

*Human Rights Violations against Women and Girls in the
Democratic Republic of the Congo*

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of
THE DEMOCRATIC REPUBLIC OF THE CONGO

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Action de Solidarité des Femmes pour la Femme et l'Enfant (ASOFFE)

Action des Femmes pour les Droits et le Développement (AFD)

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I. Introduction

1. This report was written in collaboration with 152 women’s organizations and activists from the Democratic Republic of the Congo (DRC),¹ coordinated by SOFEPADI and MADRE. It describes violations of women’s and girls’ rights human rights throughout DRC, and particularly in its eastern provinces,² which have suffered more than two decades of armed conflict.³

2. The international community has recognized the continuous violations of women’s and girls’ rights in the DRC and has condemned rape and other forms of sexual violence as a systematic weapon.⁴ Despite continuous international pressure, the Congolese government has not addressed gaps in its obligation to defend human rights and to ensure protection and redress for Congolese women and girls.

3. This report focuses on the need for protection and justice for women and girls in the face of ongoing conflict-related sexual and gender-based violence. It also underscores the lack of meaningful implementation of both U.N. Security Council Resolution 1325, and the “Peace, Security and Cooperation Framework for the Democratic Republic of Congo (DRC) and the Region.” This report also describes how women and girls are discriminated against in terms of land rights and the right to succession, thereby curtailing their social and economic security. Each section offers recommendations to the government and to the United Nations Organization Stabilization Mission in the DR Congo (MONUSCO).

II. Sexual and Gender-based Violence and Impunity

4. Most women and girls in eastern DRC live within traditionally patriarchal and patrilineal systems,⁵ often with customs harmful to women and girls. Since the time of King Leopold II’s Congo Free State (1885 – 1908),⁶ large-scale sexual violence has been used as a means of oppression and demonstration of power. Decades of armed conflict since the 1990s in eastern DRC, paired with rampant corruption and impunity in the judicial sector, have exacerbated sexual and gender-based violence (SGBV) in Congolese society.

A. Conflict-related sexual violence

5. Conflict-related sexual violence continues to plague the DRC.⁷ Ongoing instability, internal displacement, and an increase in political tensions in the run-up to the December 2018 parliamentary and presidential elections threaten to jeopardize the progress in combatting sexual violence as a weapon of war.⁸

6. Incidents have increased at staggering rates.⁹ In 2017, the United Nations Population Fund (UNFPA) reported 5,783 cases of sexual violence in conflict-affected provinces— more than twice as many cases compared to 2016.¹⁰ Conflict-related sexual violence spread to the three Kasai provinces in the center of the DRC in 2017, however 72 per cent of the cases can be attributed to the eastern provinces of Tanganyika and Ituri.¹¹ North and South Kivu are also severely affected by conflict-related sexual violence caused by armed groups,¹² with the amount of armed groups increasing from around 70 in 2015¹³ to up to 120 groups in late 2017.¹⁴

7. The number of sexual violence incidents attributed to both the Congolese army (FARDC) and the Congolese National Police (PNC) increased in 2017, rising 28 per cent and 109 per

cent respectively in comparison to 2016.¹⁵ Over one third of incidents occurred while the victim was in police custody.¹⁶ Disciplinary actions against high-ranking officers are still not the rule and are unevenly applied.¹⁷

B. Sexual and gender-based violence including domestic violence

8. Women and girls are also threatened with sexual and gender-based violence in their social environments, including domestic violence. According to data from the 2013-2014 Demographic Health Survey, 27 per cent of women in the DRC had experienced sexual violence at some point in their lives, increasing from 22 per cent in 2017.¹⁸ A study conducted in 2013 in North Kivu province found that around 65 per cent of the male participants agreed with the statement: “women should accept partner violence to keep the family together.” The same study found that around 27 per cent agreed to the statement: “a man can force a woman to have sex, and she may enjoy it”,¹⁹ thereby illustrating a high degree of rape-supportive attitudes among men.²⁰

9. The government does not employ a legal framework for criminalizing and punishing domestic violence, including marital rape,²¹ nor does the government have a strategy to provide services for victims of gender-based violence.²² The Congolese judicial system instead applies the ordinary criminal code, which does not account for rape occurring within marriage.²³ In tandem with patriarchal cultural attitudes, this codified blindness to gender-based violence means impunity. For example, while the statutory offense of assault could be applied, in 2017, police rarely intervened on behalf of victims of domestic violence and there was no report of judicial authorities initiating prosecutions in cases of domestic violence or spousal abuse.²⁴

C. Impunity and lack of reparations for SGBV

10. Victims must often navigate a complex of barriers to access justice, which include payment of excessive fees or bribes and the criminal justice system’s lack of resources or inability to find perpetrators or collect evidence.²⁵ Many victims of SGBV, particularly rape victims, do not pursue formal legal action²⁶ and current official statistics cannot fully reflect the number of incidents that occur. A 2016 study found that women in the DRC lacked an understanding of their rights and justice processes²⁷ and many lack sufficient financial resources or are prevented by ongoing security issues from travel to distant judicial actors.²⁸ Victims are often unable to pay high costs of legal proceedings,²⁹ and they are often unable to access or are unaware of local women’s organisations and legal clinics that provide free legal assistance.³⁰ Furthermore, victims fear stigma, humiliation,³¹ and reprisals for reporting SGBV.³²

