



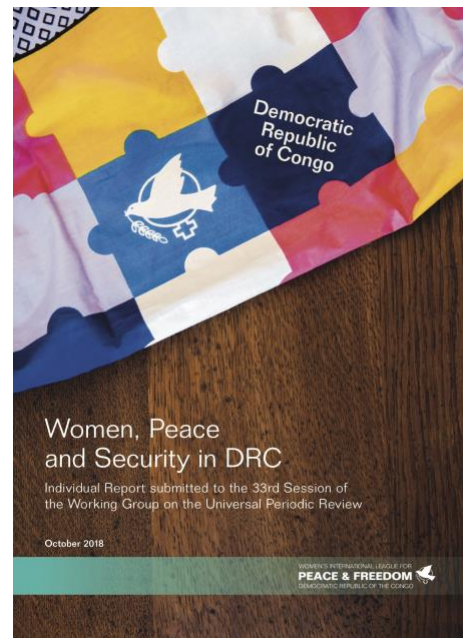
UPR of the Democratic Republic of the Congo

Recommendations on Women, Peace and Security

April 2019

1.	Domestic Violence.....	1
2.	Women in artisanal mining.....	2
3.	Women's participation in political and public life	3
4.	Arms controls.....	4

The following is a summary of WILPF DRC submission to the 33rd UPR Working Group. **The full report is available in English and French at this link:** <https://wilpf.org/wilpf-publications/> .



1. Domestic Violence

In the previous cycles of the Universal Periodic Review (UPR), the DRC accepted many recommendations aimed at preventing and punishing all forms of discrimination and violence against women, including sexual violence and domestic violence. The CEDAW and Human Rights Committees also recommended that the DRC ensure that domestic violence, including marital rape, is explicitly prohibited and that appropriate sanctions be applied. The current legal framework still does not help to prevent or combat domestic violence as domestic violence is not yet specifically criminalised and falls under the Penal Code's general provisions (being assimilated with either assault and battery or rape). Furthermore, the State does not have specific mechanisms to protect survivors of domestic violence, including specific units working on this issue in the judicial system.

Recommendations

- Amend the Penal Code by expressly criminalising domestic violence;
- Complete the review of the national strategy to combat gender-based violence by defining specific actions on domestic violence, including by raising public awareness and training competent police and judicial authorities, and by allocating the resources required for its implementation;
- Ensure free judicial procedures and take safety measures for survivors of domestic violence, including the establishment of shelters by 2020;
- Lead activities aimed at raising public awareness on domestic violence, particularly among boys and men, in order to challenge the normalisation of domestic violence and to have it recognized as a form of unacceptable gender-based violence by 2020;
- Enhance capacity building in fighting and suppressing domestic violence among Special Police Units for the Protection of Women and Children currently operating in the Eastern part of the country, and deploy these units across the national territory.

2. Women in artisanal mining

Australia made two recommendations regarding mining and the management of natural resources in previous cycles, which were accepted by the DRC. In 2013, the CEDAW Committee recommended that the DRC protect women and girls working in the mining sector. The Mining Code as revised in 2018 now prohibits pregnant women from working in artisanal mines, and 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. However, it is unclear how these measures are going to be implemented to take into account the specific rights violations and risks that women face in artisanal mines. Indeed, due to discriminatory traditional beliefs, women are relegated to subordinate tasks, which are particularly toxic, including sifting minerals and wastes and many women experience multiple forms of gender-based violence and sexual violence.

Recommendations

- Establish an inter-ministerial body to design a national strategy for the protection and safety of women who work in artisanal mines, while ensuring the participation of women's civil society organisations in its development, by 2020;
- Enhance the knowledge of women who work in artisanal mines about their rights, particularly with regard to the new Mining Code, and on modalities for the establishment of cooperatives, in order

to improve the working conditions of women working in artisanal mines and ensure their equal access to economic resources, in compliance with the Sustainable Development Goal 5;

- Identify all areas of undistributed artisanal mining operations to formalize these operations in compliance with the new Mining Code, and reallocate a quota of mining cooperatives to women in order to increase their access to mining economic resources;
- Facilitate women's access to microcredit, enabling those working in artisanal mines to develop alternative livelihood activities to their mining labour;
- Ensure access to schooling and training for children of miners in order to break the vicious cycle of poverty.

3. Women's participation in political and public life

Since the previous UPR cycle, progress has been made with the adoption in 2015 of a law on women's rights and gender parity, which aims to guarantee equal representation in institutions. However, women's participation in political and public life remains extremely low: 10% in the Central Government, 10.4% in the National Assembly, 5% in the Senate, 9% of provincial deputies and only one female governor out of 26 provinces. This situation is reinforced by the lack of State incentives to include more women in decision-making positions and electoral lists, despite Article 13 of the electoral law promoting women's candidacies. 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.

Recommendations

- In accordance with Law 15/013 of 1 August 2015, on the implementation of women's rights and gender parity, establish by 2019 and with adequate resources, the Inter-ministerial Committee and the National Council on Gender and Parity;
- Complete the National Strategy for women's political participation by 2020;
- Effectively implement Article 3, Paragraph 5 of Act 08/005 of 10 June 2008 on the funding of political parties in which political parties are requested to consider gender parity in establishing electoral lists and ensure that women are significantly represented in high-level decision-making positions;
- Take affirmative discrimination measures by establishing training programs intended for women working in public administration by 2020, to increase their access to decision-making positions.

4. Arms controls

No recommendation relating to the issue of arms control was made in the previous UPR cycles. Yet, the illicit transfer, accumulation and diversion of small arms and light weapons (SALWs) remains of serious concern. The Law on the prevention, control and reduction of SALWs, adopted by the Senate on 3 December 2013, has not yet been promulgated. Pending promulgation, the applicable law remains a law from 1985, which is only partially implemented and obsolete, since it is no longer in line with international commitments made in recent years by the DRC, including the Kinshasa Convention on SALWs signed by the DRC in 2010. Furthermore, the Arms Trade Treaty, which is pivotal for controlling the illicit proliferation of weapons in the DRC, has still not been ratified. Finally, although women are the main victims of SALWs, particularly as a result of sexual violence generated by these weapons, they remain excluded from decision-making processes for developing measures to prevent and eliminate the illicit trade of SALWs.

Recommendations

- Ratify the Arms Trade Treaty and the Kinshasa Convention on arms control by 2020;
- Launch immediate legal proceedings against any person who possesses, distributes or engages in illicit sales of weapons in order to put an end to impunity;
- By 2019, enact the law on the prevention, control and reduction of small arms and light weapons and their ammunition, which has been pending since 2013;
- Arrange for the safe and effective management, storage and security of stockpiles of weapons and ammunition, with the support of MONUSCO, to address the threat posed by the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons;
- Involve civil society in the development and implementation of disarmament and arms control programmes, including women's organisations, to ensure the collection of accurate information and an implementation of disarmament programmes that is gender-sensitive and tailored to the local context.