



**UNITED NATIONS JOINT HUMAN RIGHTS OFFICE IN THE DEMOCRATIC REPUBLIC  
OF THE CONGO (UNJHRO)  
MONUSCO – OHCHR**

**Analysis of the human rights situation in 2020**

**Introduction**

1. The United Nations Joint Human Rights Office (UNJHRO) is composed of the Human Rights Division of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Office of the High Commissioner for Human Rights (OHCHR) in the Democratic Republic of the Congo. Its mandate includes assisting the Government of the Democratic Republic of the Congo in the promotion and protection of human rights through the efforts of its antennas and field offices<sup>1</sup> as well as headquarters in Kinshasa. This report is based on information collected by the UNJHRO and only includes human rights violations documented and confirmed by the UNJHRO over the past year. The information contained in this report is shared with provincial and national Congolese authorities for their action.

**Main trends in human rights violations**

2. In 2020, the UNJHRO documented 7.909 human rights violations and abuses throughout the Democratic Republic of the Congo,<sup>2</sup> which represents an average of 659 human rights violations per month. This is a significant increase (+21%) compared to 2019 and a reversal of the trend of the previous year, which recorded a decrease of 4%. The figures recorded are higher than those documented during the election year (6,814 violations and abuses in 2018). This increase reflects a deterioration of the security situation in the provinces affected by armed conflict, in particular North Kivu, Ituri and South Kivu where the UNJHRO recorded a sharp increase of about 46% of the number of abuses committed by armed groups. Djugu-based armed assailants in Ituri province, combatants of the Allied Democratic Forces (ADF), *Forces démocratiques de libération du Rwanda* (FDLR), Nduma Defense of Congo-Rénové (NDC-R) and Nyatura in the province of North Kivu continued to attack civilians in their farms, homes and roads, expanding the geographic areas where they usually operate.<sup>3</sup>

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<sup>1</sup> Following the closure of certain MONUSCO offices and antennas, which was completed in June 2019, the number of operations offices was reduced from 18 to 12.

<sup>2</sup> The figures mentioned in this report do not provide a complete overview of the human rights violations in the Democratic Republic of the Congo for the period under review. They only reflect the cases documented and verified by UNJHRO during this period. It is also possible that these figures include some human rights violations committed during the previous year but brought to the attention of UNJHRO – or verified -in 2020. Statistics regarding the number of violations reported may increase or decrease over a given period due to numerous factors outside the control and/or knowledge of the UNJHRO and must therefore be used with caution.

<sup>3</sup> In the reports published by the UNJHRO during the period under review on human rights violations and abuses and violations of international humanitarian law in the provinces of Ituri and North Kivu, as well as the analytical note on interethnic conflict in the highlands of South Kivu, the general trend observed was an intensification of attacks by the ADF

3. The efforts of the authorities and other stakeholders have not been sufficient to stem the persistent armed conflicts fueled by inter-community tensions, land conflicts, looting, the illegal exploitation of natural resources and control of territories to impose illegal taxes. In the absence of a coordinated disarmament, demobilization and reintegration program allowing combatants of armed groups to lay down their weapons and join civilian life, and given the lack of guarantees of non-repetition resulting from a transitional justice mechanism combining reconciliation and fight against impunity, violence worsened in the provinces affected by armed conflict, leading millions of Congolese to seek refuge in foreign countries or to move, in precarious conditions, to other areas deemed safe<sup>4</sup>.
4. In order to break the cycle of violence, it is necessary in particular to set up a credible program of disarmament, demobilization and community reintegration, the adoption of socio-economic policies for sustainable development, to strengthen the presence of defense and security forces in conflict zones while ensuring their supervision and subsistence, and to pursue reconciliation efforts between communities. It is also essential to conduct judicial investigations, arrest and bring before the competent courts the alleged perpetrators of the most serious human rights violations and abuses, and to take adequate measures to ensure that the perpetrators are punished and serve their sentences. The Head of State's commitment to implement transitional justice mechanisms should make it possible to further develop and expand this type of initiatives, as implemented in Kasai with the support of the UNJHRO, across the country following a national strategy.
5. While they are increasingly involved in military operations, monitoring the implementation of restrictive measures imposed in the context of the fight against Covid-19 and law enforcement, the number of human rights violations attributable to State agents is similar to that documented in 2019. Thus, contrary to the previous year, armed groups and militias are the main perpetrators of the violations documented across the country (55%).
6. The most reported type of violations documented by UNJHRO in 2020 were violations of the right to physical integrity with 2,094 violations and 4,098 victims, including 1,162 women and 523 children, a slightly higher figure than that documented in 2019.<sup>5</sup> Among these victims, at least 679 women, 285 children and three men were victims of sexual violence across the country. Violations of the right to property increased by 30% with 1,911 violations<sup>6</sup>. Violations of the right to liberty and security of

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in Ituri and by CODECO members outside of Djugu territory mainly into Irumu and Mambasa. See “*Rapport public sur les conflits en territoire de Djugu, province de l’Ituri, de décembre 2017 à septembre 2019*”, published in January 2020 (<https://www.ohchr.org/Documents/Countries/RDC/RDCRapportpublicDjugu.pdf>); “Report on violations of human rights and international humanitarian law by the Allied Democratic Forces armed group and by members of the defense and security forces in Beni territory, North Kivu province and Irumu and Mambasa territories, Ituri province, between 1 January 2019 and 31 January 2020”, published in July 2020 ([https://www.ohchr.org/Documents/Countries/CD/ADF\\_FR.pdf](https://www.ohchr.org/Documents/Countries/CD/ADF_FR.pdf)); and “Analytical note on the human rights situation in the highlands of Mwenga, Fizi and Uvira territories, South Kivu province, between February 2019 and June 2020”, published in August 2020 ([https://monusco.unmissions.org/sites/default/files/20200806.unjhiro.analyse\\_hauts\\_plateaux\\_en.pdf](https://monusco.unmissions.org/sites/default/files/20200806.unjhiro.analyse_hauts_plateaux_en.pdf)).

<sup>4</sup> According to the United Nations Refugee Agency, more than 5 million people were displaced in the Democratic Republic of the Congo between October 2017 and September 2019, and more than 918,000 refugees and asylum seekers from the Democratic Republic of the Congo were being hosted in African countries as of 29 February 2020 (<https://www.unhcr.org/en-us/dr-congo-emergency.html>).

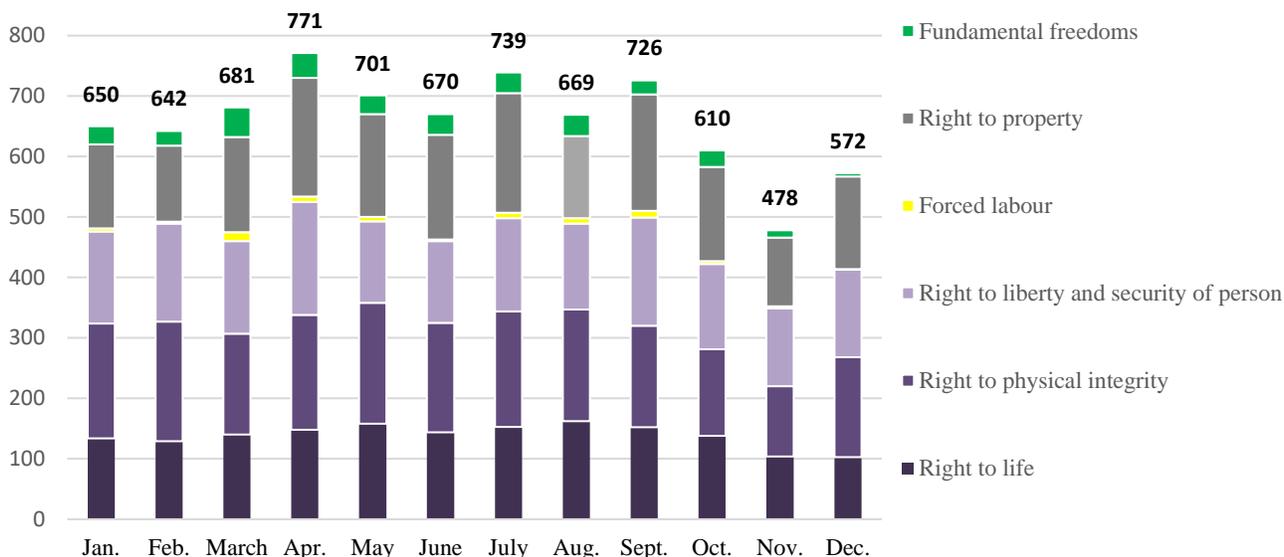
<sup>5</sup> In 2019, the UNJHRO documented 2,024 violations of the right to physical integrity with 3,866 victims, an increase of nearly 20% compared to 2018 (1,692 violations with 3,789 victims).

<sup>6</sup> In 2019, the UNJHRO documented 1,471 violations of the right to property, a decrease of nearly 9% compared to 2018 (1,611 violations).

person (1,814 violations with 6,128 victims, including 950 women and 450 children) increased by 17% compared to 2019<sup>7</sup>.

7. There was a 14% increase in violations of the right to life with 1,665 violations and 3,684 victims, including 2,945 victims of extrajudicial and summary killings, including 553 women and 286 children<sup>8</sup>. Finally, cases of forced labour increased by 43% with 80 violations and 648 victims<sup>9</sup>.

**Evolution of documented human rights violations in the DRC by month in 2020**



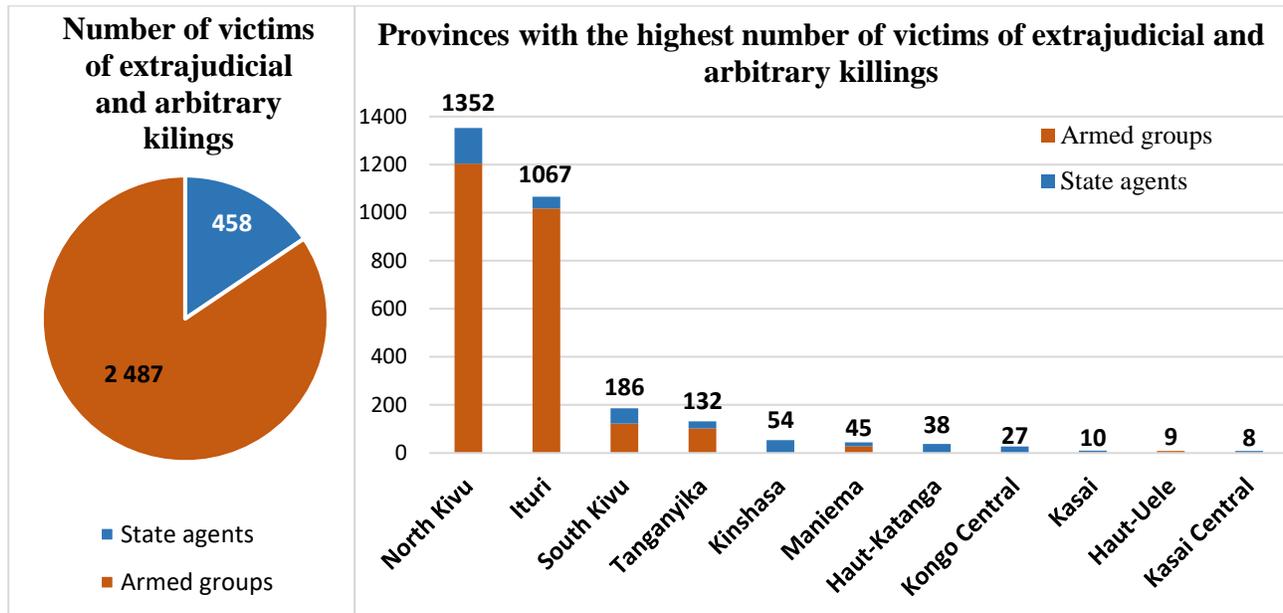
8. The number of victims of extrajudicial killings by State agents remains of concern. Despite a significant decrease in 2018 (-67%), this trend was not maintained, and an increase was documented in 2019 (+11%). In 2020, the number of victims of extrajudicial killings (458 victims including 61 women and 35 children) increased compared to 2019 (430 victims including 81 women and 42 children). The most affected provinces in 2020 are North Kivu (148 victims), South Kivu (64 victims), Kinshasa and Ituri (50 victims each).
9. Throughout the country, armed groups and militias were also responsible for an extremely high number of summary killings (with at least 2,487 victims, including 492 women and 251 children), which represents an increase of 142% compared to 2019 (1,029 victims, including 243 women and 73 children). ADF combatants are responsible for the majority of these executions (34%), mainly in Beni territory in the province of North Kivu but also in the territories of Irumu and Mambasa in Ituri, where they carried out particularly deadly attacks on civilians (849 victims, including 201 women and 26 children). These attacks reflect the intention of the ADF to spread terror in these areas in retaliation against FARDC military operations and to control the territories to carry out trafficking activities.

<sup>7</sup> In 2019, the UNJHRO documented 1,547 violations of the right to liberty and security of the person with 5,485 victims, a decrease of nearly 22% compared to 2018 (1,971 violations with 7,350 victims).

<sup>8</sup> In 2019, the UNJHRO documented 1,147 violations of the right to life with 2,078 victims, an increase of nearly 16% compared to 2018 (993 violations with 1,918 victims). As for extrajudicial and summary killings, the UNJHRO documented 1,459 victims, an increase of 25% compared to 2018 (1,167 victims).

<sup>9</sup> In 2019, the UNJHRO documented 56 cases of forced labour with 445 victims, a decrease of 15% compared to 2018 (66 violations and 475 victims).

Djugu-based assailants were also responsible for a very high number of summary killings (716 victims, including 129 women and 122 children), mainly in Djugu territory followed by the territories of Mahagi and Irumu in Ituri province.

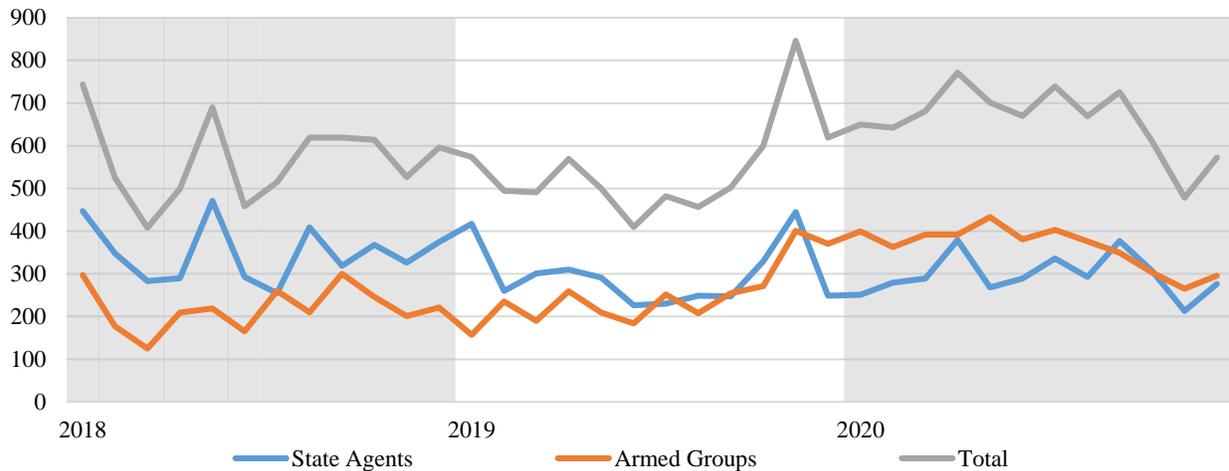


10. Throughout the territory of the Democratic Republic of the Congo, State agents<sup>10</sup> were responsible for 45% of the human rights violations documented in 2020, whereas 55% were perpetrated by armed groups.<sup>11</sup> This proportion is nearly the opposite to that recorded the previous year (54% by State agents, 46% by armed groups). In contrast, the number of violations committed by State agents remained stable. In particular, the number of violations by soldiers of the *Forces armées de la République démocratique du Congo* (FARDC) and agents of the *Police nationale congolaise* (PNC) did not vary greatly, except for a slight decrease (-5%) concerning FARDC soldiers and a slight increased concerning PNC agents (+3%). However, agents of the *Agence nationale de renseignements* (ANR) were responsible for a growing number of violations (+87%), whereas the number of violations committed by other State agents decreased (-9%).

