

Security Council Resolution 1325:
Civil Society Monitoring Report

Democratic Republic of Congo



A Project of the Global Network of Women Peacebuilders

Democratic Republic of Congo

Researchers: Rose Mutombo, Evelyn Mbata, Cathy Kabula, Annie Matundu, Jeanne Nzuzi, Kangi Victor, Jeanine Mukanirwa, Nelly Kaledi

Author: Cadre Permanent de concertation de la Femme Congolaise "CAFCO"

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ABBREVIATIONS

AFDL	Alliance des Forces Démocratiques pour la Libération (Democratic Forces for Liberation)
APR	Armée Patriotique Rwandaise (Rwandan Patriotic Army)
CAFCO	Cadre Permanent de Concertation de la Femme Congolaise (DRC women Permanent Consultation Framework)
CDE	Convention on the Rights of the Child
CEDEF	Convention on the Elimination of all forms of Discrimination Against Women
CEI	Commission Electorale Indépendante (Independent Electoral Commission)
CSNU	United Nations Security Council
CVR	Truth and Reconciliation Commission
DDR	Disarmament, Demobilization and Reinsertion
EPSP	Ministry of Primary, Secondary and Vocational Education
FARDC	Armed Forces of the Democratic Republic of the Congo
FDLR	Democratic Forces for the Liberation of Rwanda
HAM	Higher Media Authority
MONUC	United Nations Mission in the Democratic Republic of the Congo

MPR	Popular Movement of Revolution
ONDH	National Human Rights Watch
ONG	Non-governmental Organization
OIT	International Labor Organization
PNDDR	National Program for Disarmament, Demobilization and Reinsertion of Ex Combatants
PVV	People Living with HIV/AIDS
RDC	Democratic Republic of the Congo
UNFPA	United Nations Population Funds
UCOFEM	Congolese Union for Media Women
VSBG	Sexual and Gender-Based Violence

I. Women, Peace and Security Profile

A. Nature of the conflict

The current conflict in the Democratic Republic of Congo is related to its history. From the Berlin Conference of 15 November 1884 until 26 February 1885, the area referred to as the Democratic Republic of Congo today, was made of people who were organized in chieftaincies, kingdoms or empires, and each people were politically and socially organized according to the situation influencing them. Local chiefs had served as accomplices for illegal and shameful trade. And it is worth noting that this practice, which persisted up to the 19th century left serious demographic consequences.

The Independent State of Congo existed from 1885 to 1908 and was marked by the Leopoldian period whose civil servants subjected the Congolese space to wild exploitation that had disastrous consequences.

The quest for red rubber and ivory led to practices such as flogging, hand-cutting, rape and summary executions that violated human rights. (These acts discredited the King and his administration and ended up triggering a series of violent movements like the July 1895 Luluabourg revolts, the 14 October 1897 Dhanis revolt, the 17 April 1900 Shinkakasa revolt, the 1932 Pende revolt, strikes in Katanga and in Bas-Congo, the June 1944 Force Publique's mutiny in Luluabourg.

These turbulences of economic and political nature continued up to the country's independence.¹

The Democratic Republic of Congo's contemporary history is marked by various conflicts including the 1960 Force Publique's mutinies in Luluabourg, secession wars from 1960 to 1963, regional insurrections from 1964 to 1968. The period between 1965 and 1997 was marked by Mobutu's dictatorship with the Mouvement populaire de la Révolution - MPR. The political ambitions of certain politicians characterized by abuse of power led to political crisis and formation of guerilla groups from 1969 to 1970. Poor redistribution of the national revenue and management characterized by predation, lootings by the Forces Armées Zaïroises (Zairean Armed Forces) in 1991 and 1993 were the other root causes of the crisis.

