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Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Democratic Republic of the Congo (DRC)

Human rights abuses by all parties to the conflict in the eastern Democratic Republic of Congo (DRC) continued to be of concern in 2013. Armed rebel groups committed a number of summary executions and rapes, and were responsible for the forced recruitment of children. The Congolese army and police were also accused of human rights violations, including killings, rapes and ill treatment of detainees. The best way to improve the human rights situation in the DRC is through continued work to stabilise the region, reduce conflict and ensure that there is no culture of impunity in the aftermath of conflict. These are the conditions that led to many of the human rights abuses and violations taking place. The defeat of the armed rebel group M23 in 2013 was a major step, and provides an opportunity in 2014 to bring an end to the conflict in eastern DRC.

Our human rights objectives in 2013 focused on preventing sexual violence and protecting women's and girls' rights. UK-funded projects have assisted victims in getting justice, including through expert assistance in documenting, collecting and preserving forensic evidence, and by raising awareness of the levels of sexual violence in the DRC, for example through the Foreign Secretary's visit with the Special Envoy of the UN High Commissioner for Refugees, Angelina Jolie, to eastern DRC in March. We are ensuring better coordination of donors, government, the UN and others working in this field, so that the root causes of sexual violence are addressed, as well as survivors treated. The DRC government has also taken a positive stance on this issue, from the President down, and we look forward to working with whomever is appointed to the newly created role of Special Representative on Sexual Violence and Child Recruitment for the DRC. We hope this will lead the DRC government to bring perpetrators to account speedily.

Preventing sexual violence and the protection of children affected by conflict-related violence will continue to be priorities in 2014. We will monitor the situation of human rights defenders (HRDs) in DRC, and encourage further commitments to freedom of expression. We will track developments on elections preparation and press for lessons to be learned from previous rounds, in order to avoid a repeat of election-related violence and human rights violations. Given the opportunities 2014 presents to break the cycle of conflict, we will encourage the DRC government to seize this chance to bring greater security to its people and improve human rights.

Elections

In November the UN Joint Human Rights Office (UNJHRO) revealed the extent of the alleged human rights abuses during the 2011 election. While Congolese authorities have taken some measures to ensure accountability, much remains to be done. The report calls for measures to be taken to ensure that future elections take place in a peaceful climate conducive to the respect for human rights. The UN report also stressed the importance of prosecuting those responsible for violations before the next local, provincial and national elections.

We have lobbied the DRC government to take credible action on implementing the recommendations of the report of the UNJHRO, and those of the report of the 2011 EU Elections Monitoring Mission. The appointment in June of the new head of the Independent National Electoral Commission (CENI), Abbé Malu Malu, was a significant development.

Death penalty

The death penalty remains in place in DRC. A moratorium on its use means that nobody has been executed for ten years. In 2013, we used bilateral meetings with Congolese government ministers and senior officials to outline our principled opposition to the death penalty in all its forms.

Torture

We continue to have concern over the proportionality of the response of Congolese authorities to perceived threats. However, there have been some positive developments in the judicial and security sector aimed at holding those responsible for violations to account. A law criminalising torture was introduced in 2011, and 2013 saw prosecutions under this law. While few in number, these are beginning to send a powerful message to would-be torturers. In January, a court in Bokatola (Equateur province) sentenced two police officers to life imprisonment under this law.

Conflict and protection of civilians

According to estimates from the UN Office for the Coordination of Humanitarian Affairs (OCHA), conflict in the DRC has resulted in a total of 2.9 million internally displaced people currently living in camps or with host families in the DRC, as well as extensive suffering through human rights abuses committed by armed groups, the DRC armed forces (FARDC), and police. Over 60% of the total figure came from just two regions of eastern DRC: North and South Kivu. The persistence of a complex mosaic of violent conflicts has caused widespread death and displacement, and the destruction of the livelihoods of hundreds of thousands of households in some parts of the DRC. Some of the human development indicators in the east, where recent conflict has been focused, are shockingly low. Women and girls have suffered extensively during the conflict through rape, torture and killing. Poor access to services, disease, and lack of means of subsistence has had a widespread impact. In addition, the OCHA estimates indicate that over 45,000 refugees have fled into the DRC this year as a result of conflict in the Central African Republic. This has added to the work of aid agencies that already provide relief to millions of people in the DRC, a country with over 6.7 million food-insecure people.

