

## Update on women, peace and security in the Democratic Republic of Congo September 4<sup>th</sup> 2018

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The Informal Expert Group of the Security Council on Women, Peace and Security discussed the situation in DRC in February 2018 ([S/2018/362](#)), with the participation of the leadership of MONUSCO and the United Nations Country Team. This update summarizes relevant developments since then.

Shortly after the IEG meeting in February, **the Security Council renewed MONUSCO's mandate with the adoption of resolution 2409**, focusing the mission on the protection of civilians and supporting the preparations for the election and the 31 December 2016 political agreement. The resolution retained the existing language on women, peace and security and added references to the National Action Plan on 1325, new paragraphs calling on “political stakeholders to take measures to improve women’s participation in the elections, especially ensuring an increase in the number of women candidates standing for election,” and “inclusive security sector reform that pays special attention to women” as part of the mission’s mandate, a call for troop and police contributing countries to increase the percentage of women military and police in their deployments, a request for the Secretary-General to report on a performance review of all Mission units in accordance with the zero tolerance policy on sexual exploitation and abuse, and considerations of the impact of conflict on women and children using sex-disaggregated data. The full extent of all references related to gender equality and conflict-related sexual violence are excerpted in the annex. When it was adopted, some Member States highlighted the importance of ensuring the participation, involvement, and representation of women at all levels and the more explicit instructions on addressing sexual exploitation and abuse, especially because in 2017 MONUSCO had more reported allegations than any other UN peacekeeping mission.

Notably, **three women representing civil society organizations in North Kivu briefed the Security Council during this period**, in March, July, and August. In their statements, they highlighted the impact of the violence on Congolese women and girls -from massacres, rape, abductions, to the looting of mining and agricultural resources and the burning of houses-, affecting not just their lives and livelihoods, but forcing them into temporary and permanent displacement and restricting their schooling, their activism, and their economic and political participation. For example, in North Kivu, none of the six territories and three cities in North Kivu are led by women, and sexual violence increased by almost 60 percent last year. One of them criticized the closing down of some of MONUSCO’s bases, warned that current proposals to reform the laws covering the operations of NGOs and on combatting terrorism will further shrink the space for civic activism, and predicted that the electoral law adopted at the end of last year will make it harder for women and young people to run for office due to its requirements. During these meetings in the Security Council, **several Member States highlighted gender issues during their interventions**, including the sharp increase in sexual violence reports and in the number of Congolese women and girls in need of urgent protection and humanitarian assistance, the attacks and threats on women candidates and voters, and the levels of maternal mortality, child sex work, and human trafficking in conflict-affected territories. **The government of the Democratic Republic of Congo called again for the armed forces and national police to be delisted from the Secretary-General’s annual reports on conflict-related sexual violence.**

In July, a **joint communiqué signed by the UN Security Council and the AU Peace and Security Council** reiterated the importance of the **full and effective participation of women at all stages in the upcoming elections in the DRC**. The rate of female registered voters remains comparable to the previous election (50.5 percent). In conflict affected areas like the Kasai Province, where women's registration rate was particularly low at the beginning of the registration process (36.9 percent a year ago), MONUSCO together with UNCT contributed to increasing female registration to 50.7 percent through sensitization workshops, political advocacy with government authorities, and mass outreach. It is estimated that only 12 percent of candidates are women and the only female candidate running for president was rejected by CENI. The electoral law expressly states that candidate lists cannot be rejected because they lack gender parity; measures undertaken to promote women's registration -like reserving Sundays for the registration of women only, or priority queuing for pregnant women- were promoted by MONUSCO but not implemented uniformly.

**The DRC is already one of the countries with the lowest percentages of women in decision-making positions.** The 2011 legislative elections seated only 44 women among 492 members of the National Assembly (8.9 percent) and the last senatorial elections saw only five women elected among 108 senators (4.6 percent), far below the 23.7 percent average for Sub-Saharan Africa. Of 26 governors, only one is a woman, and women head only 41 of 576 political parties. All nine judges of the Constitutional Court are men, and only four of 35 cabinet ministers and one of ten vice ministers are women. Women's organizations continue to complain about intimidation, threats of losing their registration, and being closely scrutinized by the government, especially when they receive funding from international donors.

