



## SECURITY COUNCIL INFORMAL EXPERTS GROUP ON WOMEN, PEACE AND SECURITY

### DEMOCRATIC REPUBLIC OF CONGO

February 28<sup>th</sup> 2018

#### ***Security Council Resolution 2242 (2015):***

*OP 5. Recognizes the ongoing need for greater integration of resolution 1325 (2000) in its own work in alignment with resolution 2122 (2013), including the need to address challenges linked to the provision of specific information and recommendations on the gender dimensions of situations on the Council's agenda, to inform and help strengthen the Council's decisions, and therefore in addition to elements set out in resolution 2122 (2013), and in accordance with established practice and procedure: (a) Expresses its intention to **convene meetings of relevant Security Council experts as part of an Informal Experts Group on Women, Peace and Security to facilitate a more systematic approach to Women, Peace and Security within its own work and enable greater oversight and coordination of implementation efforts.***

#### **RECOMMENDATIONS**

##### **Considerations for a new resolution on DRC**

The Security Council must retain the gender-related references in resolution 2348, including on combating conflict-related sexual violence and sexual exploitation and abuse, increasing the full participation of women in the political and electoral processes, underlying the importance of gender advisors and women protection advisors, and the need for enhanced reporting on the impact of conflict on women and girls. In addition, the Council should consider strengthening the language in the following areas:

- Calling on the government to protect the civil and political rights of women's human rights defenders and activists, and reiterate the importance of women's civil society networks for peace and security in the Democratic Republic of Congo.
- Expressing support for women-led prevention initiatives, including monitoring of electoral violence and intimidation.
- Urging the government and its partners to develop and implement gender-sensitive security and elections plans to enable an environment in which women can run safely for elected office, campaign freely, and vote, including women in remote and rural districts and provinces most affected by the armed conflict.
- Calling on the government and its international partners to update, fund and implement the National Action Plan of DRC on Women, Peace and Security, and fund implementation of the Joint Communiqué between the United Nations and the Government of the DRC on the Fights Against Sexual Violence in Conflict.
- Strengthening the language on the importance of gender advisors by acknowledging their crucial role in implementing gender as a cross-cutting issue in the mission's mandate and across the mission's civilian, military, and police components, as stipulated in the new guidelines on gender-responsive peacekeeping, and commending the innovative application of gender marker tools to assess, improve, and report on the mission's work.

<ul style="list-style-type: none"> <li>• Urging the implementation of the mission's gender parity directive and the achievement of its sets targets.</li> <li>• Urging TCCs and PCCs to increase the share of women in the military and police components of the mission.</li> <li>• Requesting that, in addition to reporting on the impact of the conflict on women and girls, which is often focused on conflict-related sexual violence, the mission report to the Council periodically on its overall gender responsiveness, as tracked by its gender marker, and in particular on the use of its political good offices to advance the women, peace and security agenda.</li> </ul>
<p style="text-align: center;"><b>Considerations for any upcoming reviews of the mission</b></p>
<p>Although the mission underwent a strategic review in 2017, it will be reviewed again in 2018. This review should:</p> <ul style="list-style-type: none"> <li>• Include gender expertise in the review team.</li> <li>• Consult women's organizations in the capital and the provinces, as well as with gender experts in the mission and the country team.</li> <li>• Include analyses of changes in gender dynamics, security and women's lives in areas of significant work of the mission.</li> <li>• Suggest possible measures for a significant increase in women's presence in the mission's military component.</li> </ul>
<p style="text-align: center;"><b>Recommendations for the government and its international partners</b></p>
<ul style="list-style-type: none"> <li>• In the face of emerging challenges, the Government must reinforce its efforts to combat sexual violence, including by sustaining its efforts to bring offenders to justice, irrespective of rank or affiliation, supporting and protecting victims and witnesses, scaling up services, and especially socioeconomic reintegration support for displaced and returnee women, and ensuring that the armed and security forces are vetted, trained, and equipped to effectively protect civilians.</li> <li>• The government's international partners should redouble their advocacy with the government about the stalled reparations law, the revisions to the family code, and the need to revitalize and fund the National Action Plan on women, peace and security.</li> <li>• In light of the recent amendment to the electoral law and the repeated blockages to implementing either the parity law or a quota, international partners should call for major political parties to adopt their own regulations guaranteeing at least 30 percent of female representation in meaningful positions in their electoral lists.</li> <li>• Access to sexual and reproductive health, and the non-discriminatory medical treatment of every victim of the conflict should be prioritized in the humanitarian response. Development partners should advocate for gender-responsive legislation on access to land, and support the economic empowerment of rural women, including in innovative sectors like climate-smart agriculture.</li> </ul>

