Reintegration Programme (MDRP), to the tune of US\$250,000,000. The general objective was to contribute to the consolidation of peace and the promotion of economic stability and sustainable development in the DRC and the Great Lakes region. Having covered the period 2004- 2011, the programme ensured the collection of 118,459 weapons as part of operations towards the disarmament and demobilization of more than 111,000 ex-combatants and enabled 30,000 children associated with the military life of armed forces and groups to regain their normal social life. It also enabled 89,000 demobilized individuals to be reintegrated economically in their host or original community, i.e. 4 out of 5 demobilized individuals registered by the programme. With regard to women associated with armed groups in particular, a little over three out of five female ex-combatants (67%) benefitted from one of the programme's reintegration projects. A gender strategy has been implemented by the CONADER, which has been incorporated into all aspects of demobilization and reintegration. In December, 2007, the MDRP launched a peace and access to equality programme. This CARITAS-implemented programme funded six assistance projects (Table 116) meant for female ex-combatants. During the first phase, 3,478 female ex-combatants were demobilized, and 1,520 of them received reintegration assistance. The second phase dealt with 1,046 women who had chosen to participate in a reintegration programme in the army or a PNDDR socio-economic reintegration programme. These reintegration programmes have focused essentially on agricultural industries and processing (livestock, farming).
321. STAREC is the programme for the reconstruction of areas emerging from conflicts established by Presidential Order No. 09/051 of 29 June, 2009 which was initially designed for 5 provinces (North-Kivu, South-Kivu, Maniema, Orientale Province and Katanga). In 2014, per Ordinance No. 14/014 of 14 May, 2014, the STAREC programme was converted into a national stabilization and reconstruction programme placed under the high authority of the President of the Republic. The programme is made up of three basic components: a security component, a humanitarian and social component and an economic stimulation component. With the support of the international community, through programmes like the International Support, Stabilization and Security Strategy (ISSSS), Stabilization and Recovery Fund (SRFF) Peace Consolidation Fund, etc., the programme led to projects like the sustainable reintegration of ex-combatants, strengthening of communities and the consolidation of peace in Ituri, support for the return to barracks of soldiers, DDRRR support for FDLR combatants, rehabilitation and maintenance of roads, support for state infrastructure (police, justice system, administration, prisons, etc.).
322. At the security level, the country has started modernizing the army and the police. The latter intends to strengthen its presence throughout the country. The following actions in particular must be taken: (i) improve the overall institutional framework of the defence and security forces and strengthen the army's intervention capacity to ensure the defence of the territory; (ii) establish internal public security departments based on a new, national, professional, pro-citizen, accountable and transparent police service, and (iii) combat gender-based violence, including sexual violence.

323. Concerning the reform of the police in particular, there is a process aimed at bringing about gradual change. Among others, it consists in the establishment of a well-trained community police which respects human rights and the international ideals of democracy without discrimination. This police have equipment and referral stations. In addition to being close to the population, it mainly intends to listen to them, dialogue, act in real time and show an interest in the concerns of everyone. To monitor this reform, a Police Reform Monitoring Committee (CSRP) and a joint inter-ministerial international partnership consultative organ have been established. For the trial phase, community policing is operating in a few provinces of the country.

324. The national commission to monitor the implementation of the Addis-Ababa framework agreement was established by a presidential order in May, 2013. This agreement commits the DRC to carry out reforms in the security (army and police) and finance sector, consolidate the authority of the State, continue on the path of decentralization and to promote reconciliation, tolerance and democratization. The same agreement requires all signatory countries to stay away from the internal affairs of neighbouring countries, to respect their sovereignty and territorial integrity and to facilitate the administration of justice through legal cooperation within the region. The national commission to monitor the implementation of the Addis-Ababa framework agreement is already set to get down to the job; it has defined criteria for the monitoring of the implementation of this agreement and priority actions, with the participation of all stakeholders in the country's development strategies: government, civil society and development partners. 4 priorities were selected for the situation of women. These are: (i) support for the implementation of the national plan of action of Resolution 1325 and the national strategy to combat SGBV; (ii) economic empowerment of women; (iii) organization of a multimedia campaign to combat gender inequality and child marriage, and (iv) formulation and implementation of the national strategy for the political participation of women in the democratic governance process.

325. Among the challenges for the inclusion of women in conflict prevention and peacekeeping as well as in all the other aspects of post-conflict reconstruction and rehabilitation, mention should be made of the cumbersome socio-cultural procedures and stereotypes which degrade women, lack of substantial financial resources to implement the various programmes designed and the non-fulfilment of most of the commitments made.

▪ **REDUCTION IN MILITARY EXPENDITURE IN FAVOUR OF SOCIAL EXPENDITURE (ARTICLE 10 (3))**

326. With regard to the reduction in military expenditure in favour of social expenditure (Article 10 (3)), the DRC is a post-conflict country. In order to consolidate the hard won peace, it must initiate vast reforms of its army which involve huge financial resources. In addition, the Government of the DRC allocates substantial financial resources for social expenditure as part of the various reconstruction programmes mentioned above.

7. PROTECTION OF WOMEN IN ARMED CONFLICTS (ARTICLE 11)

327. For nearly two decades, the Democratic Republic of Congo went through endless conflicts which led to serious consequences on the lives of the people, particularly women and children who bore most of the brunt because they were seriously affected by the carnage, forced enlistment into armed groups, repeated displacements, destruction of means of production and several forms of violation of their rights, including sexual violence which was used as a weapon of war by attackers.

328. According to a 2013 OCHA report, the number of internally displaced persons increased throughout 2012 and was estimated at 2.4 million at the beginning of October, 2012. It was expected to reach 2.6 million in 2013. South-Kivu, North-Kivu, the Orientale Province and Katanga are the most affected provinces. More than 87% of displaced persons live with host families, but in some provinces, particularly North Kivu and Katanga, mass locations and organized camps have been provided. In this report, it is estimated that

450,000 Congolese refugees live in neighbouring countries, while more than 140,000 non-Congolese refugees are found in the DRC. For the period January-September, 2012, it was estimated that 52,000 persons were expelled from Angola to the four border provinces of the DRC.

329. At the end of conflicts, women and children generally account for 75% of refugees or displaced persons. Women and children are also most vulnerable to gang rape and increase in the prevalence of HIV/AIDS, and are most likely to become child soldiers, orphans, widows and unaccompanied children. In this regard, the importance of the role of women in conflict prevention as well as the peace and stabilization process in accordance with Resolution 1325 is indisputable.

330. With its involvement in the promotion of social justice and equality between men and women, protection and defence of the rights of women and children as well as the fight against all forms of discrimination against women and the fulfilment of its commitments, including respect of the African Charter on Human and Peoples' Rights and its Additional Protocol, the DR Congo has taken appropriate legislative measures and put in place policies, programmes and structures to ensure the protection of displaced, repatriated, refugee and asylum-seeking women and to provide for sanctions against the violation of these protected rights, in accordance with Article 11, Point 1 to 3 of the MAPUTO Protocol.