**According to the annual Report of the Secretary-General on Conflict-Related Sexual Violence published in April 2018 (S/2018/250), an alarming increase in the number of CRSV cases was documented last year** (804 victims, namely 507 women, 265 girls, 30 men and two boys). The provinces most affected include North Kivu, Tanganyika and Ituri. Approximately 72 % of cases were attributed to non-State armed groups, with the largest number of cases attributed to Twa Militia in Tanganyika. 2017 also saw a sharp increase in the number of incidents attributed to both the *Forces armées de la République démocratique du Congo* (FARDC) (which rose by 28% compared to 2016) and the *Police Nationale Congolaise* (PNC) (which increased by 109 per cent compared to 2016). A significant proportion of the victims of sexual violence committed by State actors were children. In the first half of 2018, UN Joint Human Rights Office in the DRC documented CRSV cases affecting 244 women and one man. Non-state armed groups are responsible for nearly 69 % of these victims and State actors are responsible for more than 31%. For the first time since the establishment of monitoring, analysis, and reporting arrangements by MONUSCO, conflict-related sexual violence has been reported in the three Kasai provinces with extreme acts of sexual violence by both anti-government Kamuina Nsapu and pro-government Banu Mura militias.

In justice-related matters, 42 members of FARDC and 17 members of the national police were convicted by military tribunals of rape in 2017, although bureaucratic hurdles preclude victims from obtaining reparations. In April, a Lieutenant Colonel was sentenced by the South Kivu military tribunal to a 20-year prison term for crimes against humanity and war crimes, including sexual slavery, committed between 2005 and 2007. In July, the High Military Court upheld the conviction of 11 men, including a provincial lawmaker, who had been found guilty in December 2017 of crimes against humanity for the rape of dozens of young girls in the village of Kavumu. However, two generals long linked to serious human rights abuses, including sexual violence and the violent repression of political protests, and subjected to sanctions by the US and the EU, were promoted in July to key positions in the command of the security forces. Colonel Chiviri in Kamituga, a high-ranking officer in South Kivu, who was accused of rape and arrested in mid-2017, is under conditional release and has yet to be tried. Sanctioned individual Ntabo Ntaberi Sheka as well as Serafin Lionso also remain to be tried, for their roles in the 2010 mass rape of 387 civilians in Walikale, North Kivu. The 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 deployment of a consultant to MONUSCO, to expedite the trial of Sheka. **In June 2018, the Appeals Chamber of the International Criminal Court decided to acquit former vice President of DRC Jean-Pierre Bemba Gombo from the charges of war crimes and crimes against humanity including rape committed in the Central African Republic in 2002 and 2003.** His earlier conviction included his command responsibility for sexual violence. In early August, he registered as a candidate for the upcoming presidential election. With this reversal, the ICC has failed to convict a single person on sexual violence charges, twenty years after its creation.

In July, the **Team of International Experts** appointed by the Human Rights Council to investigate the increase in **violence in the Kasai region in 2016**, issued its report. The team was supported by an expert on gender-based crimes from the UN Women-Justice Rapid Response roster and concluded that the Congolese security forces and the Kamuina Nsapu and the Bana Mura militias had deliberately committed atrocities -including sexual violence and recruitment of boys and girls- that amount to war crimes and crimes against humanity. The report includes a section on the impact of the conflict on women and notes that of the “454 people who shared their experience with the investigation team, at least 45 percent reported that they had been sexually abused by one or more people, on one or more occasions, or knew persons who had suffered such violence.” A significant number of women had been raped in front of their family and members of their community.

**The latest report of the Group of Experts of the DRC sanctions regime did not contain a single mention of rape or sexual violence in its 123 pages.** Instead, it investigated three attacks near Beni in February where the victims mentioned that some of their assailants were women wearing headscarves and were believed to be Muslim. During attacks by suspected ADF elements, women have been observed clearing wounded or deceased assailants from the battleground, as well as helping to transport looted goods. Eyewitness and survivor accounts have described women wearing veils or headscarves. The deterioration of the security situation near Beni town led to significant protests against the government and the UN, including a women’s protest with over 1,000 participants in April.

