

REFERENCE: YH/follow-up/DRC/62

14 December 2015

Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the combined sixth and seventh periodic reports of the Democratic Republic of the Congo, at the Committee's fifty-fifth session, held in July 2013. At the end of that session, the Committee's concluding observations (CEDAW/C/COD/CO/6-7) were transmitted to your Permanent Mission. You may recall that in paragraph 46 on follow-up on the concluding observations, the Committee requested the Central African Republic to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 10 and 38 of the concluding observations, namely:

“10. The Committee urges the State party:

(a) To prevent gender-based violence, in particular sexual violence, by State and non-State actors in conflict-affected areas, ensure the protection of civilians, including women, in cooperation with MONUSCO, conduct gender-sensitive training and adopt codes of conduct for the police and the military and provide training for psychologists and health-care professionals;

(b) To prioritize the fight against impunity for sexual violence in conflict-affected areas, promptly complete effective and independent investigations into violations of women's rights committed by the Congolese armed forces and armed groups and prosecute the perpetrators of such acts, including those who have command responsibility;

(c) To ensure access to justice for all women affected by sexual violence during the conflict, provide proper funding to military jurisdictions, ensure that the justice system is responsive to gender-based violence and increase the number of women judges dealing with cases of sexual violence in conflict-affected areas and the number of judges and prosecutors specialized in sexual violence and pursue efforts, with the support of the international community, towards the adoption of a law on a specialized court or specialized chambers under the national judiciary system to try individuals responsible for war crimes, genocide and crimes against humanity;

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(d) To ensure the protection of victims and witnesses from reprisals whenever they seek access to justice;

(e) To establish a human rights-based vetting system to ensure that no perpetrator of human rights violations, including violations of the human rights of women, is maintained in the army and the police or is integrated into the army, especially during peace negotiations with armed groups;

(f) To ensure that victims have access to comprehensive medical treatment, mental health care and psychosocial support provided by health professionals who are trained to detect sexual violence and treat its consequences and ensure that women victims are provided with medico-legal forms free of cost;

(g) To ensure the effective implementation of the national action plan for the implementation of Security Council resolution 1325 (2000) and establish a comprehensive national policy to provide adequate reparations to victims of sexual crimes;

(h) To ensure the effective regulation of the arms trade, control the circulation of illicit small arms and consider ratifying the Arms Trade Treaty;

(i) To significantly enhance the inclusion and representation of women in peace negotiations and ensure that women are represented in provincial security committees;

(j) To ensure the effective implementation of Security Council resolution 2098 (2013).”

“38. The Committee recommends that the State party:

(a) Withdraw the discriminatory provisions of the 1987 Family Code, including on the need for women to gain authorization by their husband for any legal act (arts. 448-450); the husband being the head of household (art. 353); the choice of the place of residence resting with the husband (art. 454); the application of a broader definition of adultery to women than to men (art. 467); the woman’s duty to obey her husband (art. 444); the ownership of the family registry booklet by the husband (arts. 148 (1) and 150); and the different minimum age of marriage for girls and boys (art. 352).”

Although the information sought by the Committee was due in July 2015, it has not been received to date. Accordingly, I would be grateful for clarification as to the current status of your Government’s response on the matters, and as to when the information requested will be forthcoming.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of the Democratic Republic of the Congo on the implementation of the Convention. In this context, the Committee seeks to receive your response to this reminder without further delay.

Please note that this response should be precise and should not exceed a maximum length of **4000 words**, including footnotes. You may attach a limited number of annexes containing statistical data only which are not counted for the word limit. Please also send a Word electronic version of the information requested to the Secretariat of the Committee on the Elimination of Discrimination against Women by email to cedaw@ohchr.org. For ease of reference, please find attached a document providing information on the follow-up procedure, which includes guidelines on the drafting of follow-up reports by States parties.



Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Xiaoqiao Zou'.

Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women