11. Due to a general sense that the justice system is ineffective and corrupt,³³ victims and their families frequently resort to out-of-court settlements with the perpetrator or the perpetrator’s family,³⁴ which are not victim-centered.³⁵ In exchange for not pressing charges, victims may receive small payments, in-kind contributions, or even offers of (forced) marriage on the part of the abuser.³⁶

12. According to the 2006 Sexual Violence Law, the minimum penalty for rape is a prison sentence of five years, accompanied by a minimum sum of monetary compensation.³⁷ Though official reports note that courts regularly impose the five-year sentence in rape convictions,³⁸ for the few cases actually brought forward by victims, the minimum sentence

is not consistently upheld by civil jurisdiction courts.³⁹ The Congolese criminal justice system does allow for monetary compensation as a form of reparation,⁴⁰ but activists note that perpetrators are often too poor to pay reparations themselves, and the Congolese government has yet to offer to pay for the reparations,⁴¹ despite the adoption of Law 15/013,⁴² which guarantees compensation for victims of gender-based violence and which outlines rules to implement women's rights and gender parity as prescribed by the Constitution.⁴³ In September 2017, no victims obtained reparation payments in more than 150 judgements relating to sexual violence rendered by courts in the cities of Bunia (Ituri province) and Beni (North Kivu province) within the period of a year.⁴⁴

D. Gender discrimination, including gender-based violence, in education and schools

13. Female students lag behind their male counterparts in accessing education,⁴⁵ especially from the secondary school level onwards.⁴⁶ Girls' lower secondary education enrolment rate is linked to long and unprotected walks to secondary schools,⁴⁷ early and forced marriage,⁴⁸ and early pregnancy.⁴⁹ Families with little financial resources sometimes choose to send boys to school instead of girls, believing boys' education to be a family investment and that girls will be "given away" through marriage, that educated girls are "less marriageable,"⁵⁰ or that girls will drop out of school because of pregnancies.⁵¹

14. Schools regularly expel pregnant girls,⁵² despite the government's Education Sector Strategy (2016 – 2025) that recognizes early pregnancies as a source of discrimination against girls in schools and a barrier to equitable education.⁵³ Girls also face sexual violence and rape perpetrated by teachers, with up to one in five girls facing pressure from their teachers to engage in sexual acts in exchange for higher grades,⁵⁴ widely known as "sexually transmitted grades."⁵⁵

E. Recommendations to the Government of the DRC:

15. The Government should take immediate action to ensure, in cooperation with MONUSCO, gender-sensitive public security in conflict-affected areas that is able to effectively intervene against armed militia groups. The Government should also ensure protection of civilians, including women and girls, as a means to combat and eradicate conflict-related sexual violence and increase the accessibility of governmental and non-governmental service offices for women and girls, including victims of gender-based violence, that are out of reach due to armed conflicts.

16. The Government should strengthen measures to eradicate incidents of sexual and gender-based violence committed by security forces, including the Congolese army, police forces and intelligence services, and hold accountable security forces who commit crimes of sexual or gender-based violence,⁵⁶ "including those who have command responsibility"⁵⁷.

17. The Government should, in compliance with CEDAW's 2013 Concluding Observations, "ensure the effective implementation, including through the provision of sufficient resources, of the 2006 law on sexual violence, the 2009 National Strategy against gender-based violence and the zero-tolerance policy."⁵⁸ The Government should also ensure the effective implementation of the 2015 law on gender equality and the reviewed provisions of the family code.

18. The Government should take measures to comply with the Human Rights Committee's 2017 Concluding Observations⁵⁹ and immediately "intensify its efforts to prevent and combat all forms of domestic violence against women," including by enacting "legislation that duly protects women from domestic violence, *inter alia* by criminalizing domestic violence and marital rape;" and "nationwide awareness-raising initiatives and training activities for State officials, especially judges, prosecutors, police officers and medical and paramedical personnel, to ensure that they respond effectively in all cases of domestic violence."

19. The Government should allocate adequate resources to initiatives and civil society organizations that focus on "rais[ing] awareness among women about the legal provisions on sexual violence,"⁶⁰ domestic violence, as well as other laws protecting women's rights and mechanisms to reclaim these rights. The Government should also allocate adequate resources to civil society organizations that meaningfully engage men and boys as both possible perpetrators of SGBV and as potential agents of positive change at the community level.

20. The Government should take measures to increase women's and girls' access to secondary and tertiary education, including by "tak[ing] effective measures to implement its legislation and eliminate child marriages, including customary marriages"⁶¹ as well as early pregnancies, and by "[developing] and implement[ing] a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them,"⁶² with a special focus on the education environment.

