Update on women, peace and security in the Democratic Republic of Congo
November 9th 2020

The Informal Experts Group (IEG) of the Security Council on Women, Peace and Security discussed the situation in the DRC in February 2018 (S/2018/362), September 2018 (S/2018/885), and March 2019 (S/2019/296), with the participation of the SRSG Leila Zerrougui and relevant colleagues from the mission and the country team. This update summarizes relevant developments since then.

Developments in the Security Council

The Security Council adopted two **resolutions** extending the mandate of MONUSCO, both containing similar language on WPS. The relevant excerpts from the latest resolution are included in the annex below. While there are multiple references to gender-related issues -and particularly sexual violence- and a strong paragraph requesting the mission to take fully into account gender considerations as a crosscutting issue throughout its mandate, the resolutions include few of the points recommended by the IEG in its last meeting and have fewer references to women's participation than in the previous year. The Security Council has not invited a Congolese woman from civil society to speak during its meetings on DRC since the last meeting of the IEG.

In this period, the **sanctions committee** made only one additional listing and it does relate to sexual violence: Seka Bakulu, leader of the ADF, was listed for engaging or providing support for acts that undermine the peace, stability and security of the DRC, including rape and other sexual violence in Beni territory. The reports of the group of experts included extensive and carefully documented information on conflict-related sexual violence.[1] The group found that the ADF continued to engage in forced marriage and rape, including using the stigma attached to rape to prevent women and girls from escaping after they had been violated. They concluded that armed combatants from both the CMC/FDP and the NDC-R, led by Guidon -already sanctioned by the committee and with a warrant for his arrest issued by Congolese judicial authorities-, committed widespread sexual violence amidst recurrent fighting in Masisi and Rutshuru territories from January 2019 to February 2020. Apart from presenting physical evidence and medical documentation, the group interviewed 92 rape victims and 21 civil society actors, among others. NDC-R commanders and combatants are alleged to threaten victims with death if they sought medical treatment and destroyed post-rape medical consultation forms in health centers. In Djugu Territory, in Ituri, both Lendu militias targeting the predominantly population and some members of the security forced deployed in the area were reported to have committed acts of sexual violence.

The Security Council was also presented with an **independent strategic review** of MONUSCO, which, as recommended by the IEG, included senior-level expertise on gender equality and women, peace and security and featured these issues prominently in its final report.[2] This encompassed several benchmarks and indicators as part of a proposed transition period, such as the establishment of a civil society strategy for engaging women that is focused on promoting women's leadership and participation at the local and national levels, the adoption of gender-related legislation and policies, increased response to sexual violence, including its systematic investigation and prosecution, and increased, engagement of women leaders and women's networks and organizations, including a supportive environment among political

[1] See S/2020/482 (June 2020), S/2019/974 (December 2019), and S/2019/469 (June 2019).
[2] See S/2019/842 (October 2019).

actors for gender quotas for women's representation. In November, the UN and the Government will issue their joint strategy for the phased drawdown and exit of the mission.

Other relevant developments

The **government** formed in 2019 consists of 65 ministers and vice-ministers, and only 12 of these posts, or 18 per cent, are occupied by women. While comparatively low, this percentage is the highest in the country's history. The 2019 elections in the Senate led to a historic increase in women senators (19 per cent), compared to 4.6 per cent in 2006. The President has included women's empowerment among his core priorities for the country, and the former presidential adviser on sexual and gender-based violence under the previous government was elected Speaker of the National Assembly. Of the eight standing committees in the National Assembly, two will be chaired by women. The president also appointed the first female judge to the Constitutional Court. In provincial assemblies, the percentage of women increased from 6.8 per cent to 10.6 per cent. In addition, the President engages with women leaders in quarterly meetings, a new space for dialogue.

However, **women's representation in politics** continues to be very low, including in comparison with the country's regional neighbors. There is currently no female governor in any of the 26 provinces, and only two women were elected vice-governor. There were only three women out of 109 candidates running for these posts in 2019. Similarly, there were only 11 per cent of female candidates in the 2018 elections, even lower than in previous elections, and the proportion of the elected candidates that are women barely increased to 9.8 per cent, one of the lowest figures in Africa and in the world. Various legislative developments have failed to establish a binding quota or temporary special measures.

