

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON DEMOCRATIC REPUBLIC OF CONGO

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted. References in the National Report are *in Italics*.

Recommendations - including those from UN treaty-monitoring bodies, are at the end of the document.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) ratified.

ISSUE	N Report	Compilation	Summary
Equality and Non-Discrimination		Criminalization of non "traditional" sexual activity. Need to adopt international standards (38)	
HIV/AIDS	Legal and programmes protection (Para 58 NR)	Concern for deaths / preventable diseases. Requirements of accessible health system (48)	Legislation not implemented in satisfactory way (4)
Sexual Violence against children		Adopted legislation (55) Cases of rape perpetrated by armed groups, esp. against children. Figures (22) Need to prohibit corporal punishment (26)	Law not well implemented (4) Claim for enforcement of sanctions for sexual abuse perpetrators.(29). Agency against sexual violence on children (13) Need to prohibit corporal punishment (21)
Trafficking/sexual exploitation /violence against children		Legal framework defining trafficking and sexual exploitation needed. Concern on military and police harassment, beat and arrest of street children (26)	Street children victims of trafficking, violence, sexual exploitation. Frequent police violent raids (22) Extreme violence, killings and torture against child soldiers, 40% girls (14)

Equality and Non-Discrimination

Joint Submission 7¹ (JS7) reported that sexual activity against "morals" and "family life" was criminalised (Para 38, Summary)

HIV/AIDS

() le Gouvernement fournit des efforts considérables dans l'amélioration de l'accès à la santé: une loi sur la protection des droits des personnes vivant avec le VIH/sida et des personnes affectées a été promulguée en 2008, la politique de réhabilitation et de construction des hôpitaux est à l'oeuvre, notamment l'hôpital «centre ville Kinshasa», avec l'apport de la Chine; le financement accordé à des projets de lutte contre certaines maladies (sida, tuberculose, paludisme, etc.) est tangible. Des programmes nationaux de lutte contre ces maladies sont opérationnels (Para 58, NR)

() The Committee on the Rights of the Child (CRC) expressed concern, with CEDAW () at deaths caused by preventable diseases or HIV/AIDS. Amnesty International (AI) stated that important laws have been adopted, including () a Law on Protection of Rights of People Living with HIV/AIDS (2008) among others. These laws have not been implemented in a satisfactory manner (Para 4, Summary)

Sexual Violence against children

CRC welcomed the adoption of, inter alia, the Child Protection Code (2009) and the Law on Sexual Violence (2006) (Para 55, Compilation). AI stated that () these laws have not been implemented in a satisfactory manner (Para 4, Summary)

Between November 2008 and March 2009, as indicated by the Secretary-General, some 1,100 rapes were reported each month, targeting children in particular. Members of armed groups, FARDC and PNC (National Congolese Police) were responsible for 81 per cent of reported cases in conflict zones and 24 per cent in non-conflict areas. The majority of cases were reported in North and South Kivu (Para 22, Compilation).

Trafficking/sexual exploitation/violence against children

Serious crimes against child combatants were reported by Joint Submission 5², including extreme forms of violence, killings and torture. Approximately 40 percent of child soldiers are female. World Vision (WV) was concerned that armed groups were reluctant to release young girls. (Para 14, Summary)

Istituto Internazionale Maria Ausiliatrice and International volunteerism, Organisation for Women, Education, Development (IIMA/VIDES) a souligné les violences et exploitations sexuelles dont sont victimes les filles de la rue, et la Soumission Conjointe 3³ la vulnérabilité

¹ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), ILGA Europe*, Pan Africa ILGA, International Gay and Lesbian Human Rights Commission, ARC International

² Ökumenisches Netz Zentralafrika, MISEREOR, Brot für die Welt, Vereinigte Evangelische Mission, Diakonie, Pax Christi

³ Submission by Maison des droits de l'homme ; composed of : Alliance pour le Développement Intégré des Pygmées (ADIP CONGO), Espoir Pour Tous (EPT), Femme Solidaire Pour la Paix et le Développement (FSPD), Ligue des Femmes pour le Développement et l'Éducation à la Démocratie (LIFDED) , Réseau Action Femme (RAF), Carrefour des Femmes et Familles (CAFEFA), Coalition des ONG pour les Droits de l'Enfant (CODE), Projet Intégré pour les Droits de la personne dans les Entités Nationales (PIDEN), Action d'Aide Sanitaire et de Développement aux plus Démunis (AASD), Défense des Enfants International-Congo (DEI-Congo), Groupe d'Action pour la Démobilisation et la Réinsertion des Enfants Soldats (GADERES), Charité et Secours, Jeunesse pour la Paix et la Défense des droits de l'Homme (JPDH), Journaliste En Danger (JED), Association Africaine des Droits de l'Homme (ASADHO), Observatoire Congolais des Droits Humains (OCDH), Croix rouge, Centre de Recherche des Voies pour l'Epanouissement et l'Autonome (CERVEAU), Centre National d'Appui au Développement et à la Participation Populaire (CENADEP) , Avocats Africains pour la protection de l'environnement et la défense des droits des communautés locales (Avocats verts)

particulière des enfants des rues au travail forcé et à d'autres formes d'exploitation, notamment à la **traite** des êtres humains. (Para 22, Summary)

CRC was gravel concerned about reports that the **military and police regularly harass, threaten, beat or arrest street children**. (Para 26, Compilation). () Le BICE a indiqué que de **fréquentes opérations de rafle** par la police ont lieu à Kinshasa, les enfants étant souvent envoyés au Centre pénitencier et de rééducation. IIMA/VIDES a fait référence à ces enfants au Katanga. Ces enfants, selon le BICE, sont victimes de violences de la part d'autres enfants et des **agents de l'ordre**. (Para 22, Summary)

Suggested questions and recommendations

CRC

- To adopt a legal framework clearly defining the crime of **trafficking for sexual exploitation**, economic exploitation or other purposes (Para 26, Compilation)

Special Procedures

- To progressively re-establish a functioning and **accessible health system**, while ensuring minimum standards right away (Para 48, Compilation).

Joint Submission 3

- **Mettre en place, comme il en a pris l'engagement, une agence nationale de lutte contre les violences sexuelles faites aux enfants**. (Para 13, Summary)

Joint Submission 7

- That the State bring its **legislation** into conformity with its international human rights obligations, about **freedom of expression**, association and peaceful assembly, and right to participate in public and political life (Para 38, Summary)

Le Bureau international catholique de l'Enfance (BICE)

- **Sanctionner avec plus de rigueur les auteurs d'abus sexuels** sur des enfants. (Para 29, Summary).

Sexual Rights Initiative

- (Question) Ask if the State is developing any plan or strategy to reduce the high number of street children that includes protection from abuse and exploitation.
- To develop and enact legislation to protect same sex partners from being criminalized and to implement campaigns to eliminate prejudices and negative stereotypes about same sex practices.