



# Security Council

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## Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

### Summary record of the 10th meeting (closed)

Held at Headquarters, New York, on Monday, 30 April 2018, at 3 p.m.

*Chair:* Mr. Almunayekh. . . . . (Kuwait)

### Contents

Adoption of the agenda

Opening remarks by the Chair

Briefing by the Democratic Republic of the Congo on combating sexual violence and child recruitment in the Democratic Republic of the Congo

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*In the absence of Mr. Alotaibi (Kuwait), Mr. Almunayekh (Kuwait) took the Chair.*

*The meeting was called to order at 3.20 p.m.*

### **Adoption of the agenda**

1. *The agenda was adopted.*

### **Opening remarks by the Chair**

2. **The Chair** said that the meeting was being held in accordance with paragraph 30 of Security Council resolution 2360 (2017), in which the Council had emphasized the importance for the Committee of holding regular consultations with concerned Member States, as might be necessary, in order to ensure full implementation of the measures set forth in the resolution.

3. The situation in the Democratic Republic of the Congo was very worrying. In his report of April 2017 on conflict-related sexual violence (S/2017/249), the Secretary-General had indicated that, in 2016, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) had verified 514 cases of conflict-related sexual violence, and that the victims had included 171 children. In his report on children and armed conflict of August 2017 (A/72/361–S/2017/821), he had indicated that the United Nations had verified the new recruitment and use of 492 children by armed groups, mostly in North Kivu. While no new case of child recruitment and use by the Forces armées de la République démocratique du Congo (FARDC) had been documented, there had been reports of the killing and maiming of children attributed to FARDC, in particular in the Kasai region, and the Secretary-General had urged the Government to take immediate action to prevent child casualties and ensure accountability for any criminal acts.

4. The current meeting followed up on previous meetings on sexual violence and child recruitment. The Committee had invited the Personal Representative on Sexual Violence and Child Recruitment of the Democratic Republic of the Congo in November 2016 to provide a briefing on her work, and the previous Chair had also met with her during a mission to that country in October 2017. The meeting offered an opportunity to continue the dialogue with the representatives of the Democratic Republic of the Congo, obtain updated information and hear recommendations and proposals from that country and from United Nations partners in relation to their mandates on sexual violence and child recruitment.

### **Briefing by the Democratic Republic of the Congo on combating sexual violence and child recruitment in the Democratic Republic of the Congo**

5. **Ms. Malenga** (Observer for the Democratic Republic of the Congo) said that the Democratic Republic of the Congo continued to implement the measures to fight impunity, raise awareness, prevent sexual violence and compensate and reintegrate victims of sexual violence that had been introduced since the signature of the joint communiqué between her Government and the United Nations on 30 March 2013. The measures against impunity had led to an 85 per cent drop in cases of sexual violence from 2013 to 2016. Such progress had prompted the Secretary-General to mention in April 2017 the possible deletion of FARDC and the Congolese National Police from the list of parties credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence in situations of armed conflict, and a road map laying out various criteria had been sent to the Government in September 2017. Particular attention had been devoted to mass rape incidents, and significant progress had been made in bringing perpetrators to justice, as exemplified by the sentencing of several people, including high-ranking officials, to long prison terms or life imprisonment and the ongoing trial of other suspects. In March 2018, the Office of the Personal Representative of the Head of State on the Fight against Sexual Violence and Child Recruitment had sent a mission team to assess cases of sexual violence committed in Tanganyika Province, 73 cases of sexual violence had been opened, and several people had been incarcerated and charged with rape as a crime against humanity. Military courts were taking measures to protect the identity of witnesses and had opened 558 rape cases, issued 307 rulings and passed 259 sentences in 2017. The publication of judicial statistics for 2017 by the Military High Court had raised the profile of military justice in the fight against sexual violence, including conflict-related sexual violence. Pursuant to its action plan, and in partnership with the Office of the Personal Representative and the United Nations, the FARDC commission on fighting sexual violence had provided training and carried out awareness-raising activities among the Forces' members in 2017.