The dictatorship led to the development of a multiparty system that included satellite political parties that jeopardized democratic processes. The crisis of the multiparty system and power struggles between political actors and a corrupt elite set the scene for the Alliance des Forces Démocratiques de Libération (AFDL) and the 1996–97 Liberation war which involved armies from Rwanda, Burundi and Uganda.

1 Which democracy for the Congo today? Institute for Sustainable Development Strategies, March 2005

In August 1998, this Alliance fell apart leading to a new war referred to as a “correction war” by the Rassemblement Congolais des Démocrates - RCD, with the support of armed forces of Rwanda. The conflict spread over to Equateur Province with the Mouvement de Libération du Congo - MLC backed by Ugandan armed forces. The militia group Mai-Mai resurfaced around this period.

Poor political leadership coupled with the lust for DRC’s various natural resources have exacerbated all these conflicts. The three reports produced by the United Nations Experts Panel between 31 July 2000 and October 2002 have shown evidence of systematic looting and large scale, exploitation of natural resources and other raw materials from the DRC. In this report, experts denounce the culprits, and their accomplices. They also describe the scope of the exploitation as well as the resulting threats to peace and security in the DRC and the Great Lakes sub-region.

Some Belgian senators also acknowledged the involvement of Belgian companies in these lootings. A group of British MPs acknowledged systematic lootings of DRC’s wealth and even went as far as to identify actors and the role of foreign companies and multinationals. They highlighted the humanitarian disaster, massive human right violations, food insecurity, sexual violence against women and girls as well as the destruction of the environment as impact of this tragedy. Additionally, this group made recommendations to the UK government to revisit its policy in the Great Lakes countries.²

The 1994 Rwandan genocide which brought about the ‘opération turquoise’ with the opening of a humanitarian corridor towards DRC, created an evacuation exit for the Rwandan civilians and military who were fleeing the genocide. The United Nations initiated the opening of this corridor. However, the UN did not disarm the Rwandan Hutu military as required by international norms. The Armée Patriotique Rwandaise - APR (Rwandan Patriotic Army) went far deep into DRC territory under the pretence of pursuing Forces Démocratique pour la Libération du Rwanda -FDLR (the Democratic Forces for the Liberation of Rwanda), Interhamwe Hutu, positioned along the Rwanda – DRC border perpetrating human right violations.

In 2000, the APR and the Ugandan National Army fought each other on DRC territory for the control of the City of Kisangani in the Orientale Province. Poorly equipped, the Armed Forces of the Democratic Republic of the Congo (FARDC) were no match for the invaders and failed to protect the national territory during all this period of turbulence. Various belligerents allied themselves to various foreign armies.

All these conflicts caused the death of more than 5 million Congolese. It also resulted into massive displacement of the population. There are about 2.5 million internally displaced persons and refugees. Sexual violence became a weapon of war.

Factors that caused and aggravated the armed conflicts in DRC could be summarized into the following:

- Slave trade;
- Belgian colonization;
- Wars in Uganda that ousted Idi Amin and Milton Obote;
- Overthrow of Mobutu’s dictatorial regime;
- Influx of refugees from neighboring countries;
- Proliferation of light weapons;
- Exploitation of DRC’s natural resources particularly by foreign powers and multinational companies;

- Political instability in the Great Lakes region;
- Lack of good governance;
- Reckless quest for power by Congolese who are manipulated by foreigners;
- Porous borders; and
- Unequal redistribution of national wealth.

The Peace Process

The peace process in the DRC has several stages, the most significant of which are:

- Signing of Lusaka Agreements between belligerents and the government in 1999 whose recommendations led to the Inter Congolese Dialogue which in turn paved the way to the signing of the All Inclusive Sun City Agreement in February 2003;
- Setting up of transition institutions in 2003 (President, four vice presidents, parliament, government and democracy support institutions, such as the Independent Electoral Commission, the Media High Authority, Truth and Reconciliation Commission, National Human Rights Watch, and the Anti-Corruption and Ethics Commission;
- Drafting of the transition Constitution;
- Popular referendum on the 3rd Republic's constitution;
- Organization of free, transparent and democratic elections in 2006; and
- Setting up of institutions resulting from elections (President of the Republic, Government, National Assembly, Senate, courts and tribunals).

