

Update on women, peace and security in the Democratic Republic of Congo March 25th 2019

The Informal Expert Group of the Security Council on Women, Peace and Security discussed the situation in the DRC in February 2018 ([S/2018/362](#)) and September 2018 ([S/2018/885](#)), 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.

After a two-year delay, **elections** were held in most of DRC on 30 December 2018 and Felix Tshisekedi was inaugurated president a few weeks later, in spite of the fact that the election results were disputed by different national and international actors. The government is expected to be formed in April. The *Commission électorale nationale indépendante* (CENI) and the Government continue its preparations towards the holding of delayed elections in Beni city, Beni territory, Butembo (North Kivu) and Yumbi territory (Mai-Ndombe province) by 31 March 2019, barring any unforeseen circumstances. The current political situation is marked by the installation of legislative bodies at the national and provincial levels, proceedings before the Constitutional Court and Appeals Court regarding the results of national and provincial legislative elections, and the initiatives of President Félix Tshisekedi following his inauguration.

A few days after the previous meeting of the IEG, the **DRC** launched its **second National Action Plan on Women, Peace and Security** (2019-2022). The plan was the result of efforts led by the Ministry of Gender, Child and Family, the National Secretariat of 1325, and civil society organizations, with the technical and financial assistance of the UN, the AU, the EU and several other donors. Among its eleven objectives, it seeks to reach 20 percent of female representation in all institutions and processes dealing with the prevention and management of conflict, in all social, economic, and political institutions, and in the security sector, strengthening the role of women in early warning, community alert networks, and economic recovery, reducing child recruitment and the flow of small arms and light weapons, and reinforcing rule-of-law institutions to protect the rights of women and eliminate impunity for sexual violence. Efforts are now underway to cost the plan and fund its budget.

The Security Council has met several times on DRC since the last IEG meeting. **In October, the Security Council visited DRC.** Apart from meeting with women's organizations, the Council met with women candidates during the visit. Only 12 percent of the candidates for the legislative and provincial elections were women, like in the elections in 2011, and there was only one woman out of 21 presidential candidates. In their meeting, Council Members heard that physical violence and threats are commonplace and discourage women from running for office, and that many could not campaign in Kasai or the East because of the armed conflict. Some of the candidates voiced their objections to the use of voting machines, and the lack of biometric data for approximately 16 percent of registered voters. Later that month, the Council issued **resolution 2439**, emphasizing the need for the government and all actors assisting in the response to the **Ebola outbreak** to work closely with women's groups; that men and women are affected differently and this requires a gender-sensitive response, and stressing "the importance of the full, active, and meaningful engagement of women in the development of such responses." By March, the number of confirmed and probable cases was over 900, of which 57 percent are women and girls. In earlier estimates, the percentage of women and girls affected by the virus was higher, and the UN has been implementing measures to involve women in countering the outbreak and address their specific needs. Women are particularly vulnerable because they prepare bodies for funerals, have limited access to prevention information due to higher illiteracy rates and, owing to the fragile security environment in and around Beni,

need to take precautionary measures by staying indoors to avoid rape and abductions. While a major effort is underway to vaccinate tens of thousands of people in the region, Ebola treatment centers have also been targeted and attacked. In November, during China's presidency, the Council was briefed by Ms. Joséphine Mbela, a human rights lawyer working with the Congolese Association for Access to Justice, making her the **fourth Congolese woman from civil society speaking at these meetings in 2018**. She focused her intervention on the detention of activists and the repression of political opposition and demonstrations, the need to reinforce MONUSCO's capacity to protect civilians given the increase in massacres and mass rapes in the East, and women's low participation in political and administrative functions as a result of the political parties ignoring the recommendations of the gender parity law from 2015, which was rendered non obligatory by the electoral law. In December, the Council issued a **press statement** urging all parties to ensure that the elections take place with the requisite conditions of transparency and credibility, "including the full and effective participation of women at all stages."