## BACKGROUND INFORMATION

### Introduction

In 2017, the humanitarian situation sharply deteriorated in the Democratic Republic of Congo, marked by dramatic increases in displacement, food insecurity, and human rights violations. The continuation of armed conflict against rebel groups in the East was compounded by its extension into other provinces and a national political crisis brought about by the failure to implement the political agreement reached at the end of 2016. The UN has recently suffered its deadliest single assault on a UN mission in a quarter century and, before that, the assassination of two of the six international experts that monitor violations for the DRC Sanctions Committee. Presidential and legislative elections are now scheduled for December

2018. With its combination of extreme political marginalization and violence affecting Congolese women and prolonged, intractable armed conflict, the DRC is a textbook case for the women, peace and security agenda. While there has been a sustained effort to reduce the incidence of conflict-related sexual violence, there has been less progress on advancing women's participation in public offices and political decision making affecting their own security and livelihoods. Moreover, conflict-related sexual violence is also reportedly on the rise, amid the deteriorating political and security situation.

### **Developments in the Security Council**

1. The Security Council adopted three resolutions on the Democratic Republic of Congo during 2017. **Resolution 2348 (2017), renewing MONUSCO's mandate** until March 31<sup>st</sup> 2018, decided that the mission's strategic priorities would be to contribute to the protection of civilians and support the implementation of the 31 December 2016 agreement. The mission was also mandated to carry out other tasks relating to human rights, children and armed conflict, rule of law and justice support, disarmament, demobilization, repatriation, resettlement, and reintegration, security sector reform, stabilization, and gender mainstreaming, and prevention and response to sexual violence in conflict. **These are the language excerpts that refer explicitly to gender issues and combating sexual violence in resolution 2348:**

*Remaining deeply concerned by the persistent high levels of violence and violations and abuses of human rights and violations of international humanitarian law, condemning in particular (...) **widespread sexual and gender-based violence** (...).*

***Welcoming the progress achieved by the Government of the DRC, including the Presidential Adviser on Sexual Violence and the Recruitment of Children, to cooperate with the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Representative of the Secretary-General on Sexual Violence in Conflict, and MONUSCO, to implement the action plans to prevent and end the recruitment and use of children and sexual violence by the FARDC, and to combat impunity for sexual violence in conflict, including sexual violence committed by the FARDC (...).***

***Recalling all its relevant resolutions on women, peace and security (...).***

*Welcoming the efforts of MONUSCO and international partners in delivering **training** in (...) gender mainstreaming (...) and protection from sexual and gender-based violence for Congolese security institutions and underlining their importance.*

3. ***Calls on the Government of the DRC and its national partners, including the Independent National Electoral Commission (CENI), to ensure a transparent and credible **electoral process** (...), including full participation of women at all stages;***

6. ***Urges the Government as well as all relevant parties to ensure an environment conducive to a free, fair, credible, inclusive, transparent, peaceful and timely **electoral process** (...), which includes (...) the security of all political actors, freedom of movement for all candidates, as well as for election observers and witnesses, journalists, human rights defenders and actors from civil society including women;***

11. ***Welcomes efforts made by the Government of the DRC to combat and prevent sexual violence in conflict, including progress made in the fight against impunity through the arrest, prosecution and conviction of perpetrators from the FARDC and the PNC, and urges the Government of the DRC to continue to strengthen its efforts to combat impunity for sexual violence in conflict, including sexual violence committed by the FARDC and PNC at all levels, and to provide all necessary services and protection to survivors and victims, and further calls upon the Government of the DRC to complete investigations into allegations of sexual exploitation and abuse by members of the FARDC in line with the zero-tolerance policy and, if appropriate, to prosecute those responsible.***

12. Encourages the Government of the DRC to implement in full its **National Strategy** and the Roadmap agreed during the national conference in Kinshasa from 11-13 October 2016 to evaluate the implementation of the **Joint Communiqué between the Government of the DRC and the United Nations on the Fight Against Sexual Violence in Conflict** adopted in Kinshasa on 30 March 2013.