▪ **MEASURES FOR THE PROTECTION OF DISPLACED, REPATRIATED, REFUGEE AND ASYLUM-SEEKING WOMEN AND SANCTIONS AGAINST VIOLATIONS OF THESE PROTECTIONS (Art. 11 (1) - (3))**

331. Legislative measures have been taken to implement specifically protected rights, particularly the law on the protection of refugees passed since 2002, Law No. 06/018 of 20 July, 2006 on the revision of the Congolese Criminal Code and Law No. 06/019 of 20 July, 2006 amending and complementing the Congolese Criminal Procedure Code which protect women from sexual violence and provide for sanctions against perpetrators of these various crimes. Given the fact that soldiers are among the perpetrators of these acts, Article 17 of Law No. 13/005 of 15 January, 2013 on the status of soldiers of the FARDC requires soldiers to observe human rights and strictly condemns anyone who subjects any human being to inhuman, cruel and degrading treatment. The same goes for the code of conduct for soldiers in the DRC whose provisions ensure the protection of the rights of women in times of peace and conflict.

332. According to the HCR, the main victims of armed conflicts in the DRC are women and children who account for more than 71% of affected persons. For this reason, women, in much the same way as men, must participate in the country's pacification and security process. The elevation in 2013 of 3 women to the rank of general and the appointment of other women into high positions are one of the important administrative measures for the simple reason that the appointment of these women will guarantee the protection of the rights of displaced persons who are mainly women. In fact, the mass locations and organized camps for displaced persons and refugees are protected by the security services.

333. The top hierarchy of the army has also set up a commission on the plan of action of the FARDC to combat sexual violence and gone on to appoint its members. The Chief of Defence Staff has also appointed a gender focal point within the FARDC to bring out the various gender-based cases of violence and to make recommendations to the General Headquarters of the FARDC. In addition, more than 500 FARDC soldiers were taken through training in the protection of women and children from sexual violence before their deployment on the field in the operational zones.

334. To implement the rights specifically protected by the Protocol, many institutional mechanisms have been put in place, particularly the National Refugee Commission which is currently operating. It is working in collaboration with the Office of the United Nations High Commission for Refugees and under the supervision of the Ministry responsible for the Interior and Security; note must also be taken of the siting of gender thematic groups across the country, one of whose components is the gender violence sub-group which brings together representatives of the government, technical and financial partners as well as civil society. The mission of this thematic group is to discuss issues relating to sexual violence in general and those relating to armed conflicts in particular, as well as to make recommendations to the stakeholders of the war. One of the most important mechanisms for the protection of women from rape is the establishment in 2013 of the Office of the Special Adviser to the Head of State on the fight against sexual violence and the recruitment of children into armed groups. Its role is to monitor the violations of the rights of women, particularly regarding sexual violence and to make recommendations where necessary. Another mechanism to

combat human rights violations is the National Human Rights Commission (NHRC) established in 2014 to monitor the observance of human rights, expose all violations and to make recommendations.

335. Since 2004, the Government, with the support of the United Nations, has been putting in place several programmes, particularly the National Disarmament, Demobilization and Reintegration Programme (PNDDR) per Decree No. 04/092 of 16 October, 2004 which aims at neutralizing the existence of armed groups throughout the Congolese national territory and considerably improving the security situation in the east of the country. In 2008, the Eastern DRC Stabilization and Reconstruction Programme (STAREC) was introduced with the overall objective of "stabilizing the east of the Democratic Republic of Congo by improving the security environment and restoring the authority of the State in regions hitherto controlled by armed groups and facilitating the return" and reintegration of displaced persons and refugees. Then comes the Security Sector Reform (RSS), an important programme whose strategic objective is "the strengthening of the defence capacity of the national territory as well as the safety of persons and their assets." Still in 2008, the international support strategy for the security and stability of the east of the DRC was developed as an integrated pragmatic framework (2009-2012) for the Democratic Republic of Congo. Objectives 1, 4 and 5 of this plan aim at improving security, i.e. creating an environment to protect the civilian populations by strengthening the security forces through an improvement in their discipline and control, support for the demobilization and reintegration of armed groups, facilitation of the return as well as the reintegration and rehabilitation of internally displaced persons (IDPs) and refugees, meeting of the priority social needs of returnees, confronting the main sources of the conflicts, kick-starting the economy and combatting sexual violence.
336. In 2009, the Government, with the support of the United Nations agencies, produced the National Strategy to Combat Sexual Violence, a very important strategy which determines activities carried out as part of the fight against sexual violence as well as the various stakeholders involved. It should be noted that this strategy enabled the various participants in the fight against sexual violence to offer care to and assist survivors of sexual violence in the psychological, medical, legal and socio-economic spheres. In addition, the United Nations, in collaboration with the national organizations, introduced the 2012-2013 Humanitarian Plan of Action. Among others, this objective sought to enhance the protection of the civilian population in areas affected by the crises. Within the FARDC, the programme for the reduction of the extent of sexual violence in conflict zones (North-Kivu, South-Kivu and Orientale Province) was adopted and executed.
337. Several sensitization and educational activities have been initiated for the population. These particularly include: (i) "Break the Silence" campaign for the fight against sexual violence carried out by the Office of the Special Adviser to the Head of State on the fight against sexual violence and the recruitment of children into armed groups; (ii) deployment from 5 to 24 January, 2013 to North and South Kivu by the Military Civic Education, Patriotism and Social Action Department of units to raise awareness among those units engaged in operations against the M23 on the rules of humanitarian law, particularly as it relates to sexual violence, with the conviction of more than 150 perpetrators of rape by the Military Tribunal, including the cases of an army brigadier-general and a chief superintendent of police which led to the outright dismissal of the latter; (iii) formulation of key messages on United Nations Security Council Resolutions 1325, 1820, 1888 and 1889 and their popularization within the units of the FARDC, and (iv) inclusion of the notions of Human Rights, International Humanitarian Law, Gender and Child Protection Rights in the training manuals of the FARDC.
338. Mention can also be made of the establishment within the FARDC of a joint recruitment commission made up of 20 men and 30 women intended to consider the gender dimension so as to encourage and to facilitate the recruitment of girls into the armed forces, establishment by the Office of the Special Adviser of the Head of State in charge of the fight against sexual violence and the recruitment of children into armed groups of a hotline at the Call Centre for victims of sexual violence and cases of the abuse or recruitment of children by armed groups.
339. In addition to the Courts and Tribunals sited throughout the Republic, note should be taken of the construction and rehabilitation of about twenty buildings to house the Courts and Tribunals as well as the Offices of the special units of the police in charge of the fight against sexual violence in the towns of Goma, Bukavu, Kindu, Bandundu and Bunia and the publication of a directive by the Public Prosecutor instructing magistrates to expedite action on sexual violence cases and to deny bail to alleged perpetrators in custody.
340. Among some of the challenges confronting this fight are the lack of means of communication which leads to difficulties in reaching displaced persons, rescue of sexually enslaved women and child soldiers taken hostage by armed groups, budgetary constraints to the coverage of the needs of displaced populations and refugees as well as the welfare of rape survivors, presence of a few armed groups in the east and difficulties in prosecuting members of armed

groups who have perpetrated sexual violence and their identification in case of gang rapes.