An updated mandate of the UN Stabilisation Mission in the DRC (MONUSCO) enabled the creation of the Force Intervention Brigade (FIB) to carry out operations to neutralise armed groups, using unmanned aerial vehicles for surveillance. The FIB, working alongside FARDC, helped bring about the defeat of armed rebels M23, who finally surrendered in November, bringing to an end that particular cycle of conflict. Peace talks between the DRC government and M23 were concluded in December, with declarations signed in Nairobi by both sides. Under the agreed outcome, former rebels are entitled to amnesty for rebelling, but immunity is not granted to alleged perpetrators of war crimes, crimes against humanity, genocide, or gross abuses of human rights.

The focus post-conflict is on implementing the Peace, Security and Cooperation Framework (PSCF). This was signed by 11 regional countries and four international organisations in February, and commits them to cooperate closely to bring peace and prosperity to the DRC and the region. Former Irish President, Mary Robinson, was appointed UN Special Envoy to the Great Lakes Region in March, and was mandated with implementing this framework.

2013 saw some progress in bringing to justice those accused of war crimes. Alongside the EU, we welcomed the report of the UNJHRO in May, which carefully documented the mass rapes and other abuses that took place in Minova and Goma by the FARDC and M23 rebels in November and December 2012. We are pressing for the report's recommendations to be implemented, and are monitoring the ongoing trial of the alleged perpetrators. A dozen army officers have already been removed from command, and we were encouraged by the response of the Congolese authorities in pursuing the perpetrators, which sent a clear message of deterrent. In March, Bosco Ntaganda, a former army general turned rebel group leader, and a key figure in the conflict in eastern DRC, surrendered to the US Embassy in Kigali, Rwanda, and was transferred to The Hague

to face charges of war crimes and crimes against humanity at the International Criminal Court. The Congolese government additionally issued arrest warrants for a number of M23 leaders, and made clear its intention to prevent anyone accused of war crimes from reintegrating into the DRC armed forces.

Security Sector Reform (SSR) in the DRC is essential for conflict prevention as armed forces, which have the primary role in providing security, are estimated to be responsible for half the human rights abuses and violations in the east. The Department for International Development's (DFID) Security Sector Accountability and Police Reform programme is a £60 million investment aiming to build a more capable and accountable state in the DRC, that can deliver security and rule of law to its citizens. This five-year programme includes a specific focus on sexual and gender-based violence (SGBV) to support the government, police and civil society in developing practical approaches towards improving prevention, reporting, investigation and victim support. The UK has also supported engagement initiatives led by the Civil Society Network for the Reform of the Security Sector at both national and provincial levels, including advocacy on the 2006 Law on Sexual Violence and the DRC's related international obligations, and the law establishing the army. As part of wider army reform, we provided FCO bilateral funding to teach new Congolese army (FARDC) recruits about the importance of respecting human rights.

Women's rights

SGBV is high and takes place across all provinces of the DRC, perpetrated by both military and civilian actors. President Kabila's decision announced in October, to appoint a Special Representative on Sexual Violence and Child Recruitment, was a particularly welcome development, showing real commitment to tackling this issue. However, there is a great deal to do: statistics from the 2007 Demographic Health Survey, funded by the US Agency for International Development, and published in August 2008 (the last detailed survey conducted on health outcomes in the DRC), indicate that 71% of Congolese women have suffered from spousal or partner abuse at some point in time, whether physical, emotional, or sexual. In some regions of the country the number was as high as 86% of women. Violence against women and girls is strongly linked to gender inequalities and socio-cultural norms, and is particularly tied up with strong ideas about masculinity, the breakdown of traditional structures, and the militarisation of society.