In April and May, 79 percent of **human rights violations** occurred in conflict-affected provinces and half of them took place in North Kivu alone. The number of human rights violations documented by MONUSCO (1,183) was higher than in the previous two months and in the same period a year ago. State agents were responsible for approximately 64 percent. During those two months, at least 29 women were the victims of extrajudicial killings and summary executions, 155 women were illegally deprived of their liberty by State agents and armed groups, and at least 98 women and 18 children were the victims of conflict-related sexual violence, with State agents allegedly responsible in 42 of these cases. In parts of **Ituri** affected by renewed violence between Lendu and Hema militias, several Hema villages seem to be devoid of women and children. In general, many of the women and children have been subject to conflict-related violence, including SGBV. According to UNHCR data more than 386,000 Congolese refugees are expected to be in Uganda by 31 December 2018, it is estimated that women and children will make up 78 per cent of the total population, with children alone close to 56 per cent. Since the situation in Djugu has stabilized since late April, IDPs have gradually returned to their home areas, and MONUSCO reports that economic activities have also started to resume.

Worryingly, the PNC reform to implement a doctrine of *community policing* has never been allocated sufficient resources from the national budget. The Special Police Units for Women and Children have no resources allocated to them and increasingly the officers designated to these units are assigned to other tasks, jeopardizing the trust and capacity built over nine years of massive investment by the UN and the international community. **Despite the fact that recruitment of female police agents has increased in the PNC, more gender-sensitive police service has not been observed yet.**

From May to July, there was an **outbreak of Ebola in Equateur province**, and more recently a new outbreak on North Kivu. Even though women are at increased risk due to traditional roles as caregivers, birth attendants, and health workers, and women's organizations have proven crucial in engaging communities to prevent and halt the epidemic in other countries, sex disaggregated data was reported inconsistently and the coordination framework set up at national and provincial levels and made up by government, selected UN agencies, international and national NGOs and international donors and partners, did not include UN Women, the Ministry of Gender, or key women's networks.

**The mission's approved budget for the 2018-2019 cycle maintained the number of posts in the Gender Affairs Unit as in the previous budget cycle (13) but converted a post from P-4 to P-3, and the women protection advisers have been fully integrated into the Joint Human Rights Office. In addition, the capacity for monitoring and reporting on conflict-related sexual violence has been strengthened to cover new conflict hotspots in western DRC.**

A P-5 Victims' Rights Advocate was established in the new budget, and three projects funded by the UN Trust Fund in Support of Victims of Sexual Exploitation and Abuse are being implemented in the Kivus, apart from the assistance provided by UNFPA and UNICEF in coordination with the mission. From the alleged victims of SEA 100 percent are women, from which over 80% are associated with children born out of SEA. Payments have been suspended for all members of troop and police-contributing countries suspected of **sexual exploitation and abuse** and the mission is taking measures to repatriate implicated uniformed personnel as soon as their presence in the Mission area is no longer required for the purpose of completing investigations.

**Women currently make up 29 percent of the mission's international staff, 3.3 percent of the Force (including 11 percent of military experts and 12 percent of staff officers), and 11.9 percent of the UN police (including 10 percent Formed Police Units and 18 percent of Individual Police Officers).** The mission continues to deploy **female engagement teams** to better understand protection threats in certain areas. In mid-June, for example, MONUSCO established a standing combat deployment in Kigulube (South Kivu) to investigate serious allegations of mass rapes perpetrated by the Raia Mutomboki. In Kamonia territory, the mission continues to work with provincial authorities to ensure the safe release of women and children held hostage by Bana Mura militias, and 24 out of 92 reported cases of abduction have been released, including 13 girls. In South Kivu, a group of women known as "Wa Mama Tujigombowe" ("Let us free ourselves") had taken up arms to ensure their own security, and the mission persuaded them to lay down their weapons and use peaceful means to protect their communities, including through the use of the mission's community alert networks.