Some promising recent developments include the formal adoption by the Council of Ministers in June 2020 of the Revised National Strategy on Sexual and Gender-Based Violence, after a four-year process, and in August 2020 the Second-Generation of the National Action Plan on Women, Peace and Security. The Government, in conjunction with the donor community, the National 1325 Secretariat, and the United Nations organized high-profile celebrations to mark the anniversary of resolution 1325.

MONUSCO is the first peacekeeping mission to adopt **gender markers** to assess, improve, monitor and report on the Mission's gender-responsiveness, and this is having a tangible impact in many areas of its work. For example:

- In 2019, 62 per cent of the local protection and early warning mechanisms supported by MONUSCO comprised at least 30 per cent women.
- The Mission provided training to 317 female peacebuilders and mediators in 14 conflict zones, who subsequently engaged with the parents and relatives of militia members.
- In the first quarter of 2019, more than 52 per cent of participants in the Mission's training for judicial authorities were women, compared with 11 per cent in the third quarter of 2018.
- 42.4 per cent of MONUSCO-supported mobile court sessions in prisons and remote areas involved women as defendants or victims, enhancing their access to justice. That represents an increase of nearly 50 per cent in the first quarter of 2019 compared with the second half of 2018.
- 74 customary chiefs in Bukavu, Goma, Kananga, Kinshasa and Mbanza-Ngungu signed a letter of intent committing themselves to the co-optation of women chiefs into the provincial assemblies. As a result of MONUSCO's support and encouragement of this initiative, the number of women traditional leaders doubled during the reporting period.
- Women's participation in community violence reduction projects increased to 52.6 per cent of the total number of direct beneficiaries between April and June 2019. However, this number dropped again to only 18 per cent between January and March 2020.

- As plans to implement the gender parity strategy have been put in place, the percentage of women in the civilian, police, and military components has inched up, albeit modestly.
- With support from UN Women, a gender-responsive conflict analysis is being carried out as part of MONUSCO's transition strategy.

In 2019, MONUSCO documented 1,409 cases of **conflict-related sexual violence**, which represents an increase of 34 per cent since 2018, which had already registered the highest levels since 2011. Ethnically motivated violence spiked in 2019, particularly in South Kivu and Ituri Provinces. The illicit exploitation of natural resources continues to be a root cause and driver of conflict in the east of the country. In Tanganyika, South Kivu and Maniema, Twa militia targeted villages in mineral-rich locations, using sexual violence as a form of retaliation against rival ethnic groups. Inadequate material resources for, and inconsistent remuneration of, military personnel, and the deployment of battalions in close proximity to residential areas have led to patterns of predatory behaviour by members of the security forces against the civilian population, including looting, pillage and rape. During her visit to the Democratic Republic of the Congo in December 2019, the Special Representative on Sexual Violence in Conflict, along with the Minister of Interior, Justice and Defence, launched a national police plan against sexual violence. During that visit, an addendum to the existing joint communiqué was signed with the Prime Minister, updating the commitments of the Government to combating conflict-related sexual violence. In September 2020, a two-day high-level workshop was convened to agree on an implementation plan and the necessary resources required to meet these commitments, but this plan still awaits official validation by the government. Although the President has appointed a Senior Adviser on sexual and gender-based violence, the portfolio was expanded to cover youth. In July 2019, the ICC found Bosco Ntaganda guilty of war crimes and crimes against humanity, including rape and sexual slavery, committed in the DRC. This was the first successful conviction for these crimes before this court.

From March to April 2019, the **UN Joint Human Rights Office** led the implementation of a comprehensive, multi-sectoral action plan in response to patterns of conflict related sexual violence (CRSV) in the territory of Shabunda in North Kivu. The implementation of this plan contributed to the arrest and subsequent trial and conviction of the leader of the armed group in November 2019 for crimes against humanity, and a 70 per cent reduction in CRSV in the territory of Shabunda in the months following this intervention. However, this reduction has not been maintained. Through its individual protection programme, the UN Joint Human Rights Office continued to provide support and put in place measures to protect individuals targeted as a result of their human rights activities or advocacy, including 29 women in 2019. As a result of the support provided by the UN Joint Human Rights Office and its NGO partners, 425 victims of sexual violence were supported to file cases before the courts in 2019, resulting in 111 judicial decisions, including 13 by military jurisdictions. In 2020, in an investigation supported by the UN, 137 victims and witnesses, including 132 women, testified in the Lubichako case on sexual violence and other atrocities allegedly perpetrated by a Twa militia and Mai-Mai Mayele elements.