From 2006 to date, there have also been various agreements entered with bordering countries. These include the December 2006 Pact on Security, Stability and Development in the Great Lakes Region; the November 2007 Nairobi Peace Agreement; and the March 2008 Goma Peace Agreement.

Despite the 2006 free and democratic elections and agreements concluded, DRC has never experienced true peace. And this non-peace situation is characterized nowadays by residual rebel groups in the Eastern part of the country due to ongoing illegal exploitation of natural resources by multinationals.

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B. Impact of conflict on women

The armed conflict in DRC has highlighted how women's bodies are used as battlefields. UNFPA reported an alarming increase in sexual violence cases in the last three years:

2007: 13,230 cases

2008: 15,547 cases

2009: 17,507 cases

Women who suffered sexual violence were rejected by their husbands and disowned by their

communities. Sexual violence has also increased incidence of HIV/AIDS and other sexually transmitted diseases. As a result, the women were further marginalized, stigmatized and traumatized.

By the end of 2008 there were 1,617,600 internally displaced persons and 10,000 Congolese refugees living in neighboring countries. Women and children formed the majority of this refugee and displaced population. Already very poor before the conflicts, women have become even more impoverished, and deprived their production tool following numerous internal and external displacements, lootings and robberies. They were unable to meet their needs nor the needs of their household, given the fact that they have become widows, or physically reduced as a result of rape or injury.

Women pay the price for the destruction of basic public infrastructure such as schools, health facilities, roads, market places, churches. The destruction of hospitals and health facilities has made access to primary health care difficult resulting into increased maternal and infant mortality rate. The destruction of schools has exacerbated illiteracy for women. The destruction of road infrastructure has overburdened women with extra work, increasing their work time since they have to walk longer distance carrying heavy loads on their back; and the destruction of market places made it more difficult for women to sell their produce.

The conflicts have increased unemployment in general, and women's unemployment in particular. This situation has caused drastic drop of household income, which has brought about child labor. Children are recruited by the armed forces and other armed groups. More than 400,000 school children dropped out of school in the recent years to work in mines throughout the country.

C. Relevant policies

The DRC is governed by the February 2006 Constitution which not only provides for gender equality, but also has provisions protecting women's rights, namely article 14 on gender parity and women's representation in institutions, and article 15 on sexual violence.

It is worth noting that even previous constitutions like the 1964 Luluabourg Constitution and the 1967 Constitution, had already provided for gender equality as a matter of principle. The latter 1967 Constitution even went as far as entitling women to vote. The 2003 Constitution in its articles 17 and 51 for the first time provided significant women's representation in decision-making.

Apart from the constitution, DRC has ratified several regional and international instruments ensuring rights in general and women's rights in particular. These include the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Rome Statute of the International Criminal Court and the Convention on the Rights of the Child (CRC).

II. Data Presentation and Analysis

A. Participation

Indicator 1 - Index of women's participation in decision making (% of women in higher positions (cabinet/council of ministers, parliament, local government))

Article 14 of the February 12, 2006 Constitution provides for the principle of parity between women and men. This is a breakthrough when it comes to women's participation. Currently,

women hold important portfolios including the Ministry of Gender, the Ministry of Family Affairs and Children; the Ministry of Public Enterprises; the Ministry of Transportation; and the Ministry of Arts and Culture. Additionally, a woman occupies the position of Deputy Foreign Trade Minister.

However, women's representation in decision-making remains low. As an illustration, women's current representation in ministerial positions is only 15%. In the national assembly, there were only 8.4 % and 10.4 % women in 2008 and 2009 respectively. The poor representation of women in decision-making positions could be partly attributed to an electoral system that does not encourage women's participation in the political arena. The non-binding nature of the electoral bill contributes to this problem.