It is also widely socially tolerated, and is often condoned by Congolese women as well as men. When working on this issue, it is therefore necessary to take into account the importance of tackling social norms and improving the status of women and girls in society. Particularly crucial is addressing the issue of girls staying in school. In a report launched in October on the scale of sexual violence in the DRC, researchers from the Ministry of Gender, with support from the UN Population Fund, found that, in 2012 alone, there were 15,654 reported cases of sexual violence, a 52% increase from 2011. Of these, 98% were perpetrated against females. In conflict-affected areas of the country, the picture is even bleaker, with a third of all survivors aged between 12 and 17. In 2012, 82% of all survivors had not completed primary school. As well as supporting the participation of girls in schooling, DFID fund work with victims of SGBV, as well as efforts to make displacement sites safer for women and girls. For example, support to the International Rescue Committee between July and December ensured that: 400 survivors of SGBV benefited from International Rescue Committee supported services; 30 medical personnel were trained to provide clinical care for survivors of violence; 4,000 women and girls received risk reduction support material; and 50,000 displaced women and girls benefited from more protective environments.

Whilst numbers of SGBV offences remained high, the DRC authorities continued to take steps towards ending impunity for perpetrators of sexual violence. In October President Kabila used a televised address to declare a zero-tolerance approach to SGBV, and to call on the Military Prosecutor to step up prosecutions against officers and other ranks suspected of committing crimes against humanity and war crimes, including sexual violence crimes. During her visit to the DRC in October, Zainab Hawa Bangura, the UN Secretary General's Special Representative on Sexual Violence in Conflict, paid tribute to the efforts made by the Congolese authorities to develop a framework for combating SGBV.

The Demographic Health Survey also found that police protection for victims of domestic violence was largely absent. We are working to ensure that EU and bilateral support to SSR in the DRC is better coordinated across donor communities, addresses sexual violence, and tackles its root causes as well as treating survivors.

Increasing awareness is an important first step in tackling the issue, and there was widespread coverage in the DRC and internationally of the Foreign Secretary's visit with Angelina Jolie in March. The visit sought to highlight the scourge of sexual violence, and show how the UK, the G8 and others were seeking to end it. UK senior officials also attended Mary Robinson's event with women's civil society organisations in Burundi in July, and we continue to support her work on this issue, including creation of the Great Lakes Women's Platform. Through the Alternative Responses for Communities in Crisis Programme, implemented by the UN Children's Fund (UNICEF) and partners, we will provide 1,500 victims of SGBV with cash and voucher support to restart their livelihoods and assist their reintegration into communities.

Our Embassy in Kinshasa holds regular meetings with a range of women's rights groups across the DRC. In November, it provided a platform for a discussion on women's political participation in North and South Kivu

with local politicians and civil society actors, and hosted an event on the International Day for the Elimination of Violence Against Women.

Children's rights

We are fully committed to ending the recruitment and deployment of child soldiers and to protecting children affected by armed conflict. The defeat of M23 in November offers a real opportunity to return children to their communities so that they can begin the reintegration process and return to school. We continue to lobby the Congolese government to implement a credible disarmament, demobilisation and reintegration plan to facilitate this. Reducing conflict remains the most successful way to tackle the issue. The defeat of armed groups will eventually lead to a safer environment, which will lead to fewer children becoming victims in the first place.

The UK is an active member of the UN Working Group on Children and Armed Conflict, which leads the international response to the issue of child soldiers and child protection. This includes pressing offenders to enter into concrete action plans with the UN to verify and release any child soldiers associated with armed groups and forces. The DRC government signed its action plan in October 2012. Since then, hundreds of children have been released as a result of stronger cooperation between the government and the UN. But children continue to be directly associated with armed groups, and are the victims of grave violations, such as killing, maiming and sexual violence.

The UN Secretary General's Special Representative for Children and Armed Conflict, Leila Zerrougui, visited the DRC in November. She underlined that the surrender of M23 brings with it the responsibility to help children reunite with their families, go back to school, and aspire to a better future. The Special Representative believes that between 25-30% of the soldiers laying down their arms in the DRC are underage recruits. The UK funds War Child to run a helpline for vulnerable children affected by conflict and insecurity in eastern DRC, reducing the number recruited and supporting their reintegration into society.

Under Operation Likofi ("Punch" in the local language) the Kinshasa Police targeted street crime and youth gangs in November 2013. The operation coincided with cases of alleged assassination and abduction of street children. MONUSCO and UNICEF issued a joint statement of concern in about the operation, and the UNJHRO in DRC has undertaken an investigation into reports of human rights violations by the police. We have raised our concerns with the Ministers of the Interior and Information about these allegations, and support the work of the UNJHRO in the DRC to investigate these alleged abuses.

This publication is part of the [2013 Human Rights and Democracy Report](#).

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