21. The Government should take measures to oblige school administrators to allow pregnant girls and mothers to continue their studies.

22. In order to eradicate sexual violence in school and education environments, the Government should protect children and adolescents from sexual violence and harassment and establish specific vetting mechanisms for teachers to ensure those with a record of sexual or gender-based violence are screened out. It should also establish trainings within school systems for administrators and faculty on preventing and properly responding to sexual and gender-based violence in the education system.

23. The Government should, in compliance with CEDAW's 2013 Concluding Observations⁶³ take measures to "provide free legal aid to women without sufficient means,"⁶⁴ and eliminate all fees usually required for victims to file judicial proceedings.

24. The Government should allocate adequate resources to local women's organizations and legal clinics facilitating or providing pro-bono legal assistance in rural areas.⁶⁵

25. The Government should take measures to comply with CEDAW's 2013 Concluding Observations⁶⁶ and encourage women "to file complaints rather than to opt for mediation." Moreover, the Government should take measures to train judicial actors on the legal obligation to prosecute all acts of violence against women and make sure that judicial actors encouraging or involved in out-of-court settlements are held accountable for these violations.

26. The Government should take measures in compliance with CEDAW's 2013 Concluding Observations⁶⁷ to "ensure that women, including women victims of violence suffered during the conflict, have effective access to courts and tribunals", and to "strengthen anti-corruption mechanisms in order to enhance women's confidence in the judiciary".

27. The Government should take measures to train judges on the proper application of legislation with regard to minimum sentences for rape, and establish a consistent and singular interpretation of the law as requiring the minimum sentence of five years for perpetrators found guilty of rape.

28. The Government should “finalise the ongoing review and strengthening of the existing legislation on sexual violence to integrate the issue of reparations;”⁶⁸ and ensure, in compliance with the Human Rights Committee’s 2017 Concluding Observations,⁶⁹ that victims of “acts of violence based on discrimination (...) receive full reparation”.

29. The Government should take immediate measures to comply with the Human Rights Committee’s 2017 Concluding Observations⁷⁰ by establishing a national “reparations fund for victims of sexual violence, which should be put into operation as soon as possible.”

30. The Government should take action to provide for the payment of outstanding judgments of reparations already rendered by Congolese courts in cases where perpetrators were part of the national security forces or otherwise acting on behalf of the state.

31. The Government should scale up access to holistic services, including medical, legal, psychological and socioeconomic assistance for victims of sexual and gender-based violence, by supporting the establishment of victim-centered one-stop centers at the health zone level, including financial and technical assistance as well as partnerships with selected non-governmental organizations.

III. Exclusion of women and girls from peace building processes and negotiations

A. General lack of parity and representation for women and girls

32. Women’s participation rates in high-level decision-making processes remain low in the DRC. In 2017, four of 108 senators were female (3.7 per cent), women held 10 per cent or 50 of 500 seats in the National Assembly (a slight increase from 8.2 per cent in 2015⁷¹) and 6 per cent or 43 of 690 seats in the country’s provincial assemblies.⁷² In 2014, the percentage of women’s representation in constitutional and legislative reviews in the DRC was below 10 per cent.⁷³

33. Women are also underrepresented in the justice and security sectors. For instance, women accounted for only about 20 per cent of judges in South Kivu province in provincial courts in 2015, and eight of the 13 courts did not have any female judges.⁷⁴ Strikingly, only one out of a total of 94 civil prosecutors was a woman in South Kivu province.⁷⁵ In 2015, women constituted only around six per cent of South Kivu’s police forces.⁷⁶ The Government of the DRC stated that the lack of women’s representation in provincial security committees, consisting of governors, heads of courts and public prosecutors’ offices, police chiefs and heads of security services, presents a “major challenge” to inclusion and representation of women.⁷⁷ It also briefly mentions that its National Action Plan aims to increase women’s participation in peace negotiations.⁷⁸

34. Discriminatory provisions in the 2015 revised election review law⁷⁹ further disadvantage women. All political positions—from the presidency to the deputy borough mayors—require a higher education diploma or at least five years of related experience,⁸⁰ despite the massive gap in access to higher education between women and men.⁸¹ Consequently, most women

continue to be limited to the positions of head of quarters or head of neighborhoods with less representation in higher positions.⁸² The 2015 law did not enhance the conditions for women's representation and gender parity on the election lists of political parties: party lists only have "to take into account" the equal representation of men and women.⁸³ The 2015 law on gender equality has no real counterpart in the election law and it remains uncertain whether women will be granted greater access to political positions.

