

# **Shadow report by the Women's International League for Peace and Freedom – Democratic Republic of the Congo section (WILPF DRC)**

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

**73<sup>rd</sup> Pre-Sessional Working Group for the adoption  
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**ORIGINAL VERSION IN FRENCH**

This report was prepared by the Democratic Republic of the Congo section of the Women's International League for Peace and Freedom (WILPF DRC) with the support of WILPF International.

Since its establishment in December 2007, WILPF DRC has focused its actions on the implementation of the Women, Peace and Security (WPS) Agenda in the Democratic Republic of the Congo. In this regard, WILPF DRC conducts advocacy and awareness-raising actions relating to this issue, in particular in relation to the implementation of the United Nations Security Council Resolution (UNSCR) 1325 and related resolutions.<sup>1</sup> WILPF DRC also works to ensure the implementation of instruments to combat the proliferation and illegal flows of arms, women's empowerment and participation in political and public life, and fight against all forms of discrimination against women.

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<sup>1</sup> The United Nations Security Council Resolutions: 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013).

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## I. DOMESTIC VIOLENCE

In its General Recommendation 19, the Committee on Elimination of Discrimination against Women ("the Committee") has noted that domestic violence is one of the most insidious forms of violence against women and that it impairs their ability to participate in public life on the basis of equality.<sup>2</sup> In addition, the UN Special Rapporteur on violence against women emphasised in her 2008 report on her country visit to the DRC that, "If the sexual violence associated with war is addressed in isolation, gender-based discrimination and violence endured by women in "peace" will be grossly neglected and the war on women reinforced."<sup>3</sup>

In 2013, the Committee expressed its deep concern about domestic violence and the inadequacy of legal provisions prohibiting it, especially in relation to marital rape, as well as the lack of shelters for victims. It recommended that the DRC ensure that domestic violence, including marital rape, is explicitly prohibited and provide for adequate sanctions.<sup>4</sup> In 2017, the Human Rights Committee also recommended that the DRC enact legislation that duly protects women from domestic violence, inter alia by criminalising domestic violence and marital rape. It also recommended that the DRC carry out nationwide awareness-raising initiatives and training activities for State officials.<sup>5</sup> In the context of the UPR, the DRC has accepted many

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<sup>2</sup> Committee on the Elimination of Discrimination against Women, General Recommendations Adopted by the Committee on the Elimination of Discrimination against Women, Eleventh Session (1992), General Recommendation 10: Violence against Women, paragraph 23, available at:

[https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_3731\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf)

<sup>3</sup> Report of Special Rapporteur Yakin Ertürk on violence against women, its causes and consequences, Addendum, Mission to the Democratic Republic of the Congo, A / HRC / 7/6 / Add.4, 27 February 2008, paragraph 106, available at : [http://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=14364](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=14364)

<sup>4</sup> Concluding Observations of the CEDAW Committee on the Combined Sixth and Seventh Periodic Report of the Democratic Republic of the Congo, 30 July 2013, para. 22, CEDAW / C / COD / CO / 6-7, available at:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en).

<sup>5</sup> Concluding Observations on the Fourth periodic report of the Democratic Republic of Congo, Human Rights Committee, 30 November 2017, para. 18, CCPR / C / COD / CO / 4, available at:

recommendations to prevent and punish all forms of discrimination and violence against women, including sexual violence and domestic violence.

To date, the legal framework still does not enable to prevent or to combat domestic violence, although Article 14 of the Constitution requires that public authorities take measures to combat all forms of violence against women in public and in private life.<sup>6</sup> Indeed, domestic violence is still not specifically criminalised and, as indicated by the government in its periodic report, it falls under the Penal Code's general provisions, being assimilated to either assault and battery or rape.<sup>7</sup> Domestic violence is also not covered neither by the Law 06/018 of 20 July 2006 that amended and supplemented the Decree of 30 January 1940 on the Congolese Penal Code nor by Law 06/019 of 20 July 2006 amending and supplementing the Decree of 6 August 1959 on the Code of Criminal Procedure, which had strengthened the punishment of sexual violence. In addition, the national strategy to combat gender-based violence mentions domestic violence, but does not foresee any measures in this regard.<sup>8</sup>