14. Strongly condemns all **armed groups** operating in the DRC and their violations of international humanitarian law as well as other applicable international law, and abuses of human rights especially (...) **sexual and gender based violence** (...), and reiterates that those responsible must be held accountable;

34. Decides that the mandate of MONUSCO shall include the following priority tasks (...)

(i) **Protection of civilians:**

(b) Work with the Government of the DRC to identify threats to civilians (...) including all forms of sexual and gender-based violence (...) and requests MONUSCO to accelerate the coordinated implementation of monitoring, analysis and reporting arrangements on sexual violence in conflict;

35. Further authorizes MONUSCO to pursue the following tasks:

(i) **Stabilisation and DDR:**

(b) Continue to collaborate with the Government of the DRC in the swift and vigorous implementation of the action plan to prevent and end the recruitment and use of children and **sexual violence against children by the FARDC**, and continue dialogue with all listed parties to obtain further commitments and work towards the development and implementation of action plans to prevent and end violations and abuses against children;

37. **Requests MONUSCO to take fully into account gender considerations as a crosscutting issue throughout its mandate** and to assist the Government of the DRC in ensuring the participation, involvement and representation of women at all levels, including in the creation of conditions conducive to the holding of elections, protection of civilians and support to stabilisation efforts through, inter alia, the provision of **gender advisers**, and further requests **enhanced reporting** by MONUSCO to the Council on this issue;

38. Recalls its Presidential statement S/PRST/2015/22 and its resolution 2272 (2016), requests the Secretary-General to take the necessary measures to ensure **full compliance of MONUSCO with the United Nations zero-tolerance policy on sexual exploitation** and abuse and to keep the Council fully informed through his reports to the Council about the Mission's progress in this regard, and urges troop- and police-contributing countries to take appropriate preventative action including pre-deployment awareness training, and to ensure full accountability in cases of such conduct involving their personnel;

39. Acknowledges the crucial role of United Nations **Women Protection Advisers** deployed in MONUSCO in supporting the Government of the DRC to implement its commitments on addressing sexual violence in conflict and calls on MONUSCO to ensure they continue to work closely with the Government of the DRC at both strategic and operational levels;

42. Calls on all Member States to generously contribute to the United Nations humanitarian appeal for the DRC to help ensure that United Nations humanitarian agencies and other international organizations are fully funded and able to address the protection and assistance needs of internally displaced persons, **survivors of sexual violence**, and other vulnerable communities;

52. Requests the Secretary-General to **report to the Council** every three months on the implementation of MONUSCO's mandate, including on (...) **sexual violence and the impact of conflict on women and children, and any gender considerations made** (...).

2. Later in the year, **Security Council resolution 2360 on the DRC sanctions regime and group of experts**, and **Security Council resolution 2389 (2017) on the Peace, Security, and Cooperation**

**Framework for DRC and the region** both reiterated some of the same language. In addition, resolution 2360 noted that failure by the government to implement its commitments to end sexual violence and violations committed by armed forces “may result in the FARD being named again in future Secretary-General’s reports on sexual violence,” and requests “the Special Representative for Sexual Violence in Conflict to continue sharing relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010).” Resolution 2389 noted the “urgent need to address violence and discrimination against women and girls, including rape and other forms of sexual violence in the Great Lakes region, and to take into account the link between women’s participation in peace and security decision-making for peace, and gender equality,” and expressed support for “regional initiatives on the issue of gender related violence in armed conflict to influence regional and local decision makers, aimed at the implementation of the commitments of the Kampala Declaration addressing impunity for gender based crimes at the country level and to improve women’s visibility, empowerment and resilience.”