<sup>10</sup> State agents include agents of the *Police nationale congolaise* (PNC), soldiers of the *Forces armées de la République démocratique du Congo* (FARDC), agents of the *Agence nationale de renseignements* (ANR), administrative or judicial authorities and other State agents. In 2020, FARDC soldiers were responsible for 1,726 violations, PNC agents for 1,340 violations, ANR agents for 189 violations and other State agents for 300 violations. In comparison, in 2019, FARDC soldiers were responsible for 1,826 violations, PNC agents for 1,297 violations, ANR agents for 101 violations and other State agents for 330 violations.

<sup>11</sup> In this report, the term “armed groups” refers to several armed groups including the Mayi-Mayi (Mazembe, NDC-R, Nyatura, Rayia Mutomboki and other Mayi-Mayi groups), FDLR, ADF, APCLS, FRPI, LRA, Djugu-based assailants and other armed groups, as well as Twa, Kamwina Nsapu, Bana Mura and other militia members.

### Trends of human rights violations since January 2018

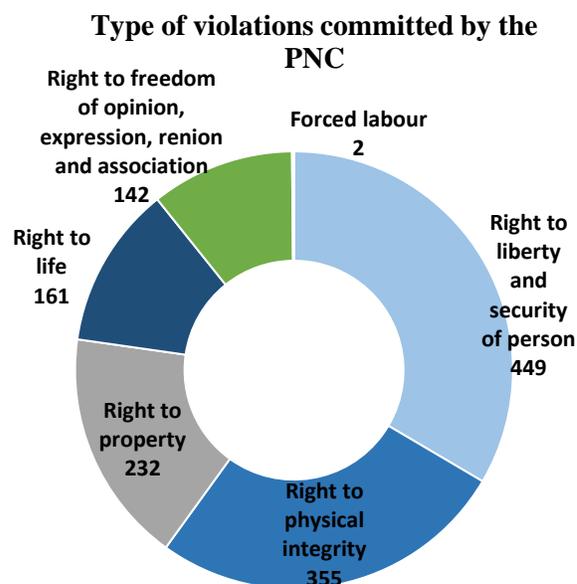
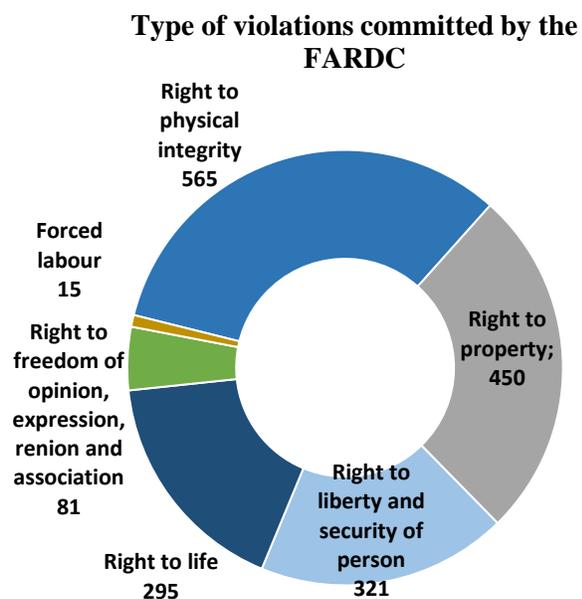


11. Among State agents, FARDC soldiers were responsible for the highest number of violations (22%). Most of these violations were documented in conflict-affected areas (92%),<sup>12</sup> mainly in North-Kivu (39%), South Kivu (13%), Tanganyika (12%) and Ituri (8%). FARDC soldiers were mainly responsible for 295 violations of the right to life (449 victims, including 295 victims of extrajudicial killings of which 48 women and 24 children)<sup>13</sup>, 565 violations of the right to physical integrity (1,029 victims, including 140 women and 86 children victims of sexual violence), 321 violations of the right to liberty and security of person (969 victims, including 130 women and 98 children) and 450 violations of the right to property.
12. In 2020, PNC agents were responsible for 17% of the total number of violations, in particular in the provinces of North-Kivu (24%), Kasai (17%), Kasai-Central (12%), South-Kivu and Haut-Katanga (9% each). PNC agents committed more violations in conflict-affected provinces (80%) than in non-affected provinces<sup>14</sup> (20%). PNC agents were mainly responsible for 161 violations of the right to life (231 victims including 149 victims of extrajudicial killings including 13 women and eight children), 355 violations of the right to physical integrity (712 victims, including 34 women and 42 children victims of sexual violence), 449 violations of the right to liberty and security of person (1,404 victims, including 133 women and 79 children) and 232 violations of the right to property.

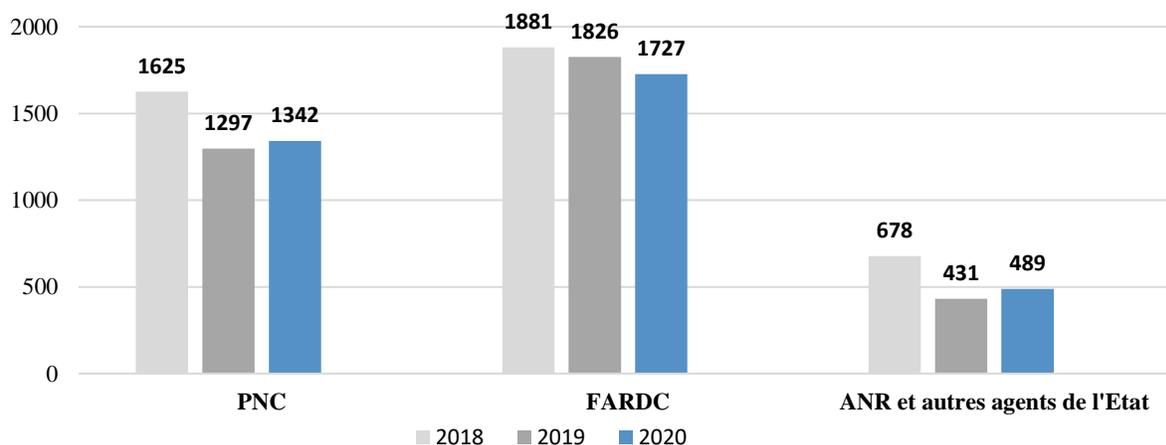
<sup>12</sup> In 2020, the UNJHRO considered as conflict-affected areas the eastern provinces of the Democratic Republic of the Congo, namely Bas-Uele, Haut-Uele, Ituri, North Kivu, South Kivu and Maniema, as well as the provinces of Kasai, Kasai Oriental and Kasai Central and the province of Tanganyika.

<sup>13</sup> Violations of the right to life other than extrajudicial and/or summary killings consist mainly of death threats, enforced disappearances and deaths in detention.

<sup>14</sup> In 2020, the UNJHRO considered as areas not affected by conflict all the remaining provinces not listed as being affected in the Democratic Republic of the Congo, namely Equateur, Haut-Katanga, Haut-Lomami, Lomami, Kinshasa, Kongo Central, Kwango, Kwilu, Lualaba, Mai-Ndombe, Maniema, Mongala, North Ubangi, South Ubangi, Sankuru, Tshopo and Tshuapa.



**Evolution of the number of violations by State agents in the DRC since 2018**



13. In 2020, nearly 93%<sup>15</sup> of the violations documented by the UNJHRO were committed in the provinces affected by conflict (7,393 violations), resulting in at least 2,811 civilian deaths, including 548 women. As in the previous year, the main perpetrators of these violations in 2020 are armed groups (59%). More than half of the violations committed in the provinces affected by conflict (51%) were recorded in North Kivu alone (3,746 violations), followed by Ituri (1,206 violations), South Kivu (802 violations), Tanganyika (582 violations) and Kasai (403 violations)<sup>16</sup>.
14. In the provinces not affected by conflict in the Democratic Republic of the Congo, 517 human rights violations were committed in the period under review (nearly 7% of the violations documented

<sup>15</sup> This is a lower proportion than that documented in 2019 (88%). In this regard, it is important to note that the closure of the field offices in Matadi (Kongo Central), Bandundu (Kwilu) and Mbandaka (Equateur) in 2019 has since affected the capacity of the UNJHRO to document violations in provinces not affected by conflict.

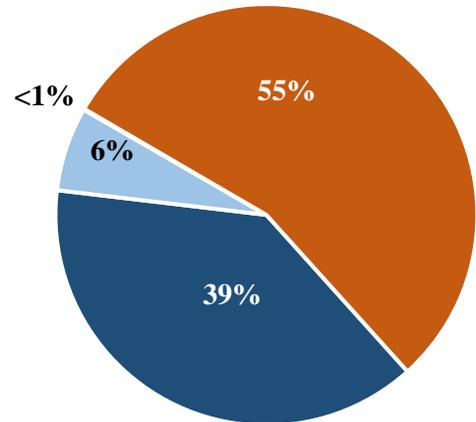
<sup>16</sup> In the three provinces of Kasai (Kasai, Kasai Central and Kasai Oriental) the number of violations documented is 783.

throughout the country),<sup>17</sup> including 127 violations of the right to liberty and security of person (with 693 victims). In 2020, 30% of the violations perpetrated in these provinces were linked to restrictions on democratic space, a similar proportion to the one recorded in 2019 (33% of violations) and 2018 (35% of violations). Most of the violations were recorded in the provinces of Haut-Katanga<sup>18</sup> (259 violations, namely 50%) and Kinshasa (128 violations, namely 25%). Finally, nearly 99% of these violations are attributable to State agents, including 52% to PNC agents (268 violations), 28% to FARDC soldiers (146 violations), 6% to ANR agents (32 violations) and 12% to other State agents (64 violations). The remaining 1% mainly correspond to the activism of Mayi-Mayi Bakata Katanga and Twa militia members in Haut-Katanga (three abuses each).

- Violations by State agents**
  - In conflict-affected provinces
  - In non conflict-affected provinces
- Violations by armed groups**
  - In non conflict-affected provinces
  - In conflict-affected provinces

**Total State agents : 45%**  
**Total armed groups : 55%**

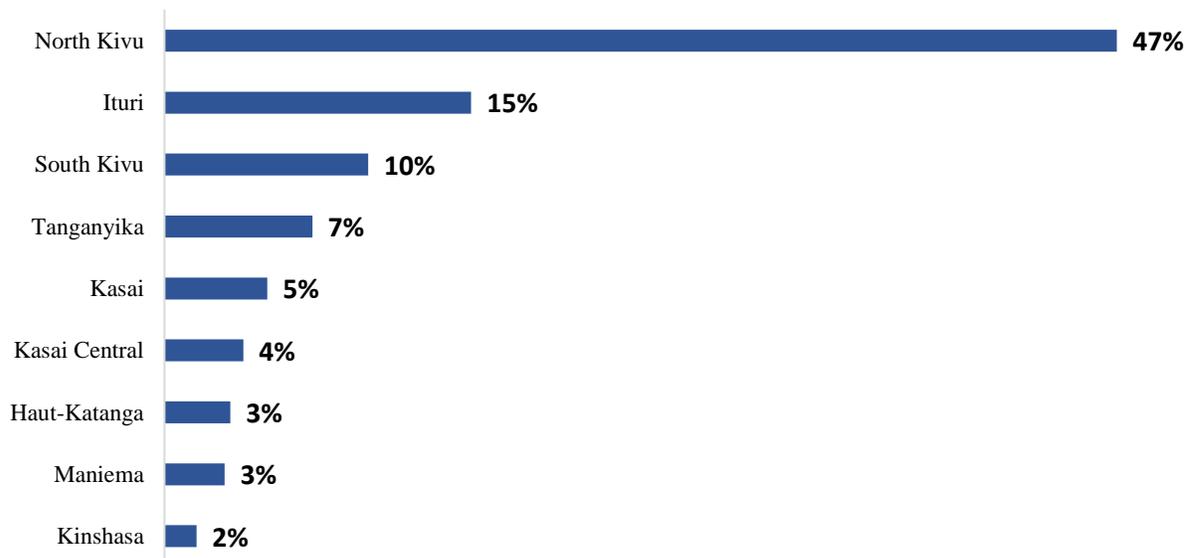
**Total affected provinces : 93%**  
**Total non-affected provinces : 7%**



<sup>17</sup> In 2019, the UNJHRO documented 778 violations in the provinces considered as not affected by conflict, representing nearly 12% of the overall number of violations and abuses throughout the Democratic Republic of the Congo.

<sup>18</sup> The human rights violations documented in Haut-Katanga province were documented in the context of attacks by the Mayi-Mayi Bakata-Katanga group, whose leader, Gédéon Kyungu, escaped from house arrest on 28 March 2020, the mutinies in Kasapa prison resulting in cases of rape, and the repression of public demonstrations (see section on democratic space below). The UNJHRO documented these incidents in a “Preliminary investigation report on the incidents between the Congolese defense and security forces and Mayi-Mayi Bakata Katanga combatants in Lubumbashi, Likasi, Kasumbalesa (Haut-Katanga province), Kakanda and Bunkeya (Lualaba province) on 28 March 2020” and an “Investigation report on human rights violations and abuses perpetrated during the mutiny at Kasapa Prison, Lubumbashi, Haut-Katanga province, from 25 to 28 September 2020”.

