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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the eighth periodic report of the Democratic Republic of the Congo*

1. The Committee considered the eighth periodic report of the Democratic Republic of the Congo ([CEDAW/C/COD/8](#)) at its 1700th and 1701st meetings (see [CEDAW/C/SR.1700](#) and [CEDAW/C/SR.1701](#)), held on 9 July 2019. The Committee's list of issues and questions is contained in [CEDAW/C/COD/Q/8](#), and the responses of the Democratic Republic of the Congo are contained in [CEDAW/C/COD/Q/8/Add.1](#).

A. Introduction

2. The Committee appreciates the submission by the State party of its eighth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister for Human Rights, Marie-Ange Mushobekwa, and included the Minister for Gender, Family and the Child, Chantal Safou Lopussa; a parliamentarian; representatives of the Ministry for Human Rights; a member of the Interministerial Committee for Human Rights; and the Ambassador and other representatives of the Permanent Mission of the Democratic Republic of the Congo to the United Nations Office and other international organizations in Geneva.

4. The Committee regrets that some of its questions were not duly answered by the delegation.

B. Positive aspects

5. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined sixth and seventh periodic reports ([CEDAW/C/COD/6-7](#)) in undertaking legislative reforms, in particular the adoption of the following:

(a) Law No. 16/008 of 15 July 2016 amending and supplementing Law No. 87-010 of 1 August 1987, on the Family Code, which repeals discriminatory

* Adopted by the Committee at its seventy-third session (1–19 July 2019).



provisions in the 1987 Family Code, including those concerning marriage and family relations;

(b) Law No. 16/013 of 15 July 2016 on the staff rules for career civil servants, which supersedes the rules of 17 July 1981 (art. 8 (8)), which provided that a married woman could not be recruited without her husband's consent;

(c) Law No. 16/010 of 15 July 2016, amending and supplementing Law No. 015-2002 of 16 October 2002, on the Labour Code, which allows women to work at night;

(d) Law No. 15/013 of 1 August 2015, on the means of giving effect to women's rights and gender parity, adopted to implement article 14 of the Constitution (Parity Act) to achieve gender parity;

(e) Framework Law No. 14/004 of 11 February 2014, on education, which guarantees access to school education for all;

(f) Law No. 13/013 of 1 June 2013, on the staff rules for the national police, which prohibits all forms of gender-based discrimination during recruitment or at any stage of employment.

6. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) Second national action plan for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security, for the period 2018–2022, in 2018;

(b) National strategic plan against HIV/AIDS for the period 2018–2021, in 2018;

(c) National action plan to end child marriage, in 2017;

(d) Education sector plan, for the period 2016–2025, in 2016.

7. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly (Kinshasa Convention), in 2018;

(b) Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in 2015;

(c) African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, in 2014.

C. Sustainable Development Goals

8. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of *de jure* (legal) and *de facto* (substantive) gender equality, in accordance with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of

the sustainable development of the Democratic Republic of the Congo and to adopt relevant policies and strategies to that effect.

D. Parliament

9. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.

E. Principal areas of concern and recommendations

Women and peace and security

10. The Committee welcomes the appointment of the Presidential Advisor on Sexual Violence and Child Recruitment to combat conflict-related sexual violence and recruitment and use of children in the State party, as well as the adoption of action plans for the military and the national police on ending sexual and gender-based violence. It appreciates the adoption of the second national action plan for the implementation of Security Council resolution [1325 \(2000\)](#). The Committee remains concerned, however, about the deterioration of the situation of women and girls in conflict areas and the lack of progress achieved in implementing its previous recommendations ([CEDAW/C/COD/CO/6-7](#), paras. 9–10). In particular, it expresses serious concern about:

(a) The increased number of women and girls in conflict-affected areas who are victims of sexual violence, including rape, mass rape, gang rape and sexual slavery perpetrated by the Armed Forces of the Democratic Republic of the Congo (FARDC), the national police, armed groups and militias;

(b) The lack of investigations, prosecutions and sanctions imposed on the perpetrators, including those with command responsibility;

(c) The lack of access to reparations for victims of conflict-related sexual violence, the absence of a comprehensive national policy aimed at ensuring adequate reparations to victims and the complexity and high cost of the procedure, as well as the fear of stigma and reprisals for reporting cases of sexual violence, which prevent the victims from seeking reparations;

(d) The lack of timely and adequate multisectoral assistance provided to survivors of sexual violence, including medical and psychosocial assistance, legal support and socioeconomic reintegration programmes;

(e) The low level of participation of women and their representative organizations in the peacebuilding process and negotiations, especially at the decision-making level;

(f) The lack of reliable data and statistics on cases of conflict-related sexual violence against women and girls committed by State and non-State actors.

