



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women Ninetieth session

### Summary record of the 2121st meeting

Held at the Palais des Nations, Geneva, on Tuesday, 4 February 2025, at 3 p.m.

Chair: Ms. Haidar

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*The meeting was called to order at 3.10 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention (continued)**

*Report submitted by the Democratic Republic of the Congo under the exceptional reporting procedure (continued) (CEDAW/C/COD/EP/1; CEDAW/C/COD/QPR/EP/1)*

1. *At the invitation of the Chair, the delegation of the Democratic Republic of the Congo joined the meeting.*
2. **The Chair** invited the delegation of the Democratic Republic of the Congo to continue replying to Committee members' questions.
3. **A representative of the Democratic Republic of the Congo** said that the Government had set up a commission to carry out investigations into reports of human rights violations allegedly committed by members of the armed forces. Following those investigations, seven members of the armed forces in Kwamouth had been convicted and were currently serving prison sentences. In Goma, investigations had been conducted into about 30 members of the armed forces, 13 of whom had been brought before the military courts. The Government was unaware of the whereabouts of the prisoners who had escaped from the prison in Muzenze.
4. The effectiveness of any mechanisms that the Government might set up to promote transitional justice would be limited by the fact that the armed conflict had an international scope. However, the Government was currently considering two bills intended to facilitate the prosecution of war criminals, one on the establishment of a special criminal court and the other on the establishment of mixed chambers attached to the Court of Appeal and the Court of Cassation.
5. The Government had recently participated in the diplomatic conference held in Ljubljana to negotiate the adoption of the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes. The Democratic Republic of the Congo had signed that instrument in February 2024.
6. The legal provision relating to the death penalty should be seen as an administrative deterrent that was necessary in view of the resurgence of conflict in the east of the country. The penalty could be applied only to perpetrators of offences involving the invasion of the country or acts of terrorism. The moratorium on the use of the death penalty for other offences had not been lifted and no executions had been carried out in recent years.
7. **A representative of the Democratic Republic of the Congo** said that legislative and practical measures had been taken to promote affordable access to justice for victims of sexual violence. Where legislation was concerned, free access to justice was guaranteed under Act No. 022/065 of 26 December 2022, establishing the fundamental principles relating to the protection of and reparations for victims of conflict-related sexual violence and other crimes against the peace and security of humankind.
8. In practical terms, the Government was providing support to victims through the national reparations fund for victims of conflict-related sexual violence and other crimes against the peace and security of humankind. Campaigns to raise awareness of victims' rights and duties were conducted for the 10,000 victims living in camps for displaced persons. Information on access to justice and the right to reparation was disseminated among victims' associations and justice officials.
9. As a result of the measures taken, over 1,000 case files had been prepared and 42 cases had been brought before the military courts. Mobile court hearings were held to bring justice closer to victims. Efforts were made to ensure that victims' and witnesses' identities were kept confidential in court proceedings. In line with a policy on positive masculinity promoted by the Head of State, steps had been taken to increase the proportion of women members of the judiciary, making it possible for more cases of sexual violence to be heard by women judges.

10. **A representative of the Democratic Republic of the Congo** said that the gap between the number of reports of sexual violence and the number of convictions could be explained by the unwillingness of women victims to report such offences out of fear that they would be stigmatized and by the obstacles that prevented them from obtaining access to justice. Another factor in the low conviction rate was that perpetrators of sexual violence were sometimes released on bail, putting victims' safety at risk. Victims generally lacked faith in the justice system and found it difficult to understand complex legal proceedings. However, the adoption of Act No. 022/065 and the establishment of the national reparation fund had enhanced their access to affordable justice and their trust in the system.

11. **A representative of the Democratic Republic of the Congo** said that the Government accorded great importance to Security Council resolution 2467 (2019), which addressed conflict-related sexual violence, including children born as a result of such violence. It was important not to confuse those matters with the matters addressed by the Maputo Protocol, which included sexual and reproductive health. Children born of sexual violence were unable to establish their paternity through DNA tests as the men who had raped their mothers were living in other countries. The Government had received no response to its request for those men to be returned to the Democratic Republic of the Congo. The Security Council had stated that they should be tried in their own countries.

12. **Ms. Draz** said that she wished to know what measures were being taken to enhance coordination between investigators, prosecutors, newly appointed judges and other persons responsible for preventing and combating conflict-related sexual violence in order to strengthen investigations and prosecutions. She would be grateful for information on any incentives that the Government offered to increase the recruitment of judges and prosecutors trained in handling conflict-related sexual violence. Information on the work carried out by gender-based violence coordinators in camps for internally displaced persons would also be welcome.