Position	Number of Women	Number of Men	% women out of the total
President	0	1	0
Prime Minister	0	1	0
Deputy Prime Minister	0	3	0
Minister	5	34	15

National Assembly

Year	Number of Women	Number of Men	% women out of the total
2008	42	458	8.4
2009	52	448	10.4

Source: Ministerial appointments in DRC as of 19 February 2010. <http://www.eisa.org.za/WEP/drc6.htm>. Accessed on October 18, 2010.

Indicator 2 - Percentage of women in peace negotiation teams

Congolese women have been actively involved in conflict resolution and taken active part in various negotiations for peacebuilding in the country. However, their participation in different negotiations has been weak. For example, there were only 47 women out of a total of 360 delegates to the Pretoria inter-Congolese dialogue, which led to the signing on December 2002 of the All Inclusive Agreement. Moreover, women were also poorly represented during the Goma Conference.

Indicator 3 - Index of women's participation in the Justice, Peace and Security Sector (% of women in the military, police, judiciary system at all levels)

The DRC Armed Forces is comprised of 3,249 women and 121,869 men; women make up 2.59 % out of a total of 125,118. As to the police, there are 5,600 women and 103,800 men. Women make up 5.11% out of a total of 109,400 police officers. The fact that the average population perceives both the army and the police as being a man's profession explains this low percentage. This perception coupled with lack of promotion to higher ranks does not encourage young women to join the police and the military.

In 2009, there were 150 women (5%) in the Magistrate, compared to 2850 men. In 2010, 400 women (20%) and 1600 men have been appointed to the Magistrates. This is a significant and encouraging progress.³

Indicator 4 - Percentage of women in peace-keeping missions disaggregated at all levels

Women's participation in peacekeeping missions is a novelty for DRC. In 2009 the DRC Army

3 Ministry of National Defense; High Council of Magistrates

sent out a 150 men peacekeeping mission in Bangui, Central African Republic. Currently, the DRC is in its third round in 18 months. There is no woman in the current mission. As far as the DRC National Police is concerned, two women have been sent to peacekeeping mission in Côte d'Ivoire (Ivory Coast).

Data from the UN Department of Peacekeeping Operations as of June 2010 indicate that DRC has sent a total of eight (8) police officers - seven men and one woman - to the United Nations Operation in Côte d'Ivoire. Within the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), there is a combined total of 480 women police, military experts on mission and troops out of a total of 20, 586. Women make up 2.30 % in this peacekeeping mission.

Indicator 5 - Number and percentage of women taking part into any type of constitutional or legislative revision

Women in Parliament automatically take part in each session scheduled for a constitutional or legislative revision. They represent 10.4% of the total number of MPs and 4.6% in the Senate. It must also be stressed that women's organizations make a significant contribution in the country's legislative reforms. This applies notably to the Constitution, Electoral Law and the Law on Sexual violence where the contribution of women was noticeable.⁴