11. **In line with general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, as well as Security Council resolution [1325 \(2000\)](#) and subsequent resolutions on the subject, the Committee recommends that the State party:**

(a) **As a matter of priority, effectively combat impunity, by promptly and thoroughly investigating violations of women's rights perpetrated in conflict**

areas, in particular sexual and gender-based violence; and prosecuting and punishing with appropriate sanctions members of FARDC, the national police and non-State actors responsible for such violations, including those with command responsibility;

(b) Ensure that victims and their family members have effective access to justice and remedies and receive adequate reparations, in particular by ensuring the immediate payment of the reparations established and provided for in judicial decisions issued by the courts, especially in cases in which a State agent or the State is found responsible, and establishing a comprehensive national policy to provide reparations to victims of sexual crimes and ensuring the availability of funding for its implementation;

(c) Provide adequate protection from reprisals for victims and witnesses who seek access to justice or cooperate with the judiciary and ensure that acts of witness tampering are effectively prosecuted;

(d) Ensure that victims have access to comprehensive medical treatment, mental health care and psychosocial support;

(e) Take all the measures necessary to ensure the effective participation of women in the peacebuilding processes and negotiations, including in decision-making, and ensure that such processes and negotiations include at least 30 per cent women;

(f) Provide adequate resources to implement the second national action plan aimed at implementing Security Council resolution 1325 (2000) and ensure the participation of women's civil society organizations in task forces and committees related to the implementation of Council resolutions 1325 (2000) and 1820 (2009);

(g) Continue to fulfil its international and regional commitments resulting from the Declaration of the Heads of State and Government of the Member States of the International Conference on the Great Lakes Region, the International Conference on the Great Lakes Region Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children and the Goma Declaration on Women, Peace and Security;

(h) Monitor and document cases of sexual and gender-based violence in conflict areas and improve the collection of reliable data and statistics on cases of conflict-related sexual violence perpetrated by the military, the police and armed groups.

Arms control and the participation of women in related programmes

12. The Committee welcomes the ratification in 2018 of the Kinshasa Convention. It notes with appreciation the progress made in the disarmament of armed groups and the national action plan on the control of small arms and light weapons for the period 2017–2021. It is concerned, however, that the Senate law on the prevention, control and reduction of small arms and light weapons and their ammunition of 2013 has not been promulgated yet and that the State party has not ratified the Arms Trade Treaty.

13. The Committee recommends that the State party:

(a) Accelerate the promulgation and entry into force of the Senate law on the prevention, control and reduction of small arms and light weapons and their ammunition of 2013, while ensuring that it is in conformity with the Convention on the Elimination of All Forms of Discrimination against Women and the Kinshasa Convention;

(b) Ensure the inclusion and effective participation of women in the decision-making, planning and implementation of programmes on disarmament and the control of small arms and light weapons;

(c) Ratify the Arms Trade Treaty.

Access to justice

14. The Committee takes note of the 2017 national policy document on justice sector reform, the assignment by the President of the High Judicial Council of women judges to public prosecutors' offices and courts in the eastern part of the State party and the measures implemented to organize mobile courts to better reach the most remote areas. It notes that a fund for the reparation of harm caused by State officials is provided for in the budget of the Ministry of Justice. The Committee remains concerned, however, that:

(a) Women continue to face complex barriers to access to justice and remedies, such as the absence of courts, the limited number of judges in some provinces, the inability of the criminal justice system to locate perpetrators or collect evidence, the lack of sufficient financial resources among victims to pay the high costs of legal proceedings and the insecurity in conflict areas that limits travelling to distant judicial actors;

(b) The adoption of the law on legal aid is still pending and there is no specific law to protect victims and witnesses;

(c) Judicial facilities are inaccessible, especially in rural and conflict-affected areas, which prevents women, in particular vulnerable groups of women, from gaining access to justice and reparations;

(d) Women are not sufficiently aware of existing laws, regulations and policies related to their rights and judges, prosecutors and law enforcement officials are not sufficiently and adequately trained on women's rights and the Convention on the Elimination of All Forms of Discrimination against Women;

(e) Customary laws that discriminate against women continue to be enforced, including by traditional leaders and courts, in contravention of the statutory law, which prevails over customary law, according to the Constitution (art. 207).