341. With regard to legal remedies in the case of the violation of the rights of women, the Government is setting up units to combat sexual violence in every public prosecutor's office of all county courts in the DRC. Concerning the reintegration of survivors, with the support of the Office of the Special Adviser to the Head of State, vocational training sessions for women who have suffered sexual violence and demobilized children are organized at Nyiragongo in the North Kivu Province in particular by the National Vocational Training Institute (INPP).
- **Measures to ensure that no child, particularly girls, takes part in hostilities, and that no child gets recruited as a soldier (Article 11(4))**
342. Article 53, Paragraph b and c of the "law on the protection of children" condemns the worst forms of child labour, namely all forms of slavery or similar practices, such as the sale of and trafficking in children, debt bondage and serfdom as well as forced or compulsory child labour seeking to use children in armed conflicts.
343. Under administrative measures, the government issued Decree No. 09/17 of 30 April, 2009 on the establishment of the Inter-Ministerial Committee in charge of the Design and Orientation of the DDR III, while in 2014, the President of the Republic appointed a Special Adviser on the fight against sexual violence whose mission included ensuring that children, particularly girls, are not recruited by armed groups.
344. The establishment of the Inter-Ministerial Committee in charge of Design and Orientation in the area of Disarmament, Demobilization and Reintegration, as amended and complemented by Decree No. 09/17 of 30 April, 2009, and the surveillance and communication mechanism on the violations of the rights of children also constitute mechanisms put in place by the Government to monitor the rights of children and the non-recruitment of the same by armed groups.
345. In 2008, the National Disarmament, Demobilization and Reintegration Plan (PNDDR) was adopted to cater for the disarmament, demobilization and reintegration in social life of persons enlisted forcibly by armed groups, particularly children. In this same regard, the action plan to combat the recruitment and use of children into armed forces was signed by the Congolese Government and MONUSCO. Furthermore, the national plan to combat the worst forms of child labour associated with the armed forces was put in place in December, 2011. On the other hand, the Government intends to operationalize the Children's Parliament and the National Children's Council which are run by children themselves and will be tasked with sensitizing their peers as well as the various persons in charge at all levels on the strict application of the rights of children.
346. Since 2010, the government, with the support of its partners, has been actively getting involved in the training of children as "Reporters" to sensitize the members of the community on the violation of the rights of children through radio plays, poems, songs and messages. In this same regard, the provincial division on gender – Kinshasa and the Ministry of Gender, Family and Children's Affairs waged a sensitization campaign in 2010 to combat the abuse, maltreatment of and violence against children. This activity reached more than 4,700 persons, including 2,246 teachers in 112 schools in the capital.
347. The Government established a department in the Congolese Police Service to deal with the fight against sexual violence and to ensure the protection of children as well as trained 300 officers posted to the special units to ensure the effective handling of sexual violence and child protection cases in their duty stations.
348. The available legal remedies are the Courts and Tribunals sited throughout the country, particularly the military tribunals. Thus, it is absolutely necessary to establish organs to deal with human rights, namely Parliament and the National Council on Children.
349. The difficulties in reaching children enlisted into displaced armed groups, budgetary constraints and failure to trace members of the families of demobilized children who must be reintegrated into society also constitute obstacles to this aspect of the MAPUTO Protocol. In fact, the poor state of the means of communications makes certain areas hardly accessible or inaccessible to stakeholders involved in humanitarian work. With the road construction programme, access to affected areas is improving. However, the presence of a few armed groups in the east of the country often prevents access to the needy populations. This is why

the Government launched a massive pacification campaign through diplomatic and military means in order to improve the security situation in the conflict zones, thereby ensuring the return of the populations to their locations of origin. Moreover, certain clusters observe needs in a given area without having a partner organization in place to provide the necessary aid.

350. Thus, in regions which do not have stakeholders involved in humanitarian work, the surveillance and early warning systems need good means of communication (radio, telephone and roads) to ensure effective early warning. The lack of means of communication retards the transmission of important information.
351. Operations developed are obviously directly linked to funding obtained by stakeholders involved in humanitarian work. Given the serious nature of the needs, many programmes are obliged to provide a limited response to available resources, even though all the other implementation conditions have been met (strategy, implementation partner and accessibility).
352. In 2009, 5,930 children were demobilized, including 1,222 girls (source: UN information service dispatches; in 2011, 1,780 children, including 1,060 boys and 720 girls, were freed from armed groups, handled by temporary structures and reunited with their families in North Kivu, South Kivu and the Orientale Province from January to December, 2011. In the Equateur Province, 372 children associated with armed groups as well as 600 unaccompanied and separated children (327 boys and 273 girls) were identified and reintegrated into their communities, while in 2012, 1,971 girls and boys were freed from armed groups from January to June. At the end of the period 16 June, 2008-16 June, 2009, thousands of children were freed from armed groups: 399 ES-GA in South Kivu, 2,012 ESFGA in North Kivu (northern part) and 520 ESFGA in North Kivu (southern part). (cf. UEPN-DDR Statistics, 2009).

8. THE RIGHTS OF WOMEN GROUPS ENJOYING SPECIAL PROTECTION

• PROTECTION OF WIDOWS, INCLUDING THEIR SUCCESSION RIGHTS (ARTICLES 20 & 21)

353. The Congolese State has taken appropriate legislative measures to ensure the protection of widows. Apart from the Constitution of 16 February, 2006 which stipulates in Article 16(4) that no one shall be subjected to cruel, inhuman or degrading treatment, a few laws may be cited. The most important of these are as follows:
- Law No. 87-010 of 1 August, 1987 on the family code which, according to the provisions of Articles 541 and 544, establishes the dissolution of a marriage as of right through the demise of the husband and institutes sanctions against whoever subjects the widower or widow or their relatives to a degrading treatment or the performance of rites which are incompatible with human dignity. Articles 545, 758b, 760, 785 and 790 of the same law provide general information on the inheritance procedure after the demise of the husband or wife;
 - Law No. 13/013 of 1 June, 2013 on the staff of the Police Service which, according to the provisions of Articles 246, 247, 248 and 249, determines the benefits and rights of the spouse of a deceased police officer. The same goes for Article 207 of Law No. 13/005 of 15 January, 2013 on the status of soldiers of the FARDC;
 - Articles 41 and 43 of the Decree-Law of 29 June, 1961 on the organic framework on social security grant a survivor's pension or allowance to the widow whose deceased spouse is entitled to a retirement pension;
 - In the event of the demise of a spouse, and under penalty of legal proceedings, Article 19 of Law No. 15/013 of 1 August, 2015 on the modalities for the application of the rights of women and parity prohibits the subjection of the surviving spouse to inhuman, humiliating and degrading treatment.
 - By abrogating the Decree of 4 April, 1950 on polygamy and defining marriage as "a civil, public and solemn act through which a man and a woman who are not bound by a previous marriage establish a legal and lasting union governed by law between themselves", the Family Code establishes monogamy and frees the marriage as well as family relations from the grip of harmful customs.
354. Concerning administrative measures taken to ensure the protection of the rights of widows, mention should be made of the special attention the Ministry of Social Affairs, Humanitarian

Action and National Solidarity pays to NGOs dealing with the supervision of widows most of whom depend on the supplementary budget of the State. The campaign waged by the government to have marriages regularized by the authorities of the registry office has contributed significantly to the succession rights of widows.