### Provinces with the highest percentage of violations



### A year marked by an increase of armed violence in conflict-affected provinces<sup>19</sup>

15. In 2020, at least 7,391 human rights violations and abuses<sup>20</sup> were committed by all the parties in areas affected by the armed conflict, amounting to a new increase of 28% as compared to the 5,767 violations and abuses documented in 2019 and 5,399 in 2018. This trend can be explained by a significant increase in the number of violations committed by the various armed groups (+46%), particularly in the provinces of Tanganyika (+100%) and North-Kivu (+30%) due to the increased activities of the various militias and armed groups during the year, which resulted in particularly cruel acts of violence against the civilian population. For example, ADF combatants began a campaign of terror in the last quarter of 2020 in the Beni territory where 238 people were killed in attacks on villages in the Ruwenzori sector. In most cases, civilians were abducted, mutilated, and beheaded by ADF combatants<sup>21</sup>.
16. The number of violations attributable to State agents in these provinces increased to 3,046 violations in 2020 compared to the 2,792 and 2,793 violations documented by the UNJHRO in 2019 and 2018 respectively.
17. The number of people killed by parties to the conflict more than doubled during the period under review compared to previous years<sup>22</sup>. State agents committed more than 41% of the violations (3,046 violations, including extrajudicial executions of at least 324 civilians, of which 56 women and 27 children). Altogether, armed groups are responsible for nearly 59% of the violations documented in

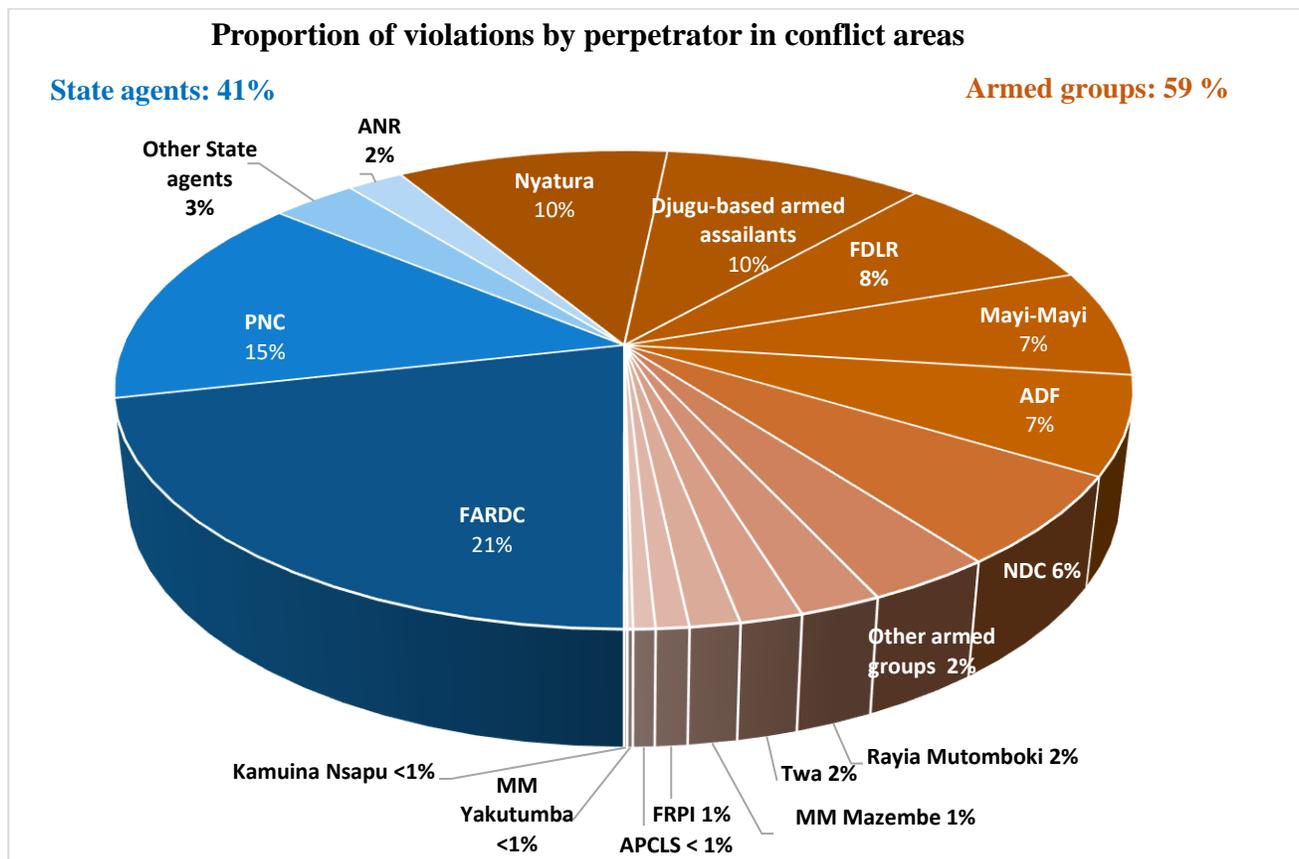
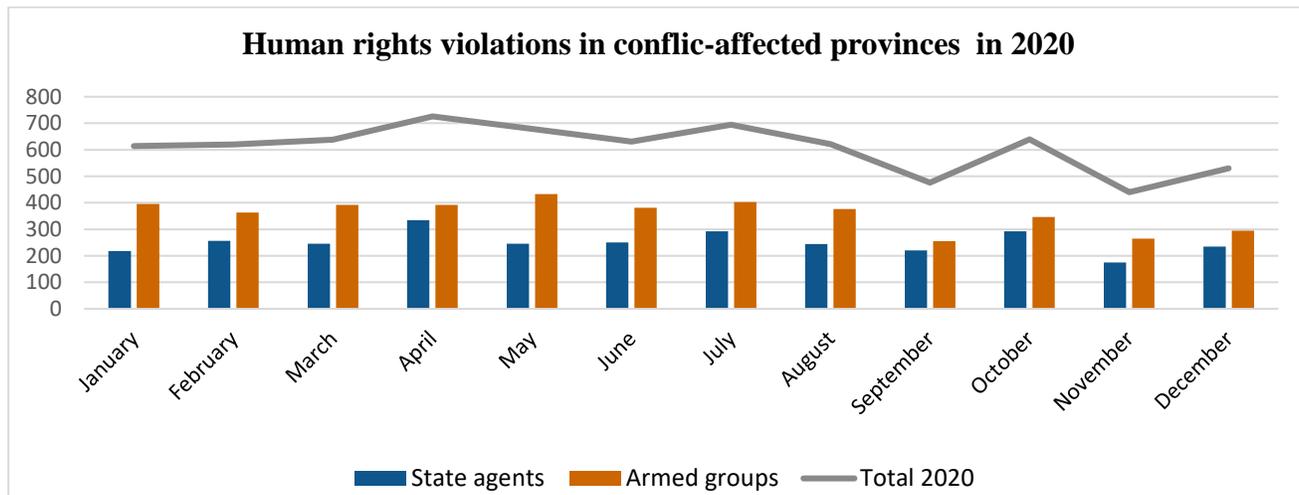
<sup>19</sup> See footnote n°10.

<sup>20</sup> This represents 88% of the overall number of human rights violations and abuses documented in 2020 throughout the Democratic Republic of the Congo.

<sup>21</sup> See the update on the human rights situation in Beni territory to be published in January 2020.

<sup>22</sup> At least 2,810 civilians, including 548 women and 278 children, were killed in the conflict provinces, an increase of more than 206 % from 1,359 in 2019.

these provinces (4,344 human rights abuses, including the summary executions of at least 2,486 civilians, of which 243 women and 72 children).



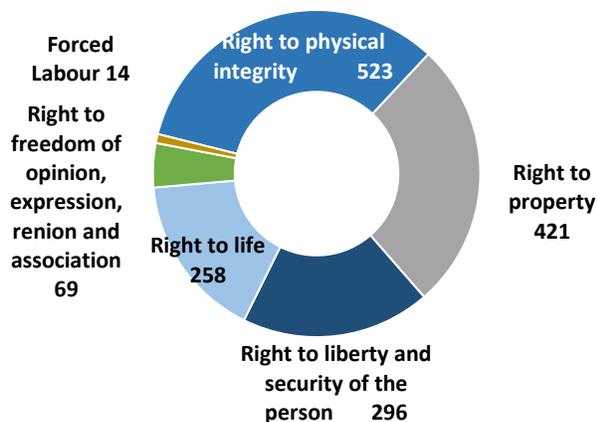
18. Of all the parties to the conflict, FARDC soldiers committed the largest number of documented human rights violations in the conflict-affected provinces (1,581 violations, representing over 21%),<sup>23</sup> including 9% in North-Kivu alone (670 violations), followed by South-Kivu (231 violations),

<sup>23</sup> It also represents 25% of violations attributable to state agents in conflict provinces.

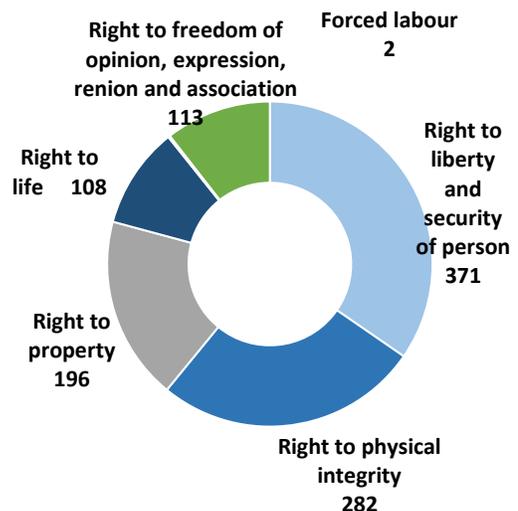
Tanganyika (208 violations), Ituri (137 violations), Kasai-Central (126 violations), and Maniema (90 violations). FARDC soldiers were responsible for 258 violations of the right to life (with 385 victims, including 246 victims of extrajudicial executions, including 47 women and 22 children), 523 violations of the right to physical integrity (with 898 victims, including 120 women and 68 children victims of sexual violence), 296 violations of the right to liberty and security of person (with 885 victims, including 113 women and 85 children), 14 cases of forced labour (with 44 victims, including four women and two children), and 421 violations of the right to property.

19. PNC agents committed 1,072 violations, representing 15% of violations documented in conflict-affected provinces.<sup>24</sup> More than 42% of these violations were committed in the three Kasai provinces, with 22% committed in Kasai province alone, and almost 41% in North and South Kivu provinces (30% and 11% respectively). In particular, PNC officers were responsible for 108 violations of the right to life (as against 136 victims, including 65 victims of extrajudicial executions, including 54 women and nine children), 282 violations of the right to physical integrity (as against 509 victims, including 20 women and 31 children victims of sexual violence), 371 violations of the right to liberty and security of person (as against 839 victims, including 113 women and 65 children), and 196 violations of the right to property.

**Types of violations committed by FARDC in conflict-affected areas**



**Types of violations committed by PNC**



20. ANR agents, were responsible for 157 violations in the provinces affected by the conflicts, of which more than half was in North Kivu province alone (46%). They are mainly responsible for violations of the of the right to physical integrity (30 violations against 28 victims, including six women and five children victims of sexual violence), the right to liberty and security of person (68 violations and 76 victims) and the right to property (37 violations).

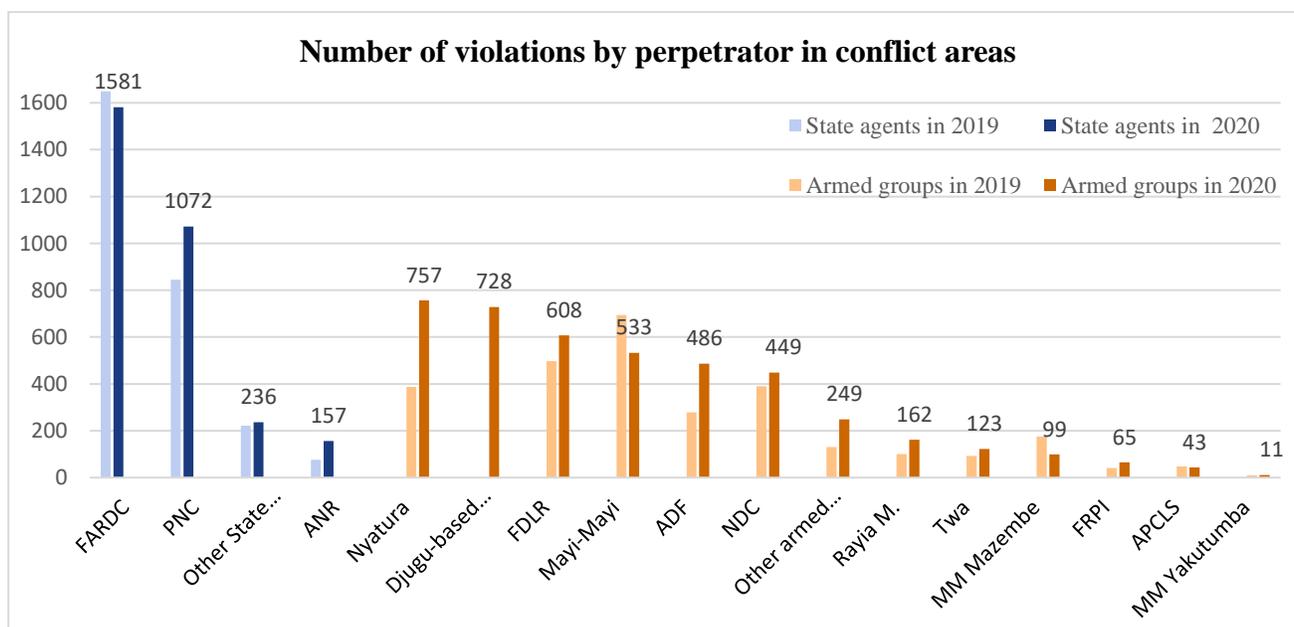
21. Finally, other State agents such as administrative or judicial authorities committed 236 human rights violations in these areas, mainly in North-Kivu and Kasai (25% and 17% respectively, representing 58 and 41 violations) and Tanganyika (13% representing 31 violations). Violations of the right to liberty

<sup>24</sup> It also represents 30% of violations attributable to state agents in conflict provinces.

and security of the person are those mainly committed (70 violations and 131 in contrast to last year when the main violation was that of the right to life.

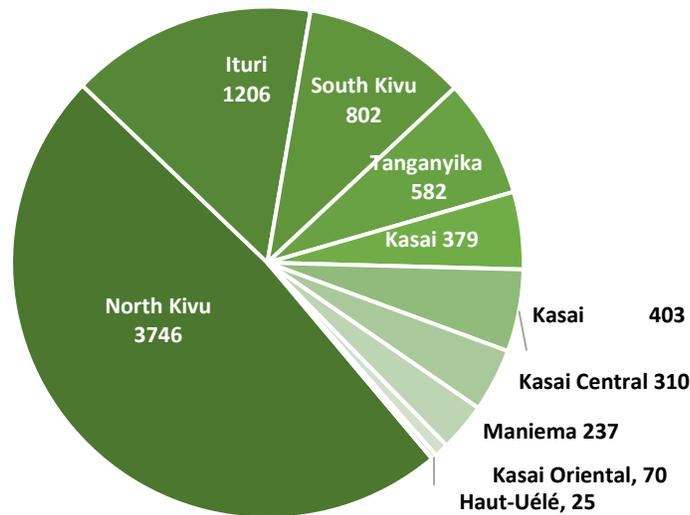
22. Altogether, the armed groups are responsible for 4,345 human rights abuses in the provinces affected by conflict (about 49%), including 2,629 (representing 36%) in the province of North-Kivu alone. Among these armed groups, the Nyatura Mayi-Mayi combatants committed the largest number of human rights abuses (757 violations), followed by Djugu-based armed assailants, the *Forces Démocratiques de Libération du Rwanda* (FDLR) combatants, the Mayi-Mayi combatants, the ADF, the Nduma Defense of Congo (NDC) combatants, various armed groups, Rayia Mutomboki and Twa combatants.

Main perpetrators amongst armed groups since 2018		
2020	2019	2018
<b>Nyatura</b> (757 abuses)	<b>Mayi-Mayi</b> (701 abuses)	<b>FRPI</b> (430 abuses)
<b>Djugu-based armed assailants</b> (728 abuses)	<b>FDLR</b> (497 abuses)	<b>Mayi-Mayi</b> (454 abuses)
<b>FDLR</b> (608 abuses)	<b>NDC</b> (390 abuses)	<b>Nyatura</b> (312 abuses)



23. More than half (51%) of the violations and abuses committed in conflict-affected provinces were documented in North Kivu alone, followed by South Kivu (11%). The three Kasai provinces together account for 11% of violations in the conflict-affected provinces. North Kivu province concentrates almost all the violations committed by combatants of five main armed groups, namely the Mayi-Mayi

Nyatura<sup>25</sup>, the FDLR<sup>26</sup>, the NDC-R, the ADF<sup>27</sup> various Mayi-Mayi groups and the Mayi-Mayi Mazembe<sup>28</sup>. The province of South Kivu concentrates all the attacks committed by Rayia Mutomboki combatants. The province of Ituri concentrates all the abuses attributable to Djugu-based armed assailants. Finally, the provinces of Bas-Uélé and Haut-Uélé concentrate all the attacks committed by Lord's Resistance Army (LRA) combatants. Twa militiamen are mainly active in the province of Tanganyika and those of Kamuina Nsapu and the Bana Mura in the provinces of Kasai and Kasai Central.