13. She wondered whether the Government had assessed the effectiveness of the training provided to officials responsible for combating conflict-related sexual violence and, if so, whether it had noted any improvements in their ability to hold perpetrators accountable and reduce impunity. She would appreciate information on the frequency and nature of the training provided to judges, legal officers, gender-based violence coordinators in camps and prosecutors in investigating, identifying and prosecuting acts of conflict-related sexual violence. She wished to know how often the Convention and regional instruments relating to conflict-related sexual violence were covered in training sessions and campaigns conducted to raise public awareness of such violence. She would welcome information on the participation of women in peace negotiations.

14. **A representative of the Democratic Republic of the Congo** said that the training of judges was addressed by the law establishing the regulations governing the judiciary. The basic training provided to judges covered the handling of cases of sexual violence, including in conflict situations. It was difficult to provide precise statistics on cases of conflict-related sexual violence as many courthouses in conflict zones had been destroyed.

15. **A representative of the Democratic Republic of the Congo** said that the National Strategy to Combat Gender-Based Violence included a section on measures to collect data and analyse violence in order to improve understanding of its causes and the targeting of responses. The strategy had been in place since 2010 and had been amended in 2019. It was currently being reviewed and would be updated again to ensure its relevance to the current situation.

16. In 2016, the National Police had adopted a strategy on gender mainstreaming, the fight against sexual violence and child protection measures. The strategy was currently being updated. In November 2019, the National Police had adopted an action plan on the fight against sexual violence that set out a strategy for investigating reports of such offences. The plan also included a section on recording and documenting evidence and witness statements to ensure that cases of sexual violence were properly dealt with by the courts.

17. **A representative of the Democratic Republic of the Congo** said that the law establishing the regulations governing the judiciary provided for the recruitment of justice officials at the rank of deputy public prosecutor rather than as judges. Once deputy public

prosecutors had served in their posts for one or two years, they could be appointed as judges, depending on the exigencies of the service. In line with that procedure, more than 1,000 of the 2,500 officials recruited in 2023 would be transferred to the bench to strengthen local courts. Under the Sexual Violence Act, nine sexual violence offences fell within the jurisdiction of the district courts, meaning that sexual violence cases were heard in lower courts that were closest to local communities.

18. **A representative of the Democratic Republic of the Congo** said that the representation of women in peace negotiations was indeed low; only about 8 per cent of negotiators were women. One of the reasons for women's underrepresentation was that the leaders of armed groups were all men who tended to question why women should participate in negotiations when they had not participated in conflicts. However, the Southern African Development Community was currently training women mediators to participate in peace negotiations.

19. **Mr. Safarov** said that he wished to know what measures the State party took to identify cases of trafficking in persons, including in procedures for processing complaints submitted by migrants and members of other vulnerable groups. He wondered whether potential trafficking victims continued to be punished for unlawful acts committed as a result of their being trafficked and whether any measures would be taken to ensure that they were not thus punished. It would be interesting to learn how the State party prevented trafficking in persons and sexual slavery committed by armed groups in conflict-affected mining areas.

20. Details of any measures being taken to improve the availability of statistical information on trafficking in persons would be welcome. He wished to know whether any plans were in place to increase the number of shelters for victims of trafficking. He suggested that the State party consider ratifying the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

21. **Ms. Reddock**, noting that forcibly displaced women and girls frequently lacked access to education, said that she wished to know whether a policy relating to education for displaced persons was in place. She wondered whether education was considered to be part of the group of services offered to survivors of conflict-related sexual violence and, if not, whether future national action plans might provide for their access to education.

22. She would welcome information on any plans relating to the provision of education in the post-conflict period. In particular, it would be interesting to know whether such plans would provide for reasonable accommodation for women and girls with disabilities and support for mothers who required childcare services, transportation or other forms of assistance. She wished to know whether any mechanisms were in place to ensure the right to education for women and girls with children born as a result of conflict-related sexual violence, for example rape, forced pregnancy and child prostitution, and the children themselves. It would be interesting to learn whether school-aged pregnant girls and mothers were normally able to attend school.

23. Militarized conflict and uniforms exacerbated hyper-masculine behaviour, including involvement in conflict-related sexual violence. Young, uneducated men were easy targets for recruitment into armed groups as such groups gave them status, power and a sense of manhood that posed a danger to women, girls and wider society. In view of that situation, she wondered whether gender-responsive education, including programmes on masculinity and femininity, formed part of the curricula of schools and universities and the training programmes established for the armed forces, the police and the civil service.