355. Through the Family Code, the State has taken legal matters of persons and the family from the customary courts and handed them over to the peace courts, and where the peace courts have not yet been established, then to the high courts which exercise interim jurisdiction in the matter. Still on this matter, the Family Code, contrary to the customs, has enumerated without discrimination the categories of intestate heirs based on sex. Thus, three categories of intestate heirs have been provided for: a) children of the deceased, i.e. girls and boys born in the marriage or out of wedlock, but whom he recognized when he was alive, as well as his adopted children; b) surviving spouse (widower or widow), fathers and mothers as well as brothers and sisters of the deceased, and c) uncles and aunts of the deceased as well as the other relatives. This shows progress because, since in addition to the fact daughters and widows were not invited to share in the estate, they were also driven out by the family members of the deceased who considered themselves as first category heirs.
356. Now, the distribution of the estate is now done without discrimination based on sex, contrary to the local customs. In addition, the surviving spouse, i.e. the man or woman, is entitled to a liquidation of the matrimonial property before the distribution of the inheritance. Thus, depending on the matrimonial property, the joint estate of the spouses is divided by two, and only the portion of the deceased forms part of the inheritance, and the woman, being the surviving spouse, is entitled to it as the heir.
357. With regard to the institutional mechanisms, mention can be made of the establishment of the Department of Social Affairs in the Ministry of Social Affairs, Humanitarian Action and National Solidarity and the establishment of the National Fund for Promotion and Social Service (FNPS); National and Local Women's Councils; National Fund for the Promotion of Women and the Protection of Children (FONAFEN); National Agency to Combat Violence Against Women and Young Girls (AVIFEM) at the Ministry of Women, Family and Children's Affairs; National Human Rights Commission (NHRC) and the Economic and Social Commission.
358. A few programmes and activities have been adopted and implemented for the protection of the rights of widows, particularly the national social protection and sensitization strategy and the training of women in the area of empowerment.

- **PROTECTION OF ELDERLY WOMEN (Article 22)**

359. Article 22 of the MAPUTO Protocol stipulates that the states commit to: (i) ensure the protection of elderly women by taking specific measures relating to their physical, economic and social needs as well as their access to employment and vocational training, and (ii) ensure that elderly women are protected from violence, including sexual abuse and discrimination based on age and ensure that they are entitled to dignified treatment.
360. Article 49, Paragraph 1 of the Constitution of the DRC stipulates that the elderly and persons living with disabilities are entitled to specific protective measures in respect of their physical, intellectual and psychological needs. To determine the modalities for the application of this constitutional right, a draft bill on the protection of the elderly is being formulated. However, certain existing laws ensure the protection of elderly women, including from sexual abuse. These include the following, in particular:
- Articles 174 to 298 of Law No. 87/010/ of 1 August, 1987 on the Family Code;
 - Law No. 06/018 of 20 July, 2006 amending and complementing the Decree of 30 January, 1940 on the Congolese criminal code and No. 06/019 of 20 July, 2006 amending and complementing the Decree of 6 August, 1959 on the Congolese criminal procedure code;
 - Law No. 08/011 of 14 July, 2008 on the protection of persons living with and affected by HIV;
 - Law No. 11/008 of 9 July, 2011 on the criminalization of torture which in Article 48 punishes acts provided for under Article 48 (b), among others, where the victim is a pregnant woman, a minor, an elderly person or a person living with a disability;
 - Laws on sexual violence of 2006;
 - Law No. 13/011 of 21 March, 2013 on the institution, organization and operation of the National Human Rights Commission which must, in accordance with Article 6,

ensure the respect of the rights of the elderly, persons living with HIV/AIDS, prisoners, refugees, victims of all forms of disasters and vulnerable groups.

361. The Ministry of Social Affairs, Humanitarian Action and National Solidarity which is at the centre of the institutional mechanisms put in place to ensure the protection of elderly women has the following terms of reference: organization of old people's homes, protection and integration of vulnerable groups and social assistance to the needy populations. Mention should also be made of the existence of the national anti-sexual violence agenda at the Ministry of Women, Family and Children's Affairs in the area of gender-based sexual violence against women, as well as young and little girls.
362. Among the administrative measures taken to implement protected rights, mention should be made of the Ministry of Social Affairs, Humanitarian Action and National Solidarity's Ministerial Order No. CAB/MIN/AFF.S0/053/95 of 25 March, 1995 on the establishment of the National Department for the Supervision of Elderly Persons (DEPTA). The mission of this department is to ensure the running of homes to accommodate and supervise old people undergoing geriatric treatment in the DRC.
363. Concerning programmes in this area, the National Social Protection Strategy for vulnerable groups and the National Promotion and Social Service Fund can be mentioned. The greatest difficulty for the implementation of policies and programmes aimed at improving the conditions of elderly women is the inadequacy of financial and material resources.
364. In the area of public sensitization and education, it is necessary to remember that 30 October every year has been set aside as the International Day of Older Persons, IDOP. The celebration of this day is a call on the authorities and Congolese society in general as well as civil society organizations to improve the welfare conditions of elderly people in particular and vulnerable persons in general. On this occasion, several activities are organized to involve the public and private sectors so as to ensure the issuance of certificates to the destitute for their identification, accommodation and holistic welfare.

- **PROTECTION OF WOMEN LIVING WITH DISABILITIES (Article 23)**

365. The DRC has acceded to the Convention on the Rights of Persons with Disabilities and its Optional Protocol, while the law on its implementation is before Parliament. Mention should also be made of the existence of the department for the coordination of the readjustment activities of persons with disabilities (DICOREPHA) at the Ministry of Social Affairs which supervises the specialized departments of the ministry and civil society bodies. The Government is working towards the systematization of the poor level of support to the families of children with disabilities.