15. In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Expedite the adoption of the law on legal aid to ensure that legal aid is available, affordable and accessible to all women, especially vulnerable groups of women, and introduce a law on the protection of victims and witnesses in the criminal justice system that is gender-sensitive and includes the provision of procedural and age-appropriate accommodations;

(b) Strengthen the justice system, including by increasing its human, technical and financial resources, especially in conflict-affected areas;

(c) Support the organization of mobile hearings by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Joint Human Rights Office and other partners;

(d) Ensure that statutory law continues to have priority over customary law and that the norms, procedures and practices religious and customary justice systems, although informal, are harmonized with the Convention, and provide capacity-building on women's rights and gender equality to customary justice authorities;

(e) **Provide training for law enforcement officials on women's rights and gender-sensitive investigation methods and raise awareness among women and girls, in particular rural women and women with disabilities, of their rights under the Convention and the remedies available to them to claim those rights, in cooperation with civil society organizations.**

Legislative framework

16. While acknowledging the efforts made by the State party to improve its legislative framework for the promotion of gender equality, the Committee is concerned that the laws that are adopted are not implemented and that the State party does not allocate sufficient financial resources for their enforcement. It also expresses its concern that the laws are not properly disseminated throughout the territory.

17. **The Committee recommends that the State party effectively implement the laws adopted by Parliament and promulgated by the Head of State, allocate sufficient resources for their enforcement, raise awareness of the laws related to gender equality and ensure their wide dissemination, involving traditional and religious leaders in the promotion of women's rights and gender equality.**

National machinery for the advancement of women

18. The Committee is deeply concerned about the very low percentage of the national budget allocated to the Ministry of Gender, Family and the Child, which is the national machinery for the advancement of women, and its affiliated structures, such as the Agency for Fighting Violence Against Women and Girls and the national fund for the promotion of women and children. The Committee remains concerned that the decree to establish the Interministerial Committee and the National Gender Equality Council mechanisms to monitor the implementation of the Parity Act of 2015 has not been adopted, and is also concerned about the lack of information on the implementation of the national gender policy.

19. **The Committee recommends that the State party:**

(a) **Significantly increase the financial, technical and human resources allocated to the Ministry of Gender, Family and the Child and its affiliated structures;**

(b) **Expedite the adoption of the decree aimed at establishing the Interministerial Committee and the National Gender Equality Council, as provided for in the Parity Act;**

(c) **Provide information about the implementation of the national gender policy.**

National human rights institution

20. The Committee welcomes the establishment of the National Human Rights Commission, in 2013, whose members were selected by Parliament in 2015. It is concerned, however, that the Commission lacks adequate funding to carry out its mandate effectively, including in relation to women's rights and gender equality. The Committee also expresses its concern that, while the Commission has offices at the provincial level, it does not have enough representation in territories and cities, which hinders access for women and girls to the Commission.

21. **The Committee recommends that the State party provide the National Human Rights Commission with sufficient financial, human and technical resources and ensure that it has offices at all levels of the country to ensure that**

women and girls can effectively lodge complaints regarding violations of their rights.

Temporary special measures

22. The Committee welcomes the adoption of Law No. 15/013 of 1 August 2015, which is aimed at achieving gender parity. Nevertheless, it is concerned that:

(a) The State party has not adopted any temporary special measures to achieve substantive equality between women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged, especially in public and political life, despite the adoption of the Parity Act;

(b) The Constitutional Court decision of 24 January 2014 declared that quotas for ensuring equal representation of women in political and administrative fields were unconstitutional;

(c) Gender parity is not binding under Law No. 17/013 of 24 December 2017 on the organization of presidential, legislative, provincial, urban, municipal and local elections, which prevents the implementation of temporary special measures.

23. Recalling article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:

(a) **Adopt and implement temporary special measures to achieve the substantive equality of women and men in areas in which women are underrepresented or disadvantaged;**

(b) **Ensure that the Government engages with the judiciary, Parliament and the Constitutional Court to advocate for the revision of the decision of the Constitutional Court of 2014 regarding quotas and sensitize members of Parliament, government officials, employers and the general public about the need to adopt temporary special measures to achieve substantive equality between women and men in all areas;**

(c) **Amend Law No. 17/013 of 24 December 2017 on the organization of presidential, legislative, provincial, urban, municipal and local elections, specifically article 13 thereof, to make gender parity binding, including on the electoral lists of political parties.**

Discriminatory gender stereotypes and harmful practices

24. The Committee notes that some measures have been adopted by the State party to eliminate discriminatory gender stereotypes in education. Nevertheless, it is concerned that discriminatory gender stereotypes concerning the roles and responsibilities of women and men in the family continue to persist and that the State party has not taken sufficient, sustained and systematic action to eliminate adverse cultural practices, patriarchal attitudes and deep-rooted stereotypes, which contribute to the persistence of violence and harmful practices against women, including sexual violence.

25. The Committee recommends that the State party put into place, without delay, a comprehensive strategy, in conformity with articles 2 (f) and 5 (a) of the Convention, to eliminate stereotypes and harmful practices that discriminate against women, including by making a concerted effort, within a clear time frame, in collaboration with Parliament, civil society, the school system, health professionals, the media and traditional leaders, to educate and raise awareness about negative gender stereotypes in a manner that targets women and girls, as well as men and boys, at all levels of society.