3. The Security Council was briefed in August by the **Deputy Secretary-General** about her **visit to the DRC**, jointly with the Executive Director of UN Women, the Special Representative of the Secretary-General on Sexual Violence in Conflict, and the African Union Special Envoy on Women, Peace and Security, which focused on the importance of women’s participation in peace, security and development processes, as well as the necessity of safe and dignified return for displaced women, in conditions that guarantee their economic and physical security.
4. During a Council meeting on DRC in March, a representative from Congolese civil society and member of the African Women Leaders Network was invited to brief, and spoke forcefully about women’s exclusion from peace talks, national dialogue, and public life, and widespread violence against women, calling on MONUSCO to play a more proactive and deterrent role.
5. Finally, the **DRC Sanctions Committee** is the one that has listed the highest number of individuals (nine) and entities (three) for violations that include sexual violence, which is among the designation criteria for listing by this committee. In their reports, the group of experts of this sanctions committee routinely includes extensive and specific information on sexual violence by armed groups.

#### **Women’s participation and representation in decision-making**

6. **Women’s participation in politics or peace processes does not appear to have increased.** In fact, since the efforts of women’s organizations to mobilize in the Sun City talks in 2003, women have barely been represented, if at all, in the slew of peace accords that have followed (2006, 2008, 2009, 2013, 2016). In 2013, 11 men (no woman) signed the Peace, Security and Cooperation Framework, and there were only 12 percent of female participants in the national dialogue and national consultations. In 2016, only 3 out of 32 participants in the negotiations organized by the National Episcopal Conference of Congo, which led to the political agreement of December 31<sup>st</sup> 2016, were women. In the previous AU-led round of negotiations, women’s participation in the national dialogue increased from 9 to almost 19 percent (61 women out of 323 participants) only after an advocacy campaign led by the UN. Also following the mass mobilization of women’s NGOs from every province, which started a Congolese Women’s Forum for Peace and Equal Political Representation in Kinshasa in September 2017, many of these women were involved in peace talks in the Kasai region, increasing women’s participation in these negotiations to 20 percent.
7. The current **government** comprises 6 women out of 59 cabinet ministers. Only 41 political parties are led by women, out of more than 500 recognized parties. In the 2006-2011 legislature, 8 percent

of National Assembly deputies and 5 percent of senators were women. In the following (and still current) **legislature**, the figures are 9 percent and 5 percent respectively. None are head of delegations, who are the only ones invited to speak on record in front of the camera. Most cannot afford to pay the new fee set to register as a candidate. The celebrated parity law from 2015 was rendered toothless and no implementation law to enforce it was ever voted on. Calls for at least a 30 percent quota (instead of the parity enshrined in the constitution) were faced with fierce opposition by male members of the Constitutional Court (formed by 11 men and no women) declaring it as “unconstitutional”.

8. In December 2017, the government adopted the **new electoral bill** and with it another setback for women’s political participation stating that “the failure to achieve gender parity does not constitute grounds for inadmissibility of the list concerned.”
9. **Voter registration** has been completed, and women constitute 47 percent of registered voters, compared to 52 and 51% in the elections of 2006 and 2011 respectively. In conflict-affected territories, such as the Kasai region, the percentage is even lower. MONUSCO documented cases of sexual violence against women trying to register, perpetrated by national police officers assigned to secure registration centers.
10. **Democratic space continued to shrink**, with violations of civil and political rights, particularly the freedoms of peaceful assembly, of opinion and of expression, and this has affected women’s human rights defenders and women activists (including intimidation, harassment, surveillance, detention, disappearance and killings). Women’s organizations are also often subjected to very close scrutiny by the government when they receive international funding directly.
11. The old **Family Code was revised and promulgated in July 2017** and some of its discriminatory provisions have been amended. For example, while the old code defined men as heads of households and required women to get permission from their husband to open a bank account, purchase land, or travel, the new code notes: “For the sake of harmony, the husband remains the head of the household. However, subordination to obedience gives way to complementarity and mutual protection between spouses.”
12. Women make up just 2 percent of the **Congolese army** (2 percent of the officers and less than 3 percent of the troops), and an estimated 10 percent of the **police** (including 11 percent of local police chiefs or *commissaires*). The police force now has a goal of 30 percent of female representation and has participated in many initiatives to improve its performance and gender-responsiveness, including those led by the mission and the UN country team. **In the context of police reform, it is one of the areas that has improved in recent years.**
13. The **National Action Plan on Women, Peace and Security** was adopted in 2010 and revised in 2013. It is currently being revised, as it expired in 2015. Its estimated budget was 59 million dollars, but this budget has barely been funded. From the government side, the National Action Plan is led by the Ministry of Women, Family and Children, which has insufficient capacity, resources, and political clout, and the focal points in many of the government entities often lack decision-making capacity, or turn over quickly. The NAP’s working structure (a national steering committee, provincial committees, and a trust fund) has not been fully functional since its inception, despite multiple fundraising and coordination efforts. Since 2015, a national secretariat made up of 16 national experts from the government and civil society (including CAFCO, the Center for the Study of Justice and Resolution 1325, and the Congolese branch of the Women’s International League for Peace and Freedom) monitor its implementation. For many, regardless of its challenges, it remains a crucial advocacy tool and the only comprehensive articulation of