- **PROTECTION OF WOMEN IN DISTRESS (Article 24)**

366. To improve the situation of women in distress, the government has put in place a rural development fund to facilitate access to credit in the rural areas. A micro-credit system suited to the needs of rural women is being organized to support their income-generating activities.
367. In addition, the Congolese prison system provides for separate cells for men and women in the prison environment. The prison administration is giving special attention to pregnant women, particularly in the area of health.

CONCLUSION

In the implementation of the Protocol to the African Charter on Human and Peoples' Rights, it emerged that although quite a lot still has to be done to ensure an ideal form of equal rights for men and women in the DRC, remarkable efforts have been made.

Among the strides chalked in the country, mention should be made of the improvement in the area of girl-child education where the parity index is almost consistent (perfect equality) at the primary school level. With regard to access to health care by women, the Government has adopted a Reproductive Health (RH) policy, established the National Reproductive Health Programme (PNSR) which is intended to facilitate the implementation of the policy and finalized standards for the *provision* of services and the inclusion of RH in the minimum package of primary health care activities in order to improve maternal health and to reduce the risk of death linked to complications from RH problems (pregnancy, illegal abortion, STIs and HIV/AIDS) for persons who have reached the child-bearing age, young people and adolescents as part of the efforts at ensuring education on sexuality.

With regard to the fight against violence, it is observed that laws have been passed to prevent and curb the various forms of violence; mass education activities have been carried out and mechanisms have been put in place to provide support for victims, although the incidence of the phenomenon still remains high. In addition, victims of and witnesses to sexual violence receive special protection. Among the advances made, it is important to state the budget situation of civil society organizations monitoring the cases of women and girls who have suffered rape. Legal clinics are being organized by these organizations where victims of sexual violence receive free legal assistance.

Concerning political participation and decision-making, the level of representation of women in decision-making bodies is still low, as a result of the presence of many cumbersome procedures linked to backward customs.

Regarding the right of women to peace as well protection in armed conflicts, Congolese women have played a significant role in the conflict prevention, management and resolution process at the local, regional, continental and international levels. It could thus be said that both men and women are urged to participate in the peace-building and safeguarding of the country.

On rights relating to marriage, the Congolese legislature recognizes marriages celebrated in the family setting in accordance with custom; this form of marriage is the most popular one in Congolese society which is predominantly rural; but once they are celebrated in the family setting, they must be registered at the registry office. The minimum age required for marriage, as defined by the legislature, is 18 years.

Besides, the 2007 reformed nationality law now recognizes that both men and women are entitled to pass on Congolese nationality through kinship. In addition, marriage to a foreigner no longer leads to a loss of nationality for the woman, just as women can pass on nationality to their spouses. In the event of a separation, divorce or dissolution of marriage, women are protected by the relevant provisions of the Family Code.

Concerning economic, social and cultural rights, the Government of the Democratic Republic of Congo has taken a number of measures to ensure the protection of the rights of women, particularly working women. Due to the policy of the Government, women are increasingly present in the labour market, with a rapid increase in their labour force penetration rate between 2005 and 2012 (59% in 2005 and 64.11% in 2012). In this same regard, one can also mention the establishment of a rural development fund to facilitate access to credit by women in the rural areas where they work in the agricultural sector.

On the protection of the rights of widows, the Congolese State has taken appropriate legislative measures to ensure the protection of widows. Through the Ministry of Social Affairs, Humanitarian Action and National Solidarity, the Government is paying special attention to the NGOs dealing with the supervision of widows who mainly depend on the supplementary budget of the State. The campaign waged by the Ministry of Women, Family and Children's Affairs for the regularization of marriages by the authorities of the Registry Office contributed significantly to the improvement in the succession rights of widows.

In future, the Government intends to popularize the various formulated and ratified legal instruments, including the Maputo Protocol, through real communication with all segments of the population, given the fact that numerous studies have shown that one of the major obstacles to the promotion of the rights of women in the DRC is truly the poor knowledge of the laws and concepts relating to gender. Furthermore, the implementation of most policies, strategies and programmes is not forthcoming as a result of the lack of substantial resources; consideration of gender needs during the formulation of the budget would also be a solution for the advancement of the rights of women.

Apart from these aspects relating to the popularization of the various enactments and the allocation of substantial resources for the promotion of equity and gender equality, the government is thinking about several prospects which can be summarized as follows in the various thematic areas dealt with by the MAPUTO Protocol.

In the area of education, the vision of the government revolves around the following priority actions selected to encourage the delivery of education for all: (I) improvement in equity, access and retention of children in the various educational levels and basic education in particular, and with specific reference to girls as well as vulnerable and disadvantaged children in difficulty; (ii) improvement in all aspects of the quality of education, particularly internal efficiency and conditions at all levels (classrooms, latrines, bathrooms for pupils, teachers' tables as well as recruitment and training of teachers); (iii) improvement in curriculum content and provision of teaching kits to teachers, and (iv) improvement in the management (financial, pedagogical and administrative) of the system of education and training.

With regard to health, particularly maternal, infant and child health, the vision of the government is to have a Congolese nation where every born child is wanted and does not have to die due to avoidable causes: a nation in which every woman enjoys good maternal health and does not lose her life or have it threatened by avoidable diseases or disease conditions linked to pregnancy or child delivery; and, finally, a nation where men, women and children enjoy good quality sexual health free from HIV/AIDS as well as harmful and discriminatory sex- and/or gender-related practices.

Concerning maternal and infant health, the government's strategy is to improve the quality of reproductive health care and to fight against diseases. The centres of interest for the operationalization of this strategy are as follows: (i) promotion of the health of women; (ii) promotion of the health of children; (iii) promotion of the health of adolescents and young people as well as promotion of the health of men, and (iv) repositioning of family planning. On the fight against HIV/AIDS, the priority strategic pillars target both prevention and the management of reported cases and support for orphans.

Economically, the medium and long term growth prospects for the DRC are promising. With the economic development strategy based on the transformation of agriculture (through the construction of agro-industrial parks), the weight of agricultural activities in growth is expected

to increase considerably. Since nearly 70% of the Congolese population live in the rural areas (mainly women) and due to the fact that they depend on agriculture, the development of agricultural activities is expected to have a significant effect on job creation, particularly for women.

In the area of peace, the vision of the government is to enable the DRC to live at peace with itself and with its neighbouring countries to foster national unity and consolidated territorial integrity. That is why, in order to strengthen governance and peace, the policy of the Government defined in the Growth and Poverty Reduction Strategy Paper (GPRSP 2) aims at consolidating political stability, security, the authority of the State and satisfactory public governance which determine the effective implementation of the development activities of the country and the attainment of development outcomes centred on gender equality.

In conclusion, this report highlighted progress made by the DRC to ensure that the rights of women are fully enjoyed, protected and applied. The institutional framework comprising specific rights of women and national policy principles on gender equality served as a solid basis for the formulation of policies and programmes meant to bridge the main gaps in the area of the respect of the rights of women.