24. **A representative of the Democratic Republic of the Congo** said that war of aggression waged by Rwandan forces and the Mouvement du 23 mars (M23) armed group had greatly destabilized the country. Two weeks previously, the number of internally displaced persons who had no access to humanitarian aid had reached 7 million.

25. **A representative of the Democratic Republic of the Congo** said that, in 2022, responsibility for coordinating all matters related to trafficking in persons had been transferred to the National Agency for Combating Trafficking in Persons. Efforts were focused on prevention, protection of victims and witnesses, prosecution and partnership. A specialized committee had been established which submitted reports to the United Nations

and other organizations and in whose meetings various ministries, non-governmental organizations (NGOs), entities of the United Nations and foreign embassies were invited to participate. Although the Government had not eliminated trafficking in persons, in recognition of its success combating and stabilizing the rate of the crime, the country had been placed in tier 2 of the Trafficking in Persons Report of the United States of America and had retained that position. As a result of the corruption associated with that crime, there were many criminal networks operating with impunity, particularly in the east of the country and mining areas. A presidential task force for dealing with corruption, kidnapping and armed conflicts had been established.

26. The Government had noted that women and children in conflict zones such as Goma were especially vulnerable to sexual exploitation and that there was an expanding network of prostitution and a growing number of brothels in such areas, especially in urban and mining districts. Such brothels were illegal and victims of sexual exploitation, including children, were often forced to work at them in extremely degrading conditions.

27. The Ministry of Employment and Labour was working to combat forced labour, many cases of which occurred in illegal mining operations, particularly at gold, coltan and cobalt mines in the east of the country, and involved both adult and children. Although there had been no child soldiers in the Armed Forces of the Democratic Republic of the Congo since 2016, M23 made use of child labour, including the labour of children who had been brought to the country from other countries, such as Uganda, believing that they would work in mines but were instead made to serve in militias. Armed clashes with M23 continued, particularly in Goma and the east of the country. Those forces continued to kidnap civilians, including women and children, for the purposes of sexual exploitation or forced labour. Persons who had been displaced as a result of the conflict often fell victim to trafficking in persons and much sexual exploitation took place at refugee camps.

28. **A representative of the Democratic Republic of the Congo** said that the Government was providing collective reparations through the national reparations fund to conflict-affected communities. Such reparation included measures to address delays in community development. The Government had begun rebuilding more than 20 schools that had been destroyed. A school that the Government had started building at a camp in Kanyaruchinya had recently been destroyed by M23 forces. The Government always integrated a gender dimension into its approach to address the specific needs of women and girls. Although women and children accounted for over half of more than 6 million internally displaced persons, the Government was committed to ensuring that they were provided with access to education, both with the construction of new classroom facilities and through provisional measures.

29. **A representative of the Democratic Republic of the Congo** said that measures to combat and prevent trafficking in persons formed part of the third national action plan. The Government was committed to providing women and children with access to education, in accordance with the youth and peace and security agenda established by the Security Council.

30. **Mr. Safarov** said that the extent of the challenges facing the State party made it all the more important to hold a dialogue about preventing trafficking in persons, given that the Democratic Republic of the Congo was both a country of transit and a country of origin. It was especially important to protect the local population from that crime.

31. **Ms. Reddock** said that she would be grateful to learn more about the role of education in both individual and collective reparations that were being provided both currently and in the medium term.

32. **Ms. Pia-Comella** said that she wished to receive more detailed information on the number of healthcare facilities that had been built, equipped and renovated; the percentage of victims of sexual and sexist violence who had received medical care in a timely manner, including victims covered by the national reparations fund; the number of HIV post-exposure prophylaxis kits that had been distributed and the number that had been used; the rate at which healthcare providers were being trained and the number of procedures being carried out by them after they had completed training; and regional statistics on cases of sexual and gender-based violence and access to health services.

33. **Ms. González Ferrer** said that it had been reported that teenagers were at greater risk of sexual violence through child marriage in areas of conflict, both as a result of increased discrimination against girls in such contexts and because armed groups sometimes used child marriage as a weapon of war and to conceal trafficking in persons. She would be grateful to know what urgent action the State was taking to reduce that risk; what legal institutions were doing to prevent child, early and forced marriage; whether steps were being taken to raise awareness about such marriage among families and to inform such families about their rights; and whether current laws in that area were being enforced. It would be interesting to learn whether parents who played a role in such marriages were aware of the law and what measures were being taken to provide security to victims with a view to encouraging them to complain to the justice system. It would be useful to receive statistics on child marriage.