6. A total of 200 magistrates, criminal investigation police officers and unit commanders had received training on victim and witness protection in Bukavu, Bunia and Goma. Seminars had been held for FARDC officers in Kananga, Mbuji-Mayi and Tshikapa and concluded with their signing sworn statements or pledges. Army recruits enrolled in 2017 had received

training on international humanitarian law, had been made aware of punishments carried by sexual violence crimes and had been required to pledge that they would adhere to the FARDC code of conduct. The FARDC communication and information service used the radio and national television to report on awareness-raising activities, such as the national campaign “Breaking the Silence” (Briser le silence), launched by the Office of the Personal Representative. A related helpline had been established and was now also accessible from conflict-affected areas. The campaign, which was supported by FARDC, had been further promoted by the distribution to local populations and FARDC troops of flyers advertising the helpline and raising awareness about Security Council resolution 1325 (2000).

7. A bill on victim compensation about to be adopted contained provisions for the enforcement of court decisions and granted legal, judicial, medical, psychological and social support to victims of sexual violence. The remainder of the compensation granted to victims from Songo Mboyo had been paid in 2017, and the Office of the Personal Representative had sent a list of 56 victims eligible for compensation to the Ministry of Justice for review. The Office had also developed training and reintegration programmes for survivors and for children formerly associated with armed groups, with financial and other support from the private sector, bilateral partners, such as the Government of Japan, and the National Institute for Vocational Training. Such programmes had been implemented in Aru, Bunia, Kibumba and Rutshuru. Women’s associations, schools and medical facilities had also received support.

8. Ongoing challenges included the multiplicity of interventions, coordination among partners and the lack of consolidated reporting, as well as difficulties in enforcing decisions relating to compensation of victims. In addition, female magistrates needed to be deployed more efficiently to facilitate access to justice, and awareness-raising efforts must be strengthened to reduce the influence of the customary and sociocultural context in the fight against impunity. Nonetheless, overall progress had undeniably been achieved, as recognized in recent Security Council resolutions, and pointed to consolidation of gains. However, she was surprised by the concerns raised by the Secretary-General in his latest report on conflict-related sexual violence (S/2018/250) and by his Special Representative on Sexual Violence in Conflict in her letter dated 2 April 2018. Both had asserted that the country had returned to the levels of violence of 2014, even though that grave assertion was refuted by the data presented in United Nations reports since 2013. The discrepancy between the figures provided in the reports

of MONUSCO and of the United Nations Joint Human Rights Office raised the question of their accuracy; more information on the context in which those crimes had been committed must be provided to determine whether they had been conflict-related. It was important for all stakeholders to discuss and harmonize their findings on the numbers of victims and perpetrators. The Government also sought clarification as to the criteria applied by the United Nations to include the Congolese National Police in the list of potential perpetrators of conflict-related sexual violence, given that the police force was not involved in military operations.

9. While the recruitment of children would be discussed at a forthcoming debate of the Security Council on that issue, it was worth noting that the actions taken by the Democratic Republic of the Congo to fight against sexual violence also benefited children, and that armed groups still operating in some parts of the national territory were responsible for 80 per cent of violations of the rights of the child, as underlined in the latest report of the Secretary-General.

10. **Mr. Teisseire** (France) asked whether the Democratic Republic of the Congo had started to implement the road map submitted by the Secretary-General in September 2017, or whether it was still under discussion.

11. **Mr. Huang Ting** (China) said that achieving peace remained the utmost priority for the Democratic Republic of the Congo and that armed groups still posed a major threat. The international community should assist its Government in the areas of governance and security, in order to enable it to meet its responsibility to ensure peace and security and the protection of civilians.

12. **Ms. Philips** (United Kingdom) asked what plans for further investigation and activities were in place in the face of a worrying rise in sexual violence in 2017.

13. **Ms. Malenga** (Observer for the Democratic Republic of the Congo) said that her Government also had questions concerning the status of the road map.

*The meeting rose at 3.50 p.m.*