B. Inclusion of women in the implementation of UN Security Council Resolution 1325

35. Meaningful inclusion of women in peace-making, constitution-making, and national dialogues increases chances of agreements being reached and increases the durability of peace, including where women's leadership pushes for commencement, resumption, or finalization of negotiations when such processes stall.⁸⁴

36. Women activists in DRC continue to be concerned about the lack of meaningful implementation of UN Security Council Resolution 1325.⁸⁵ In 2014, civil society organizations' participation in task forces and committees relating to implementation of UNSC Resolutions 1325 and 1820 had deteriorated compared to previous levels.⁸⁶ Between 2013 and 2017, five peace dialogues took place in the DRC.⁸⁷ While one of these dialogues included around 18 per cent female participants, the other dialogues had a rate of around four per cent.⁸⁸

37. In light of these challenges, the government is currently working on a second-generation national action plan for the implementation of Resolution 1325 for the years 2018 to 2022. The new action plan will aim to address the challenges faced during the implementation of the first 1325 national action plan, including the lack of women's inclusion in official peacebuilding and decision-making processes and their scant representation in institutions and mechanisms for the prevention, management and resolution of conflicts.⁸⁹

C. Implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of Congo (DRC) and the Region

38. The Peace, Security and Cooperation Framework for the Democratic Republic of Congo (DRC) and the Region⁹⁰ was signed in February 2013 by eleven African states⁹¹ in the context of the M23 crisis. The Framework, enriched with monitoring and oversight processes as well as clear benchmarks, aims to promote sustainable peace in the DRC and the region by calling for national,⁹² regional, and international actions to end conflict and violence.⁹³ The negotiation process and subsequent implementation presented an opportunity to directly implement Resolution 1325's main goals, namely the full and equal inclusion of women as active and direct participants in peace building processes.⁹⁴

39. However, the Framework lacks a gender perspective, and consistently fails to apply a gendered analysis that recognizes the impact of the conflict on women and girls. Civil society and women's organizations' ongoing contributions to peace building, mainly at the community level, are not acknowledged. It describes sexual violence as mere acts instead of as crimes. The negotiation process lacked women's formal representation, with only a few women from civil society receiving observer status but still lacking decision-making power.⁹⁵

40. Civil society had extremely limited participation in the first round of national implementation benchmark development. The benchmarks contain only a few indicators (ten

out of 247 in 2014) that could be considered gender-related. A 2015 review did include civil society representatives, but civil society organizations were pushed to establish their own monitoring mechanisms instead of being an integrative part of the government's monitoring mechanism.⁹⁶

41. In contrast, at the regional level, the Great Lakes Women's Platform for the Peace, Security and Cooperation Framework launched in 2014 to assure a linkage of the Framework with Resolution 1325.⁹⁷ In 2016, the Women's Platform formulated a Declaration⁹⁸ that was subsequently endorsed by the Framework's Regional Oversight Mechanism, urging member states to follow up on the implementation of the Women's Platform Declaration.⁹⁹

42. The UN continues to support women's empowerment in peace and political processes in the overall region through their Special Envoy for the Great Lakes Region and through the allocation of grants to Congolese women's organizations.¹⁰⁰ However, the UN's reporting on the linkage between the Framework and main goals of Resolution 1325 and on MONUSCO's efforts to ensure gender parity in peace building processes is insufficient.¹⁰¹

D. Recommendations to the Government of the DRC:

43. The Government should take measures to establish legal quotas, affirmative action policies, or other mechanisms to increase women's participation in decision-making positions, both elected and nominated.¹⁰²

44. The Government should take immediate action to review the 2015 election law in order to establish a mandatory quota for women in political party election lists, in line with the objectives of the 2015 law on gender equality.

45. The Government should take further steps to enforce existing laws in order to ensure, in compliance with the 2014 UPR recommendation, "*full implementation of Security Council resolutions 1325 and 2122 on women, peace and security, including by increasing the active and equal participation of women in peacebuilding initiatives and decision-making processes at all levels.*"¹⁰³

46. The Government should take steps to ensure efficient finalization of the country's second-generation national action plan for implementing Resolution 1325 for the years 2018 to 2022. It should promote its widespread diffusion with a particular focus on rural areas, and allocate sufficient resources through gender-sensitive budgeting for its implementation and putting a functioning corresponding permanent national secretariat in place.¹⁰⁴

47. The Government should take measures to ensure inclusive and equal participation of women and women's organizations as active negotiation and mediation partners, including by supporting the creation of gender committees in all peace negotiation processes.¹⁰⁵

48. The Government should allocate and disburse sufficient funds for women, peace, and security programs for both civil society and governmental activities. It should support capacity strengthening of women and women's organizations to ensure women's full and equal participation in peace negotiations as well as in the implementation and monitoring of peace agreements.¹⁰⁶

49. The Government should take measures to increase the number of women within the security sector, including by organizing officially sponsored workshops with young women and girls interested in joining the sector.

50. The Government should acknowledge women's roles in and contributions to local peace building activities and high-level advocacy efforts. It should support the installation of democratic dialogues between local authorities and leaders and women's organizations at the local level.