national priorities on women, peace and security. Efforts to localize the national action plan, such as its integration in South Kivu's local development plan, should be replicated, but this remains a challenge without full government support in a country as vast as the DRC.

14. At the regional level, there is a **Women's Platform for the Peace, Security, and Cooperation Framework**. Nowadays, they mostly focus on the disbursement of small grants to women's peacebuilding organizations.
15. Other **facts and figures** about gender equality in DRC:
  - a. Only 11 percent of women over the age of 25 have some secondary education (compared to 36 percent of men).
  - b. An estimated 61.2% of female-headed households live under the poverty line compared with 54.3% for male-headed households.
  - c. Only 20% of married women aged between 15 and 49 use any kind of contraceptive method and the maternal mortality rate in the country is 48% higher than the average for sub-Saharan Africa (with a maternal mortality rate of 693 deaths per 100,000 live births and a total fertility rate of 4.39 children born per woman).

**Protection issues and humanitarian concerns affecting women and girls, including conflict-related sexual violence**

16. The humanitarian situation has worsened considerably in the last year, and 6.8 million Congolese women and girls will require protection and humanitarian assistance in 2018, an increase of 50 percent compared with 2017. This brings about negative coping strategies, from child marriage to survival sex. For example, a recent survey in North Kivu showed that 61 percent of children reported resorting to sex work to survive.
17. While human rights monitors report other violations against women and girls, such as extrajudicial killings, most of the attention on women's protection needs focuses on sexual violence, including CRSV. In recent years, the government has taken important steps against this scourge: appointing a Presidential Envoy on this issue, signing the Joint Communiqué, a specific action plan for the FARDC, accompanied by hundreds of individual pledges and undertakings by military commanders, and hundreds of members of security forces have been convicted of sexual violence, especially in military tribunals. The government has requested that the armed forces be delisted from the Secretary-General's annual report on sexual violence in conflict, which impedes the country's military from participating in UN peacekeeping operations.
18. Official data on conflict-related sexual violence in the DRC for 2017 is presently being compiled for the global annual report of the Secretary-General to the Security Council on sexual violence in conflict. The Secretary-General's annual report will be released in March 2018. **Preliminarily, MONUSCO's monitoring, analysis and reporting arrangements are likely to show a marked increase of sexual violence in conflict during 2017, including by State actors, which will preclude their delisting.** This increase in CRSV is driven by continued instability in eastern Congo, especially in North Kivu and Ituri, an upsurge in ethnic violence between Twa and Bantu populations in Tanganyika province, and the spread of conflict to the three Kasai provinces, where the United Nations has recorded acts of CRSV committed with extreme brutality.
19. In justice-related matters, South Kivu military authorities successfully prosecuted three emblematic cases of conflict-related sexual violence in 2017. These included: the conviction of Colonel Beker of the FARDC for command responsibility in relation to rape as a war crime in Musenyi; an FDLR

commander for sexual violence as a war crime in the *Nzovu* case; and a Member of Parliament in South Kivu and his militia for the kidnapping and rape of 37 children as a crime against humanity in the landmark *Kavumu* case. Additionally, commander Ntabo Ntaberi Sheka surrendered to the authorities in July 2017 and is expected to stand trial for his role in the mass rape of 387 civilians in Walikale, North Kivu, in 2010. Overall, 42 members of the FARDC and 17 members of the PNC were convicted of rape by military tribunals. In the civilian justice system, seven sexual violence cases in prosecution offices registered 2,158 cases, 572 convictions, and 238 acquittals. Bureaucratic hurdles make it virtually impossible for victims to execute judicial awards of reparations in the DRC, and discussions of a draft law on reparations in the Senate have stalled. The United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict, in conjunction with MONUSCO and the UN Country Team, continues to provide capacity support to the government to strengthen justice capacity for CRSV including the implementation of the DRC's case prioritization strategy for the prosecution of serious international crimes. A joint task force on Justice, Gender and Human Rights, co-chaired by UN Women and OHCHR focuses on the government's capacity and willingness to fight impunity and protect and promote human rights and gender equality.