Yet, a survey made by the DRC government in 2014 presents a disturbing picture: from the age of 15, 52% of women have experienced physical abuse; in 67.9% of cases, their husband/partner is cited as the perpetrator. Moreover, 53% of women in a relationship and who had been in one, experienced domestic, physical and/or sexual violence, and 75% of women find it justified.<sup>9</sup>

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[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/COD/CO/4&Lang=En](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/COD/CO/4&Lang=En)

<sup>6</sup> DRC Constitution of 18/08/2006

<sup>7</sup> 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, CEDAW / C / COD / 8, paragraph 81, available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2f8&Lang=en).

<sup>8</sup> Democratic Republic of Congo, Ministry of Gender, Family and Children, National Strategy to Combat Gender-Based Violence, Kinshasa, November 2009, available in French at: [https://monusco.unmissions.org/sites/default/files/old\\_dnn/PlanNational.pdf](https://monusco.unmissions.org/sites/default/files/old_dnn/PlanNational.pdf)

<sup>9</sup> Ministry of Planning and Monitoring Implementation of the Revolution of Modernity, Ministry of Public Health and ICF International, 2014. Demographic and Health Survey in the Democratic Republic of Congo 2013-2014. Rockville, Maryland, USA: MPSMRM, MSP and ICF International, p. 317. Available at: <https://dhsprogram.com/pubs/pdf/FR300/EN300.pdf>.

The proportion of women who did not seek for help and/or spoke to no one about their case is higher among women in a relationship than among other women.<sup>10</sup> It is difficult for a woman who was beaten by her husband/partner to complain without fear of reprisal, since this form of violence is not perceived as such by society.

Furthermore, the State does not have specific mechanisms to protect survivors of domestic violence and these may face the obstacles already faced by survivors of sexual violence in their search for justice, notably the absence of specialised courts and measures tailored to attend their specific needs.<sup>11</sup> For example, judges have been reluctant to take basic protection measures, such as removing the names of victims of sexual violence from depositions or not reading their names during court hearings.<sup>12</sup>

#### Questions:

- What monitoring is carried out to measure the impact of laws (in particular Article 14 of the Constitution) that are supposed to protect women from gender-based violence, in particular with regard to the prosecution of domestic violence? Please provide statistics on complaints and prosecutions for domestic violence cases on the basis of the general provisions of the current Penal Code and on the basis of Law 06/018 of 20 July 2006 amending and supplementing the Decree of 30 January 1940 on the Congolese Penal Code.

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<sup>10</sup> *Ibid.* p. 324.

<sup>11</sup> Office of the United Nations High Commissioner for Human Rights, Progress and obstacles in the fight against impunity for sexual violence in the Democratic Republic of Congo, 2014, p. 23, note 54, available at <https://monusco.unmissions.org/sites/default/files/UNJHRO%20-%20Report%20on%20Fight%20against%20Impunity%20Sexual%20Violence%20-%20April%202014%20-%20ORIGINAL%20VERSION.pdf>; Congolese law only stipulates that judges have wide discretionary power to take action to protect victims and witnesses in sexual violence cases. Article 74 bis of the Sexual Violence law requires judges to take all necessary measures to ensure the safety, physical and mental well-being, as well as the privacy and dignity of victims or any other persons involved in the trial.

<sup>12</sup> *Ibid.* p. 23.

- What measures have been taken by the State since the last review to ensure the appropriate care of women victims of domestic violence, including the establishment of shelters, counselling and rehabilitation services for victims of such forms of violence?
- What actions has the State taken to educate and inform the public about domestic violence, including traditional leaders, teachers, judges, police and security forces, political authorities, and boys and men in particular, in order to ensure that such violence is recognised as an unacceptable violation of human rights?

