

ACHPR/Res.173(XLVIII)10:RESOLUTION ON THE CRIMES COMMITTED AGAINST WOMEN IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

The African Commission on Human and Peoples' Rights, meeting at its 48th Ordinary Session held in Banjul, (Republic of The Gambia) from 10 to 24 November 2010;

Recalling the relevant provisions of the African Charter on Human and Peoples' Rights (African Charter), and those of the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol);

Recalling also its Resolutions; Res.103(XXXX)06 of 29th November 2006, on the situation of women's rights in DRC; Res.111(XXXXII)07, on the right to appeal and to compensation for the victims of sexual abuses; and Res.139(XXXXIII)08 of 24th November 2008 on the human rights situation in DRC;

Paying tribute to the process of the ratification of the Protocol to the African Charter on the Rights of Women in Africa;

Paying tribute to the passing of two laws against sexual abuses by the DRC Government (Laws no 06/018 and 06/019) which criminalize various forms of sexual abuses which formerly had not been criminalized in the Criminal Code;

Bearing in mind the aims and objectives of the Constitutive Act of the African Union and the authority conferred on the Peace and Security Council (PSC);

Recalling Resolution 1325 of the United Nations Security Council of the 31st October 2000 on women, peace and security as well as the Goma Declaration of 18th June 2008 on the elimination of sexual abuse and the combat against impunity in the Great Lakes region;

Considering the Decision of the Assembly of Heads of State and Government of the African Union to declare the year 2010 « Year of peace and security in Africa » adopted during its 14th Ordinary Session;

Concerned by the persistence of the systematic and highly widespread practice of rape by armed groups against women and young girls in particular in the Eastern region of the DRC and the incapacity of the Congolese Authorities, to put an end to the impunity being enjoyed by the perpetrators of these odious crimes despite the existence of two laws on sexual abuse;

Mindful of the need to strengthen cooperation between the Organs and Institutions of the African Union in the combat against impunity and to coordinate our activities with those of the Peace and Security Council (PSC) of the African Union;

Strongly condemns the persistence of the serious human rights violations perpetrated against the civilian population in the context of the on-going armed conflict in Eastern DRC;

Calls on all the armed groups active in Eastern DRC to immediately put a end to the rape and all kinds of violence against women and children;

Urges the DRC Government to take all necessary steps for the effective implementation of the 2006 laws on sexual abuse, including the pursuit and punishment of the perpetrators of rape and other acts of violence against women;

Urges the DRC Government to accelerate the process of the ratification of the Maputo Protocol and also the establishment of a Compensation Fund for the victims of sexual abuse currently being created within the Ministry of Justice and human rights;

Decides to enter into immediate consultations with the Peace and Security Council (PSC) of the African Union to collaborate and send, in the very near future, an investigation mission on the sexual abuse being perpetrated against women in DRC in which the Special Rapporteur on the Rights of Women in Africa will participate and which will seek, among other objectives, to:

- Draw up an exhaustive inventory of the sexual abuse to which Congolese women in Eastern DRC are subjected;

- Identify the armed groups guilty of these serious violations of the African Charter on Human and Peoples' Rights and of international humanitarian law;

Also decides that the conclusions of this Investigation Report be carried forward jointly by the Peace and Security Council (PSC) of the African Union and the ACHPR so that appropriate and urgents measures can be taken to bring the actors of these odious crimes before the national, regional or/and international Courts;

Decides finally to submit a report to the Assembly of Heads of State and Government of the African Union.