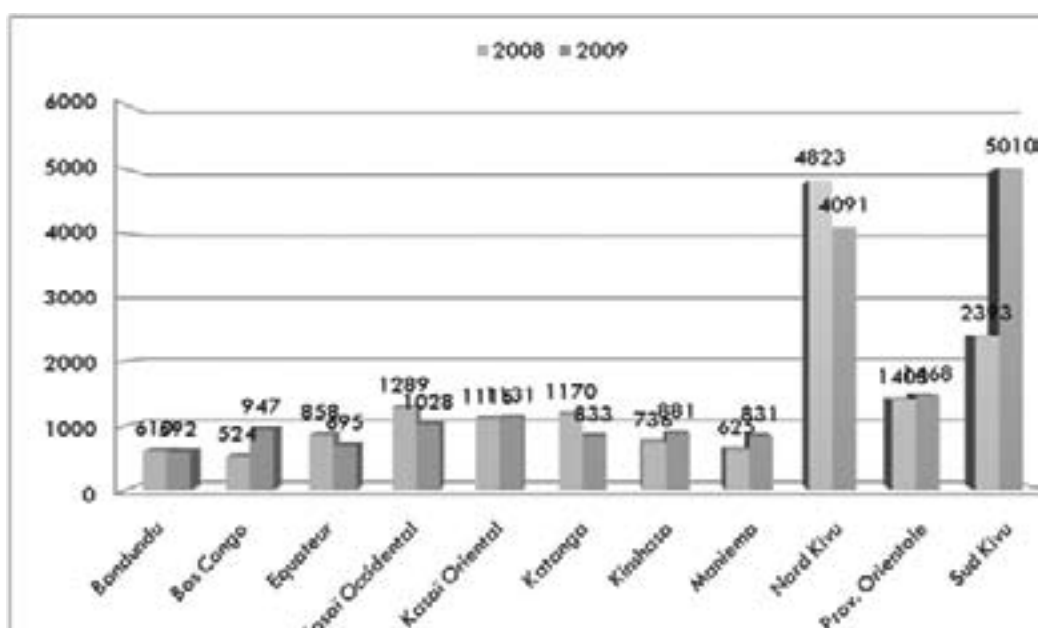
Indicator 6 - Percentage of civil society organizations in Task Forces on SCR 1325 and 1820 (compared to the total number of the Task Force members)

The Ministry of Gender, Family Affairs and Children chairs the 1325 Steering Committee, which consists of delegates from 11 ministries, MPs, and 15 women's organizations.

B. Prevention and Protection

Indicator 7 - Number of Sexual and Gender-Based Violence reported. Percentage investigated, referred, prosecuted and penalized

Sexual violence cases per province in 2008 and 2009



Source : 2009 UNFPA report on Sexual Violence

The graph on reported and investigated cases of sexual violence in different provinces shows an increase in the number of rape cases. This increase in the reported number of cases may be attributed to the awareness-raising programs that have enabled victims to break the silence.

Indicator 8 - Number and quality of gender-responsive laws and policies.

It is worth noting that gender equality principle was already provided by the previous Constitutions, namely the 1964 Luluabourg Constitution and the 1967 Constitution. The 1967 Constitution went as far as acknowledging the right for women to vote and. The current Constitution repeals the 2003 Constitution, which in its articles 17 and 51 provided for the first time noticeable representation of women in decision-making.

The other laws and policies that address or make reference to gender issues include:

- February 2006 Constitution;
- January 2009 Law providing for Child Protection;
- July 2006 Law on Sexual Violence;
- Family Code;
- Land Code;
- Electoral Law;
- Labor Code;
- Forest code;
- Agricultural code; and
- Law providing protection for People Living with HIV/AIDS.

Indicator 9 - Number and nature of provisions and recommendations in the Truth and Reconciliation Commission and other transitional justice reports on women rights

Despite the fact that Truth and Reconciliation Commission was set up during the transition in 2003 it never operated because of the disagreements among the members who came from opposing political parties and factions. Some of these members were parties to the conflict and were charged of some of the crimes committed during the conflict. Therefore they could not investigate, prosecute and decide on their own cases.

Indicator 10 - Extent to which gender and peace education are integrated in the curriculum of formal and informal education.

The gender dimension has been taken into account in levels 1 and 2 of school textbooks, following the reform of the formal education school curricula.

Indicator 11 - Percentage of women versus men who receive economic packages in conflict resolution and reconstruction processes.