20. Medical assistance was provided to more than 5,200 sexual violence survivors by United Nations agencies in 2017. A further 2,243 civilians received counselling, advice and referrals in eight legal clinics supported by MONUSCO.

#### **Gender mainstreaming in implementation of the mission's mandate**

21. In line with the recommendations of the 2015 global study on women, peace and security and UNSCR 2242, the **senior gender advisor**, who leads a unit with 9 posts across the mission, was relocated in the office to the Special Representative directly reporting to the SRSG. In addition, a temporary post of gender advisor was created in the electoral support unit, and MONUSCO's UNPOL and military components have full-time gender advisors. MONUSCO's Gender Affairs section builds the capacity of Mission's staff across the components and trains and coaches on a monthly average 450 staff members, mostly uniformed and mostly men.
22. The Section's work to embed gender expertise in other substantive, support and uniformed units of the mission has been considered as a Mission's good practice by various reviews, responding to calls by multiple actors in recent years, including in the global study and the civilian capacity review.
23. In recent months, MONUSCO introduced the use of **gender markers** to assess, improve and report on the mission's responsiveness to the needs of the female populations across its mandate priorities, in line with delivery on the women and peace and security mandate. The first data show that 78 per cent of MONUSCO sections and offices have developed gender-based analysis and 65 per cent have redirected their activities to benefit more and more women and girls.
24. Women represent 3.5 percent of MONUSCO's troops, 8 percent of its military experts, 5.4 percent of staff officers, 18.8 percent of individual police, 10 percent among formed police units, and 28 percent of international civilian staff. The mission's leadership has issued a **gender parity directive** and an implementation plan for MONUSCO to reach a target of 34% women among international workforce by the end of the year, as per recommendations of the SG's System-Wide Gender Parity Strategy of September 2017.



25. To prepare for any future **transition**, the mission and the country team have identified areas for **joint action**, including gender, elections, justice, human rights, conflict analysis, peace consolidation, and reinsertion and reintegration of demobilized ex-combatants and returnees. UNCT members and MONUSCO's Gender Affairs Section coordinate through several thematic working groups in the UN, as well as with the government, the donor community, and civil society.
26. Conflict mitigation and resolution at the local level are trademarks of MONUSCO. **Community-based mechanisms** to improve the protective environment and **early warning** in areas of inter-ethnic conflicts and armed groups, include increasing the involvement of women in local protection committees and alert networks and, going forward, better take account of women's security needs and capabilities. Also, the inclusion of women's organizations in local stabilization committees is intensified, including recently in Ituri province to help reduce the threat posed by FRPI and resolve long-standing conflicts between local communities. Most significantly, **the Stabilization Coherence Fund follows a guideline to devote 15 percent of its \$21 million budget to gender mainstreaming.**
27. 20 allegations of **sexual exploitation and abuse** were reported throughout 2017. The mission has established community-based complaint networks where MONUSCO has a significant presence (comprising 500 members, of whom 65 per cent are women), enforced strict curfew and out-of-bounds regimes, conducted military police deterrent patrols, operated toll-free hotlines, and worked with UNFPA and UNICEF to ensure that all victims are supported within 24 to 72 hours of receipt of an allegation of sexual exploitation and abuse.
28. In September 2017, a **strategic review** of MONUSCO highlighted the need to retain and increase the number of women in the staff and the force, strengthen a gender perspective in early warning and situational awareness, to mainstream gender perspectives across the board in mission's operations and policies, the importance of linking women's inclusion and local conflict mediation to the mission's political engagement at the national and provincial levels, and the key role of the Senior Women Protection Advisor as part of the UN Joint Human Rights Office in monitoring and reporting on Conflict related Sexual Violations, supporting accountability efforts through mobile courts, prosecution support cells, and joint investigation teams, and helping implement the 2013 Joint Communiqué on SVC.