## II. WOMEN IN ARTISANAL MINING

In 2013, the Committee recommended that the DRC protect women and girls working in the mining sector.<sup>13</sup> The legal framework for labour protection in the mining sector has undergone major changes since the revision of the Mining Code through Law No. 18/001 of 9 March 2018.<sup>14</sup> In particular, Article 5 of this Code prohibits pregnant women from working in artisanal mines, and Article 28 prohibits the sale or exploitation of mining products from a site where a violation of human rights, including women's rights, has been identified by a competent authority.<sup>15</sup> Nevertheless, women's working conditions in artisanal mines, which are still largely beyond the control of the State, remain a matter of serious concern.<sup>16</sup>

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<sup>13</sup> Concluding Observations of the CEDAW Committee on the Combined Sixth and Seventh Periodic Report of the Democratic Republic of the Congo, 30 July 2013, para. 30a, CEDAW / C / COD / CO / 6-7, available at:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en).

<sup>14</sup> Law No.18 / 001 of 9 March 2018 amending and supplementing Law No. 007/2002 of 11 July 2002 laying down the Mining Code, available in French at:

<https://www.leganet.cd/Legislation/Droit%20economie/Code%20Minier/Loi.18.001.09.03.2018.html>.

<sup>15</sup> Ibid. Articles 5 and 8.

<sup>16</sup> Le genre et l'exploitation minière artisanale et à petite échelle en Afrique centrale et de l'Est : bénéfices et barrières, GrOW Working Paper Series GWP-2017-02 – Research Contribution Paper, available at:

[https://impacttransform.org/wp-content/uploads/2018/05/Woman-and-ASM-Working-Paper-2017\\_FR.pdf](https://impacttransform.org/wp-content/uploads/2018/05/Woman-and-ASM-Working-Paper-2017_FR.pdf); Women in Artisanal and Small-Scale Mining: Democratic Republic of Congo, July 2017, available in French only at: <https://impacttransform.org/en/work/project/women-in-artisanal-and-small-scale-mining-in-central-and-east-africa/>.

According to a recent study, women constitute about 40% of workers in artisanal mining sites.<sup>17</sup> They play a significant role in artisanal mining, being involved in different parts of the process, such as washing, grinding and sieving, as well as by working in the trade of goods and services, such as selling food to miners. They may also be forced into prostitution.<sup>18</sup> They depend on income generated from this informal mining economy to support their households. However, the participation of women in the artisanal sector as well as the gendered impacts of artisanal mining are not adequately taken into consideration in the regulatory measures of this sector, particularly the need to reduce the inequalities and discriminations faced by women. This runs counter the law on the measures to implement women's rights and equality, in particular Articles 7, 8 and 9 that guarantee women's participation in the economic sphere.<sup>19</sup>

A study carried out by WILPF DRC in 2016 in artisanal mines in Haut Katanga highlighted, among other things, that:<sup>20</sup>

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<sup>17</sup> Groupe de la Banque Mondiale, Rapport de suivi de la situation économique et financière 2015, 3<sup>ème</sup> édition, RDC, septembre 2015.

<sup>18</sup> Life at the bottom of the chain: Women in artisanal mines in DRC, available at: [https://wilpf.org/wp-content/uploads/2016/10/WomenInArtisanalMinesInDRC\\_web.pdf](https://wilpf.org/wp-content/uploads/2016/10/WomenInArtisanalMinesInDRC_web.pdf) ; see also the full version of the research: Enquête sur les violations des droits humains subies par les femmes congolaises dans l'exploitation des mines artisanales dans la province du Haut Katanga République Démocratique du Congo, available in French only at : [https://wilpf.org/wp-content/uploads/2016/10/WILPF-DRC-research\\_final-layout.pdf](https://wilpf.org/wp-content/uploads/2016/10/WILPF-DRC-research_final-layout.pdf); The Gender Dimensions of Tin, Tantalum and Tungsten Mining in the Great Lakes Region, Gender Resource Facility, 2 August 2016, available at : <https://213ou636sh0ptphd141fqi1-wpengine.netdna-ssl.com/grf/wp-content/uploads/sites/13/2015/03/170425-GRF-Desk-Study-The-Gender-Dimensions-of-3Ts-in-the-GLR.pdf>.