The report also laid emphasis on the challenges faced by the DRC in its efforts to implement the ideals clearly set forth in the Constitution, particularly where they relate to the problem of gender which remains deeply perceptible in Congolese society. These challenges were worsened as they assumed disproportionate dimensions with regard to sexual violence as a result of war and recurrent conflicts, and in spite of the numerous actions taken by the Congolese government and development partners working in the DRC to reduce them, in accordance with the ratified international legal instruments and the laws of the country.

However, as stated earlier, and in spite of these challenges, the country has made considerable progress which has ended up to the benefit of Congolese women in all areas, particularly with the promulgation by the President of the Republic of the law on the modalities for the application of parity between men and women as well as the revised Family Code. However, the Congolese Government is very mindful of the fact that the level of effectiveness of the legal and administrative measures taken, policies and programmes adopted and the institutional mechanisms put in place will not only depend on their technical and legal value, but also on the level of democracy and tolerance attained by Congolese in general and political decision-makers in particular.

ANNEXES: TABLES OF KEY DATA AND OTHER STATISTICS

Table 1: International and Regional Instruments with Specific Reference to the Rights of Women and Children

International and Regional Instruments with Specific Reference to the Rights of Women and Children	Date of Ratification by the DRC
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)	6 October, 1985
Convention on the Rights of the Child (CRD) (1989)	21 August, 1990
Optional Protocol on the Convention on the Rights of the Child relating to the sale of children, child prostitution and child pornography	Decree-Law No. 003/01 of 28 March, 2001
Optional Protocol on the Convention on the Rights of the Child relating to the involvement of children in armed conflicts	Decree-Law No. 002/01 of 28 March, 2001
African Charter on the Rights and Wellbeing of the Child	Decree-Law No. 007/01 of 28 March, 2001
African Charter on Human and Peoples' Rights.	Order No. 87-027 of 20 July, 1987
Protocol to the African Charter on Human and Peoples' Rights relating to the Rights of Women (MAPUTO Protocol)	Signed: 05/12/2003 Ratified: 09/06/2008 Deposited: 09/02/2009

Table 2: Laws on the Rights of Women

Law	Purpose
Law No. 06/018 of 20 July, 2006 on the Congolese criminal code, amending and complementing the Decree of 30 January, 1940	It provides for and sanctions breaches likely to affect the dignity of women. It includes the rules of international humanitarian law on breaches relating to sexual violence. The amendments to this criminal code complement and consider as breaches, various forms of sexual violence which were hitherto not included in the criminal code and establish the definition of sexual violence in accordance with the international standards applicable in the matter.
Law No. 06/019 of 20 July, 2006 on the Congolese criminal procedure code, amending and complementing the Decree of 6 August, 1959	For the purposes of sexual violence, it abolishes the payment of a compromise fine provided for to avoid prosecution by giving preference to the imposition of a prison sentence. Certain provisions of this code have been amended and complemented to ensure promptness of elimination, protect the dignity of the victim and to guarantee legal assistance for the same.
Law No. 73-021 of 20 July, 1973 on the general system on assets, land and real estate system and the collateral system, as currently amended and complemented.	This law does not contain discriminatory provisions. The basic principle is that the State exclusively owns the land and the sub-soil. Without regard to sex, and within the confines of the law, individuals may enjoy the right to land concession.

<p>□ Law No. 001/2001 of 17 May, 2001 on the organization and running of political parties.</p>	<p>This law is in keeping with the country's Constitution because it requires the participation of women in management organs without discrimination. It prohibits discrimination on the basis of ethnicity, religion, sex and language in the formation, organization and running of political parties.</p>
<p>Law No. 08/005 of 10 June, 2008 on public funding of political parties.</p>	<p>Article 3, Paragraph 6 stipulates that: "political parties shall take parity between men and women into account during the compilation of electoral registers." Under Article 13, parties shall not receive State subsidy unless they take parity between men and women into account during the compilation of electoral registers.</p>
<p>Law No. 08/011 of 14 July, 2008 on the protection of the rights of persons living with and affected by HIV/AIDS.</p>	<p>Article 9 of this law provides that HIV-positive women will enjoy all measures put in place by the State as part of the national reproductive health policy. It also lays emphasis on the fight against mother-child transmission of HIV/AIDS.</p>
<p>Law No. 09/001 of 10 January, 2009 on the protection of children.</p>	<p>It defines the child as any person aged below 18 and raises the marriageable age from 14 to 18 years for girls.</p>
<p>Law No. 15/013 of 1 August, 2015 on the modalities for the application of the rights of women and parity.</p>	<p>The formulation of this law is in keeping with Article 14 of the Constitution. It strengthens the commitment of the Congolese State to build a fairer society where the behavioural patterns, aspirations and various needs of men and women are taken into account.</p> <p>It aims at promoting gender equality as well as equal rights and opportunities between men and women in all aspects of national life, particularly the equitable participation of women and men in the management of the affairs of the State.</p> <p>It applies to all areas of national life, particularly the political, administrative, economic, social, cultural, legal and security spheres.</p>
<p>Law No. 015/016 of 15 July, 2016 amending and complementing Law No. 87- 010 of 1 August, 1987 on the Family Code.</p>	<p>The Family Code has been passed by Parliament and assented to by the Head of State. What is left is its translation into the local languages and popularization throughout the country.</p>

Table 3: Enactments Relating to the Rights of Women and the Protection of Children

Law	Purpose
<ul style="list-style-type: none"> Enactment No. 29/K.OCC/2015 of 18/05/2015 	<ul style="list-style-type: none"> On the prohibition of customs which degrade women in the Kasi-Occidental province.
<ul style="list-style-type: none"> Enactment No. 27/K.OCC/2015 of 18/05/2015 	<ul style="list-style-type: none"> On the prohibition of the hiring and use of children in the mining areas of the Kasai-Occidental province.
<ul style="list-style-type: none"> Enactment No. 001/bdd/2013 of 18/01/2013 	<ul style="list-style-type: none"> On the protection of children in the Bandundu province.

Table 4: Gender Policies and Strategies in the DRC

Date	Policies and Strategies	Gender Concepts and Main Thematic Areas
2002	National Programme for the Promotion of Women	Promotion of the status of women The objective of the programme is to promote the situation of Congolese women through the elimination of legal discrimination which determines their status and progression towards parity with regard to access to economic resources and political power. The strategies involve training, sensitization, support for women's NGOs and the establishment of new structures or mechanisms, formulation of draft laws in order to remove discriminatory provisions and the mobilization of resources for the implementation.
2004	Gender Mainstreaming Strategy	In accordance with the 12 critical areas of the Beijing platform, this strategy has been formulated with a view to implementing the national programme for the promotion of Congolese women.
2009	National Gender Policy	Fight against all forms of discrimination against women, young and little girls and the fight against gender-based violence; Strengthening of the economic capacity of women and their sociocultural empowerment; Promotion of equity and gender equality and the capacitation of the legal and social status of women; Effective synergies in the area of gender.
2009	National Strategy to Combat Gender-Based Violence	Fight against all forms of impunity in the area of sexual and gender-based violence, Prevention and Protection through the capacitation of the rights of women and children, Consideration of the sexo-specific needs of women, Multisectoral response to the needs of SGBV survivors, Regular maintenance and monitoring of the information on the relevant database.
2010	National Strategy to Combat Infant and Maternal Morbidity	Community sensitization, Advocacy for the consideration of Family Planning in national development policies and programmes, Establishment and operationalization of the National Council on the Family and Children to ensure their welfare in that area, Proliferation of "Women's Centres" for the strengthening of the socio-economic capacity of women within the household.