Gender-based violence against women

26. The Committee notes that the national strategy to combat gender-based violence is being revised to take into account reparations for victims and that a fund has been established to assist victims of sexual violence. It also notes that a budget line on compensation for damage caused by the State and its agents may be temporarily dedicated to providing compensation to victims of sexual violence, for a period of two to five years, as a measure of positive discrimination, and that special units to combat sexual violence have been established in public prosecutors' offices by the Attorney General. However, the Committee is concerned about the following:

- (a) The high prevalence of gender-based violence, including sexual violence and group rape, including of minors;
- (b) The limited access to justice and reparations by women and girls who are victims of gender-based violence and the lack of sanctions imposed on the perpetrators;
- (c) High rates of domestic violence owing to accepted social norms, the lack of cases of domestic violence, including marital rape, brought before courts owing to victims' fear of stigmatization and the limited number of perpetrators who are punished;
- (d) The lack of criminalization of domestic violence, including marital rape;
- (e) The lack of progress in adopting the draft law for the protection of vulnerable persons, which includes a framework for assistance for victims of sexual violence;
- (f) The lack of specific mechanisms for the protection of the victims of gender-based violence, including domestic and sexual violence, and the lack of shelters, counselling and rehabilitation services for them.

27. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

- (a) Expedite the adoption of the draft law for the protection of vulnerable persons, which includes a framework for the assistance of victims of sexual violence;**
- (b) Ensure that the prevention of gender-based sexual violence, ending impunity towards such violence and reparations for the victims will be given priority in the gender-based violence strategy that is under review and allocate adequate human, technical and financial resources for the implementation of the strategy;**
- (c) Ensure that domestic violence, including marital rape, is explicitly prohibited and provide adequate sanctions for perpetrators;**
- (d) Address the stigma owing to which women and girls who are victims of violence are discouraged from reporting cases of violence, through awareness-raising campaigns on the criminal nature and the gravity of all forms of gender-based violence;**
- (e) Ensure that women and girls who are victims of gender-based violence have access to effective remedies and immediate means of redress and protection, including shelter, and provide adequate support to existing services provided to victims by non-governmental organizations;**

(f) Further implement awareness-raising campaigns throughout the country to combat the discriminatory stereotypes fuelling gender-based violence;

(g) Systematically collect data on the number of complaints, investigations, prosecutions of, and convictions for, gender-based violence against women and information on the sentences imposed on perpetrators.

Trafficking and exploitation of prostitution

28. The Committee notes the establishment of a new agency for combatting trafficking in persons, in 2019, and the national committee on combating trafficking in persons and migrant smuggling within the Ministry of Internal Affairs. Nevertheless, it is concerned that:

(a) The draft bill on combating trafficking in persons has not yet been adopted;

(b) There is a lack of investigation and prosecution of the perpetrators of trafficking for the purposes of forced prostitution;

(c) Women engaged in prostitution are subjected to violence by the police, including sexual violence, rape and harassment, and the perpetrators are not sanctioned;

(d) There are reports of forced labour and exploitation of women in artisanal mines and of trafficking in persons, exploitation and forced prostitution of girls in conflict areas, including in North Kivu, and there is a lack of resources to provide assistance to girls who have left those networks.

29. The Committee recommends that the State party:

(a) Expedite the adoption of the draft law on combating trafficking in persons and develop and implement a new national action plan in collaboration with women's organizations and the relevant United Nations entities in that respect, including regarding the elaboration of a study on the extent and root causes of trafficking and forced prostitution in the State party;

(b) Provide the new agency and the national committee on combating trafficking in persons and migrant smuggling with adequate human, technical and financial resources;

(c) Investigate, prosecute and adequately punish perpetrators of trafficking for forced labour, exploitation and forced prostitution of women and girls, including in artisanal mines and conflict areas, and ensure that victims of trafficking and forced prostitution are exempted from criminal liability;

(d) Take the measures necessary to prosecute and sanction sexual violence, rape and harassment committed by the police against women in prostitution;

(e) Provide training for law enforcement officers and border control personnel on combating trafficking in women and girls, and on the early identification of victims and their referral to appropriate services and intensify efforts to ensure the early identification of women and girls exploited by armed groups and provide them with rehabilitation and reintegration services;

(f) Provide counselling, legal services, rehabilitation and social integration programmes for women and girls who are victims of trafficking;

(g) Allocate sufficient resources for exit programmes for women wishing to leave prostitution, including by providing alternative income-generating opportunities.