<sup>19</sup> Democratic Republic of the Congo. 2015. Law 15/013 of 1 August 2015 laying down modalities for the implementation of women's rights and gender parity (Loi n° 15/013 du 1er août 2015 portant modalités d'application des droits de la femme et de la parité), Articles 7, 8 and 9, available at <http://leganet.cd/Legislation/Droit%20Public/DH/Loi.15.013.01.08.html>

<sup>20</sup> Life at the bottom of the chain: Women in artisanal mines in DRC, available at: [https://wilpf.org/wp-content/uploads/2016/10/WomenInArtisanalMinesInDRC\\_web.pdf](https://wilpf.org/wp-content/uploads/2016/10/WomenInArtisanalMinesInDRC_web.pdf) ; see also the full version of the research: Enquête sur les violations des droits humains subies par les femmes congolaises dans l'exploitation des mines artisanales dans la province du Haut Katanga République Démocratique du Congo, available in French only at : [https://wilpf.org/wp-content/uploads/2016/10/WILPF-DRC-research\\_final-layout.pdf](https://wilpf.org/wp-content/uploads/2016/10/WILPF-DRC-research_final-layout.pdf).



- Poverty and unemployment lead women to work in artisanal mines;
- If women were presented with other lucrative means of livelihood, they would leave the artisanal mines;
- Due to discriminatory traditional beliefs, women are relegated to subordinate tasks, which are particularly toxic, including pounding, sorting and sifting of minerals and wastes;
- Many women experience multiple forms of gender-based violence and sexual violence, including rape, forced marriage, forced prostitution. Women are also more vulnerable to HIV. Early pregnancies are also prevalent.

In its periodic report, the DRC argues that it has taken measures to combat the worst forms of child labour and that the national health policy promotes mutual health insurance for women working in the informal sector.<sup>21</sup> However, no specific information is provided about the measures taken to prevent women and girls from working in the artisanal mining sector.

Questions:

- What statistics does the government have on the number of artisanal mining sites in the country and the proportion of women and girls working in them?
- In which ways will the government implement and monitor the application of Articles 5 and 28 of the Mining Code in order to make effective the application of Article 7 of the Law on the Implementation of women's rights and gender parity that guarantees women's participation in economic life?
- In which ways will the government consult with and involve women's organisations in the implementation of the Mining Code and, in particular, of its articles 5 and 28, which directly concern women?

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<sup>21</sup> 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, CEDAW / C / COD / 8, paragraph 100 and 101, available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2f8&Lang=en).

- What measures are envisaged to ensure the protection of pregnant women who, under Article 5 of the Mining Code, are prohibited from working in artisanal mines during maternity leave, in order to avoid the total loss of their means of subsistence aggravating their economic situation and in order to ensure that they have social security coverage during their maternity leave?
- What measures is the State taking to eliminate all discriminatory practices against women in artisanal mines and to encourage women's access to the management and administration of mining cooperatives?

### III. WOMEN'S PARTICIPATION IN POLITICAL AND PUBLIC LIFE

Progress has been made in legal terms, particularly with regard to the Law of 1 August 2015 laying down modalities for the implementation of women's rights and gender parity, which aims to guarantee equal representation in national, provincial and local institutions.<sup>22</sup> The Law of 15 July 2016 that amended the Family Code abolished the need of the husband's consent for any legal act and introduced the principle of spouses' joint household management.<sup>23</sup> Lastly, the Act of 15 July 2016, on the status of civil servants, abolished the marital consent conditioning the recruitment in public administration of a married woman.<sup>24</sup>

Despite such developments and notwithstanding Article 14 of the Constitution, which establishes the principle of gender equality, to date, women's participation in political and public life remains extremely low: 10% in the Central Government, 10.4% in the National

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<sup>22</sup> Democratic Republic of the Congo. 2015. Law 15/013 of 1 August 2015 laying down modalities for the implementation of women's rights and gender parity (Loi n° 15/013 du 1er août 2015 portant modalités d'application des droits de la femme et de la parité), available at:

<http://leganet.cd/Legislation/Droit%20Public/DH/Loi.15.013.01.08.html>. These provisions apply in particular to the political, administrative, economic, social, cultural, judicial and security fields (see Articles 1 and 2).