2012	National Strategy for the Mainstreaming of Gender into National Development Policies and Programmes (updated version of the 2004 strategy)	The SNIGPP aims at adequately developing and sharing knowledge in the area of gender equity and equality, strengthening human resource capacity dealing with the issues of gender mainstreaming, substantially reducing the persistence of socio-cultural bottlenecks and mobilizing resources necessary for the mainstreaming of gender into national development policies and programmes.
2012-2016	Governmental and Sectoral Priority Action Programme (PAP) Medium Term Expenditure Framework (MTEF)	Strengthening the institutional capacity of the Ministry of Women's, Family and Children's Affairs. Equitably promoting the social situation and position of both women and men within the family and in the community. Promoting in an equitable manner the potential and position of women and men within the household economy and the market economy. Promoting the equitable exercise of the rights and duties of women and men. The strengthening of access and position of women in decision-making circles. Improving the interventions to promote equity and equal access of men and women to decision-making positions at any level.
2012	Government Priority Action Programme on Gender	Strengthening the institutional capacity of the ministry Assessing central and provincial departments Sensitizing the community on behavioural change (social mobilization in the provinces and Kinshasa) Promoting the empowerment of women in the provinces and Kinshasa Promoting the legal status of women Observing international days Sharing the Ministry's database with the general public Monitoring and evaluating assistance to victims of sexual violence; Processing data on sexual violence; Providing the public with information on the ministry's activities; Monitoring and evaluating the activities of the central and provincial departments.
2012-2016	Government Programme of Action, May, 2012	Ensuring growth and development: to increase the participation of women in economic, political and social activities Reduction in inequalities Promotion of Equal Rights and Opportunities Fighting against the violation of the rights of women and discrimination against same in all spheres of economic life, particularly through a review of legal provisions which discriminate against women Strengthening the independence and economic power of women through the development of self-help activities such as the activities of microcredit organizations Promoting the access of young girls to education for all Sensitizing women and young girls on the awareness of sexual and reproductive health problems Improving the participation of women in political life
2012	Road Map	Introduction of measures to reduce the vulnerability of high-risk groups (vulnerable disabled and minority children) Introduction of policies for orphans and vulnerable children, including policies on disabled children from minority backgrounds Introduction of a regulatory framework for social protection and other vulnerable persons Establishment of a social production unit within a relevant ministry to ensure that vulnerable groups receive more benefits Ensuring the effectiveness of national gender policies and the political participation of women in the democratic governance process for more effective political participation

		<p>Establishment of microcredit and grants for women, the youth and other vulnerable groups and ensure the training and support for farmers' cooperatives and associations</p> <p>Establishment of women's protection networks and training on assistance to rape victims</p> <p>A network of reception centres for victims of domestic and sexual violence has been developed</p>
2012	PTA	<p>Fight against all forms of discrimination against women, the youth and young girls with regard to sexual and gender-based violence</p> <p>National Gender Strategy to combat maternal and infant mortality</p> <p>Strengthening of the socio-economic capacity of women and the empowerment of same</p> <p>Promotion of gender equality and capacitation of the legal status of women</p> <p>Coordination of the interventions and stakeholders in the gender</p>
2013	Government plan of action for the application of Resolution 1325	<p>Mainstream the gender dimension at all decision-making levels</p> <p>Strengthen outreach on the violations of the fundamental rights of women during and after armed conflicts</p> <p>Strengthen the fight against impunity</p> <p>Guarantee the safety and protection of women and ensure the respect of the international law on the elimination of sexual violence against girls</p>
2013	National Gender-Sensitive Planning and Budgeting Strategy	<p>Consider the sexo-specific needs of women in the planning and budgeting processes for sectoral development policies</p> <p>Ensure a management system based on gender-sensitive outcomes.</p>
2015	Strategy on the political participation of Congolese women in the democratic governance process	<p>Support the implementation of Parity Between Men And Women</p> <p>Influence the Mainstreaming of gender into the electoral law</p> <p>Strengthen the capacity of political parties and their leaders to mainstream gender</p> <p>Support women and their organizations at all levels of elections. (...)</p>

Table 5: Number of Men and Women in the Judiciary

Body of the Judiciary	No. of Women	No. of Men	% of Women
Supreme Court and Public Prosecutor's Department	4	60	6.25
Appeals Court and Prosecutor's Department	34	250	11.97
High Courts and Prosecutor's Department	621	2417	20.44
Total	659	2727	19.48

Source: Supreme Court of Justice (2013)

Table 6: Number of Men and Women in the Congolese Police Service

Designation	No. of Women	No. of Men	% of Women
Principal Chief Superintendent	0	2	0
Senior Chief Superintendent	0	0	0
Chief Superintendent	0	13	0
Deputy Chief Superintendent	1	30	0.3
Superintendent	5	52	10.8
Assistant Superintendent	13	242	5.0
Total	19	339	5.6

Table 7: Number of Men and Women in Government (2006-2015)

Members of Government	Election 2006				Election 2011			
	Number	Men	Women	% Women	Number	Men	Women	% Women
Government I								
Prime Minister	1	1	0	0	1	1	0	0
Dep. Prime Ministers	3	3	0	0	2	2	0	0
Ministers	37	32	5	13.5	26	23	3	11.5
Dep. Ministers	14	13	1	7.1	8	6	2	25
Total	55	49	6	10.9	37	32	5	13.5
Government II (reshuffle)								
Prime Minister	1	1	0	0	1	1	0	0
Dep. Prime	3	3	0	0	3	3	0	0
Ministers of	-	-	-	-	2	2	-	0
Ministers	33	29	4	12.1	36	33	3	7.8
Dep. Ministers	7	6	1	14.2	8	5	3	37.5
Total	44	39	5	11.3	50	44	6	12

Source: Government and Parliament.

The table shows that women are represented at all levels, but the parity index is too low. It varies from 10.9% to 12% for the executive and from 8.1% to 8.6% for the legislature. With the application of the law on the rights of women and parity, this situation will have to improve.