The **confluence of measles, Ebola, and coronavirus**, coupled with the movement of armed actors in the East, the closure of the borders with Rwanda and Burundi, and a generalized feeling of distrust among the people, have further complicated what is already **one of the world's largest humanitarian emergencies**, with rising levels of food insecurity and displacement. For example, due to new population displacements, the movement of armed groups, and the measures in place to mitigate the spread of the virus, the humanitarian community revised upwards the number of people in need of gender-based violence prevention or response to 10.9 million people, a 43 per cent increase over the previous humanitarian response plan. Women's organizations advocated with armed groups to heed the Secretary-General's Call for a Global Ceasefire in Ituri and South and North Kivu. Most women work in the informal sector, characterized by daily income with no social security or savings and significantly affected by any restrictions of movement. In North Kivu, violence levels nearly doubled in the first months of the pandemic.

The First Lady, Denise Nyakeru Tshisekedi, voiced concerns about an increase in domestic violence due to confinement measures related to COVID-19, and the UN supported several women's organizations to produce protective equipment and spread awareness. A national solidarity fund to address the socioeconomic impact of COVID-19 was overseen by a management committee made up of 12 members, including 2 women. The national committee on the overall response to the pandemic was made up of 32 members, 10 of which are women. The Peacebuilding Fund is supporting an innovative two-year programme to combat marginalization of women involved in different aspects of mineral exploitation in North Kivu and support their integration in local natural resource management mechanisms and mining cooperatives. Implementation of this programme has been delayed due to the COVID-19 pandemic. In another example, the video recording of the gang-rape of a 13-year old had led to the arrest of the perpetrators, but they were then released because local authorities are overwhelmed with the response to COVID-19. MONUSCO has conducted several campaigns and initiatives to raise awareness and improve COVID-19 prevention and response among security personnel and the population, including through young women nominated as peace ambassadors and supporting women's organizations to produce face masks and sanitizer.

In addition, women continue to be disproportionately affected by rolling **Ebola** outbreaks, which has also negatively impacted maternal health services and outcomes. In September 2020, an investigation by the New Humanitarian and the Thomson Reuters Foundation revealed that 51 women in DRC alleged sexual abuse by Ebola aid workers, including workers from the World Health Organization and leading NGOs, prompting the UN Secretary-General to call for a full investigation of these allegations.

In August 2019, the **CEDAW** Concluding Observations on the DRC's periodic report included multiple recommendations to the government that are related to women, peace and security, including the provision of adequate resources to implement the second National Action Plan and ensure the participation of women's civil society organizations in its relevant committees and taskforces. Other recommendations urged the establishment of a comprehensive national policy to provide reparations to victims of sexual violence, the overdue establishment of the Inter-Ministerial Committee and the National Gender Equality Council to monitor the implementation of the Parity Act of 2015, the adoption of quotas and temporary special measures in areas in which women are under-represented or disadvantaged, the decriminalization of abortion and its legalization at least in cases of rape, incest, severe fetal impairment and risk to the health or life of the pregnant woman and amending the public health laws to bring them into conformity with the Maputo Protocol, and expediting the adoption of the draft law on human rights defenders, in conformity with CEDAW.

Recommendations

In view of the upcoming negotiations on the mandate of MONUSCO, and the joint strategy developed by MONUSCO and the Government of the DRC on MONUSCO's transition, the Security Council should:

- Retain all existing references to women, peace and security in both the preamble and operational paragraphs of resolution 2502, including taking into account gender as a cross-cutting issue throughout the mandate and enhanced reporting to the Security Council, as well as the current language on sexual and gender-based violence, including the references to the 2013 Joint Communiqué and the 2019 addendum signed by the Government and the United Nations on the Fight Against Sexual Violence in Conflict.
- Request that the mission strengthen efforts for the promotion of a legal, political, and socioeconomic environment conducive to the equal and meaningful participation of women in all spheres of decision-making at the national, provincial, and local levels and peacemaking

initiatives. The Council should make this commitment explicit in the priority tasks related to stabilization, including the reform of the security sector and the fight against impunity.

- Emphasize the importance of ensuring that all humanitarian assistance is informed by gender analysis and data disaggregated by age, sex, and disabilities, supported by gender expertise, and grounded in consultations with women's organizations.
- Recognize women's leadership role in mitigating the effects of the COVID-19 crisis and the disproportionate impact that the pandemic will has on women and girls, and call for a gender-responsive approach to pandemic response and post-pandemic recovery.