51. The Government should ensure the full inclusion of women and women-run civil society in the development and implementation of the second-generation national action plan for the implementation of Resolution 1325 for the years 2018 to 2022, which should emphasize women's inclusion in official peace building and decision-making processes, as well as increased representation in institutions and mechanisms.

52. Regarding the Peace, Security and Cooperation Framework for the Democratic Republic of Congo (DRC) and the Region, the Government should take immediate measures to establish a formal national channel for civil society and women's organizations to monitor and implement the Framework, including by developing "minimum quotas for women in key monitoring and implementing bodies."¹⁰⁷

53. The Government should take measures to comply with the regionally endorsed demands of the Women's Platform's 2016 Goma Declaration regarding the Framework and "*establish, strengthen, and resource national mechanisms for the implementation of the PSC Framework and UNSCR 1325, provide resources to the Women's Platform and the ICGLR Women's Forum to effectively support women in their peacebuilding efforts*", and contribute to the "*identifi[cation] and strengthen[ing] [of] a network of female experts to participate in all decision making processes*"¹⁰⁸ in the Great Lakes Region.

IV. Lack of economic security

A. Gender inequality in land rights and land ownership

54. According to the United Nations Development Program (UNDP) Gender Development Index, women's development in the DRC was about 85 per cent that of men in 2017,¹⁰⁹ slightly lower than the average score of 89 per cent for the region of Sub-Saharan Africa.¹¹⁰ The DRC ranks 176 out of 189 countries with a score of 0.652.¹¹¹

55. While "[l]and ownership or title represents an important source of equity and collateral for women in obtaining credit and accessing other forms of productive assets,"¹¹² women in the DRC rarely own land. The use and distribution of land is regulated and organized by both national and customary law,¹¹³ enacted by local chiefs. Up to 97 % of land is distributed through customary power structures at the community level.¹¹⁴ The local chiefs' power to decide on land issues is deeply anchored in the DRC's law concerning the statutes of customary chiefs,¹¹⁵ and these inherited leadership positions are exclusively reserved for men.

56. Consequently, while women are the primary land cultivators in eastern Congo within a "feminised" agriculture sector,¹¹⁶ they can neither afford to buy land in most cases,¹¹⁷ nor inherit land within a highly patrilineal system that passes all assets and values through the

lineage of male family members,¹¹⁸ Widowed women face difficulty in accessing assets that belonged to their late husbands, as these assets could also be claimed by the late husband's siblings.¹¹⁹ DRC law upholds the exclusion of widows from accessing inheritance, stating that “in event of a death in which there is no will, the husband's children, including those born out of wedlock (provided that they were officially recognized by the father), rather than the widow, have precedence with regard to inheritance.”¹²⁰

57. This gender inequality in accessing land severely affects the “expansion of the economy as a whole, and the eradication of poverty in particular,”¹²¹ but the inequality also weakens women's efforts to reach and consolidate socioeconomic stability. With little access to ownership of land or other valuable assets, most women cannot provide required credit guarantees within the formal financial system and therefore remain confronted with barriers to financial investments in their agricultural or other businesses. In addition, women still require their husband's authorization and signature when incurring an asset liability, despite changes to the family code.¹²²

B. Recommendations to the Government of the DRC:

58. The Government should take measures to comply with CEDAW's 2013 Concluding Observations (CEDAW/C/COD/CO/6-7, para. 38 (c)) and “raise the awareness of traditional leaders on the importance of eliminating discriminatory practices [...] and the customary practice that discriminates against women with regard to land inheritance.

59. The Government should take action to allocate sufficient funds for initiatives to support women's access to land, inheritance as well as to assure the overall legal protection of women's economic rights, for instance in the case of divorce.

60. The Government should review its legal inheritance framework with the aim to install legal minimum inheritance quota for vulnerable family members such as widows and children of deceased persons.

61. The Government should take action to allocate sufficient funds for the economic empowerment of women, such as through financial literacy campaigns with a particular accent on rural areas, for both civil society and governmental activities.

62. The Government should take immediate action for the harmonization of statutory and customary laws in order to promote women and girls' empowerment and protect their rights.¹²³

¹ All further mentions in the text of “Congolese” refer to the country of the Democratic Republic of the Congo, differing from the Republic of the Congo.

² The Report focuses especially on the eastern provinces of the DRC, in consultation and collaboration with Women organizations from or active in the provinces of Ituri, North Kivu, Maniema, South Kivu, and Tanganyika (north to south).

³ For a recapitulation of events, see Council on Foreign Relations, “The Eastern Congo – A CFR InfoGuide Presentation”, October 2016, https://www.cfr.org/interactives/eastern-congo#!/?cid=soc-at-interactive-the_eastern_congo_infoguide-121015.

⁴ UN Security Council, Resolution 1820 (2008), UN Doc. S/RES/1820 (June 2008); see also the undated article “Rape: Weapon of war” by the UN Human Rights Office of the High Commissioner linking the Resolution 1820 to the DRC as “*arguably the epicentre of sexual violence against women today*”,

<https://www.ohchr.org/en/newsevents/pages/rapeweaponwar.aspx>.