24. The year 2020 was also characterised by a proliferation and activism of Mayi-Mayi armed groups, accompanied by an increase in the number of human rights abuses committed by these groups (533 abuses, a decrease of 23% compared to 2019). These groups have been particularly active in the provinces of North Kivu (50%) and South Kivu (20%), Tanganyika (16%) and Maniema (10%), with a presence in Ituri (5%). Mayi-Mayi groups have notably committed abuses of the right to life (95 abuses including the summary executions of 132 civilians, of whom 19 women and five children) and the right to physical integrity (134 abuses with 276 victims, including 60 women and 33 children victims of sexual violence), the right to liberty and security of person (135 abuses with 706 victims, including 93 women and 48 children), and eight cases of forced labour (with 66 victims, including 17 women and five children) and 146 abuses of the right to property, mainly in the form of extortion, illegal taxes and looting.

25. FDLR combatants committed 608 abuses, a number (+22%) higher than that of the year 2019 (497 abuses). They remain active in the province of North-Kivu and particularly in the territories of Nyiragongo (444 abuses) and Rutshuru (139 abuses). They are responsible for 173 abuses of the right to life (201 victims, including 146 victims of summary execution, of which 22 women and 14 children), 185 abuses of the right to physical integrity (including sexual violence against 101 women and 20 children), 120 abuses

<sup>25</sup> With the exception of 10 abuses committed by the Mayi-Mayi Nyatura in the territory of Kalehe, South Kivu province.

<sup>26</sup> With the exception of one abuse committed by the FDLR in the territory of Kalehe, South Kivu province.

<sup>27</sup> With the exception of 14 abuses committed by the ADF in the territory of Irumu, Ituri province.

<sup>28</sup> With the exception of four abuses committed by the Mayi-Mayi Mazembe in Mambasa territory, Ituri province.

of the right to liberty and security of person (221 victims, including at least 71 women and eight children), and 154 abuses of the right to property. Among all the armed groups active in the conflict area in 2020, FDLR are the main perpetrators responsible for sexual violence, with 101 women and 20 children victims, mainly in Nyiragongo territory and around the Virunga National Park.

26. As for all factions of the NDC, they were responsible for at least 449 human rights abuses, an increase (+15%) compared to 390 documented in 2019. Their activism continued to be concentrated in North Kivu and particularly in the territories of Masisi (245 abuses), Rutshuru (98 abuses), Walikale (53 abuses) and Lubero (43 abuses). They committed 100 violations of the right to life (with 116 victims of summary executions, including 27 women and eight children), 152 violations of the right to physical integrity (against 374 victims, including 45 women and 23 children victims of sexual violence), 91 abuses of freedom and security of person (with 428 victims, including 32 women and 17 children), 90 abuses of the right to property, and subjected at least 146 people to forced labour. The split of the NDC-R into two rival factions (NDC Bwira and NDC Guidon) following the challenge to Guidon Shimiray Mwisa's leadership by one of his lieutenants named Bwira in July led to fratricidal fighting and attempts to conquer territory, with negative repercussions on the human rights situation.
27. Mayi-Mayi Nyatura combatants committed 757 human rights abuses in 2020, all in North Kivu province and in particular in the territories of Rutshuru (308), Nyiragongo (237) and Masisi (193), with the exception of 10 abuses committed in the territories of Kalehe and Kabare in South Kivu. The Mayi-Mayi Nyatura were notably responsible for 164 abuses of the right to life (229 victims, including 184 victims of summary executions including 39 women and 28 children), 210 abuses of the right to physical integrity (287 victims, including 57 women and 29 children victims of sexual violence), 147 abuses of the right to liberty and security of the person (237 victims including 44 women and 43 children), 113 abuses of the right to property, and subjected 13 people to forced labour.
28. In 2020, ADF combatants were responsible for at least 486 human rights abuses, an increase of 79% from 2019, the largest increase among armed groups. This increase can be explained by the increase in attacks against civilian populations in Beni territory in response to FARDC military operations. Most of these attacks were committed in the provinces of North Kivu (395 abuses) and Ituri (95 abuses). During the period under review, ADF combatants killed on average more than two civilians per day (197 abuses of the right to life, including summary executions of 849 victims including 201 women and 26 children), with the highest number of victims of summary executions attributable to an armed group in 2020, 2019 and 2018. They were also responsible for 52 abuses of the right to physical integrity (against 101 victims, including five women victims of sexual violence), 126 abuses of the right to liberty and security of the person (against 534 victims), and 99 abuses of the right to property.
29. Mayi-Mayi Mazembe combatants committed at least 99 abuses, mainly in the province of North Kivu (95 abuses), in the territories of Lubero (55 abuses) and Beni (13 abuses). They committed 24 abuses of the right to life (including the summary executions of 19 people, of which four women and one child), 21 abuses of the right to physical integrity (against 46 victims including five women and three children who were victims of sexual violence), 19 abuses of the right to liberty and security of person (against 88 victims including five women and three children), and 28 abuses of the right to property.

30. Rayia Mutomboki combatants perpetrated at least 162 human rights abuses, all in the province of South Kivu and mainly in the territories of Shabunda (73 abuses), Mwenga and Kabare (25 abuses each), Kalehe (23 abuses) and Walungu (16 abuses). In particular, they committed 14 violations of the right to life (with 18 victims, including 18 victims of summary execution, including one woman), 39 violations of the right to physical integrity (against 465 victims, including 39 women and 12 children victims of sexual violence), 98 abuses of the freedom and security of the person (against 465 victims, including 148 women and 21 children), 61 abuses of the right to property, and subjected at least 112 people to forced labour.
31. In 2020, LRA combatants were responsible for 26 human rights abuses, indicating a significant decrease in their activism (-63%) compared to 2019<sup>29</sup>. Active only in the provinces of Haut-Uélé (22 abuses, all in the territories of Dungu, Faradje and Niangara) and Bas-Uélé (four abuses in Bondo territory), they were responsible for five violations of the right to life with 10 men summarily executed, three male and two female victims of the violation of the right to physical integrity, seven abuses of the liberty and security of the person (against 119 victims, including 36 women and 10 children), and they used at least 50 people for forced labour, sometimes to transport looted goods, and also committed 10 abuses of the right to property.
32. The human rights situation in **Maniema province** improved in 2020 as compared to the situation observed since 2017. The human rights violations documented this year have significantly decreased with 237 violations and abuses in comparison to the previous year (647). State agents, in particular FARDC soldiers and PNC agents were responsible of most violations (90 and 37 respectively). Armed groups were responsible of 82 abuses, in particular Mayi-Mayi Malaïka belonging to different factions (40 abuses).<sup>30</sup> Even though the number of extrajudicial executions by FARDC soldiers increased (from six victims in 2019 to 13 victims in 2020), the number of summary executions by Mayi-Mayi combatants decreased (from 2( victims in 2019 to 21 victims in 2020). However, a significant decrease of the number of violations of the right to physical integrity, in particular sexual violence committed by armed groups (115 victims of sexual violence in 2019 and 61 victims in 2020) and State agents (65 victims of sexual violence in 2019 and 11 victims in 2020) was noted.
33. In the **three Kasai provinces**, the human rights situation on 2020 continue to be a concern, but with a slight decrease in the number of documented violations and abuses compared to persistent increases from 566 in 2017 to 723 in 2018 (+28%) , 813 in 2019 (+12%) and 783 in 2020 (-4%). However, the decrease in the number of victims of summary and extrajudicial executions noted in 2018 (147 victims) and 2019 (79 victims) continued in 2020 (19 victims). As in the previous year, the large majority of violations (89%) were committed by State agents, including FARDC soldiers (242 violations, a decrease of 21% compared to 2019), PNC agents (445 violations, an increase of 28% compared to 2019) and ANR agents (14 violations). The remaining 2% are attributable to the Kamuina Nsapu combatants (six abuses, a significant drop of 89%) and the Bana Mura and former Mbembe security forces (seven abuses, a drop of 75%). These include abuses on the right to life (79 abuses with 95

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<sup>29</sup> It should be noted, however, that the documentation of violations in the provinces of Haut-Uélé and Bas-Uélé was affected by the closure of the UNJHRO field office in Dungu (Haut-Uélé).

<sup>30</sup> Such as Sheik Asani Mayi-Mayi Malaïka faction, responsible of 35 abuses.

victims, including 19 people killed), abuses on the right to physical integrity (232 abuses with 300 victims, including 22 rape victims including 35 children), abuses on the right to liberty and security of person (253 abuses with 356 victims including 66 women and 30 children), and three cases of forced labour (five victims).

34. Of these violations 403 were documented in **Kasai province**, 310 in **Kasai-Central** and 70 in **Kasai Oriental**. While the number of violations increased in the province of Kasai-Central by 37%, the number decreased in Kasai (-25%) and Kasai-Oriental (-56%). The increase in the number of violations in Kasai-Central is attributable on the one hand to PNC agents (161 violations), FARDC soldiers (126 violations) and other State and ANR agents (16 and three violations respectively), who were responsible for violations of the right to life (40 violations including eight victims of extrajudicial executions including one woman), the right to physical integrity (106 violations and 134 victims including 16 women and 15 children victims of sexual violence), the right to security and liberty of the person (64 violations) and violations of the right to property (68 violations). Kamuina Nsapu combatants committed the remaining 1% of violations, with four violations representing a significant decrease of 93%. These included a violation of the right to life, in which a man was threatened with death, one violation of physical integrity with one child victim of sexual violence, and one violation of the right to liberty and security of person with one child victim of abduction.
35. It should be pointed out that the political crises in the Kasai region and inter-ethnic conflicts continue to expose the province at significant risk of widespread violence. At the moment, it is premature to predict that voluntary disarmament of militias could prevent their remobilization if the root causes of the conflict are not addressed. The consideration by the Provincial Assembly of establishing a Provincial Truth and Reconciliation<sup>31</sup> Commission is a step forward in the implementation of a framework for addressing some aspects of the Kasai crisis. However, customary conflicts, territorial boundary disputes between entities and issues related to the return of IDPs and refugees require additional reforms and mechanisms.
36. Finally, in **Tanganyika province**, Twa militiamen committed at least 101 human rights abuses, including summary executions against 45 victims including 40 men, four women and one child and rape against 30 victims, of which 29 women and one child. Twa militiamen also committed 17 human rights abuses in the neighbouring province of Maniema, including summary executions of at least four people and the rape of at least 26 others, as well as five violations in the province of South Kivu resulting in 13 women victims of sexual violence. The activism of various Mayi-Mayi groups already noted in 2017, 2018 and 2019 increased in this province in 2020, with 91 documented abuses, the majority (85 abuses) attributable to the Apa na Pale Mayi-Mayi, responsible in particular for 19 abuses of the right to life, including 56 victims of summary executions, including seven women and three children, 22 abuses of the right to physical integrity (57 victims, including five women and one child victims of rape), 20 abuses of liberty and security of the person (155 victims), 21 abuses of property rights, and one man who was the victim of forced labour.

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<sup>31</sup> This review is a continuation of the process of consultation with the population within the framework of the Peace, Justice, Reconciliation and Reconstruction Project in Kasai-Central (PAJURR) implemented by the UNJHRO, UNDP and Search for Common Ground.

37. As part of MONUSCO's support to the Congolese security and defence forces in the fight against armed groups, during the period under review, in accordance with the Human Rights Due Diligence Policy (HRDDP), 24 requests for authorisation of joint operations and 222 requests for troop transport, some of which concerned military operations against armed groups, were processed by the secretariat responsible for monitoring the compliance with the policy. In addition, the UNJHRO organised 34 capacity-building sessions for at least 1,609 FARDC soldiers, including at least six women, as a measure to mitigate the risk of human rights and international humanitarian law violations<sup>32</sup>.

### **Conflict-related sexual violence<sup>33</sup>**

38. The UNJHRO documented a significant decrease in the number of adult victims of sexual violence in 2020, with at least 680 victims, including six men (-35% compared to 1,054 victims in 2019). The majority of those affected in 2020 were victims of sexual violence attributable to combatants of armed groups or militias (70%), while the remaining 30% were subjected to sexual violence by state agents, mainly by FARDC soldiers (20%). Among the armed groups and militias, FDLR combatants caused the largest number of victims (15%), followed by Twa Apa na pale militia (10%), various Mayi-Mayi groups (9%), Nyatura (8%), NDC (7%), and other armed groups, the Djugu-based armed assailants and the Rayia Mutomboki (6% each). This is reflected at the level of the most affected provinces which are North-Kivu (43% of the total number of adult victims of sexual violence), followed by South-Kivu (17%), Ituri (13%), Maniema, Haut-Katanga and Tanganyika (8% each), and Kasai-Central (2%). It should be noted that North-Kivu is affected by a wide variety of armed groups whose main perpetrators of sexual violence are FDLR (responsible for 35% of victims of sexual violence committed in this province), Nyatura (20%) and NDC (16%).

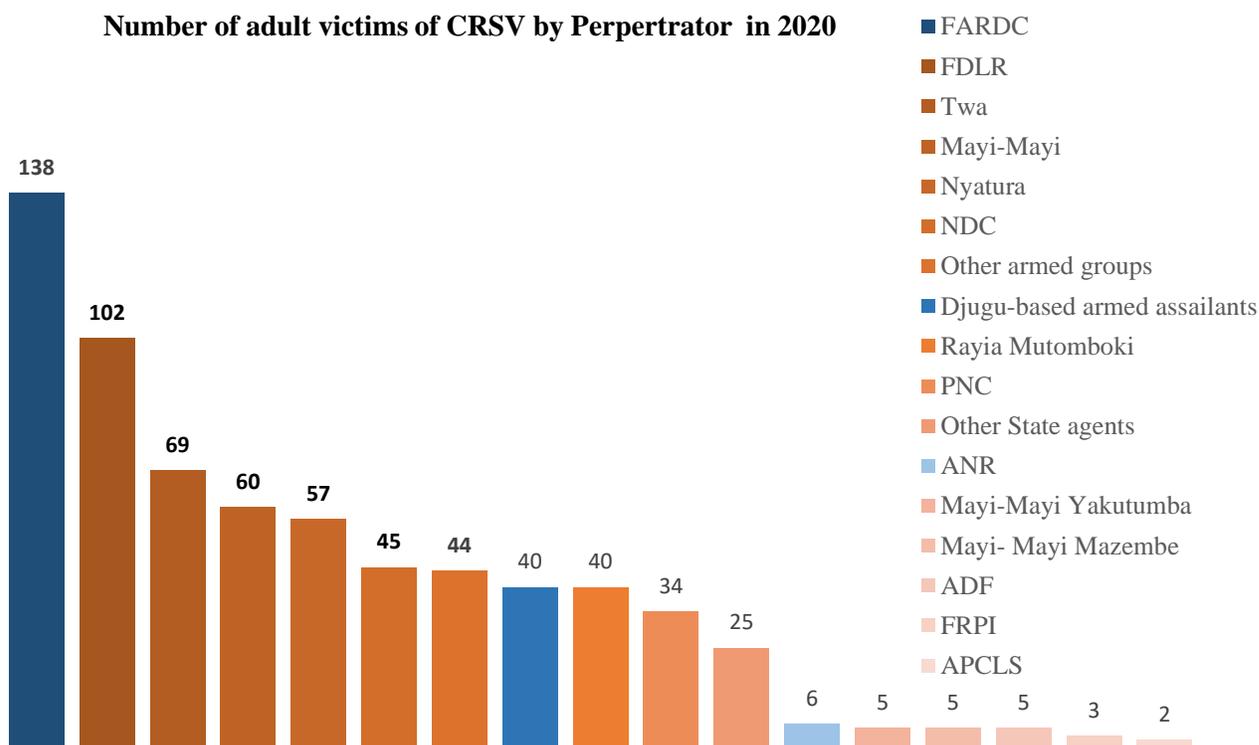
39. It should be noted that the Covid-19 pandemic has had a negative impact on the collection of information on sexual violence. The restrictions on movement imposed at national and provincial level prevented UNJHRO teams and its partners from going to certain places where violence has been committed to interview victims and provide them with the necessary support. Victims were also afraid to go to health centres and one-stop-shops for fear of contracting the disease or being stigmatised within the communities. To address these challenges, an information collection mechanism was put in place to support civil society organisations in collecting information and supporting victims. Nevertheless, the lifting of the state of emergency in July allowed the deployment of missions to collect information on conflict-related sexual violence and reduced barriers to access to services for survivors. For example, the lifting of travel restrictions in provinces such as Nord-Kivu has made it easier for survivors in rural areas to access medical care in one-stop centres, including those in Goma and Bukavu.