34. **A representative of the Democratic Republic of the Congo** said that, although national laws related to sexual violence, particularly the Child Protection Act, contained provisions dealing with child marriage, it was impossible for the Government to apply such provisions in territory that it did not control.

35. **A representative of the Democratic Republic of the Congo** said that, under a law on trafficking in persons passed on 20 December 2022, any perpetrator of forced marriage faced an automatic sentence of 20 years' imprisonment. A campaign on trafficking in persons that included measures to raise awareness about the illegality of forced marriage had been conducted in areas of conflict throughout the country. Bineta Diop, the Special Envoy on Women, Peace and Security of the African Union, had encouraged greater dialogue about forced marriage in areas of conflict during an official visit. All the relevant ministries were working together to put an end to forced marriage.

36. **A representative of the Democratic Republic of the Congo** said that more needed to be done to raise awareness about child marriage, which was still a cultural issue, particularly in rural areas. There was also a need for religious institutions to deal with the issue. For example, a well-known priest had recently been prosecuted for involvement in such a marriage. It was unlikely that a mayor acting in his or her capacity as registrar would agree to register a marriage without first verifying the ages of the persons marrying.

37. **A representative of the Democratic Republic of the Congo** said that departments of the Ministry of Gender, Family and the Child were implementing provincial plans of action for preventing forced and child marriage.

38. **A representative of the Democratic Republic of the Congo** said that the police force had developed a plan of action for combating sexual violence, including sexual violence against children. Measures taken to prevent child marriage took the best interests of the child into consideration. The police ensured that all perpetrators of that crime were brought to account.

39. **A representative of the Democratic Republic of the Congo** said that the Government had established free educational programmes on the problem of child marriage and had amended some national child protection legislation with a view to addressing that issue.

40. **Ms. Akia** said that she would welcome clarification as to whether the Government had lost control of the east of the country when the conflict had recently escalated or whether it had done so prior to that point.

41. **The Chair** said that she wished to know how the identities of the millions of persons reported by the State party who had been displaced again were being traced and documented, what had happened to their children and how their needs were being provided for.

42. **A representative of the Democratic Republic of the Congo** said that the Government did not have access to areas that were under the control of the Rwandan armed forces or its M23 proxies. While it had used available funds to provide for the needs of displaced persons in areas to which it had access, it did not have the capacity to provide for the needs of all 7 million displaced persons, whose situation constituted a humanitarian disaster. It was only able to provide statistics on the camps for displaced persons which were under its control.

43. **A representative of the Democratic Republic of the Congo** said that the Government had so far succeeded in identifying more than 220,000 displaced persons, for whom the services of mobile clinics had been provided. More than 10,000 persons had so far received medical care. That programme had been supposed to continue until March, but it had been necessary to end it because of the war. Although, several months previously, the Government had discussed needing a budget of \$2 million to counter the humanitarian crisis, despite its efforts and those of its partners it had been unable to mobilize even \$58 million for that purpose; the total national budget was only \$11 billion.

44. **A representative of the Democratic Republic of the Congo** said that a number of areas in the east of the country where the Government had previously provided assistance to victims of the conflict had now been under Rwandan occupation for more than two years, and that it was an inescapable reality that the Government was unable to continue such efforts in them or to obtain reliable statistics on them. State institutions in those areas had virtually been eradicated and persons who could gather such statistics had fled the war.

45. **A representative of the Democratic Republic of the Congo** said that following the arrival of the Rwandan armed forces and M23 in Goma, a number of camps had been destroyed and the whereabouts of people who had previously been identified, registered and provided with medical care were now unknown, so that it was impossible to provide them with follow-up care or obtain up-to-date statistics on them.

46. **A representative of the Democratic Republic of the Congo** said that the changes brought about in the country by the escalation of the war since the submission of its periodic report meant that it was not currently possible to discuss issues such as women's empowerment. It might be possible to begin to register persons who had escaped from Goma once the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo had transported them to Kinshasa.

47. **A representative of the Democratic Republic of the Congo** said that almost 30 people, including over 20 women and children, had died in the bombing of the Mugunga camp for displaced persons. Rebel groups even bombed cemeteries to destroy evidence of their serious violations of international humanitarian law.

48. **A representative of the Democratic Republic of the Congo** said that her country needed increased funding from the Office of the United Nations High Commissioner for Refugees to address the worrying humanitarian situation faced by the large number of displaced persons.