Table 8: Number of Men and Women in Parliament (2006-2015)

Parliamentarians	Election 2006				Election 2011		
	Total Numb	Men	Women	% of Women	Number of Men	Number of Women	% of Women
MPs	500	457	43	8.6	453	47	9.4
Senators	108	102	6	5.5	103	5	4.6
Total	608	559	49	8.1	556	52	8.6

It can be observed that in the Parliament which was inaugurated after the 2006 and 2011 elections, the proportion of women did not exceed 10%, with an average of 8.1% in 2006 and 8.6% in 2011 for the two chambers. In 2006, the upper chamber merely had 43 women, compared to 457 men, i.e. 8.6% of number of senators; and in 2011, the ratio was 47 women, compared to 453 men, i.e. 9.4% women. Similarly, the lower chamber only had 8.1% women in 2006 and 8.6% in 2011.

Table 9: Disaggregated Statistics on Men and Women in Political Institutions at the Provincial Level

Designation	Total Number	Number of Women	Number of Men	% of Women
Provincial MPs	679	61	618	8.9
Provincial Governors	26	1	25	0.04
Dep. Governors	26	5	11	19.2
Provincial Ministers	116	24	92	20.7
Total	847	91	746	10.7

Source: CAFCO

The situation is no better at the provincial level; although we have more than one woman out of five persons occupying a ministerial position (20.7%), women account for only 8.9% in the provincial legislative assemblies; besides, there is no female governor in all of the country's provinces.

Table 10: Disaggregated Statistics on Men and Women in Public Administration

DESIGNATION	No. of Women	No. of Men	% of Women
Chief Directors	7	44	13.7
PUBLIC ENTERPRISES			
Chairmen, Board of Directors	3	34	8.1
Board Members-Directors-General	4	33	10.8
Board Members-Tech. Directors	5	32	13.5
Total	12	99	12.12

Within the public administration set-up, the observation remains the same: with a proportion of 13.7%, women are poorly represented at the secretary-general level and 8.1% at the board chairmanship level. Even the pro-democracy institutions are no exception because there are only two women out of a membership of six, i.e.33% for CENI and ECOSOC and 16.6% for CESAC (Table 10).

Table 11: Participation of Women in Pro-Democracy Institutions (2012)

Institution	Total Number	No. of Women	No. of Men	% of Women
CENI	13	4	9	33
CNDH	9	2	7	22
CSAC	6	1	5	16.6
ECOSOC	8	2	6	33

Source: CAFCO

Table 12: Girl-Boy Ratio at the Primary and Secondary School Levels: 2007 – 2013

Province	2007		2008		2009		2010		2011		2012		2013	
	Prim	Sec.	Prim	Sec.	Prim	Sec.	Prim	Sec.	Prim	Sec.	Prim	Sec.	Prim	Sec.
Kinshasa	1	0.9	1	0.49	1.02	0.96	1	0.9	1	0.95	1	1	1	1
Bas-Congo	0.9	0	0.9	0.4	0.94	0.68	0.8	0.6	0.9	0.65	0.9	0.6	0.9	0.7
Bandundu	0.8	0.6	0.9	0.37	0.93	0.59	0.8	0.5	0.9	0.59	0.9	0.6	0.9	0.6
Equateur	0.7	0.3	0.7	0.25	0.81	0.37	0.7	0.3	0.8	0.38	0.8	0.4	0.8	0.4
Prov. Or.	0.8	0.5	0.8	0.34	0.95	0.56	0.8	0.5	0.9	0.58	0.9	0.5	0.9	0.6
Nord Kivu	0.8	0.7	0.9	0.41	0.85	0.69	0.8	0.7	0.9	0.74	0.8	0.7	0.9	0.8
Sud- Kivu	0.8	0.5	0.9	0.36	0.93	0.57	0.9	0.5	0.9	0.62	0.9	0.6	0.9	0.7
Maniema	0.8	0.3	0.8	0.24	0.9	0.37	0.8	0.3	0.9	0.38	0.9	0.4	0.9	0.5
Kasaï- Or	0.8	0.4	0.8	0.31	0.88	0.4	0.8	0.4	0.8	0.48	0.8	0.5	0.9	0.5
Kasaï- Occ	0.7	0.3	0.8	0.25	0.87	0.3	0.8	0.4	0.8	0.4	0.8	0.3	0.8	0.4
Katanga	0.7	0.4	0.8	0.55	0.86	0.4	0.8	0.5	0.8	0.5	0.8	0.4	0.8	0.5
All	0.8	0.5	0.83	0.36	0.89	0.5	0.86	0.5	0.9	0.5	0.9	0.5	0.9	0.6

Source: MDG Report- DRC 2015

Table 13: Prevalence of Sexual and Gender-Based Violence Among Women Aged Between 15 and 49 Years

Indicators/Type of Violence	Year 2007	Year 2014
Women who have suffered physical violence at any point in life since attaining the age of 15	64	52
Women who have suffered sexual violence at any time in life	49	27
Women who have suffered sexual violence in the course of the 12 months preceding the survey	16.3	16
Women who have suffered emotional, physical and/or sexual acts of violence	71	57.4
Women who have suffered physical violence	57	45.9
Women who have suffered sexual and physical violence more than 5 times during the 12 months preceding the survey	36.5	34.8

Source: EDS-RDC Surveys, 2007 and 2014

Table 14: Scope of Sexual and Gender-Based Violence

The number of cases of incidents of persons who have survived sexual violence is presented as follows:

2011	2012	2013	2014
10.68	15.654	19.93	15.07

Source: DEP, Min. FEFAE

Table 15: Participation of Women during Peace Negotiations in the DRC

Peace Accord	No. of Women	No. of Men	Percentage of Women
Lusaka Ceasefire Agreement, 1999	45	300	13.04
Sun City Global and Inclusive Agreement, 2002	47	298	13.6
Pact on Security, Stability and Development in the Great Lakes Region, 2006	0	11	0
Constitutional and Legislative Review, 2006	58	550	9.5
Goma Commitment Act, 2008	1	88	1.1
Government-CNDP Peace Accord, 2009	0	4	0
Security Sector Review, 2012	58	550	9.5
Addis-Ababa Framework Agreement, 2013	1	15	6.3
National Consultations, 2013	112	638	15
Total	322	2454	11.9

Table 16: Special Projects for Demobilized Women Developed by CARITAS Congo

Location	Total No. of Women to be Supported	No. of Women Supported	Total No. of Beneficiaries of Individual Kits and Group	Support Sub-Sectors
Kalemie	200	200	200	Agriculture, stockbreeding, bakery, soap factory, farming, hairdressing
Kinshasa	150	185	185	Agriculture, dressmaking
Boma	150	4	4	Agriculture
Bukavu	100	90	90	Agriculture, stockbreeding, pastry making, catering, basket weaving
Uvira	50	47	47	Stockbreeding, catering, pastry making, basket weaving, agriculture
Bunia	200	200	200	Bakery, dressmaking, catering, hairdressing, aesthetics, pastry making, juice making
Kisangani	150	150	150	Agriculture, stockbreeding, bakery
Total	1,000	876	876	