<sup>23</sup> Law amending and supplementing Law 87-010 of 1 August 1987 on the Family Code (Loi modifiant et complétant la loi n°87-010 du 1er août 1987 portant Code de la Famille), available in French at:

<https://www.leganet.cd/Legislation/Code%20de%20la%20famille/Loi.15.07.2016.html>

<sup>24</sup> Law 16/013 of 15 July 2016 on the Status of public servants (Loi n° 16/013 du 15 juillet 2016 portant statut des agents de carrière des services publics de l'État), available at in French at:

<https://www.leganet.cd/Legislation/JO/2016/JOS.03.08.2016.pdf>.

Assembly, 5% in the Senate, 9% of provincial deputies and only one female governor out of 26 provinces.<sup>25</sup> In addition, the provisional candidate lists for the upcoming provincial and legislative elections show only 12% of female candidates.<sup>26</sup> This situation is reinforced by the lack of State incentives to encourage political parties to include female candidates, despite Article 13 of the electoral law encouraging women's candidacy.<sup>27</sup>

In its periodic report, the government indicates that it has conducted awareness-raising sessions for relevant institutions about the need for incentives.<sup>28</sup> Notwithstanding, no incentives have yet been put in place to support women's participation in the government and public administration in accordance with the constitutional principle of gender parity. In addition, the decision of the Constitutional Court of 24 January 2014 regarding the constitutionality of quotas to improve women's access to the civil service in the Law of 1 August 2015 concluded that these quotas were against the principle of equality guaranteed by law (Article 12 of the Constitution) and to the principle of the elimination of all forms of discrimination, particularly with regards to access to public office roles (Article 13 of the Constitution).<sup>29</sup>

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<sup>25</sup> DRC Constitution, 18 February 2006, Article 14, available in French at:

<http://www.wipo.int/edocs/lexdocs/laws/fr/cd/cd001fr.pdf>; Bulletin thématique Genre n°3, Leadership féminin, Juillet 2017, p.3.

<sup>26</sup> <https://www.radiookapi.net/2018/08/29/emissions/parole-aux-auditeurs/listes-provisoires-des-candidats-aux-elections-les-femmes>

<sup>27</sup> Law amending and supplementing Law 06/006 of 9 March 2006 on the organisation of presidential, legislative, provincial, urban, municipal and local elections as amended to date (Loi modifiant et complétant la loi n°06/006 du 09 mars 2006 portant organisation des élections présidentielles, législatives, provinciales, urbaines, municipales et locales telle que modifiée à ce jour) Article 13, available in French at : <http://www.presidentrdc.cd/IMG/pdf/-27.pdf>

<sup>28</sup> CEDAW/C/COD/8, paragraphs 5, 6, 7

<sup>29</sup> ANALYSE CRITIQUE DE LA LOI n° 15/013 du 1er août 2015 portant modalités d'application des droits de la femme et de la parité, Observatoire de la parité en République Démocratique du Congo, disponible à : <http://riensanslesfemmes.org/wp-content/uploads/2016/10/ANALYSE-CRITIQUE-DE-LA-LOI-PORTANT-MISE-EN-%C5%92UVRE-DE-LA-PARITE-Version-pr%C3%A9sentation1.pdf>

Finally, since the promulgation of the Law on the implementation of women's rights and gender parity of 1 August 2015, the organs foreseen in the law to follow-up on its implementation have not been put in place yet.<sup>30</sup>

Questions:

- Why has the State not implemented temporary special measures yet in order to increase the number of women in decision-making positions in the public sector, including the government, the parliament and the judiciary, both at national and local levels, as well as in the private sector?
- How does the State reconcile its compliance with its obligations under article 4 of the Convention on the Elimination of All Forms of Discrimination against Women, which provides that temporary special measures to accelerate the establishment of de facto equality between men and women shall not be considered as discriminatory, with the Constitutional Court judgment of 24 January 2014 declaring unconstitutional the quotas for women's representation in the political and administrative spheres?<sup>31</sup>
- How will the State ensure the effective compliance with Articles 4 and 5 of Law No. 15/013 on gender parity, which stipulate that political parties must take gender parity into consideration, while Article 13 paragraph 3 of the new electoral law states that the absence of female candidates on electoral lists is not a basis for inadmissibility of electoral lists?<sup>32</sup>

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<sup>30</sup> These are Interministerial Committee and the National Council Gender and Parity ( Comité interministériel et du Conseil National du Genre et de la Parité) that need to be put in place by a decree of the Prime Minister.

<sup>31</sup> Loi n°15/013 du 15 juillet 2013 portant modalités de mise en œuvre de des droits de la femme et de la parité, Article 4, disponible à: <https://leganet.cd/Legislation/Droit%20Public/DH/Loi.15.013.01.08.html>

<sup>32</sup> Loi n°15/013 du 15 juillet 2013 portant modalités de mise en œuvre de des droits de la femme et de la parité, Articles 4 et 5, disponible à: <https://leganet.cd/Legislation/Droit%20Public/DH/Loi.15.013.01.08.html>, Loi modifiant et complétant la loi n°06/006 du 9 mars 2006 portant organisation des élections présidentielles, législatives, provinciales, urbaines, municipales et locales, article 13, disponible à: <http://www.presidentrdc.cd/IMG/pdf/-27.pdf>

- Why have both the Inter-ministerial Committee and the National Council of Gender and Parity, whose establishment is envisaged Law No. 15/013 of 1 August 2015 on gender parity, not been put in place yet?
- Please provide information about the effective application of Article 3 paragraph 5 of Law No. 08/005 of 10 June 2008 regarding funding for political parties, which makes access to public funding by political parties conditional upon the respect of gender parity in the establishment of their candidates list.

#### IV. ARMS CONTROL

The illicit transfer, accumulation and diversion of small arms and light weapons (SALWs) remains of serious concern and is one of the main factors of armed conflict and women's insecurity in the DRC.<sup>33</sup> The Committee has recognised the impact of SALWs on women's security in the DRC and recommended in 2013 that the country should ensure the effective regulation of the arms trade, the control of illicit small arms flows and should ratify the Arms Trade Treaty (ATT).<sup>34</sup>

According to the May 2018 report by the UN Security Council Group of Experts on the DRC, several countries have delivered arms and related materials to the DRC in 2017 in violation of the arms embargo.<sup>35</sup> Stocks of the Armed Forces of the DRC (FARDC) are also the main source of arms and ammunition for armed groups, obtained either during attacks by armed groups on these stocks or through resale by FARDC officers.<sup>36</sup>

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<sup>33</sup> Violence basée sur le genre et prolifération des armes légères en République Démocratique du Congo, une approche Femmes, Paix et Sécurité, Rapport alternatif par des membres de la Société Civile de RDC Coordonné par WILPF RDC, 2012.

<sup>34</sup> CEDAW/C/COD/CO/6-7, 30 July 2013, paragraph 10 h)

<sup>35</sup> Final report of the Group of Experts on the Democratic Republic of the Congo, S/2018/531, para. 180, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/N1812836.pdf>

<sup>36</sup> Final report of the Group of Experts on the Democratic Republic of the Congo, S/2018/531, para. 180, disponible en anglais à: <https://reliefweb.int/sites/reliefweb.int/files/resources/N1812836.pdf>

The National Plan on SALWs 2012-2016 noted that SALWs cause various types of violence, the main one being rape, followed closely by domestic violence.<sup>37</sup> The March 2018 UN Secretary-General's Annual Report on Conflict-Related Sexual Violence also noted that "the rise or resurgence of conflict and violent extremism, with the ensuing proliferation of arms, mass displacement and collapse of the rule of law, triggers patterns of sexual violence."<sup>38</sup>