The National DDR Program resulted in the demobilization of 106,425 adult combatants amongst whom 3,388 or 3 % were women. The number of children removed out of the armed forces and non-state armed groups is 30,755 children amongst whom 2,280 or 7.40 % were girls the beginning of the program [in 2002]. Women and men, girls and boys all benefited

from the PNDDR support process. The adults received in kind assistance such as bicycles, sewing machines, agricultural tools, and some cash. They were also provided with vocational training to help them develop income-generating skills. In addition to the above mentioned benefits, 1,000 women have received specific training support, and micro credit assistance. A survey that examined the specific situation and needs of women who are former combatants and survivors of sexual violence was conducted. This is part of the comprehensive national strategy to address sexual violence.

It is worth noting that women who went through DDR process in DRC benefited in the same way as the men. There was no discrimination noticed so far. However, the program identified a low participation rate of women.

With regards children who were removed from the armed forces, they were turned over to child protection agencies and transit foster families all throughout the country, while their families were traced and family reunion was facilitated. Children were also sent to school and/or given vocational training.

C. Promotion of a Gender Perspective

Indicator 12 - Detailed breakdown of gender issues addressed in peace agreements

While there were references to gender and women's issues in some of the peace agreements, they have not been fully integrated on the agenda. The following are some of the peace agreements that made references to gender and women's issues:

- The 1999 LUSAKA cease-fire agreement which led to the deployment of UN peacekeeping mission whose mandate included the protection of civilians, especially women and children;
- The Resolutions resulting from the 2002 Sun City political negotiations that led to articles 17 and 51 of the Transitional Constitution that in turn calls for the significant representation of women in decision-making;

The 2008 Goma Commitment Act calling for at least 30% representation of women in all local Amani program committees [which were aimed at restoring peace in east DRC through demobilization and reintegration of all the armed groups into the national army].⁵

Indicator 13-Number and percentage of pre-deployment and post-deployment programs for military and police incorporating SCR 1325 and 1820, international human rights.

The various programs administered by PNUD, MONUSCO, DDR, EUPOL, EUSEC provide training on SCR 1325 and 1820, international human rights.

Indicator 14 - Allocated and disbursed funding to civil society organizations (CSOs) (including women's groups) marked for women, peace and security projects and programs.

There is no available data for this indicator.

⁵ Post-Election in the DR Congo: Peace or a Resurgence of Armed Conflicts? Center for Strategic and International Studies. Accessed from <http://csis.org/blog/post-election-dr-congo-peace-or-resurgence-armed-conflicts> on October 18, 2010.

Indicator 15 - Allocated and disbursed funding to governments marked for women, peace and security projects and programs.

The estimated budget for 1325 implementation is fifty million US dollars (50,000,000 USD). This needs to be sourced from the government and development partners.

Note: No period as to the usage of USD 50 million was provided.

Indicator 16 - Percentage of women’s representation in decision-making in media content

The data collected for indicator 16 do not provide the exact information that the indicator calls for which is “Percentage of women’s representation in political power & decision-making in media content.” GNWP hopes to integrate this indicator again in the next phase of the project and focus on the portrayal of women and men in the media particularly in the coverage of armed conflict.

Women account for the majority of the private media staff. They are exploited by owners of various media organs given the quasi inexistence of regulation in this field (salary policy, protection of individuals), only 18% of women are part of the Boards of Directors of media organs. Women in the media are aware of this problem, but they are faced with lack of resources for adequate advocacy and lobbying.

Moving forward
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Currently, the DRC government with support from the international community is taking all efforts to improve the peace and security situation in east DRC where local and foreign armed groups are still perpetrating violence against civilians, mainly women and children. The mass rape of over 500 women in North Kivu in August 2010 which happened 15 km away from the MONUSCO barracks highlights the need for stronger and more coordinated efforts to prevent and address sexual violence.

The international and interregional dimension of this war requires the involvement of the international community and women’s solidarity. Additionally, the women of DRC are appealing to the international community to put in place sanctions against those who support armed groups to continue the exploitation of DRC’s natural resources.

We also call upon the United Nations and the African Union Member States to adopt and use monitoring mechanisms that will regularly assess 1325 implementation.