⁵ USAID, Gender Assessment for the Democratic Republic of the Congo, July 2012, p. 32.

⁶ Charlotte Mertens, Sexual Violence in the Congo Free State: Archival Traces and present Reconfigurations, February 2016, p. 2,

http://afsaap.org.au/assets/Charlotte_Mertens_AFSAAP2015.pdf.

⁷ UN Team of Experts – Rule of Law/Sexual Violence in Conflict, Annual Report 2017, p. 22.

⁸ UN Team of Experts – Rule of Law/Sexual Violence in Conflict, Annual Report 2017, p. 22; Report of the Secretary-General on Conflict-Related Sexual Violence, UN Doc.

S/2018/250 (16 April 2018), covering the period from January to December 2017, para. 36.

⁹ Id, 21.

¹⁰ Report of the Secretary-General on Conflict-Related Sexual Violence (SG-CRSV), UN Doc. S/2018/250 (16 April 2018), covering the period from January to December 2017, para. 37.

¹¹ SG-CRSV, UN Doc. S/2018/250 (16 April 2018), para. 36, 37.

¹² UN Team of Experts – Rule of Law/Sexual Violence in Conflict, Annual Report 2017, p. 21.

¹³ Congo Research Group, J. K. Stearns, C. Vogel, The Landscape of Armed Groups in the Eastern Congo, December 2015, p.5.

¹⁴ Kivu Security Tracker, J. K. Stearns, C. Vogel, The Landscape of Armed Groups in the Eastern Congo - Fragmented, politicized networks, December 2017, p. 1.

¹⁵ SG-CRSV, UN Doc. S/2018/250 (16 April 2018), para. 38.

¹⁶ Id.

¹⁷ Id.

¹⁸ United States Department of State, DRC 2017 Human Rights Report, p. 39.

¹⁹ Promundo et al., Gender relations, sexual and gender-based violence and the effects of conflict on women and men in North Kivu, eastern Democratic Republic of the Congo: Preliminary Results from the International Men and Gender Equality Survey (IMAGES), November 2013, Figure G on p. 9.

²⁰ Id, p. 9, 10.

²¹ United States Department of State, DRC 2017 Human Rights Report, p. 39-40; Human Rights Committee, Concluding observations on the fourth periodic report of the Democratic Republic of the Congo, UN doc. CCPR/C/COD/CO/4, 30 November 2017, para. 17, 18

²² Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo, UN doc. CEDAW/C/COD/CO/6-7, 30 July 2013, para 21 c, 22 e; Committee on the Elimination of Discrimination against Women, Eighth periodic report submitted by the Democratic Republic of the Congo under article 18 of the Convention, due in 2017, UN Doc. CEDAW/C/COD/8, May 2018, para. 79.

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- ²³ Committee on the Elimination of Discrimination against Women, Eighth periodic report submitted by the Democratic Republic of the Congo under article 18 of the Convention, due in 2017, UN Doc. CEDAW/C/COD/8, May 2018, para. 81.
- ²⁴ United States Department of State, DRC 2017 Human Rights Report, p. 40.
- ²⁵ Submission to the Secretariat of the International Conference on the Great Lakes Region (ICGLR) on the Implementation of the Kampala Declaration in Member States, 25 November 2015, para 31, 32; Fondation Hironnelle, Justice Info, November 2017, <https://www.justiceinfo.net/fr/justice-reconciliation/35111-dans-l-est-de-la-rdc,-le-difficile-combat-contre-les-violences-sexuelles.html>.
- ²⁶ United States Department of State, DRC 2017 Human Rights Report, p. 40; Commissioned by the Swedish Embassy, Laura Davis et al., DRC Gender Country Profile, 2014, p. 18.
- ²⁷ The University of Sydney, University of Technology, Sydney, ActionAid, and Australian Aid, Making Justice Work for Women: Democratic Republic of the Congo Country Report, August 2016, p. 96, 97; Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo, UN doc. CEDAW/C/COD/CO/6-7, 30 July 2013, para 11 b.
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- ²⁹ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo, UN doc. CEDAW/C/COD/CO/6-7, 30 July 2013, para 11 b; Monusco/OHCHR, Progress and obstacles in the fight against impunity for sexual violence in the Democratic Republic of the Congo, April 2014, p. 21, para 52.
- ³⁰ Monusco/OHCHR, Progress and obstacles in the fight against impunity for sexual violence in the Democratic Republic of the Congo, April 2014, p. 21, para 53.
- ³¹ Id.
- ³² United States Department of State, DRC 2017 Human Rights Report, p. 40.
- ³³ Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo, UN doc. CEDAW/C/COD/CO/6-7, 30 July 2013, para 11 b.
- ³⁴ Id.
- ³⁵ Commissioned by the Swedish Embassy, Laura Davis et al., DRC Gender Country Profile, 2014, p. 18: *“These arrangements à l’amiable usually result in a lower settlement than what the victim would have obtained if a normal judicial procedure were held, and in many cases will be paid to the victim’s male relative rather than to her.”*
- ³⁶ Monusco/OHCHR, Progress and obstacles in the fight against impunity for sexual violence in the Democratic Republic of the Congo, April 2014, p. 20, para 51.
- ³⁷ Law 06/018, Art. 170.2 (2006).
- ³⁸ United States Department of State, DRC 2017 Human Rights Report, p. 34.
- ³⁹ Fondation Hironnelle, Justice Info, November 2017, <https://www.justiceinfo.net/fr/justice-reconciliation/35111-dans-l-est-de-la-rdc,-le-difficile-combat-contre-les-violences-sexuelles.html>: a female lawyer from North Kivu province explains that courts pronounce for example a suspended sentence of one year; USAID, Gender Assessment for the Democratic Republic of the Congo, July 2012, p. 29.