According to the Joint Human Rights Office, between October 2018 and February 2019, at least 126 women were victims of **extrajudicial or arbitrary execution** throughout the country, including 38 by State agents and 88 by armed groups (41 of them by ADF combatants). All but six were killed in provinces affected by the conflict. Furthermore, at least 157 women were **arrested arbitrarily or detained illegally** (of which 111 by PNC agents), and 139 were **abducted** by armed groups (including 25 by the LRA and 21 by FDLR combatants). At least 12 of them were victims of **forced labour**. 80 percent of these violations were documented in conflict-affected provinces.

The UN has reported an **increase in conflict-related sexual violence, with the highest number of verified cases since 2011**, particularly in North and South Kivu but also in Ituri, Tanganyika and Kasai region. In 2018, MONUSCO documented 1049 cases of conflict-related sexual violence against 695 women, 436 girls, 4 men and 4 boys. 741 cases were attributed to armed groups, while 308 were attributed to FARDC and PNC. In North Kivu, the dissident wing of *Alliance des Patriotes pour un Congo Libre et Souverain* (APCLS), led by Mapenzi and the *Nduma Defence of Congo-Rénové* (NDC-R) continued to conduct a series of incursions in Masisi and Lubero territories during which attacks against civilians systematically included conflict-related sexual violence. In Ituri, most of the reported cases were gang-rapes in connection with the looting of villages by the FRPI -who are currently engaged in peace negotiations with the Government-, as well as incidents attributed to the FARDC. In Tanganyika, many incidents appeared to be ethnically motivated. The forced repatriation of hundreds of thousands of Congolese from Angola to different locations in the Kasais has exacerbated inter-ethnic violence and gender-based violence in the area. In mineral-rich northern Shabunda, elements of the Mai-Mai Raia Mutomboki raped and gang raped at least 66 women, 11 girls, and 2 men. Among other incidents, Masudi Alimasi Kokodikoko, leader of a Raia Mutomboki faction in Shabunda territory, was a lead perpetrator of gang rapes of at least 17 women and girls, between the ages of 15 and 70, in a cave near Lubila during four days in September 2018, after raiding that village. Death threats received by SMS by individuals that were assisting the victims. The DRC armed forces arrested Isaac Chirambiza, a militia chief of another faction of the Raia Mutomboki, accused of systematic rapes in South Kivu. MONUSCO has developed a Joint Plan to prevent and address conflict-related sexual violence specifically in Shabunda, including a multisectoral approach and the involvement of civilian sections, Force, UNPOL and UN agencies.

The trial of Mai-Mai leader Ntabo Ntaberi Sheka (sanctioned by the DRC Sanctions Committee in November 2011) and his co-defendants for mass rapes in Walikale in 2010 began on 27 November with the support of MONUSCO. In South Kivu, Lieutenant-colonel Mabiala Ngoma Alma was convicted to life imprisonment for crimes against humanity, including rape. In North Kivu, an FARDC deserter, Dominique Buyenge Birihanze, was convicted of war crimes including rape and sentenced to life imprisonment. Nevertheless, reparation for victims are seldom executed even when ordered by courts (for example for survivors of the Kavumu case). Doctor **Denis Mukwege**, who has been helping survivors of sexual violence

for two decades in Panzi Hospital, received the **Nobel Peace Prize**. The DRC roadmap of the Call to Action on Protection from Gender-Based Violence in Emergencies will be launched in March.

In all of 2018, **only 24 percent of the humanitarian appeal was funded**. Meanwhile, food insecurity doubled, creating additional difficulties for women and girls who primarily carry the burden to secure food. Apart from the Ebola outbreak, a cholera epidemic affects 13 of 26 provinces in the DRC.

MONUSCO continued to implement its **gender markers** accountability framework and three-quarters of the mission's offices included in their priority functions concrete elements to measure how peace and security initiatives took into account the needs of women and men. In addition, MONUSCO has rolled out the implementation of the **15 core WPS indicators** that are specifically designed to monitor progress and capture high-level results across UN peacekeeping missions, and data for these indicators is being collected since the beginning of 2019. In terms of **gender parity** in MONUSCO, 3.6 percent of the military component and 12.3 percent of the police component are women as of 31 January. Both the Force and UNPOL adopted gender parity strategies in 2019.