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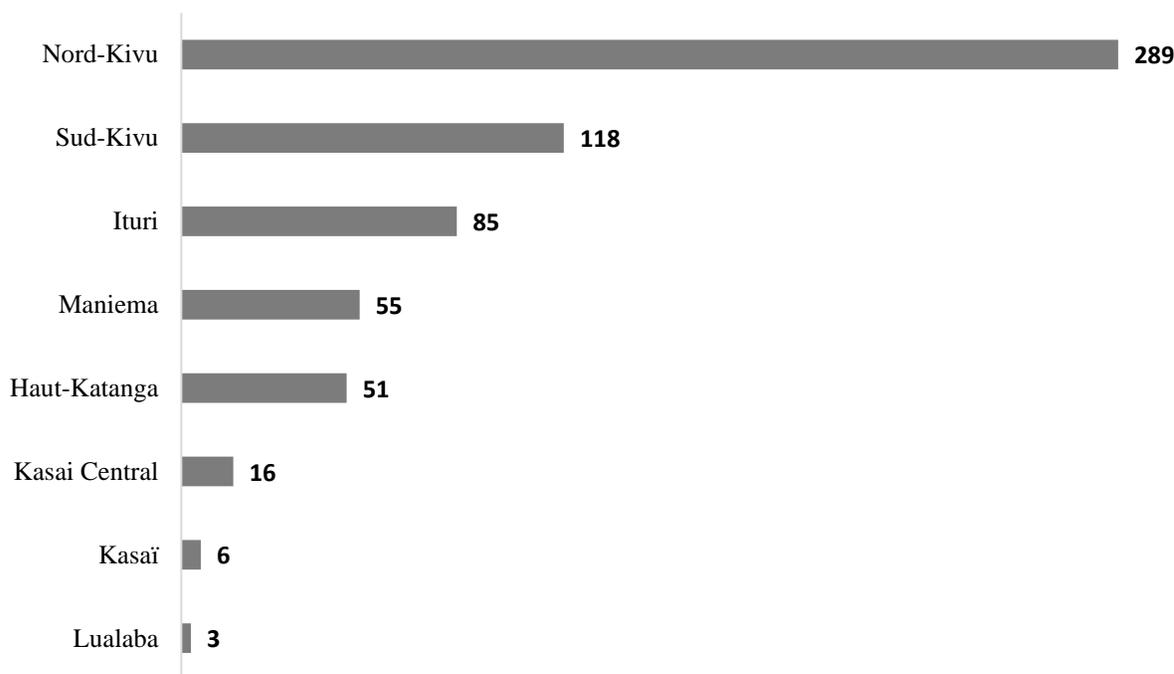
<sup>32</sup> The sessions covered topics such as international human rights law, international humanitarian law, prevention of conflict-related sexual violence and the HRDDP and raised awareness and respect for the policy.

<sup>33</sup> With respect to conflict-related sexual violence, the provinces concerned are determined by the Working Group on "Monitoring, Analysis, and Reporting Arrangements on Conflict-Related Sexual Violence" (MARA), which reports to the UN Special Representative of the Secretary-General on Sexual Violence in Conflict. In 2017, the provinces concerned are the eastern provinces of the Democratic Republic of the Congo, namely Bas-Uele, Haut-Uele, Ituri, North Kivu and South Kivu, as well as the provinces of Kasai, Kasai Oriental, Kasai Central, Haut-Katanga, Tanganyika, Lualaba, Haut-Lomami, Maniema and Tshopo.

40. The UNJHRO has continued its efforts to address the issue of conflict-related sexual violence, including through capacity-building of state security actors, community engagement and the fight against impunity. During the period under review, the UNJHRO provided technical support to the Office of the Special Adviser to the President of the Republic on Youth, Gender and Violence against Women to finalize the road map for the implementation of the Addendum to the 2013 Joint Communiqué between the United Nations and the Government of the Democratic Republic of the Congo against Sexual Violence in Conflict. A workshop led by the office of the Special Adviser took place on 14 and 15 September in Kinshasa to review the roadmap for the implementation of the addendum with the participation of government representatives and UN partners. The UNJHRO provided financial and logistical support for the workshop which was also supported by the Office of the Special Representative of the UN Secretary-General on Sexual Violence in Conflict (OSRSG-SVC) and the Team of Experts on the Rule of Law and Sexual Violence in Conflict. Finally, in November 2020, 11 FARDC unit commanders and one PNC commander signed acts of engagement as part of the action plan to combat sexual violence adopted in 2019.



### Number of adult victims of CRSV by province in 2020



### Worrisome increase in restrictions on democratic space

41. While the UNJHRO recorded a decrease in violations of fundamental rights and freedoms linked to the democratic space after the 2018 elections, the year 2020 was marked by a significant increase in cases compared to the previous year. In fact, in 2020, the UNJHRO documented 935 violations throughout the territory, a figure representing a clear increase compared to 2019 (778 violations), but close to the one documented during the election year (1,054 violations in 2018). This increase is linked to the political context characterized by multiple crises within the ruling coalition as well as by abusive measures to the exercise of fundamental freedoms taken by the administrative authorities at the provincial level<sup>34</sup>.
42. In addition, the Covid-19 pandemic has prompted the authorities to take legitimate measures restricting fundamental freedoms in order to save lives<sup>35</sup>. However, state agents and the defense and security forces have committed human rights violations in the context of the State of Emergency and other restrictive measures adopted by national and provincial authorities.

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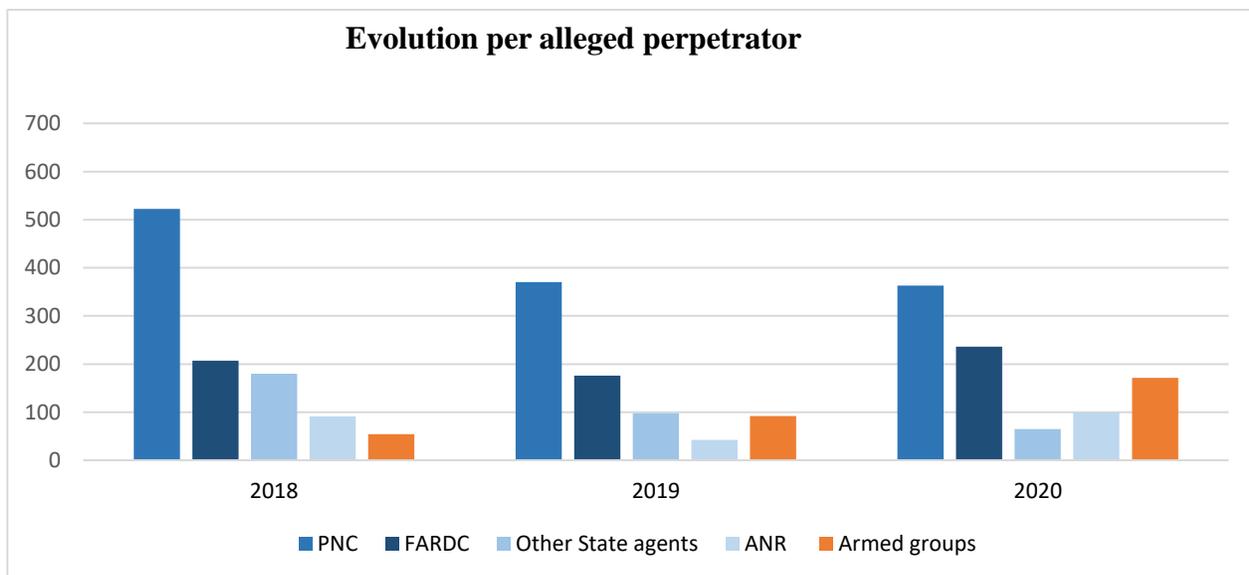
<sup>34</sup> Several public demonstrations organized across the country, including those in support of Vital Kamerhe in March, June and August, those on the bills on justice system reform in June, on the endorsement of Mr. Ronsard Malonda by the National Assembly as president of the *Commission électorale nationale indépendante* (CENI) in July and those on the dissolution of the *Front Commun pour le Congo* (FCC)-*Cap pour le changement* (CACH) coalition in October.



43. Like last year, the main alleged perpetrators of the violations documented during the year 2020 are PNC agents (363 violations), a slight drop of around 2% (370 violations in 2019). PNC agents remain responsible for almost half of human rights violations linked to restrictions on democratic space. According to information confirmed by the UNJHRO, the PNC units deployed to maintain order during public demonstrations did not have sufficient logistical means. They used lethal weapons to disperse the protesters. This is particularly the case during demonstrations by Bundu Día Kongo (BDK) members in March and April 2020 in Kinshasa and Kongo Central. At least 66 people were victims of violations of the right to life by extrajudicial execution and 74 others of the right to physical integrity by injuries resulting from the unlawful and excessive use of lethal force by the mentioned officers.
44. The UNJHRO notes an increase in the number of restrictions on public freedoms attributable to the FARDC (236 violations in 2020 compared to 176 in 2019) which can be explained by the recurrent deployment throughout the year of FARDC soldiers - in particular the military police units – operations to maintain order and manage demonstrations, tasks falling under the sovereign functions of the police and for which the military are neither equipped nor trained.
45. Unlike 2019, when the UNJHRO had noted a gradual decrease in the number of violations committed by ANR agents, this figure (100 violations) has more than doubled in 2020 and reached a number almost similar to 2017 ( 135 violations). This increase was noted in a context where the closure of the ANR's illegal cells and the end of its interference in matters outside its legal competence, have been ordered since 2019 by the Head of State. Despite the absence of legislative reforms aimed at ensuring better supervision of the work of the agency and the retention of key officials in their positions, cases had dropped significantly in 2019. The trends documented by the UNJHRO during the year in review demonstrate the need to ensure scrupulous respect for human rights by the ANR. The institution needs to be reformed by ensuring that the work of officers is supervised by a judicial authority, that places of detention are monitored regularly and that perpetrators of human rights violations are prosecuted.

46. The number of violations by other State agents, in particular politico-administrative authorities, is steadily declining, from 180 violations in 2018, 98 in 2019 and 65 in 2020. It should be noted that the administrative authorities, in particular at the provincial level, were mainly responsible for threats against journalists, members of civil society organizations and citizen movements. These violations have taken the form of threats, intimidation, kidnappings, attacks on physical integrity or the instrumentalization of justice to arrest people in the course of their legitimate activities. For example, in August 2020 in Kenge, Kwango province, a human rights defender and coordinator of the Lucha citizen movement in Kwango, was the victim on several occasions of arrest and death threats by members of the security services and the interim governor of Kwango province. The victim denounced the mismanagement of the province by its leaders including the interim governor. Following the threats, the human rights defender along with two of his colleagues went into hiding for a week. On August 19, the three men came out to organize a sit-in to denounce the dysfunctions and bad governance of the province, during the visit of the Prime Minister in the Kenge town. On the same day, the human rights defender was kidnapped by a group of suspected young civilians called the "American group" close to the interim governor of Kwango and members of the security services. He was held in a secret location, subjected to torture for several weeks before being thrown into an alley in Kenge. An investigation has been opened into this case.

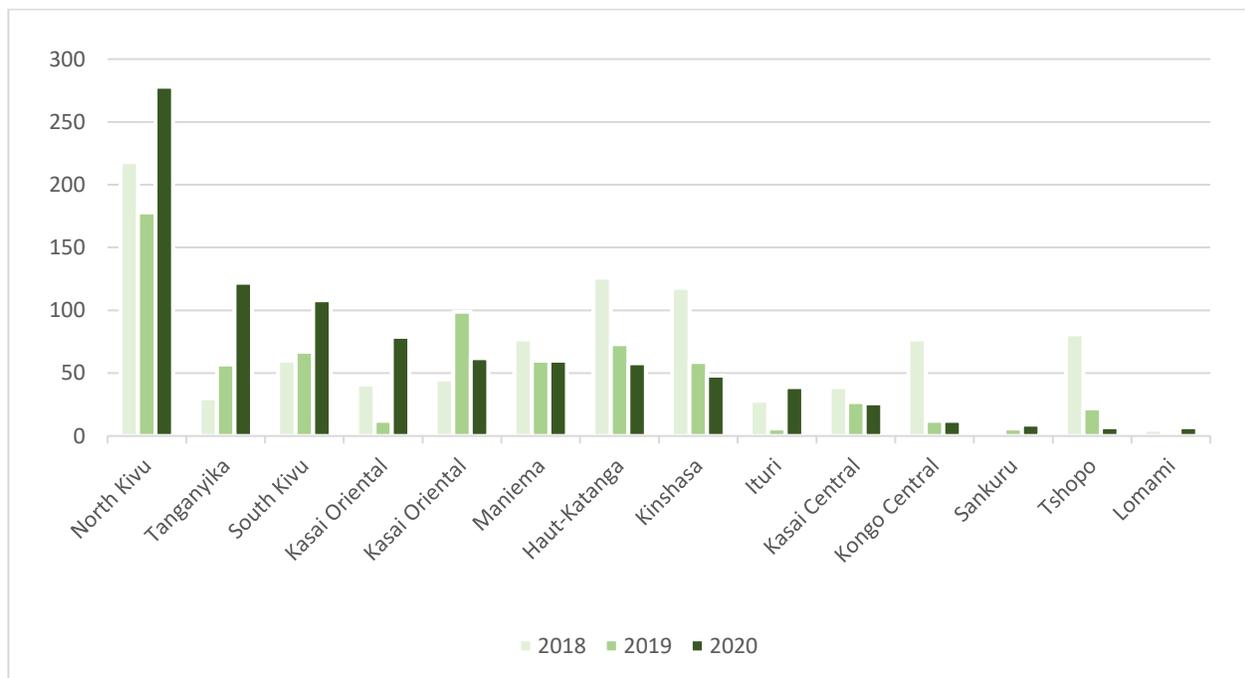
47. In 2020, armed groups committed 171 abuses of this type, a significant increase but also constant for three years (41 abuses in 2017, 54 in 2018 and 92 in 2019). These are mainly Mayi-Mayi groups (39 abuses) including the *Front patriotique pour la paix/Armée du peuple*, Malaïka and the *Union des patriotes pour la libération du Congo*, mainly active in the provinces of North Kivu (27 abuses) and Maniema (six abuses), the Nyatura in particular the *Nyatura Pascal*, in North Kivu (38 abuses) and particularly in the territory of Nyiragongo, Rutshuru and Masisi (28, eight and two abuses respectively) and other armed groups (27 abuses), including mainly the Djugu based armed assailants (17 abuses), in the territory of Ituri (19 abuses) and North-Kivu (eight abuses).