In the last months, **the Mission's stabilization programmes allocated 15 per cent of their budgets to gender equality interventions.** MONUSCO prioritized funds for women as part of its efforts to mediate **land conflicts** in Ituri province. As a result, one third of the 160 beneficiaries of 212 hectares, allocated over recent months, were women. The mission's **community violence reduction** projects also focus on income generation activities for women and on addressing sexual and gender-based violence. Both the mission and UN Women have been working with national partners in supporting potential **female candidates** and pushing political parties to more women on their electoral lists. Electoral **situation rooms** for women in Kinshasa, Goma, and Bukavu will be set up to monitor electoral violence against women candidates, observers, and voters (a programmatic funding project by Gender Affairs / MONUSCO).

### **Recommendations for the Security Council and the Informal Experts Group**

The recommendations proposed in February remain relevant. **If the Security Council visits the Democratic Republic of Congo**, Member States should be encouraged to meet with women's organizations from the capital and conflict-affected provinces, and explore ways for women's

participation in the governance and political life in addition to be elected -for those who are already on the lists. These are some examples:

*At this stage, what is being done or can be done to influence the outcome of the elections to improve on the current levels of representation, so low compared to regional averages? Is the independent electoral commission sufficiently engaging with women's civil society organizations throughout the preparations for the election? How can the role of women be strengthened at all stages of the elections, including their leadership and influence in post-election period? How does the ban on public protests and demonstrations impact women activists and grassroots leaders to advocate for their priorities during this pre-election period?*

*What information and analysis do we have about the participation of women in conflict mitigation and resolution at the local levels, including in community dialogues and negotiations, local protection and stabilization committees and alert networks?*

*The National Action Plan on Women, Peace and Security has had many coordination and fundraising challenges since its adoption in 2010. What needs to happen in the short term to improve its impact and influence?*

*What are faith-based actors, including the Catholic Church, doing to promote or hinder gender equality in the Democratic Republic of Congo, and how is the international community leveraging their influence?*

*In the context of police reform, is there confidence that the government will reach its goal that at least 30 percent of the police force be women?*

*What is the current status of efforts to pay reparations already awarded by Congolese courts to victims of conflict-related sexual violence, as well as other programmatic or legislative initiatives in this area?*

In the months leading up to the elections, the DRC's international partners, including regional organizations, should support solidarity missions and joint advocacy by transnational women's networks in support of Congolese organizations working on women, peace and security, the importance of electing women to local and national offices, and the implementation of the National Action Plan on 1325. These may include the Women's Platform for the Peace, Security and Cooperation Framework, the Regional Women's Forum of the International Conference on the Great Lakes Region, FemWise Africa, and the African Women Leaders Network.

The Security Council must call on the Government to reinforce its efforts to address sexual violence, including by providing sufficient funding for the implementation of the actions plans based on the 2013 Joint Communiqué, continuing to fight against impunity, and scaling up services for survivors.

The IEG could request that reports or briefings to the Security Council include, in addition to the gender-responsiveness of the mission's work, as tracked by its gender marker, more analysis or observations of changes in gender dynamics across the stages of the conflict, security and women's lives in areas of significant work of the mission, and for the mission and the country team to identify information gaps with regards to the humanitarian situation of women and girls -including levels and/or trends of female headed households among displaced populations, child marriage, survival sex, human trafficking, access to reproductive health, sex disaggregated data for all major humanitarian sectors, and key development indicators such as girls' access to education and women's access to land and civic documentation.

**ANNEX: Relevant excerpts on gender equality in Resolution 2409 (2018) extending MONUSCO's mandate for a year**

*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 those involving targeted attacks against civilians, widespread sexual and gender-based violence, and *emphasizing that* all those responsible for all such violations and abuses must be swiftly apprehended, brought to justice and held accountable,

*Welcoming* the progress achieved by the Government of the DRC, including the Presidential Adviser on Sexual Violence and the Recruitment of Children, in cooperation with the Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict, the SRSG 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 and the PNC,

*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 for Congolese security institutions and *underlining* their importance,