Recommendations for the Security Council and the Informal Experts Group

In view of upcoming provincial elections in DRC and presidential elections in certain parts of the country, the Security Council should **retain all existing references to women, peace and security** in both the preamble and operational paragraphs of resolution **2409 (2018)**. This resolution contained strong language on women's participation in the elections (OPs 6, 8, 10) and the fight against conflict related sexual violence (OPs 19, 36 -which identified ensuring the protection of civilians from all forms of sexual and gender-based violence as a priority task in MONUSCO's mandate-, 37, 41), women's involvement in security sector reform and their presence in the military and police components of the mission (OP 37, 51), and sexual exploitation and abuse (OP 40, 57, 60). Crucially, **OP 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 the Council on this issue."

In consideration of the widening of the political space, new trends among armed groups, and recurring violence in the DRC, the Security Council should **consider new language to emphasize the primacy of women's participation in sustaining inclusive peace, security and good governance**. For example:

- Given that the national and provincial governments have not yet formed, despite the holding of peaceful elections, it is strongly recommended that the Security Council makes reference to supporting the role of women in **"good governance and the consolidation of peace efforts"** in the tasking list of OP 39.
- As part of the mission's protection-of-civilians mandate and priority tasks (OP 36), the mission should **engage regularly with women's organizations and women-led violent prevention initiatives**, monitor and report on threats to women civil society organizations, and on measures undertaken to protect women politicians, candidates, activists, and human rights defenders.
- The Council should call on the Government of DRC and its international partners to ensure **adequate funding** for the implementation of the second National Action Plan on Women, Peace and Security and the action plans based on the 2013 Joint Communiqué on conflict-related sexual violence.

- The Council should call on the government and international partners to **strengthen protection of sexual violence survivors and human rights defenders**, including by providing additional funding to strengthen individual protection and programmes to fight impunity.
- Given the importance of supporting **stronger gender analysis of the conflict** in DRC, OP 33 underlining the need for enhanced political and conflict analysis should add that it must take gender issues into consideration in order to address the root causes of ongoing violence.
- The Council should call on the Presidency to ensure that the **zero-tolerance policy** against conflict-related sexual violence continues to be a priority in DRC, including the implementation of the 2013 Joint Communiqué through the Office of the Personal Representative of the President on Sexual Violence and Child Recruitment.
- The resolution should reiterate the provisions of resolution 2439 about women and the Ebola outbreak as part of a paragraph on **gender-responsive humanitarian assistance** on all fronts.

The IEG co-chairs, together with other Council Members, should engage with their counterparts from DRC to inquire about: the demands by civil society for the release of human rights defenders and peace activists, including women; the overdue establishment of an inter-ministerial committee and National Council on Gender Parity, and the implementation of the 2008 Electoral Law requesting political parties to consider gender parity when establishing their lists; and the enactment of the pending law on the prevention, control and reduction of small arms and light weapons and their ammunition and the ratification of the Arms Trade Treaty and the Kinshasa Convention, as the National Plan on SALWs launched in March 2018 identified a strong correlation between these weapons and both rape and domestic violence. In addition, they should inquire what is currently needed for the effective implementation of the second National Action Plan on Women, Peace and Security and the Action Plans Against Conflict Related Sexual Violence signed by the armed forces and the police, including the availability of funds to ensure timely reparations for sexual violence survivors and the exclusion of perpetrators of conflict-related sexual violence from integration into the Army and Police and from DDR programmes.

The IEG could ask the UN for analysis on the obstacles to progress in women's representation in Congolese politics, in spite of efforts; what has been the impact of the application of the gender marker accountability framework and to share the analysis with the Security Council and other peacekeeping missions; and whether the mission has adequate capacity, information, and channels to report on changes in gender dynamics across the stages of the conflict, security and women's lives in areas of significant work of the mission, 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.

Any new **strategic review** of MONUSCO should pay special attention to the continued need for MONUSCO's presence and capacity in high-risk areas affected by violence, giving particular attention to data and trends collected through the Monitoring, Analysis and Reporting Arrangements and the use of the early warning indicators on conflict-related sexual violence, and the adequate access by monitors to document and report on human rights violations, as demanded by Congolese women's organizations in multiple occasions. Similarly, it is important that gender/WPS expertise is included in any upcoming strategic processes to inform the mission planning, so as to ensure that WPS gains are safeguarded in any UN reconfiguration.