48. The most reported violations are violations of the right to freedom of opinion and expression (229 violations), followed mainly by violations of liberty and security of the person (222 violations). In

general, the trends are increasing compared to 2019<sup>36</sup>, with for example a continuous increase in violations of the right to life (134 violations in 2020 against 121 in 2019 and 85 in 2018). The UNJHRO has documented 90 victims of extrajudicial or summary executions related to restrictions on democratic space, a higher number compared to 2019 (60 victims)<sup>37</sup>. A high number of civilians has been the victims of intimidation and death threats or arrest as a result of their legitimate activities in connection with the democratic space.

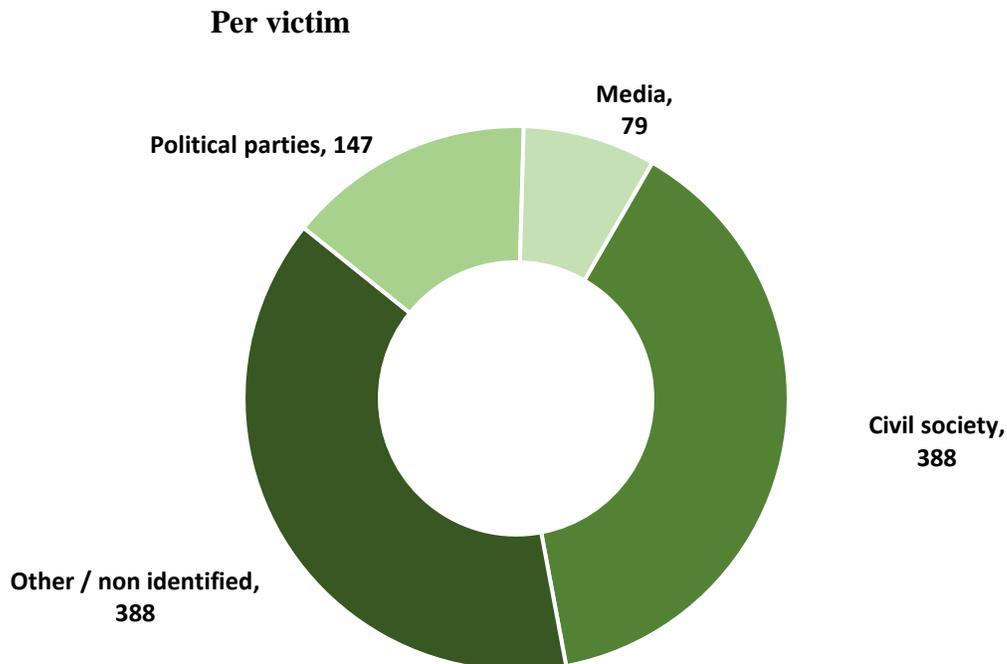
49. In 2020, these violations were mainly committed in North-Kivu (278 violations) and in the provinces of Tanganyika (122 violations), South-Kivu (108 violations), Kasai-Oriental (79 violations), Kasai and Maniema (62 and 60 violations each), Haut-Katanga and Kinshasa (58 and 48 violations each), and Ituri (39 violations). The UNJHRO documented the highest number of violations in these same provinces in 2020. The number has however fallen sharply in Kasai (62 violations as compared to 99 in 2019), Haut-Katanga (58 violations against 73 in 2019), Tshopo ( seven violations against 22 in 2019), in Lualaba and Haut-Uélé (three violations each as compared to 15 and 10 respectively in 2019), and Equateur (one violation as compared to 31 in 2019). The number increased significantly in the provinces of North-Kivu (278 violations as compared to 178 in 2019), Tanganyika (57 violations against 122 in 2019), South Kivu (67 violations as compared to 108 in 2019), Kasai Oriental. (12 violations as compared to 79 in 2019), and Ituri (six violations as compared to 39 in 2019).



<sup>36</sup> With the exception of the number of violations of the right to freedom of peaceful assembly which continues to decrease with 257 violations in 2018, 134 in 2019 and 97 in 2020. The decrease in 2020 could be explained by the establishment of the State Emergency for health reasons due to the Covid-19 pandemic from late March to mid-July 2020 prohibiting gatherings of more than 20 people on national territory.

<sup>37</sup> This can be reflected in the high number of victims of extrajudicial execution documented during the incidents with the BDK in March and April 2020, and particularly on 24 April, in Kinshasa, where 33 people were killed by the security and defense forces, during the assault on the residence of the leader of the politico-religious group.

50. The UNJHRO regrets the large number of victims of violations, threats and other acts of intimidation and harassment, in particular against members of civil society organizations (at least 388) as well as members or sympathizers of political parties of the opposition as of the majority (at least 147 members). The UNJHRO remains particularly concerned about threats and intimidation and other violations of the rights of journalists and other media professionals (at least 79 victims).



51. During 2020, demonstrations were violently repressed by the defense forces and security services, particularly in the provinces of North-Kivu, Kinshasa, and Haut-Katanga. Peaceful demonstrations organized by civil society groups, especially in the provinces of Tanganyika, South-Kivu, Kasai, Kasai-Oriental, and Maniema were also repressed by the security forces, violating the right to physical integrity, as well as the freedom and security of demonstrators.

52. Restrictions on the freedom of the press and of expression, in particular of journalists, are still a major concern in 2020. For example, on 21 July 2020 in Mbuji-Mayi (Kasai-Oriental), four journalists including one woman were beaten then arbitrarily arrested and illegally detained by PNC agents. The victims were covering two peaceful demonstrations, one of which was organized by the movement "*Sauvons le Kasai-Oriental*" supported by citizen movements including the Lucha and demanding the departure of the Governor of Kasai-Oriental; and the other, organized by the *Union pour la démocratie et le progrès social* (UDPS) to support the governor. The alleged perpetrators arrested the victims, stole their work materials, tore their clothes and beat them. They were kept at the police station's cell for a few hours and then released.

53. Members of citizen movements also continued to be targeted by the authorities. For example, on 19 December 2020, when they had organized a public demonstration to protest against the insecurity in their territory and to call for an end to the massacres as well as the departure of MONUSCO, eight

militants of the Lucha were arrested by the police, then charged, among other things, with destruction and sabotage by the *Auditeur militaire de garnison* of Beni. It is important to stress that the right to freedom of demonstration and opinion is constitutionally protected and that related litigation does not fall under the jurisdiction of military courts.

54. In 2020, intimidation and threats against human rights defenders and other civil society actors by armed groups and security forces were also noted. For example, on 1 May 2020 in Bakwa Mbuyi, Demba territory, (Kasai-Central), a 33-year-old human rights defender was arbitrarily arrested and subjected to ill-treatment by police officers of the PNC mobile intervention unit for protesting against acts of harassment committed by PNC agents in this locality. The victim was released on 3 May 2020. It should be noted that human rights defenders have often been the victims of such threats or intimidation while carrying out activities to promote or protect human rights.
55. Concerning the exercise of public freedoms and political rights, the year 2020 was highlighted by violations committed by the police authorities during peaceful demonstrations, including through arbitrary arrests and the disproportionate use of force, sometimes causing the death of civilians. For example, on 9 July 2020 in Lubumbashi (Haut-Katanga), two men were killed, one of them as a result of his wounds and eight others shot and wounded by elements of the military police and commandos of the Rapid Reaction Unit of the FARDC Brigade. The incident took place during the violent repression by the perpetrators of a demonstration organized by the UDPS, *Union nationale des fédéralistes du Congo* (UNAFEC) et *Solidarité congolaise pour la démocratie et le développement* (SCODE) against the endorsement of Ronsard Malonda by the National Assembly as president of the CENI. In several neighborhoods, hundreds of activists from these political parties defied the ban on demonstrations by the mayor of the city of Lubumbashi as well as the lockdown measures decided by the provincial authorities. In addition, on 13 July, four bodies of UDPS militants bearing traces of acts of torture were recovered from the Lubumbashi River. One of the victims was arrested during the demonstration and taken to the FARDC 22<sup>nd</sup> Military Region's cell where his family visited him on 11 July. Judicial investigations were opened resulting in the arrest of four FARDC soldiers from the "*Service d'éducation civique, patriotique et d'action sociale*" (SECAS) involved in the repression of the 9 July demonstration.
56. During the ordinary and extraordinary sessions of the Senate held during the period under review, the two chambers of parliament did not make significant progress on the legislative front, in particular with regard to the laws on public demonstrations, access to information, non-profit associations and the protection of human rights defenders. Civil society organizations continue to be supported by the UNJHRO in legislative monitoring and amendment proposals with a view to making these proposals and projects respectful of human rights.
57. During the period under review, the UNJHRO continued its monitoring and technical cooperation work with the authorities and members of civil society to help open up the democratic space. The UNJHRO Director wrote to the PNC General Commissioner to bring to his attention to the human rights violations during law and order operations and to advocate for the urgency to take measures. cease and punish the perpetrators. A preliminary report on the violations committed during the incidents between law enforcement officers and BDK members has been submitted to the authorities with additional

recommendations to ensure respect for human rights during public demonstrations. In addition, the UNJHRO has also organized capacity building activities with the authorities. For example, on 22 May 2020 in Madiba / Boikene, Beni territory (North Kivu), the United Nations Department of Safety and Security (UNDSS) and the UNJHRO organized a training course on the concepts of human rights, public freedoms including the right to peaceful demonstration and HRDDP requirements for 12 elements of the PNC *Groupe mobile d'intervention* (GMI). MONUSCO reinforced the protective equipment of the PNC with non-lethal material to face demonstrations in the city of Beni.

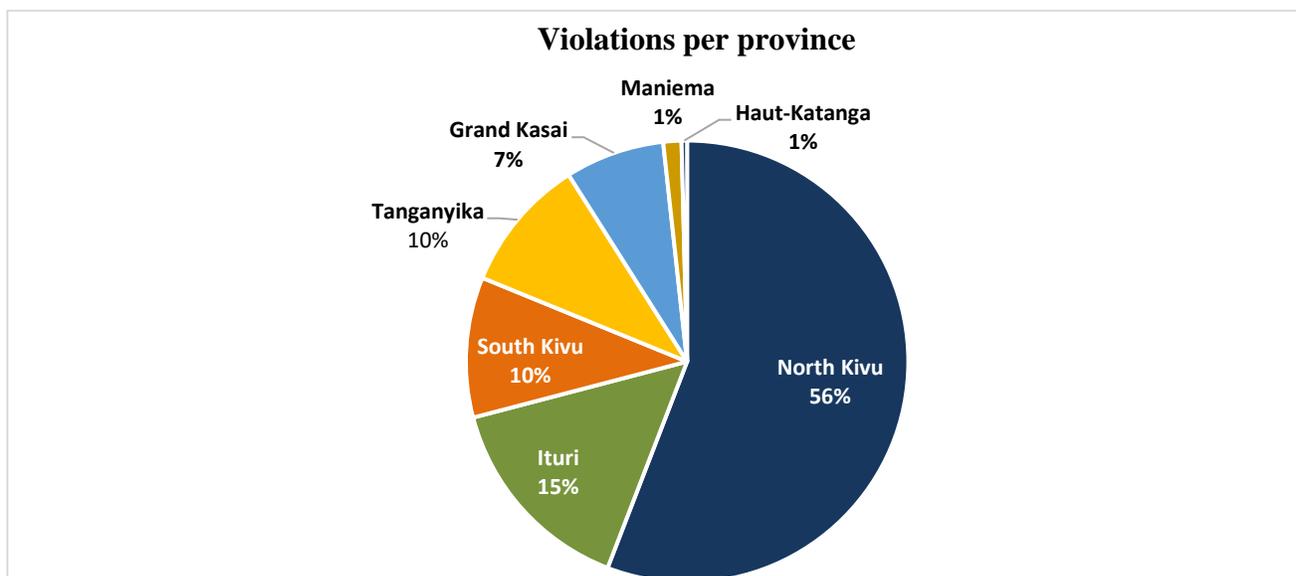
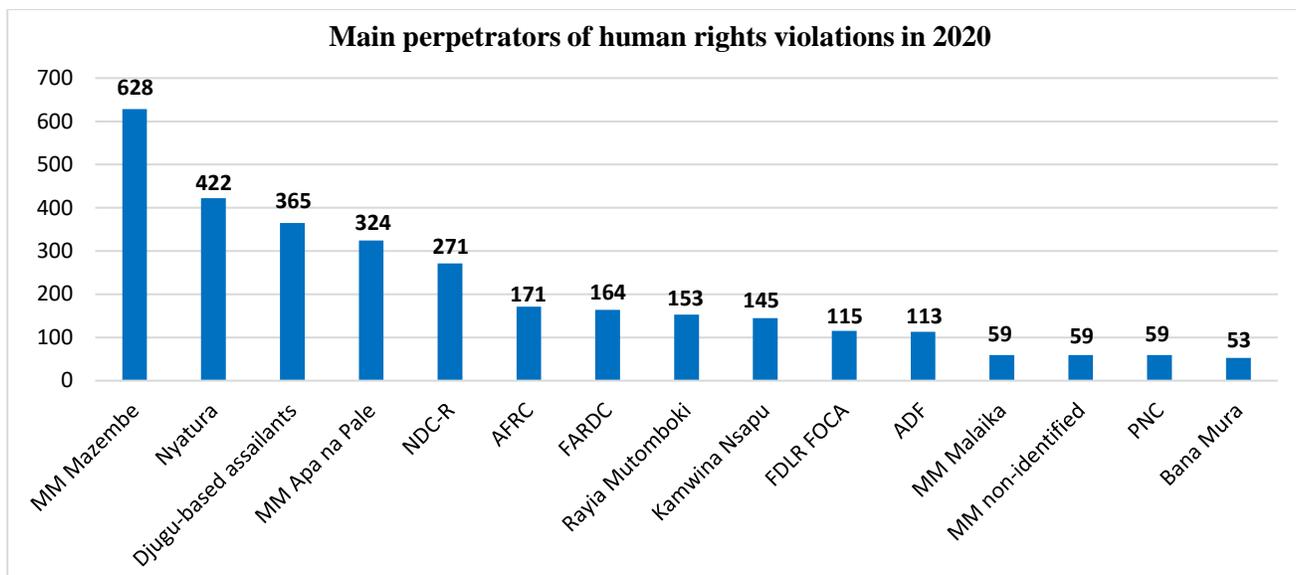
### **Violations of human rights and humanitarian law against children in conflict-affected areas<sup>38</sup>**

58. In 2020, MONUSCO's Child Protection Section documented and verified 3,470 grave violations of the rights of the child in the context of armed conflict in the Democratic Republic of the Congo, which represents a decrease compared to 2019 (3,831 violations)<sup>39</sup>.
59. In total, 3,237 of the grave violations of the rights of the child documented in 2020 (namely 93%) are attributable to armed groups and militias and 223 violations (namely 7%) were committed by State agents, mainly FARDC soldiers (159 violations) and PNC agents (59 violations). Among the armed groups and militias, the main perpetrators of the violations documented in 2020 are the Mayi-Mayi Mazembe (635 abuses), Nyatura (422 abuses), Djugu-based armed assailants (365 abuses), Mayi-Mayi Apa na Pale (324 abuses) and NDC-R (271 abuses). These violations were documented in the provinces of North Kivu (1,934), Ituri (526), South Kivu (356), Tanganyika (341), Kasai Region (252), Maniema (46) and Haut-Katanga (14).