Since the previous review, WILPF DRC has noted some progress in the disarmament of armed groups by FARDC with the support of MONUSCO. Indeed, between 2015 and 2016, MONUSCO's support for phase III of the National disarmament, demobilisation and reintegration programme has facilitated the demobilisation of 5583 ex-combatants of Congolese armed groups.<sup>39</sup> The adoption of the new National Action Plan on the Control of Small Arms and Light Weapons in March 2018 is also a significant step forward.<sup>40</sup> However, the national normative framework remains inadequate. Indeed, the Law on the prevention, control and reduction of SALWs and their ammunition, adopted by the Senate on 3 December 2013, has not been promulgated yet by the President of the Republic.<sup>41</sup>

Pending that promulgation, the legislation on weapons remains the ordinance law 85-035 of 3 September 1985 governing arms and ammunition, supplemented by Law 85-212 of 3 September 1985 about implementing measures.<sup>42</sup> However, this legislation is only partially

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<sup>37</sup> Plan d'action national de contrôle et de gestion des armes légères et de petit calibre en RDC 2012-2016, Ministère de l'Intérieur, juillet 2011, p.31, available in French at: <https://www.reseau-rafal.org/sites/reseau-rafal.org/files/document/externes/Plan%20d%27action%20national%20ALPC%202012-2016.pdf>.

<sup>38</sup> Report of the Secretary-General on conflict-related sexual violence, 23 March 2018, S/2018/250, paragraph 10.

<sup>39</sup> Special report of the Secretary-General on the strategic review of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, September 2017, paragraph 43.

<sup>40</sup> [http://cd.one.un.org/content/unct/rdc/fr/home/actualites/elaboration-d\\_un-nouveau-plan-daction-national-pour-la-gestion-e.html](http://cd.one.un.org/content/unct/rdc/fr/home/actualites/elaboration-d_un-nouveau-plan-daction-national-pour-la-gestion-e.html)

<sup>41</sup> See report by GRIP, Armes artisanales en RDC: enquête au Bandundu et au Maniema, Georges Berghezan, 2015, p.11.

<sup>42</sup> Ordonnance-Loi 85-035 du 3 septembre 1985 portant régime des armes et munitions, disponible en français à: <https://www.leganet.cd/Legislation/DroitPenal/divers/OL.85.035.03.09.1985.htm>; Ordonnance 85-212 du 3 septembre 1985 portant mesures d'exécution de l'ordonnance-loi 85-035 du 3 septembre 1985

implemented and is obsolete, since it is no longer in line with the international commitments made in recent years by the DRC, including the Kinshasa Convention on SALWs signed by the DRC in 2010. In addition, the main weakness of this law relates to the vagueness or the lack of definitions of key terms such as "small arms", "light weapons" "weapons of war", "ammunition", "brokering", "tracing" that are essential for the effective regulation of SALWs. Furthermore, the Arms Trade Treaty, which is pivotal for the control of the illicit proliferation of weapons in the DRC, has still not been ratified, as recognised in the DRC periodic report.<sup>43</sup> The Kinshasa Convention on SALWs has not been ratified either.

Finally, although women are the main victims of SALWs, particularly as a result of sexual violence, they remain excluded from decision-making processes for developing measures to prevent and eliminate the illicit trade of SALWs. Therefore, the DRC should take measures to promote women's participation and effective representation in decision-making, planning and implementation related to the control of SALWs.

Questions:

- Why have the Arms Trade Treaty and the Kinshasa Convention on Small Arms still not been ratified?
- Why has the law on the prevention, control and reduction of small arms and light weapons and their ammunition, pending since 2013, not been promulgated yet?
- How are women's organisations included in the development and implementation of disarmament and arms control programmes?
- How will the impacts of SALWs on women be documented under the new National Plan on SALW (2017-2021)?

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portant régime des armes et munitions, disponible en français à:  
<https://www.leganet.cd/Legislation/DroitPenal/divers/O.85.212.03.1985.htm>

<sup>43</sup> CEDAW/C/COD/8, paragraphes 70 et 71