In addition, Council Members should:

- Urge the government to expedite the establishment of a national reparations fund that eliminates barriers to reparations for victims of sexual and gender-based violence and ensures full compliance with court-ordered reparations.
- Ask for information and analysis on the growing threat of terrorism posed by ISCAP and its specific impact on women and girls.
- The co-chairs of the IEG should request updated information and analysis on the implementation of the second National Action Plan on women, peace and security and the Security Council should call on the government and its international partners to ensure adequate funding for the implementation of the second National Action Plan on Women, Peace and Security and the implementation plan for the 2013 Joint Communiqué and 2019 Addendum on Conflict-Related Sexual Violence.
- The co-chairs of the IEG should request from the United Nations an update on implementation of this directive from the Secretary-General (S/2019/800): "United Nations country teams will set benchmarks to reach the target to allocate a minimum of 15 per cent of programmatic budgets to gender equality and the empowerment of women and improve the mainstreaming of gender in all areas of expenditure."
- The co-chairs or members of the IEG should request from the United Nations an update on its plans to ensure that gender equality is central to transition planning in MONUSCO and rooted in gender-responsive conflict analysis, and whether funds and expertise to conduct such analysis and ensure its follow-up have been identified or mobilized. This exercise should be informed by recent lessons learned in transition planning for the peacekeeping missions in Sudan, Liberia, and Haiti.

ANNEX: Relevant excerpts in resolution 2502 (2019), extending MONUSCO's mandate for a year.

Reaffirming the important role of women and youth in the prevention and resolution of conflicts, and in peacebuilding, stressing the importance of their full, effective and meaningful participation in all efforts for the maintenance of and promotion of peace and security in the DRC,

Recalling all its relevant resolutions on women, peace and security, (…), further welcoming efforts by the Government of the DRC to implement resolution 1325 (2000) (…), expressing grave concern over the high number of violations against children, in particular sexual and gender-based violence being committed by security forces (...).

Expressing great concern over the humanitarian situation (…), calling on member States and other international partners to scale up funding and contribute to the United Nations humanitarian appeals for the DRC and the region to help ensure that United Nations humanitarian agencies and other international organizations are fully funded and able to urgently respond to the humanitarian needs in the country, including by addressing the protection and assistance needs of internally displaced persons, all survivors of sexual and gender-based violence, and other vulnerable communities.

Welcoming the efforts of MONUSCO and international partners in delivering training in human rights, international humanitarian law, gender mainstreaming, child protection and protection from sexual and gender-based violence to Congolese security institutions and underlining their importance,

2. Welcomes the efforts of President Tshisekedi and his government towards reconciliation and peace and stability in the DRC (…), further calls upon all political stakeholders to work toward a climate of peace, transparency, inclusion and credibility during preparations for the holding of future elections, including local elections in accordance with the Constitution and the Electoral law, and to ensure the full, effective and meaningful participation of women at all stages;

6. Urges the Government of the DRC to hold accountable those responsible for violations of international humanitarian law or violations and abuses of human rights, as applicable, including those involving targeted attacks against civilians, widespread sexual and gender-based violence (…).

9. Strongly condemns sexual violence in conflict perpetrated by all parties in the DRC, 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, victims and witnesses, 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 its zero-tolerance policy and, as appropriate, to prosecute those responsible, further encourages the government to take all measures to support the psychological and medical support of survivors of sexual violence in conflict to facilitate their reintegration into their communities and to provide all necessary services, including legal, and protection to survivors;

10. 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, and to ensure adequate funding is allocated to the implementation of these commitments, and recalls the importance of cooperation with the SRSG for sexual violence in conflicts;

11. Welcomes the progress made by the Government of the DRC to consolidate the gains of the Action Plan to End and Prevent the Recruitment and Use of Children and expedite its implementation, including aspects of the plan related to sexual violence against children (…).

