

S/2017/435:

Report of the Secretary-General:

On the Implementation of the political agreement of 31 December 2016 in the Democratic Republic of Congo (DRC)

Date: 17 May 2017

Period: 27 March- 17 May

MANDATE

Pursuant to Security Council Resolutions [2293 \(2016\)](#), [2277 \(2016\)](#), [2211 \(2015\)](#), [2198 \(2015\)](#), [2147 \(2014\)](#), [2136 \(2014\)](#), and [2098 \(2013\)](#), the Security Council calls on all stakeholders in the DRC to swiftly implement the [31 December 2016 agreement](#) and ensure an environment conducive to a free, fair, credible, inclusive, transparent, peaceful and timely electoral process. Resolution 2348 (2017) specifically urges *for the full participation of women at all stages of the electoral process*. The Security Council also demands that all armed groups cease immediately all forms of violence; and calls upon the Government of the DRC to uphold its national commitments to Security Sector Reform (SSR) and to implement of its national Disarmament, Demobilisation and Reintegration (DDR) Programme. Lastly, the Security Council decides to extend the mandate of MONUSCO until 31 March 2018, reducing the number of MONUSCO military personnel, observers and staff officers.

GENERAL ANALYSIS

This report covers political and security developments in the DRC since 27 March 2017, with regards to the implementation of the political agreement of 31 December 2016. It expresses concerns about the continued divisions between political factions that undermine the broad consensus achieved with the signing the political agreement (para.3). Subsequently, these developments limit progress towards the implementation of the confidence-building measures in the political agreement (para. 13). In addition to the deadlock, the appointment of the new Prime Minister has caused another division between members of the dissident wing of the Rassemblement, led by Félix Tshisekedi, and the Majorité Présidentielle (para.2). Indeed, after a month of intense negotiations, on 8 May 2017, President Joseph Kabila issued a decree appointing a new transitional government comprising 59 members, including the Prime Minister. The Government, which is dominated by the Majorité Présidentielle, includes representatives of the dissident wing of

the Rassemblement; the latter however do not recognize the Government as legitimate (para.8). The report expresses further concern about grave human rights violations perpetrated by the police, the constant diminishing of political space, and the voter registration process in regions of high political instability such as the Kasai area (paras. 11, 12).

Of the 22 paragraphs in the report, none of them include references to women and gender. This lack of reference to women's meaningful participation in the current transitional arrangements is surprising as the report heavily focuses on the holding of *inclusive* electoral and voter registration processes in the DRC (para. 17,18,19,20,21), as per the 31 December Agreement. Moreover, the Security Council has recognized the role of Congolese women as key actors in the upcoming electoral process at multiple occasions in the past. The upcoming provincial and presidential elections represent a window of opportunity for women to change their role in local and national politics, and alter the world's perception of Congolese women. Yet, the present Secretary-General report delivered a gender-blind analysis of the current political situation in the DRC, choosing to focus instead on the implementation of the 31 December Agreement with regards to the transitioning political environment in the country.

GENDER ANALYSIS

Protection

The protection needs of women in the DRC are not discussed in the present report. Women's situation in the DRC is currently challenged by intensified violence and rapidly deteriorating socioeconomic conditions, especially in the southern region of Kasai and some areas of the eastern DRC. Moreover, MONUSCO has documented grave human rights violations perpetrated mainly by the police, as well as by the military, throughout the country. Due to patriarchal cultural structures, women are most often than not the first victims of such violations, and are especially vulnerable to financial scarcity as heads of the household. In conflict settings, women also become more susceptible to further physical attack and sexual exploitation, especially when displaced from their homes. As a result, almost 40 percent of reported sexual crimes in 2014 were considered directly related to the dynamics of conflict. However, the document does not mention sexual and gender-based violence against Congolese women, and thus fails to report on the Government of DRC's responsibility to protect its civilians.

Prevention

The report equally fails to mention women's participation in preventing the spread of violent conflict. While the report warns that political tensions could reignite and the

electoral process could experience further delays if the political process continues to be hampered by inflexibility and grandstanding (para. 18), it fails to mention the need for greater representation of women in mechanisms for conflict prevention. Sitting at the important nexus of power and influence, the electoral process can spark violence very quickly. And because women are known to disproportionately suffer from electoral violence, they therefore should have a role in preventing electoral instability to spiral in all-out violence.

Participation

While [Resolution 2348](#) explicitly acknowledges Congolese women's political agency and calls for women's representation and participation *at all stages* of the electoral process, the present report does not discuss any efforts to boost women's participation and the involvement of civil society. This comprises a key failure to report on the obstacles to the implementation of the 31 December 2016 agreement, which calls for the creation of propitious conditions for the forthcoming elections, including full participation of women at all stages. In addition, the report fails to document women's voter registration. Specific figures on women's registration would be very valuable, as they would allow for the monitoring of women's electoral participation, and ensure women's voices are being heard.

Relief and Recovery/ Implementation

The report mentions that the Government of the DRC should take the steps necessary to bring the perpetrators of violations of civil and political rights to justice and create conditions conducive to the holding of peaceful, credible and inclusive elections, including by ceasing restrictions on public freedoms (para. 19). However, it does not make direct reference to ending impunity for sexual and gendered crimes against women. Sexual violence has been defined by numerous NGOs as one of the main characteristics of the conflict in DRC, and the prosecution of crimes against women should be considered as a cornerstone to peace and security in the region.

RECOMMENDATIONS

Protection

The report should include information about efforts made by relevant actors, including missions, governments, civil society members or UN country offices to protect women during the current unstable transitional period in the DRC, at a moment when women are particularly vulnerable to human rights violations. Moreover, the Secretary General should order investigations in the ongoing violence in the Kasai region. Taking into account the

gender dimension in the electoral process should be a priority during times of transition, as a way to ensure women's participation is integrated into draft laws.

Prevention

In the report, the focus on prevention remains lacking. In the present context, spontaneous, popular protests could escalate as a result of the socioeconomic situation and the growing disconnect between decision makers and their political constituencies. The most effective way to prevent such instability from occurring would be to develop inclusive conflict prevention mechanisms, and recognizing women as constructive participants in designing and implementing disarmament strategies and early action systems. A systematic collection of information about sexual and gendered violence in the DRC is also required. In this regard, the 2015 [Women's Situation Room \(WSR\)](#) in Nigeria, which aimed to create an early warning and early response mechanism for electoral violence surrounding the 2015 general election, is a good practice that can be reiterated by the UN Secretary-General in the context of the DRC.

Participation

While the international community is well aware of Congolese women's abilities as political actors, the existing power dynamic still makes it difficult for their voices to be heard – or taken seriously – in the current political transition. Women's formal involvement in the upcoming electoral process in the DRC, as per the 31 December Agreement, can act as a platform for women's increased political inclusion, and help advance gender justice in the DRC. Women should not stay on the sidelines of this historic shift in Congolese politics. As put forward by Resolution 2348, the Secretary-General should reiterate its call to the Government of the DRC and its national partners, including the Independent National Electoral Commission (CENI), to push for the full participation of women at all stage of the electoral process, in order to ensure a transparent and credible electoral process.

Relief and Recovery/ Implementation

The Secretary-General should press the Security Council to include WPS indicators throughout its monitoring of the implementation of the 31 December Agreement, and of the holding of elections in particular. Analysis of the current political transition in the DRC cannot remain gender-blind, as Congolese women are calling for justice, accountability and the inclusion of more [gender parity](#) in the draft law on the establishment of a new electoral body.