Participation in political and public life

30. The Committee welcomes the election of the first woman Speaker of Parliament, the establishment of a standing committee on gender, women and family affairs in the National Assembly, in 2018, and the adoption of the Parity Act. However, the Committee is concerned about the following:

(a) The lack of implementation of the Parity Act and the absence of progress in increasing the participation of women in political and public life at all levels, in particular at the decision-making level;

(b) The fact that women remain underrepresented in Parliament and in other high-level decision-making positions, there have been no women Governors, nor any women among the nine judges of the Constitutional Court, indigenous women are not represented in the Government and there is only one indigenous woman representative in Parliament.

31. The Committee recommends that the State party ensure that women and men have equal representation in all areas of political and public life at the national, provincial and local levels, including in the Government and at high levels of decision-making, in Parliament, the judiciary, the decentralized regional bodies and the civil service, including through the adoption of temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004). The Committee also recommends that the State party:

(a) **Ensure gender parity, inter alia, in the composition of the new Government and in the provincial governments and also appoint indigenous women;**

(b) **Effectively implement the relevant provisions of the Parity Act regarding the participation of women in political and public life, elaborate a national strategy therefor and provide training programmes for women on political and public life to ensure their political empowerment.**

Education

32. The Committee notes the adoption of the Framework Law No. 14/004 on education in 2014 and the elaboration of the education sector strategy for the period 2016–2025 and the measures taken to ensure that pregnant girls and mothers continue their studies. It acknowledges the infrastructure programme for the reconstruction, rehabilitation and equipping of schools implemented by the State party. Nevertheless, the Committee remains concerned about the lack of sufficient resources in the area of education and the poor quality of education. It is further concerned that:

(a) Schools regularly expel pregnant girls;

(b) Primary education is not free of charge, despite the constitutional provision that provides for free and compulsory primary education for all (art. 43);

(c) The enrolment rate among girls at the secondary level remains low, owing to insecurity, forced marriage and pregnancy;

(d) Girls are subjected to sexual and gender-based violence, including rape, in school by teachers.

33. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party promote access to education for girls at all levels as a basis for their empowerment, and that it:

(a) **Ensure that primary education is compulsory and free, as provided for in the Constitution (art. 43);**

(b) **Intensify efforts to increase the rates of enrolment, retention and completion by women and girls at all levels of education, especially in science, technology, engineering and mathematics programmes;**

(c) **Take further measures to ensure that pregnant women and girls continue their education and facilitate the reintegration into education of adolescent mothers, including by combating cultural stigma through awareness-raising campaigns;**

(d) **Establish effective procedures to investigate cases of the sexual abuse and harassment of girls in school environments, prosecute perpetrators, especially teachers and school administrators, and provide victims with medical care, psychosocial counselling and rehabilitation;**

(e) **Establish compulsory awareness-raising programmes for teachers and all school administration personnel on the fact that they may be held criminally liable for rape and sexual harassment.**

Employment

34. The Committee notes that new laws have been adopted that, inter alia, allow women to work at night under the same conditions as men and to be recruited without their husbands' consent. It also notes that the revised Labour Code has standardized family benefits and enshrined the principle of equal pay for work of equal value. The Committee is concerned, however, that:

(a) Disparities in remuneration remain between women and men;

(b) Women have less access to remunerated jobs, compared with men, in the informal sector, in which they comprise the majority of workers yet have no access to legal protection or social security;

(c) Female public servants who are married do not receive the social benefits attached to their work status as public servants, because of the provision in Law No. 16/013 on the status of public services agents recognizing as social benefits recipients "the public official, his spouse and his children".

35. **The Committee recommends that the State party:**

(a) **Effectively enforce the principle of equal pay for work of equal value to narrow and close the gender pay gap;**

(b) **Amend or repeal the discriminatory provisions in Law No. 16/013 on the status of public services agents, establish mechanisms to ensure the provision of pension benefits and social protection for women and men on an equal basis and ratify the Workers with Family Responsibilities Convention, 1981 (No. 156) of the International Labour Organization;**

(c) **Ensure that women employed in the informal sector are effectively covered by social and labour protections;**

(d) **Develop a databank on employment, with data disaggregated by gender.**

Health

36. The Committee acknowledges the State party's efforts concerning access to health care for women, including through the adoption of the new Public Health Law No. 18/035 of 13 December 2018, which includes provisions on sexual and

reproductive health, the adoption of the national strategic plan against HIV/AIDS for the period 2018–2021 and the road map on maternal and child mortality, adopted in 2018. It notes the adoption in 2014 of the national strategic plan on family planning for the period 2014–2020, the establishment of the multisectoral and technical standing committee on family planning, the adoption of the action plan for the national reproductive health programme for the period 2013–2017 and the national strategy for the elimination of obstetric fistula for the period 2018–2025. It notes that the Parity Act provides for the possibility for couples to choose a method of contraception, and it welcomes the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in 2018. Nevertheless, it is concerned that:

(a) The new Public Health Law No. 18/035 adopted in 2018 is not in conformity with the provisions of the Maputo Protocol, including regarding access to safe abortion services and family planning;

(b) Maternal mortality rates, including among adolescent girls, are persistently high and basic emergency obstetric and neonatal care are insufficient and inadequate;

(c) Access for women and girls to sexual and reproductive health services and family planning services is inadequate, especially among indigenous women and girls, who also lack access to vaccinations;

(d) The prevalence of unsafe abortions remains high and abortion remains criminalized under articles 165 and 166 of the Penal Code;

(e) Obstetric fistula is still prevalent, despite the national strategy for its elimination for the period 2018–2025;

(f) New cases of HIV/AIDS infections mainly affect women and girls, who continue to face stigmatization and social exclusion due to their HIV/AIDS status, the antiretroviral treatments are insufficient and must be paid for and the national strategic plan on HIV/AIDS for the period 2018–2021 lacks funding.

37. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:

(a) **Increase its health expenditure and improve the coverage of and access to health services throughout its territory, by allocating sufficient budgetary resources for the establishment of duly equipped hospitals, in particular in rural and remote areas;**

(b) **Amend the legal provisions of Public Health Law No. 18/035 of 13 December 2018, in order to bring it into conformity with article 12 of the Convention and the Maputo Protocol, especially regarding women's and girls' sexual and reproductive health rights;**

(c) **Amend the relevant provisions of the Penal Code, with the aim of decriminalizing abortion and legalizing it at least in cases of rape, incest, severe fetal impairment and risk to the health or life of the pregnant woman, and ensure access to high-quality post-abortion care, especially for cases in which complications arise from unsafe abortions, in line with the Maputo Protocol;**

(d) **Take the measures necessary to ensure that modern contraceptives are available, accessible and affordable;**

(e) **Ensure that women and girls have access to accurate information relating to sexual and reproductive health and rights and that all women, including rural and indigenous women, have access to high-quality sexual and reproductive health services, covering family planning, the prevention of early**

pregnancy and sexually transmitted infections and emergency post-abortion care;

(f) Provide free maternity care to cover prenatal and postnatal care for disadvantaged groups of women;

(g) Improve access throughout the territory to basic prenatal and postnatal care and emergency obstetric services provided by skilled birth attendants;

(h) Address the high incidence of obstetric fistula and provide adequate resources for the implementation of the national strategy on fistulas;

(i) Guarantee equal access for women and men to adequate treatment for, and means of prevention of, HIV/AIDS, as well as free access to antiretroviral medicines, and take the measures necessary to eliminate the stigmatization and social exclusion of women and girls living with HIV/AIDS.

Economic and social benefits and the economic empowerment of women

38. The Committee notes the engagement of the State party in the implementation of the Sustainable Development Goals based on its rich natural resources. It also notes that the Parity Act guarantees the right of women to entrepreneurship and promotes access to savings, credit and new technologies, without discrimination on the basis of gender. It further notes that new initiatives are being taken to improve access for women to bank loans, especially through microfinancing. Nevertheless, the Committee is deeply concerned that women continue to have limited access to economic resources, face discrimination regarding access to financial services and are not involved in the elaboration and implementation of development programmes.

39. The Committee recommends that the State party:

(a) Further implement programmes for the economic empowerment of women in order to strengthen their economic and financial capacities and improve access for women to microfinancing and microcredit, loans and other forms of financing;

(b) Promote access for women to income-generating activities, such as setting up small enterprises and marketing locally produced merchandise;

(c) Improve business and financial knowledge among women and financial literacy campaigns, with a particular focus on rural women and women in poverty;

(d) Ensure the full participation of women in the elaboration of development programmes in relation to the implementation of the Sustainable Development Goals.

Rural women

40. The Committee notes the adoption of the agricultural investment programme of 2013 and that land law prohibits gender discrimination in access to land. However, the Committee is concerned about the absence of a gender strategy in the agricultural sector and that agricultural projects do not address the needs of women, despite the fact that they are the main beneficiaries. The Committee remains concerned that:

(a) Rural women lack funding for their agricultural activities, have limited access to agricultural credits, have no access to new farming techniques and do not own productive assets such as land;

(b) Customary patriarchal practices persist that prevent rural women and girls from inheriting;

(c) Rural women have limited access to education and health services, including sexual and reproductive health services, as well as safe and affordable contraceptive services;

(d) The allocation of mining concessions does not take into account the needs of rural women and is done without their prior consultation. The lack of compensation and resettlement has significantly increased their impoverishment and economic dependence and fostered existing cultural gender inequalities.

