

ACHPR/Res.284 (LV) 2014 : Resolution on the Suppression of Sexual Violence against Women in the Democratic Republic of Congo

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 55th Ordinary Session held from 28 April to 12 May 2014 in Luanda, Angola

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Further recalling the obligations of the Democratic Republic of Congo (DRC) under the African Charter and other regional and international human rights instruments ratified by the DRC;

Bearing in mind its Resolution ACHPR/Res.103 (XXXX) 06 of 29 November 2006 on the situation of the rights of women in the DRC, Resolution ACHPR/Res.111(XXXXII) 07 of 28 November 2007 on the right to remedy and reparation of victims of sexual violence, and Resolution ACHPR/Re.139(XXXXIII) 08 of 24 November 2008 on the human rights situation in the DRC;

Welcoming the enactment in 2006, by the Government of the DRC, of two laws criminalising acts of sexual violence and other forms of gender-based violence;

Concerned by the persistence and increase in cases of sexual violence and other forms of gender-based violence, perpetrated by armed groups and members of the Congolese armed forces against women and girls, especially in the eastern part of the DRC;

Deeply concerned by the mass rape and other forms of gender-based violence perpetrated by members of the FARDC against hundreds of women and girls in and around Minova in November 2012;

Further concerned by the impunity still enjoyed by the perpetrators and accomplices of these crimes despite the existence of specific laws on sexual violence, in particular the recent court decision, in the first and last instance, of 5 May 2014 by the Goma Operational Military Court in North Kivu acquitting 36 of the 39 members of the DRC armed forces accused of committing sexual violence in Minova;

The Commission:

Condemns the several acts of sexual violence and other forms of gender-based violence committed by the various armed groups against Congolese women and girls;

Further condemns the decision delivered by the military court - whose decisions cannot be appealed against, which violates the victims' right to a fair trial;

Urges the Congolese authorities to take the necessary measures to facilitate the effective access to justice of women and girls towards putting an end to impunity and ensuring that the perpetrators and accomplices of such acts are prosecuted before the competent courts within a reasonable time;

Calls upon the Congolese authorities to ensure the effective protection and safety of Congolese women, in particular victims of sexual violence and other forms of gender-based violence, by providing medical and psychological support, as well as adequate compensation;

Urges the Government of the DRC to take the necessary measures for the effective implementation of Law No. 06/18 and Law No. 06/19 of 2006 criminalising various forms of sexual violence;

Encourages the Congolese Government to take the necessary and urgent measures to domesticate the relevant provisions of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol);

Calls upon the international community to support efforts to protect women's rights in the DRC.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights held from 28 April to 12 May 2014 in Luanda, Angola