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<sup>38</sup> The information in this section has been collected by the MONUSCO Child Protection Section. The mandate on children and armed conflict derives from the resolution of the United Nations General Assembly on the rights of the child 51/77 (1996) and other subsequent resolutions. The Security Council has created mechanisms and tools to implement this mandate, including through Security Council resolution 1612 (2005), which establishes the Monitoring and Reporting Mechanism (MRM) to collect reliable and up-to-date information on violations committed against children by the parties to the conflict, as well as the Security Council Working Group on Children and Armed Conflict. This mandate was subsequently confirmed in various other resolutions. In each country where it applies, a United Nations task force - co-chaired in the Democratic Republic of the Congo by the SRSG and the UNICEF Representative - monitors and reports on the six serious violations covered by the MRM, namely the recruitment and use of children, killing and maiming, sexual violence, abduction, attacks on schools and hospitals, and denial of humanitarian access. In addition, the work of the MONUSCO Child Protection Section is guided by the joint policy of the Departments of Peacekeeping Operations and Field Support on the integration of child protection in United Nations peacekeeping operations (2017). In addition to documenting the six grave violations referred to, the priorities of the Section are the continued implementation of the joint action plan of the Government of the Democratic Republic of the Congo and the United Nations to end the recruitment and use and other grave violations against children; to engage in talks with the armed groups so that children are released, end their recruitment and prevent their reutilization; support the fight against the impunity of perpetrators of grave violations committed against children.

<sup>39</sup> It is important to note that the process of documentation and verification of violations can take time due to security, access, and resource constraints.



60. The most documented conflict-related violation is the recruitment of children. In 2020, at least 2,101 children (including 279 girls and 1,822 boys) were separated from armed groups and militias<sup>40</sup>. Among the armed groups and militias, the main perpetrators of recruitment and use of children are the Mayi-Mayi Mazembe (503 children), Nyatutura (294), Mayi-Mayi Apa na Pale (249), NDC-R (159), AFRC (135), Kamwina Nsapu (126), Rayia Mutomboki (101), FDLR FOCA (92) and Djugu-based armed assailants (86). The provinces most affected by the recruitment of children are North Kivu (1,306), Tanganyika (251), South Kivu (234), the Kasai region (179), Ituri (130) and Maniema (one).

61. In 2020, the Child Protection Section documented the abduction of 460 children. The main perpetrators of abduction are the Mayi-Mayi Mazembe (106 children), Nyatutura (53), ADF (48), Djugu-based armed assailants (42), the Mayi-Mayi Apa na Pale (38) and NDC-R (31). State agents abducted seven girls,

<sup>40</sup> Of these children, 50% escaped from armed groups (1,051 children), 22% were voluntarily released (461 children), 21% were separated through the demobilization of armed groups (432 children), 4% were arrested (73 children), 1% were captured (28 children) and six children were killed.

all for the purpose of sexual violence. Most of the abductions were documented in North Kivu (270 children), followed by Ituri (94 children), South Kivu (42 children) and Tanganyika (41 children).

62. Throughout 2020, at least 396 girls and two boys were victims of rape and other sexual violence<sup>41</sup>. State agents are responsible for 137 of these acts of violence, including 92 attributable to FARDC soldiers and 41 to PNC agents. The main perpetrators of sexual violence among armed groups are the Nyatura (50 children), NDC-R (40), Djugu-based armed assailants (31) and the Mayi-Mayi Mazembe (20)<sup>42</sup>. This violence was mainly recorded in the provinces of North-Kivu (192 children), the Kasai region (58), Ituri (50) and South-Kivu (47).
63. At least 363 children were killed (220) or maimed (143) in 2020. Armed groups are responsible for 304 of these violations and State agents for 54, with Djugu-based armed assailants (140) and FARDC soldiers (43) as the main perpetrators. The causes of death were ethnically-motivated raids on villages (146), crossfire between the FARDC and armed groups (25), clashes between armed groups (23), and cases where the victims were killed during looting (13), by explosive remnants of war (seven) and in other gunshot incidents (six). These cases were mainly documented in the provinces of Ituri (165), North-Kivu (136), Tanganyika (20), South-Kivu (17), Maniema (14) and the Kasai region (11).
64. A total of 101 attacks on schools were verified, affecting around 24,900 students, which is five times more attacks on schools compared to 2019 (20 attacks). More than half of these attacks are attributable to Djugu-based armed assailants (53), 38 to other armed groups and 10 to FARDC soldiers. In addition, 44 attacks on hospitals were verified and attributed mainly to armed groups (37 attacks), in particular Djugu-based armed assailants (13), and FARDC soldiers (seven). Finally, three incidents of denial of humanitarian access were documented in Ituri by FRPI combatants, in South Kivu by Mayi-Mayi Yakutumba and in North Kivu by Mayi-Mayi Mazembe.
65. In 2020, seven additional commanders<sup>43</sup> of armed groups signed a unilateral declaration and roadmap<sup>44</sup> to end the recruitment and use of children and prevent sexual violence against children, bringing to 37 the commanders who officially committed to MONUSCO for the protection of children. As a direct result of the implementation of the roadmaps, these commanders voluntarily released 838 children to the Child Protection Section in 2020, bringing the total of children voluntarily released to 2,182 in the last three years.

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<sup>41</sup> The cases documented include rape (245), gang rape (77), forced marriage (46), sexual slavery (23), attempted rape (six) and sexual harassment (one). It should be noted that UNJHRO data on children for the period of December 2020 was not yet included.

<sup>42</sup> The perpetrators were arrested in 47 of cases, in four cases the perpetrator was sentenced for sexual violence, and in 347 other cases the perpetrator remained free.

<sup>43</sup> APCLS Janvier ; Mayi-Mayi Maheshe ; Apa na Pale – Bilenge ; Apa na Pale Mandjosa ; Nyatura – Jean Marie; Apa na Pale – Makilo ; Mayi-Mayi Ilunga Rusesa.

<sup>44</sup> The roadmap requires the armed group to designate and train focal points within its ranks and provide access to partners of the Child Protection Section for age control of troops. A total of 121 focal points and mediators from 19 different armed groups benefited from MONUSCO workshops on the prevention of serious violations of children's rights, international humanitarian law and the implementation of roadmaps.

## Human rights situation in the fight against the COVID-19

66. On 10 March 2020, in Kinshasa, the first Covid-19 positive case was declared by the Minister of Public Health of the Democratic Republic of the Congo. Following this, authorities tried to prevent the spread of the virus by tracing all persons in contact with people who tested positive, isolating them and stepping up surveillance of travelers with high temperatures at airports. However, this was not enough as the number of people in contact with the virus grew rapidly in a short time and the Government had to take more stringent measures to protect its population in the face of an unprecedented health crisis.
67. On 18 March 2020, the President of the Republic announced the establishment of preventive measures in order to stem the spread of the Covid-19 virus. From that date until 31 December 2020, the UNJHRO documented 180 human rights violations related to these measures with at least 349 victims in 14 provinces<sup>45</sup> of the country.
68. This includes in particular 13 violations of the right to life (with 14 victims of extrajudicial execution), 43 violations of the right to physical integrity (161 victims) including two cases of sexual violence, 52 violations of the right to liberty and security of the person (168 victims) and 41 violations of the right to property. Almost all of the violations<sup>46</sup> were committed by State agents including PNC agents, the main perpetrators (126 violations), followed by FARDC soldiers (27 violations), other State agents and those of the ANR (16 and 10 violations respectively). The provinces most affected were particularly those of North Kivu (76 violations), Tanganyika (28 violations), Kinshasa (20 violations) and South Kivu (15 violations).
69. On 24 March 2020, the State of Emergency was declared by the President of the Republic, and in accordance with the prescriptions of the Congolese Constitution and the International Covenant on Civil and Political Rights, some restrictions of democratic space seen as necessary to fight the pandemic were imposed. However, the non-existence of a law determining the modalities of application of the state of emergency that should have guided the interventions to respect emergency measures, could have served as a pretext for abuses against the population, and human rights violations. Indeed, among the 180 documented violations related to the measures implemented during the pandemic, 73 were committed (with at least 211 victims) in connection with the State of Emergency and all attributable to State agents. This included in particular seven violations of the right to life (with at least 12 persons victims of extrajudicial execution), 18 violations of the right to integrity (104 persons) and 22 violations of the right to liberty and security of the person (99 victims).
70. The UNJHRO has mainly documented cases of violations of the freedom of security of the person through arbitrary arrests and illegal detentions as well as violations on physical integrity and extortion committed by mainly police and military, in particular in Kinshasa, North Kivu and Tanganyika. It should also be noted that PNC agents often used force to enforce certain preventive measures, in particular the compulsory wearing of a face mask in the public sphere.

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<sup>45</sup> The UNJHRO has documented human rights violations in the provinces of Equateur, Haut-Katanga, Ituri, Kasai, Kasai Central, Kasai Oriental, Kinshasa, Kongo Central, Kwilu, Maniema, North Kivu, South Kivu, Sud-Ubangi, and Tanganyika.

<sup>46</sup> A documented violation in North Kivu in August was committed by Nyatura fighters who beat a pastor for violating measures taken by authorities during the state of emergency while he was meditating in a church.

71. Also, during the period under review, the UNJHRO documented at least 29 demonstrations banned or repressed by local authorities evoking the fight against Covid-19. Of these demonstrations, at least 24 were banned or dispersed during the state of emergency and particularly during the month of July 2020 (17). In general, Congolese authorities have repressed peaceful protesters, journalists and members of political parties, mainly to limit political protests. On several occasions, the security forces have resorted to excessive use of force to prohibit demonstrations and disperse crowds. In this context, it is important to recall that international human rights law recognizes that, faced with a public health emergency such as that of Covid-19, restrictions on certain rights may be justified when they are strictly necessary, proportionate and non-discriminatory. However, emergency measures should not be an excuse for authorities to ban or suppress peaceful gatherings for political reasons under the pretext of protecting public health<sup>47</sup>.
72. In addition, the restrictions that have arisen as a result of preventive measures to limit the spread of the virus have had a particularly important impact on people whose living conditions are already precarious, such as those deprived of their liberty in prisons and other places of detention. These people are seen as more vulnerable than others given that the prison population is dense in the Democratic Republic of the Congo and access to health care and hygiene is limited. At least 3,286 have been released to reduce overcrowding in detention centers and curb the spread of Covid-19 by following instructions from judicial authorities. Also, during the period under review, at least 2,202 detainees were released in accordance with the presidential pardon of 30 June 2020, which also contributed to reducing the overcrowding of places of detention during Covid-19. The UNJHRO also participated to the Monitoring Committee on the prevention of Covid-19 in prisons, to support the adoption of measures to prevent the spread of the virus in detention centers, in particular in prisons in Kinshasa. In collaboration with the MONUSCO Corrections Unit, the prison administration and other partners, the UNJHRO participated in capacity building activities for prison staff in several provinces of the country on measures to curb the spread of pandemic and to ensure that the rights of detainees are respected during this period. On the judicial front, on 17 June, the first president of the Cour de Cassation instructed all the heads of courts and prosecutor's offices of the Democratic Republic of the Congo to establish minimum service in the judicial system during the Covid-19 pandemic. He recommended holding mobile hearings, with strict respect for the rights of the parties and sanitary measures to prevent the spread of the Covid-19.
73. In addition, on 21 April 2020 in Bukavu, four PNC agents from the urban police station of Bukavu and two FARDC soldiers from the 33<sup>rd</sup> Military Region were arrested by the police commander for non-compliance with instructions and extortion during their deployment for the implementation of preventive measures against Covid-19. Several cases of threats and extortion of money had been reported by the populations who accused the police of abusing their authority.
74. Since the lifting of the State of Emergency on 22 July 2020, the UNJHRO has documented 25 violations with at least 57 victims, including eight violations of physical integrity (22 victims), seven violations

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<sup>47</sup> According to the OHCHR Guidelines on Covid-19, 'Under international law, it is possible to take emergency measures in the event of a serious threat, but measures aimed at limiting human rights must be proportionate to the risk identified, necessary and implemented in a non-discriminatory manner 'and' emergency powers should be used only for legitimate public health purposes, not to silence opposition or silence the work of human rights defenders and journalists, to violate other human rights or to take other measures which are not strictly necessary to deal with the health situation '.

of the right to liberty and security of the person (35 victims) and at least five violations of the freedom to protest due to preventive measures against Covid-19.

75. During the period under review, the UNJHRO supported authorities in the fight against the pandemic. For example, the UNJHRO has translated and shared guidelines, statements and mechanisms to support the respect of human rights during the Covid-19 epidemic with Congolese authorities. Guidance notes shared include a call for all countries to tackle the coronavirus disease and limit its spread in places of detention, a ban on torture, and deprivation of liberty. In addition, the UNJHRO also worked with the Ministries of Gender and Health to strengthen key messages and actions for the prevention and control of the spread of Covid-19 in health facilities as well as to provide psychological assistance and remote legal services to victims of gender-based violence.
76. As a result, on 19 June 2020 in Kinshasa, with the support of the UNJHRO, the Office of the Special Advisor to the Head of State for Youth, Gender and Violence Against Women reopened a toll-free number with a view to provide psychological and legal assistance to victims of sexual and gender-based violence. The initiative is also supported by the United Nations Population Fund (UNFPA). In addition, several capacity building activities in the context of Covid-19 targeting civilians and authorities were also organized by the UNJHRO during this period. For example, on 2 July 2020, in Minembwe, Fizi territory (South Kivu), the UNJHRO organized an awareness rising session for the PNC and the FARDC on respect for human rights in the context of Covid-19. This activity was attended by 33 PNC agents, including three women, and 33 FARDC soldiers.

### **Progress in the fight against impunity**

77. National authorities continued throughout the year to make efforts to combat impunity for human rights violations. These efforts resulted, according to information available to the UNJHRO, in the conviction of 118 FARDC soldiers, 60 PNC agents, 102 armed groups combatants and 10 eco-guards from Salonga and Kahuzi Biega<sup>48</sup> National Parks for human rights violations in all provinces of the Democratic Republic of the Congo. The UNJHRO continued to support judicial authorities engaged in the fight against impunity. For example, in 2020, the UNJHRO supported 10 Joint Investigation Teams (JITs) and 14 mobile court hearings organized by military and civil justice authorities throughout the country to bring to justice the perpetrators of serious human rights violations.
78. PNC agents were often sentenced for offences committed in places of detention, where torture, cruel, inhumane, and degrading treatment and punishment continued to occur, sometimes resulting in the deaths of detainees. For example, on 3 February 2020 in Goma, North Kivu Province, the Military Court sentenced two PNC officers, including a deputy commissioner to two years and a chief of post to 10 years in prison and the payment of US\$30,000 in compensation. They were prosecuted for arbitrary detention and torture following the death in custody of a 20-year-old man during the night of 27-28 October 2018. The station chief was sentenced in absentia following his escape.
79. FARDC soldiers were most often held responsible for human rights violations committed during military operations, but also for those resulting from the consequences of living with civilians. This was the case on 3 March 2020 in Lubumbashi, Haut-Katanga province, where the Military Court

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<sup>48</sup> In 2019, at least 114 FARDC soldiers, 114 PNC agents, and 59-armed group combatants had been convicted.

sentenced on appeal a PNC officer to 10 years in prison for the rape of a child. As a reminder, on 24 May 2018, the accused had invited a 4-year-old girl to his home and sexually abused her. It should be noted that the accused was sentenced to 20 years in prison in the initial trial by the tribunal de garnison militaire of Lubumbashi.