41. In line with general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party:

(a) **Integrate a gender perspective into agricultural policies, programmes and projects, in order to effectively address the needs of rural women, and ensure that rural women are involved in the development and implementation of agricultural policies, including with regard to decisions on land use;**

(b) **Intensify efforts to ensure that rural women effectively have access to health care, education, employment, housing, safe water and adequate sanitation and family planning services;**

(c) **Review traditional practices that impede the equal access of rural women to land, and establish a clear legislative framework to protect their rights to inheritance and land ownership;**

(d) **Expand access for rural women to microfinancing and microcredit at low interest rates, to enable them to engage in income-generating activities and start their own businesses, with a view to combating poverty and promoting the advancement of rural women and enhance their security of land tenure;**

(e) **Take the measures necessary to ensure that the specific needs of rural women are taken into account regarding the allocation of mining concessions and ensure their consultation and participation in the decision-making process.**

Women human rights defenders

42. The Committee regrets that the draft bill on the protection of human rights defenders has not yet been adopted. It is concerned that women human rights defenders suffer double discrimination, violence and prejudice, both in the family and in society, and are exposed to expulsion from work and divorce. The Committee is further concerned that some provisions in the draft laws related to non-profit organizations, human rights defenders, counter-terrorism, public demonstrations, freedom of the press and access to information that are under review before Parliament might negatively impact women's civil and political rights.

43. The Committee recommends that the State party:

(a) **Expedite the adoption of the draft law on human rights defenders, in conformity with the Convention;**

(b) **Guarantee that women human rights defenders and activists can freely carry out their activities protecting women's human rights and exercise their rights to freedom of peaceful assembly and association;**

(c) **Prevent discrimination against women human rights defenders and ensure their protection from violence and intimidation and investigate, prosecute and sanction all abuses against them;**

(d) **Amend or repeal any provisions contained in the draft laws concerning non-profit organizations, counter-terrorism, public demonstrations, freedom of the press and access to information to ensure that they are in conformity with international human rights standards and instruments ratified by the State party.**

Indigenous women

44. The Committee notes decree No. 011/2018 of 5 June 2018 on the promotion and protection of indigenous peoples in Mai-Ndombe Province and decree No. 002/2018 of 29 June 2016 on the protection and promotion of indigenous peoples in Sankuru Province related to the protection of forests. The Committee is concerned, however, that:

- (a) The draft law for the protection of indigenous peoples has been pending before Parliament since 2014;
- (b) Pygmy women, especially in North Kivu Province, face multiple forms of discrimination, in particular from the Bantu population;
- (c) Pygmy women have limited access to education and maternal and prenatal health services;
- (d) Forced evictions from their ancestral lands, including by armed groups and militias in conflict areas, affect their culture and traditional ways of living.

45. The Committee recommends that the State party:

- (a) **Expedite the adoption of the draft law for the protection of indigenous peoples and ensure that they effectively participate in the process of its elaboration and adoption;**
- (b) **Take urgent measures to ensure effective access to education for Pygmy women and expand the implementation of the infrastructure programme for the reconstruction, rehabilitation and equipping of schools to areas where Pygmy women are located;**
- (c) **Ensure that Pygmy women have access to affordable sexual and reproductive health-care services, basic prenatal and postnatal care and emergency obstetric services;**
- (d) **Protect the right of Pygmy women to their ancestral lands and cultural identity and ensure their participation in the ongoing forestry and land reform processes.**

Women working in the mining sector

46. The Committee notes the revision of the Mining Code through the adoption of Law No. 18/001 of 9 March 2018. It remains concerned, however, that the gender impacts of artisanal mining have not been adequately taken into consideration in the regulatory measures of the sector. The Committee expresses its concern that:

- (a) The working conditions of women and girls in artisanal mines are not monitored;
- (b) Women working in artisanal mining are forced into prostitution and are subjected to sexual and gender-based violence;
- (c) Women are excluded from decision-making processes in the industrial mining sector and they are not aware of their rights, including under the Mining Code;

(d) The environmental and sanitary impacts of the industrial exploitation of copper and cobalt from the Frontier Mine, near Sakania, lead to the drying up of the river, affecting access for women and girls to safe water and to education, exposing them to rape and sexual violence and depriving them of their incomes earned from their agricultural activities.

47. The Committee recommends that the State party:

(a) **Protect women and girls working in the mining sector from exploitative and hazardous conditions of work, through the regulation and monitoring of their working conditions and increased inspections;**

(b) **Ensure that women working in mining are represented in decision-making processes concerning mining activities;**

(c) **Address the environmental and health damages resulting from the industrial exploitation of Frontier Mine, near Sakania, and ensure that the population, in particular women and girls, receives adequate reparations and compensation for the damages;**

(d) **Take measures to protect women and girls working in artisanal mines from sexual violence and forced prostitution and prosecute and sanction the perpetrators.**

Internally displaced women and girls

48. The Committee is deeply concerned that the majority of internally displaced persons are women and children, including older women, and that they lack access to humanitarian assistance, including food and health services, in particular in Ituri Province.