12. Strongly condemns all armed groups operating in the DRC and their violations of international humanitarian law (…), reiterates its condemnation of the violence witnessed in the DRC, especially (…) sexual and gender-based violence (…) and further reiterates that those responsible must be held accountable;

17. Notes that drivers behind different armed groups' activities and militia violence are varied (…), calls on the Government of the DRC to take further action in this respect (…) including through tailored Disarmament, Demobilisation and Reintegration (DDR) of ex-combatants into civilian life and local peacebuilding initiatives which are sensitive to the needs and experiences of women and girls, in coordination and with the support of MONUSCO in accordance with its mandate;

20. Welcomes the preliminary commitments and actions taken by President Tshisekedi and his government to advance security sector reform (SSR) (…), further calls upon the Government of the DRC to uphold its national commitments to SSR, including by (…) taking into account women's full and effective participation and safety, and notes with concern the limited progress in those fields essential for the DRC's stabilisation to date;

MONUSCO's mandate

Protection of civilians

(c) Work with the Government of the DRC and humanitarian workers to identify threats to civilians and implement joint prevention and response plans and strengthen civil-military cooperation, to ensure the protection of civilians from abuses and violations of human rights and violations of international humanitarian law, including all forms of sexual and gender-based violence and violations and abuses committed against children and persons with disabilities;

Root causes of conflict

(c) Provide good offices and technical support, in coordination with regional and international partners, with a view to furthering reconciliation, democratisation and inclusion, addressing the root causes of conflict and promoting intercommunal reconciliation, including through political support and engagement with interlocutors across the political spectrum, including the Government, opposition parties, local authorities, women and civil society;

Security Sector Reform (SSR)

-encourage inclusive SSR which delivers security and justice to all through independent, accountable and functioning justice and security institutions which take into account women's participation and safety (…),

Disarmament, demobilisation, reintegration (DDR)

(k) Continue to collaborate with the Government of the DRC to consolidate the gains of the Action Plan to Prevent and End the Recruitment and Use of Children and expedite its implementation, including on the aspects related to Sexual Violence 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;

32. Requests MONUSCO to take fully into account gender considerations as a crosscutting issue throughout its mandate and to assist the Government of the DRC and other relevant stakeholders in creating a legal, political and socio-economic environment conducive to ensuring the full, effective and meaningful participation and full involvement and representation of women at all levels, and survivors of sexual and gender-based violence, for the maintenance and promotion of peace and security, protection of civilians, including by engaging women's networks as partners in protection, support to DDR and SSR efforts, and support to stabilisation efforts through, inter alia, the provision of civilian and uniformed gender and women protection advisers and focal points at headquarters and field levels, participation of women civil society leaders and organization members with regards to conflict prevention and resolution, public institutions and decision-making, requests MONUSCO support the government in advancing women's political participation, in particular achieving the 30% constitutional quota and further requests enhanced reporting by MONUSCO to the Council on this issue;

33. Acknowledges the important 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;

34. Reiterates the urgent and imperative need to hold accountable all perpetrators of violations of international humanitarian law, requests MONUSCO to accelerate the coordinated implementation of monitoring, analysis and reporting arrangements on sexual violence in conflict;

41. Welcomes the initiatives undertaken by the Secretary-General to standardise a culture of performance in UN peacekeeping (…) and requests the Secretary-General and the troop- and police-contributing countries to seek to increase the number of women in MONUSCO, as well as to ensure the full, effective and meaningful participation of women in all aspects of operations;

45. Requests the Secretary-General to continue to implement a zero-tolerance policy on serious misconduct, sexual exploitation and abuse, sexual harassment (…), welcomes the commitment of the Secretary-General to enforce strictly his zero-tolerance policy on sexual exploitation and abuse (SEA), further requests the Secretary-General to take all necessary measures to ensure full compliance of all personnel in MONUSCO, civilian and uniformed, including mission leadership and mission support personnel, 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, stresses the need to prevent such exploitation and abuse and to improve how these allegations are addressed in line with resolution 2272 (2016), and urges T/PCCs to continue taking appropriate preventative action including vetting of all personnel, predeployment and in-mission awareness training, and to ensure full accountability in cases of such conduct involving their personnel, including through timely investigation of allegations by T/PCCs and MONUSCO, and to take appropriate steps to investigate allegations of sexual exploitation and abuse, hold perpetrators accountable and repatriate units when there is credible evidence of widespread or systemic sexual exploitation and abuse or other serious misconduct by those units;

51. Requests the Secretary-General to report to the Council every three months on the situation in the DRC (…) including its protection of civilian tasks, as per the requirements set out in paragraph 46 of resolution 2463 (2019) (…), further requests the Secretary-General to include gender analysis in all reports to the Security Council;