80. Members of armed groups active in the eastern provinces were also convicted of human rights abuses by the military justice system. These convictions occurred at the same time as negotiations with armed groups to cease hostilities. Thus, on 27 July 2020, in Bunia, Ituri province, the tribunal de garnison militaire of Ituri sentenced 12 armed assailants from Djugu and one FPIC combatant each to 20 years in prison as well as a fine and court fees for participation in an insurrectional movement. Despite persistent demands by members of armed groups, including through armed demonstrations, no detainees convicted of these acts were released. This is an encouraging development, as impunity is no longer considered by the authorities to be indispensable in the peace negotiations.
81. In addition, judicial investigations have uncovered and punished acts of collusion between the FARDC and armed groups. On 30 September 2020, in Goma, North-Kivu Province, during a mobile court hearing, the *Cour Militaire Opérationnelle* in Goma handed down a ruling in the cases opposing the *Auditeur militaire supérieur opérationnel* and civil parties against 20 defendants including four alleged FDLR and 16 alleged UPDI Mayi-Mayi Mazembe and the Democratic Republic of Congo taken as civilly responsible. The Court handed down 16 judgments of conviction, the strongest sentence being a life sentence and four judgments of acquittal. In addition, the Court partially condemned the Democratic Republic of Congo in solidum with the defendants, given that the events took place in areas controlled by the FARDC, which provided logistical support to the perpetrators of human rights violations.
82. The most emblematic case remains the conviction, on 23 November 2020, in Goma, North-Kivu Province, by the *Cour militaire opérationnelle* (CMO) of the former leader of the armed group NDC, Ntabo Ntaberi alias Sheka and his codefendant Nzitonda Séraphin Habimana *alias* Lionceau, for war crimes of murder, sexual slavery, child recruitment and (for Sheka) looting<sup>49</sup>. Lionceau was also convicted of rape as a crime against humanity. Both received life sentences. Another militiaman was sentenced to 15 years in prison; the fourth defendant was acquitted. In a November 2011 report<sup>50</sup>, the UNJHRO found that Sheka and his accomplices committed serious violations of human rights and international humanitarian law, including mass rape during attacks between 30 July and 2 August 2010, on 13 villages along the Kibua-Mpofi axis in Walikale territory, North Kivu. In general, fair trial guarantees were respected, except that defendants appearing before the CMO lack the possibility to appeal its rulings. This trial gives hope to victims of human rights violations and abuses. It should be noted, however, that Sheka's successor at the head of the NDC continued to commit human rights abuses despite an arrest warrant issued against him in 2019 by a magistrate.
83. On 21 December 2020, in Kinshasa, the *Haute Cour Militaire* sentenced FARDC Brigadier General Wanyanga Muzumbi Jean-Israel to 10 years in prison for rape and 3 years for indecent assault and

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<sup>49</sup> After nearly two years of trial involving 337 victims receiving support and care from the UNJHRO.

<sup>50</sup> Final report of the fact-finding missions of the United Nations Joint Human Rights Office on the massive rapes and other human rights violations committed by a coalition of armed groups on the Kibua-Mpofi axis, in the territory of Walikale, North Kivu province, from July 30 to 2<sup>nd</sup> August 2010.

ordered him to pay \$2,000 to each of his victims in compensation. He was also dismissed from his position. In 2018, abusing his position as commander of the military academy of Kananga, Kasai-Central province, he raped two young officer cadets.

84. However, the BCNDUH deplored the frequent use of death sentences by Congolese criminal courts despite the moratorium on the death penalty signed by the Democratic Republic of the Congo and its obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights on the Death Penalty. A total of 26 death sentences were handed down by Congolese courts in 2020. For example, on 2 July 2020, in Kalemie, Tanganyika province, during a public hearing, the *Tribunal militaire de garnison* sentenced a soldier from the 221<sup>st</sup> FARDC naval base to death. The latter was found guilty of extrajudicial execution for having shot a 58-year-old man with his AK-47 weapon during the night of 6-7 May 2020 at the port of Kalemie.
85. In addition, the absence of a right of appeal against decisions made by the CMO is contrary to international instruments ratified by the Democratic Republic of the Congo and the Constitution, which recognizes the right to a fair trial for all individuals. The UNJHRO called on the authorities to undertake reforms to bring national legislation in line with the international human rights commitments of the Democratic Republic of the Congo, particularly with regard to the abolition of the death penalty and respect for the right to a fair trial.
86. This year marked the tenth anniversary of the publication of the Mapping Report on violations of human rights and international humanitarian law by armed groups and national and foreign defense and security forces in the Democratic Republic of the Congo from 1993 to 2003. This report listed serious incidents that constitute crimes against humanity and war crimes. These are imprescriptible offences that the Democratic Republic of Congo must face. The initiative to adopt appropriate mechanisms to combat impunity for crimes, repair the harm suffered by victims and provide guarantees of non-repetition belongs to the Congolese authorities. International partners, including the UNJHRO, are committed to support these efforts.
87. The commemoration of the publication of this report was an opportunity to recall what has been done since 2010 in the area of institutional reforms and the fight against impunity. While some progress has been made, many challenges remain in the area of transitional justice.
88. With the support of the UNJHRO, in collaboration with UNDP and Search for Common Ground, through the Peace, Justice, Reconciliation and Reconstruction (PAJURR) project financed by the United Nations Peacebuilding Fund, popular consultations were organized in 2019 in the Kasai-Central province with the aim of gathering the opinions of the population in order to adopt provincial transitional justice mechanisms.
89. During these consultations, the affected populations clearly expressed their concrete needs, including the establishment of a Truth, Justice and Reconciliation Commission, as well as collective and symbolic reparations (the organization of community mourning). This unique and innovative experience of provincial popular consultations in Kasai-Central has produced results that could be replicated in other provinces, particularly in Kasai and Kasai-Oriental.

90. The report of these consultations, which was officially submitted to the provincial authorities on 4 February 2020, contains recommendations aimed at promoting transitional justice mechanisms in Kasai-Central. The analysis of these expressed needs led to the tabling in the Provincial Assembly of a draft edict establishing a Provincial Truth and Reconciliation Commission.
91. Another transitional justice project, *reddition spontanée au Kasai-Central et au Tanganyika* (SSKAT), aims to support the spontaneous surrender of ex-combatants in Kasai, Kasai-Central and Tanganyika. The project activities started in September 2020 and will enable the opening of dialogue sessions between communities in order to calm conflicts and promote the reintegration of ex-combatants, while fighting against impunity for the most serious crimes.
92. In addition, the technical assistance team of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Kasai has provided decisive support to the Congolese justice system in the investigation of crimes committed during the Kamuina Nsapu insurgency. Four field missions were carried out, at least 30 mass graves were identified, and 10 bodies were handed over to the families. A forensic laboratory is being built in Kananga to strengthen the capacity of the national justice system.
93. The mandate of the technical assistance team was renewed by the Human Rights Council and its geographical coverage extended to the entire Democratic Republic of Congo. The ongoing judicial process in the province of Mandombe and the situation in the province of Ituri will be a priority in the coming months.
94. Despite the restrictions related to the Covid-19 pandemic, the UNJHRO continued to support military justice through joint investigation team missions and the organization of mobile court hearings. In 2020, 12 joint fact-finding missions with judicial authorities and 14 mobile court hearings related to serious human rights violations were organized with the support of the UNJHRO.
95. During the period under review, the UNJHRO documented at least 197 deaths in detention, a 41.7 percent increase over last year, when 139 people died in detention. According to official sources, these deaths were caused by malnutrition, poor hygiene, and lack of access to medical care. It is the responsibility of the authorities to ensure that the material and legal conditions of detention comply with international standards. It is important to improve infrastructure, access to health care and food as well as the reduction of the prison population - particularly through the rapid processing of judicial cases<sup>51</sup>.
96. During the period under review, the UNJHRO supported the authorities in improving prison conditions. As part of the protection of detainees against the spread of the Covid-19 pandemic, directives issued by the United Nations were translated and shared with the prison administration. The UNJHRO also participates in a Committee to monitor the prison situation in South Kivu province where it provides expertise in monitoring the rights of arrested persons.
97. Human rights violations in the prison system are also the result of a lack of training and specialization of prison administration personnel and the organization of life in detention. For example, from 25 to

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<sup>51</sup> Between June and August 2020: 3286 prisoners were released from prisons in the Democratic Republic of the Congo as part of the decongestion process related to the spread of COVID-19. Similarly, 3039 people including civilians, PNC and other military personnel were released from prison as part of the presidential pardon of 30 June 2020.

28 September 2020, at least 21 women were raped by inmates following a mutiny caused by rivalry between two groups of inmates for the control of the prison. Prisons in the Democratic Republic of Congo are organized around a system of *Kapita* which is led by some of the most dangerous prisoners, sometimes resulting in abuse and violence against detainees. The UNJHRO calls on the authorities to reform the functioning of the prisons, including through the setting up of a correction unit.

98. In 2020, the number of persons who escaped from Democratic Republic of the Congo detention facilities also increased significantly. At least 1,870 persons escaped from detention centers compared to 1,141 in 2019, an increase of 63.8 percent. This increase is largely due to a mass escape in Beni, North Kivu Province, in October 2020, in which 1,380 detainees escaped from Beni prison following an attack by ADF combatants. The Lubumbashi prison was also attacked twice by Bakata Katanga Mayi-Mayi combatants during the period under review. Security conditions in detention facilities must be improved to ensure that detainees convicted of serious crimes actually serve their sentences in conditions that respect their rights.

### **UNJHRO Activities**

99. In 2020, the UNJHRO has organized at least 133 training, technical support or sensitization activities throughout the territory of the Democratic Republic of Congo for the benefit of 6,949 participants, including 1,969 women. Some were organized with the assistance of partners and national institutions, with a view to building the human rights capacities of State and non-State actors and informing them of its mandate, in particular the National Human Rights Commission (CNDH), the security services and defense forces, and civil society organizations. This still represents a decrease from the 241 activities organized in 2019. Some activities planned by the UNJHRO were cancelled or reduced in 2020 due to the restrictive measures in the fight against the COVID-19.

100. These included training on national and international mechanisms for the protection and promotion of human rights, the protection of human rights defenders, respect for human rights in the electoral context, the fight against impunity, the fight against sexual violence, the protection of civilians in conflict zones, the commemoration of international human rights days, and the fight against the spread of the COVID-19 pandemic.

101. During the period under review, the UNJHRO took steps to ensure the continuity of its service throughout the country by giving priority to remote activities and/or in compliance with prevention measures. In addition, the UNJHRO continued to work closely with the various ministries and its humanitarian partners to contribute to the response to the pandemic.

102. In addition, the UNJHRO carried out several activities as part of a campaign to raise awareness of the right to health in the context of COVID-19, particularly in detention centers. On 5 June 2020, in Goma, North-Kivu Province, the UNJHRO trained eight military personnel from the 34<sup>th</sup> FARDC Military Region who are in charge of the military detention cells in Goma, on the right to health of persons deprived of liberty. Following this training, the UNJHRO provided medical equipment, including masks, soap, disinfectants, and thermometers to the military detention cells in Goma. On 27 June 2020 in Kisangani, Tshopo Province, the UNJHRO funded a daily radio program entitled "Human Rights in Daily Life" on Radio and Television Media (RFMTV) covering the city of Kisangani. For

one month, until July 26, 2020, Kisangani human rights associations, the National Human Rights Commission and the Provincial Human Rights Division broadcasted messages in Swahili, Lingala and French on Covid-19 related human rights.

103. On 27 October 2020 in Tshikapa, Kasai province, the UNJHRO, in partnership with the United Nations Development Programme (UNDP), organized a training workshop for lawyers of the Kasai Bar Association on international law and transitional justice. A total of 40 lawyers, including two women, participated in this activity. In addition, from 27 to 29 October, in Pinga, Walikale territory, North-Kivu Province, with the logistical and financial support of the UNJHRO, five awareness-raising sessions for the benefit of the inhabitants, PNC agents, FARDC soldiers and child protection focal points were organized. These sessions focused on human rights and the protection of civilians, the mandate of MONUSCO, the mandate of the UNJHRO, and the responsibility of UNJHRO personnel in the protection of human rights and international humanitarian law. Nine PNC officers, four FARDC soldiers, one ANR officer, and 60 residents, including 11 women, were present.
104. As part of the 16 days of activism against gender-based violence, the UNJHRO organized or participated in 31 activities throughout the national territory. For example, on 2 and 4 December 2020, in the communes of Maluku and Mont-Ngafula, the UNJHRO participated in awareness-raising activities. These activities were attended by 70 men and 62 women. On 8 and 11 December 2020, the UNJHRO organized in partnership with the *Fédération nationale des personnes handicapées au Congo* (FENAPHACO), two awareness sessions on the rights of people living with disabilities. A total of 140 persons with disabilities, including 50 women, took part in these activities.
105. The various international human rights days were also celebrated by the UNJHRO and its partners throughout the Democratic Republic of the Congo and aimed at raising awareness and building the capacities of different target groups on specific human rights themes. Among them, the UNJHRO commemorated in 2020: the International Albinism Awareness Day (13 June), the celebration of the International Day in Support of Victims of Torture (26 June), the International Day of the World's Indigenous People (9 August), as well as the International Human Rights Day (10 December).
106. During the second half of 2020, as part of its protection program, the UNJHRO handled 546 cases of threats and human rights violations against beneficiaries, including 376 human rights defenders (including at least 38 women), 89 journalists and other media professionals (including 79 men and 10 women) throughout the Congolese territory. The perpetrators included the PNC (57 cases), administrative and political authorities (48 cases), the FARDC (45 cases), armed groups (28 cases), and unknown perpetrators (14 cases).
107. In 2020 the UNJHRO continued to support the parliament in legislative reforms aimed at improving the human rights situation. The commitment of the presidents of both houses of parliament to the promotion and defense of human rights is to be commended. This was reflected in particular in the National Assembly by the creation of a permanent human rights commission. The new commission received technical, logistical and financial support from the UNJHRO. As an example, a library equipped with books and multimedia material was donated by the UNJHRO to the Commission. This contribution will certainly improve the quality of parliamentary work in the field of human rights.

108. On the legislative level, the UNJHRO provides technical and financial support to the Delegate Ministry in charge of persons living with disabilities and other vulnerable persons in the work on the draft law on the protection and promotion of persons living with disabilities through its various advocacy activities, its participation in technical meetings at the Ministry of Persons Living with Disabilities, and its participation in the review of the organic law on persons with disabilities at the Joint Commission composed of the PAJ, Socio-Cultural and Human Rights Commissions of the National Assembly.
109. These laws are essential for the participation of vulnerable persons, indigenous peoples, and persons with disabilities in the development and implementation of social policies affecting them. More than ever, especially in this period of pandemic, the inclusion of all segments of society in policy options is necessary. The UNJHRO calls on the Government to swiftly adopt the decrees necessary to implement these important laws.
110. The UNJHRO has also provided financial and technical support to the Ministry in charge of persons living with disabilities and other vulnerable persons, which launched, on 30 November 2020, the commemorative activities of the International Day of Persons with Disabilities, around the theme: "Building back better: towards an inclusive, accessible and sustainable post-Covid-19 world". In accordance with the national and international theme of this day, the Director of the UNJHRO exchanged with the participants on the rights of persons with disabilities in the Democratic Republic of the Congo in the context of the Covid-19 pandemic.
111. Furthermore, on 26 November 2020, the National Assembly, in its plenary session, validated the report of the joint commission on the bill for the protection of indigenous Pygmy peoples. The progress made is a reminder of the efforts needed to be done to complete the reform in the area of human rights. It should be noted that the law on the modalities of public demonstrations, the law on access to information, and the law on the protection, rights, and duties of human rights defenders are still under consideration by Parliament. The UNJHRO hereby calls on the Government of the Democratic Republic of Congo and the Parliament to speed up the adoption of these laws, which are essential to the democratic construction of the country.
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