*Welcoming* the commitment of the Secretary-General to enforce strictly his zero-tolerance policy on sexual exploitation and abuse (SEA), *noting* the various measures taken by MONUSCO and Troop- and Police-contributing countries (T/PCCs) to combat SEA, which has led to a reduction in reported cases, but still *expressing grave concern* over numerous allegations of SEA reportedly committed by peacekeepers and civilian personnel in the DRC, *emphasizing* the need to ensure that incidents can be reported and duly verified in a safe and simple manner, *stressing* the urgent need for T/PCCs and, as appropriate, MONUSCO to promptly investigate those allegations in a credible and transparent manner and for those responsible for such criminal offences or misconduct to be held to account, and *further stressing* the need to prevent such exploitation and abuse and to improve how these allegations are addressed in line with resolution 2272 (2016),

6. *Underscores* the need to do everything possible to ensure that the elections on 23 December 2018 are organized with the requisite conditions of transparency, credibility and inclusivity and security, including full and effective participation of women at all stages,

8. (...) *Further calls on* all political stakeholders to take measures to improve women participation in the elections, especially ensuring an increase in the number of women candidates standing for election;

10. *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, in accordance with the Congolese Constitution and the 31 December 2016 Agreement, which includes, for women and men alike, free and constructive political debate, freedom of opinion and expression, including for the press, freedom of assembly, equitable access to media including State media, 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;

15. *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;

16. *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;

19. *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;

36. *Decides* that the mandate of MONUSCO shall include the following priority tasks, bearing in mind that these tasks as well as those in paragraph 37 below are mutually reinforcing:

**(i) Protection of civilians**

(b) Work with the Government of the DRC to identify threats to civilians and implement existing prevention and response plans and strengthen civil-military cooperation, including joint planning, 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 *requests* MONUSCO to accelerate the coordinated implementation of monitoring, analysis and reporting arrangements on sexual violence in conflict (...);

37. *Further authorizes* MONUSCO to pursue the following tasks, in a streamlined and sequenced manner, and in support of the strategic priorities identified above:

**(i) Stabilization 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 by the FARDC (...),

**(ii) Security Sector Reform (SSR)**

(b) To encourage inclusive SSR, which delivers security, law enforcement and justice to all, including to women (...).

39. *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 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 stabilization efforts through, inter alia, the provision of gender and women protection advisers, and *further requests* enhanced reporting by MONUSCO to the Council on this issue;

40. *Recalls* its Presidential statement S/PRST/2015/22 and its resolution 2272 (2016), *reiterates* the urgent and imperative need to hold accountable all perpetrators of violations of international humanitarian law and violations and sexual exploitation and abuse, *requests* the Secretary-General to take the necessary measures to ensure full compliance of all personnel in 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* T/PCCs to take 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 through timely investigation of allegations by T/PCCs and MONUSCO, as appropriate;

41. *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;

51. (...) *Further encourages* T/PCCs to increase the percentage of women military and police in deployments to MONUSCO (...);

57. *Takes note of* the strategic review presented by the Secretary-General (S/2017/826) and *endorses* the recommendations relating to proposed adjustments to MONUSCO in the pre-electoral phase, *requests* the Secretary-General to implement changes in the mission leadership and mission support, and to implement a zero-tolerance policy on serious misconduct, sexual exploitation and abuse (...);

59. *Requests* the Secretary-General to report to the Council every three months on the implementation of MONUSCO's mandate (...) including on:

(i) Progress made by the DRC on the implementation of the 31 December 2016 agreement and the electoral process, (...), including in terms of deployment of the Force in areas identified as potential zones of instability and configuration of civilian and police component of MONUSCO, sexual violence and the impact of conflict on women and children using disaggregated data, and any gender considerations made;

60. *Requests* the Secretary-General to conduct a comprehensive performance review of all MONUSCO units in accordance with the Operational Readiness Assurance and Performance Improvement Policy and the Secretary-General zero-tolerance policy on Sexual violence and abuse by September 2018 and further report to the Council every three months, as part of its regular reporting, on the percentage of MONUSCO contingents who have satisfied the requirements of the these reviews, the status of any remediation action to address contingents who have not satisfied requirements, and detailing plans to address contingents where remediation is not deemed appropriate, as certified by the Force Commander;