49. **Ms. Tisheva** said that she would appreciate data, disaggregated by age and type of violence, on the number of women and girls who had been victims of conflict-related sexual violence in camps in the east of the State party in 2024. She wished to know the number of investigations into sexual violence, including rape perpetrated or condoned by State agents, and their outcomes. She would be interested to learn about the gender-specific security measures in place in and around the camps and the steps taken to ensure access to emergency response services for women and girls. She was also interested in the measures to address gender-based violence outside the camps and to protect migrant women, women with disabilities and other vulnerable women set out in the action plan to strengthen the humanitarian response.

50. She wished to hear about the positive impact of the disarmament, demobilization, community recovery and stabilization programme on women's security in the east of the State party. She wondered what was being done to ensure protection for women and girls fleeing the conflict and mitigate social tensions and potential violence among internally displaced persons, refugees, migrants and host communities. She would like to know whether the State party's human rights and gender equality strategies included education programmes to foster a culture of peace and tolerance and discourage violence and militarization, both in schools and among law enforcement personnel.

51. **Ms. Eghobamien-Mshelia** said that she wished to know what the State party was doing to ensure full compliance with the amended Family Code, which allowed women to sign legally binding contracts, register businesses and open bank accounts without marital authorization, particularly in the conflict-affected regions. She would like to know what

proportion of the extractive sector was owned by or led by women and to hear about women's role in value and supply chains or trade negotiation teams. It would be helpful to hear about measures taken to promote women's employability and accelerate economic recovery. She wondered what was being done to introduce and enforce policies to regulate the operations of military bases, military contractors, private companies and agents of militia groups in conflict areas and promote accountability for conflict-related sexual violence.

52. It would be useful to have an account of the legislative amendments relating to environmental and social impact assessments and environmental, social and governance policies to improve gender justice for women and girls at risk of sexual violence in relation to the business operations of extractive companies. It would be interesting to learn about government oversight of the private sector with a view to upholding the Guiding Principles on Business and Human Rights and complying with Convention obligations on women's economic empowerment and inclusive business practices. Further information on action taken by public-private partnerships and humanitarian supply companies to promote and protect women's rights, especially in conflict situations, would be appreciated.

53. She wondered what measures were being taken to mitigate the social impact of war on women and girls, improve humanitarian services to promote economic recovery for internally displaced women and overcome barriers to women's access to social welfare programmes and economic opportunities, including the digital gender gap. She would like to receive data on the number of women beneficiaries of the national reparations fund and to know how the specific needs of survivors of conflict-related sexual violence were met under the programme.

54. **A representative of the Democratic Republic of the Congo** said that 54 per cent of the victims identified as future beneficiaries of the national reparations fund were women. All identified victims of conflict-related sexual violence would receive reparations.

55. **A representative of the Democratic Republic of the Congo** said that the Constitution contained provisions protecting the right of all persons to access to natural resources without discrimination. Under customary law, local communities owned the country's natural resources on an equal footing with the State. Accordingly, the Mining Code and Forestry Code provided that social provisions must be inserted into the documents signed by extractive companies, ensuring that a proportion of revenue would be transferred to the relevant community. The law provided that women, young persons and older persons must be represented in such communities. No legal provision prevented women from becoming partners or shareholders of extractive companies. However, greater oversight of application of the law was needed, especially in conflict-affected areas.

56. The Ministry of Human Rights was monitoring implementation of the Voluntary Principles on Security and Human Rights in the extractive sector, to ensure that mining companies did not violate the rights of women and girls. For the same purpose, a human rights unit had been established in the Ministry of the Environment, as part of a strategy to improve synergy between the Ministry of Human Rights and industry-related agencies.

57. **A representative of the Democratic Republic of the Congo** said that the Ministry of Gender, Family and the Child had recently adopted a strategy for women's economic empowerment, in cooperation with public and private partners. The planned activities would be launched in refugee camps once the security situation had improved.

58. **A representative of the Democratic Republic of the Congo** said that 70 per cent of workers in the agricultural sector were women. The proportion of women among private sector employees was also high.

59. **A representative of the Democratic Republic of the Congo** said that, in addition to financial compensation, the national reparations fund would also invest in training and capacity-building for women to promote their empowerment. All reparations programmes included economic rehabilitation and empowerment measures.

60. **A representative of the Democratic Republic of the Congo** said that her country needed support, after more than 30 years of aggression by Rwanda, to ensure that the Charter of the United Nations was upheld.

61. **The Chair** said that she wished to express solidarity with the civilian population affected by the resurgence of violence. The constructive dialogue had helped the Committee understand the situation of women and girls who were victims of conflict-related sexual violence in the east of the State party.

*The meeting rose at 5.05 p.m.*