⁴⁰ Law number 06/018, modifying and completing the Congolese penal code, July 20, 2006; Law number 06/019 modifying and completing the Congolese criminal procedure code, July 20, 2006.

⁴¹ Mobile court in Eastern Congo awards reparations to sexual violence victims, » Mukwege Foundation, February 2018, accessible at :

<http://www.mukwegefoundation.org/2018/02/28/mobile-court-in-eastern-congo-awards-reparations-to-sexual-violence-victims/>

⁴² Law 15/013, Art. 25 (2015)

⁴³ Constitution of the Democratic Republic of the Congo, Articles 14 and 15.

⁴⁴ Radio Okapi/Monusco, RDC : des victimes de violences sexuelles non indemnisées en Ituri et au Nord-Kivu, 27 September 2017,

<https://www.radiookapi.net/2017/09/27/actualite/justice/rdc-des-victimes-de-violences-sexuelles-non-indemniees-en-ituri-et-au>.

⁴⁵ United States Department of State, DRC 2017 Human Rights Report, p. 41.

⁴⁶ According to the country's 2017 Gender Development Index (GDI), men and boys profited from 8.4 years of schooling on average, while women and girls were schooled for 5.3 years on average. The 2017 Gender Inequality Index (GII) points out that amongst the population with at least some secondary education, only 36.7 per cent were constituted by women in contrast to 65.8 per cent of male secondary school attendees.

⁴⁷ USAID, Gender Assessment for the Democratic Republic of the Congo, July 2012, p. 30.

⁴⁸ Id; United States Department of State, DRC 2017 Human Rights Report, p. 41.

⁴⁹ United States Department of State, DRC 2017 Human Rights Report, p. 41.

⁵⁰ Commissioned by the Swedish Embassy, Laura Davis et al., DRC Gender Country Profile, 2014, p. 25.

⁵¹ USAID, Gender Assessment for the Democratic Republic of the Congo, July 2012, p. 30.

⁵² Id.

⁵³ Strategie sectorielle de l'éducation et de la formation 2016-2-15, DRC, December 2015, p. 46.

⁵⁴ United States Department of State, DRC 2017 Human Rights Report, p. 42.

⁵⁵ Commissioned by the Swedish Embassy, Laura Davis et al., DRC Gender Country Profile, 2014, p. 26, 27; USAID, Gender Assessment for the Democratic Republic of the Congo, July 2012, p. 30.

⁵⁶ See also Recommendation on accountability by the United States of America in UN General Assembly, Human Rights Council's Report of the Working Group on the Universal Periodic Review – Democratic Republic of the Congo, UN doc. A/HRC/27/5, 7 July 2014, para. 134.119.

⁵⁷ CEDAW's 2013 Concluding Observations (CEDAW/C/COD/CO/6-7), para 10 b.

⁵⁸ CEDAW's 2013 Concluding Observations CEDAW/C/COD/CO/6-7, para. 22a.

⁵⁹ Human Rights Committee's 2017 Concluding Observations CCPR/C/COD/CO/4, para 18.

⁶⁰ CEDAW's 2013 Concluding Observations CEDAW/C/COD/CO/6-7, para 12 b (iii).

⁶¹ Committee on the Rights of the Child, Concluding observations on the combined third to fifth periodic reports of the Democratic Republic of the Congo, UN doc. CRC/C/COD/CO/3-5, 28 February 2017, para 28.

⁶² Id, para 36 b.

⁶³ CEDAW's 2013 Concluding Observations (CEDAW/C/COD/CO/6-7, para. 12 b (i))

⁶⁴ See also Human Rights Council's Report of the Working Group on the Universal Periodic Review – Democratic Republic of the Congo, UN doc. A/HRC/27/5, 7 July 2014, para. 134.113.