49. The Committee recommends that the State party address the specific needs of internally displaced women and girls, including their need for humanitarian assistance, and ensure they have adequate access to health services, education, food, shelter, freedom of movement, registration and durable solutions, as well as sustainable employment opportunities.

Women and girls with disabilities

50. The Committee welcomes the ratification by the State party of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in 2015. However, the Committee is concerned that women and girls with disabilities face multiple forms of discrimination concerning access to adequate health services, employment, education and vocational and technical training. It is also concerned that they are victims of violence and that their autonomy is often limited. The Committee is further concerned by the lack of specific measures to protect them in conflict areas.

51. Recalling its general recommendation No. 18 (1991) on disabled women, the Committee recommends that the State party:

(a) **Eliminate discrimination and violence against women and girls with disabilities and protect their rights in conflict areas;**

(b) **Develop supportive decision-making mechanisms for women with disabilities, respecting their autonomy, rights, will and preferences;**

(c) **Ensure access for women and girls with disabilities to health services, education and employment without discrimination.**

Marriage and family relations

52. The Committee welcomes the revision of the Family Code, in particular the amendments made with a view to providing for the equality of spouses and removing discrimination against wives, especially with regard to the legal capacity of wives, choice of domicile and adultery. It notes that the revised Family Code currently prohibits polygamy and child marriage and provides for a minimum age of marriage of 18 for both men and women and that, under article 407 of the Code, penal sanctions are provided for adult persons involved in child marriage. It welcomes the national action plan to end child marriage for the period 2017–2021. The Committee is concerned, however, that:

(a) The revised Family Code still contains a discriminatory provision (art. 444) providing that the husband is the head of the household;

(b) Child marriage persists, in particular in rural areas, and persons involved in facilitating child marriages or persons married to children are not being prosecuted or sanctioned, despite article 407 of the Code;

(c) Dowries are still required under the revised Code (arts. 361–367 and 426), which provides that no marriage can be registered unless the dowry is processed, which creates inequality within couples and may also induce parents, especially in rural areas, to arrange for the marriage of their daughters at an early age and against their will;

(d) Polygamy remains prevalent in many communities, even though it is prohibited by law, and the practice of levirate marriage is still common;

(e) Women, including widows, do not have equal access to inheritance, owing to persistent discriminatory customary practices that exclude women and girls from the inheritance of land and other family property.

53. Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:

(a) **Repeal the remaining discriminatory provisions of the revised Family Code, including the provision that the husband is the head of the household, and conduct awareness-raising campaigns to disseminate the revised Family Code, targeting in particular women from rural areas and indigenous communities, as well as traditional chiefs and parents;**

(b) **Repeal the legal provisions making the registration of marriages conditional on the provision of a dowry and make it unlawful for dowries to be required or given;**

(c) **Accelerate the translation of the national action plan to end child marriage for the period 2017–2021 into operational plans to ensure its implementation in all the provinces, mobilize sufficient financial resources for its implementation, sensitize traditional chiefs, priests and parents on the action plan and the new minimum age of marriage collaborate with women and their representative organizations and cooperate with the relevant United Nations entities;**

(d) **Prosecute and sanction persons who are engaged in facilitating child marriages or adults married to children;**

(e) **Further sensitize traditional leaders on the importance of eliminating discriminatory practices, such as polygamy and levirate marriage, in close**

collaboration with women, their representative organizations and the relevant United Nations agencies;

(f) Eliminate traditional practices that impede women's rights to inheritance and land ownership and intensify its efforts to enable women and girls to exercise their right to inheritance on an equal basis with men and boys.

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

54. The Committee encourages the State party to expedite the ratification process of the Optional Protocol to the Convention, and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

55. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

Dissemination

56. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.

Technical assistance

57. As stated in its previous concluding observations ([CEDAW/COD/CO/6-7](#), para. 47), the Committee recommends that the State party avail itself of international assistance, including technical assistance, to develop a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. The Committee calls upon the State party to continue its cooperation with specialized agencies and programmes of the United Nations system.

Ratification of other treaties

58. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Follow-up to the concluding observations

59. The Committee regrets the State party's failure to submit information on the measures taken to implement the specific recommendations identified for immediate action in its previous concluding observations and requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 11 (f) and (h) and 15 (a) and (e) above.

Preparation of the next report

60. The Committee requests the State party to submit its ninth periodic report, which is due in July 2023. The report should be submitted on time and cover the entire period up to the time of its submission.

61. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).