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- ⁶⁵ See also CEDAW's 2013 Concluding Observations (CEDAW/C/COD/CO/6-7), para 12 b (vi).
- ⁶⁶ CEDAW's 2013 Concluding Observations (CEDAW/C/COD/CO/6-7, para. 12 b (iii).
- ⁶⁷ Id, para. 12 b (ii).
- ⁶⁸ Team of Experts – Rule of Law / Sexual Violence in Conflict, Annual Report 2017, p. 23.
- ⁶⁹ Human Rights Committee's 2017 Concluding Observations CCPR/C/COD/CO/4, para 14.
- ⁷⁰ Id, para 20.
- ⁷¹ UNDP, Gender Inequality Index, available at <http://hdr.undp.org/en/composite/GII>
- ⁷² United States Department of State, DRC 2017 Human Rights Report, p. 34.
- ⁷³ Only 9.54 per cent of representatives present in 2014 reviews of the DRC's Constitutional, Legislative, and Security Sector Reform amendments were women. The Global Network of Women Peacebuilders, Security Council Resolution 1325: Civil Society Monitoring Report 2014, October 2014, p. 32.
- ⁷⁴ International Alert/ Observatoire de la Parité, État des Lieux de la Parité dans la Province du Sud-Kivu en République Démocratique du Congo, 2016, p. 19.
- ⁷⁵ Id, 20.
- ⁷⁶ Id, 22.
- ⁷⁷ Committee on the Elimination of Discrimination against Women, Eighth periodic report submitted by the Democratic Republic of the Congo under article 18 of the Convention, due in 2017, UN Doc. CEDAW/C/COD/8, May 2018, para. 73.
- ⁷⁸ Id, para. 72.
- ⁷⁹ Law n° 15/001 of 12 February 2015 modifying and completing law n° 06/006 of 09 Mars 2006 on the organisation of presidential, legislative, provincial, urban, municipal and local elections, previously modified by law n° 11/003 of 25 June 2011.
- ⁸⁰ Law n° 15/001 of 12 February 2015, Art. 103, para. 4, Art. 120, para. 5, Art. 131, para. 5, Art. 148, para. 5.
- ⁸¹ International Alert/ Observatoire de la Parité, État des Lieux de la Parité dans la Province du Sud-Kivu en République Démocratique du Congo, 2016, p. 11, 12.
- ⁸² Id, p. 9.
- ⁸³ Law n° 15/001 of 12 February 2015, Art. 13.
- ⁸⁴ UN Security Council, Report of the Secretary-General on women and peace and security, UN doc. S/2015/716, 16 September 2015, para. 11, 12.
- ⁸⁵ The Government's Action Plan of the Democratic Republic of the Congo for the Purposes of Resolution 1325 of the United Nations Security Council, January 2010.
- ⁸⁶ The Global Network of Women Peacebuilders, Security Council Resolution 1325: Civil Society Monitoring Report 2014, October 2014, p. 10.
- ⁸⁷ Ministry of Gender, Children and Family (DRC), Draft Report on the second-Generation national Action Plan for the implementation of Resolution 1325 for the years 2018 to 2022, as shared on 05 September 2018 before its planned validation on 06 September 2018, p.13.
- ⁸⁸ Id.
- ⁸⁹ Id, p.14, 16.
- ⁹⁰ Henceforth referred to as the Framework.
- ⁹¹ As signing parties: Angola, Burundi, the Central African Republic, the DRC, the Republic of Congo, Rwanda, South Africa, South Sudan, Tanzania, Uganda and Zambia; with representatives of the African Union, the International Conference on the Great Lakes Region, the South African Development Community and the UN Secretary-General as signing witnesses.
- ⁹² The Framework requires the DRC in its Article 5 capacity to carry out key governance reforms, such as in the fields of security, governmental structural reforms and

decentralisation, to consolidate State authority especially in eastern DRC, to further economic development and the agenda of reconciliation, tolerance and democratization.[Citation to Framework]

⁹³ Peace, Security and Cooperation Framework for the Democratic Republic of Congo (DRC) and the Region, February 2013.

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⁹⁵ International Alert/ Kvinna till Kvinna, Gender Audit of the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region, October 2015, p. 26.

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⁹⁷ The Womens’ Platform for the Peace, Security, and Cooperation Framework for the DRC and the Region, 2014-2016 Report, accessible at : https://ungreatlakes.unmissions.org/sites/default/files/the_womens_platform_report_brochure_-_final_draft.pdf

⁹⁸ Declaration of the Women’s Platform for the Peace, Security and Cooperation Framework for the DRC and the region to the Summit of the African Union Commission in Kigali, Rwanda 12 July 2016, Goma, DRC.

⁹⁹ UN Security Council, Report of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, UN doc. S/2017/825, 29 September 2017, para. 69, 90.

¹⁰⁰ UN Security Council, Report of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, UN doc. S/2018/209, 8 March 2018, para. 65, 66.

¹⁰¹ See for example UN Security Council, Report of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, UN doc. S/2018/209, 8 March 2018; UN Security Council, Report of the Secretary-General on the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, UN doc. S/2017/825, 29 September 2017; UN Security Council, Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, UN doc. S/2017/565, 30 June 2017.

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