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Report on the activities of the Office of Internal Oversight Services

Outcome evaluation of United Nations Organization Stabilization Mission in the Democratic Republic of the Congo support provided to the rule of law and security institutions in the Democratic Republic of the Congo

Report of the Office of Internal Oversight Services

Summary

The Inspection and Evaluation Division of the Office of Internal Oversight Services (OIOS) evaluated the relevance and effectiveness of United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) support provided to the rule of law and security institutions in the Democratic Republic of the Congo.

During the period covered by the evaluation (2014–2021), limited political commitment (until 2018), deteriorating human rights situation (especially in eastern Democratic Republic of the Congo) and insufficient resources restricted mandate implementation by MONUSCO. Despite these challenges, MONUSCO played a vital role in providing extensive support to the rule of law and security institutions and a safer and more secure environment.

Owing to the important capacity gaps and needs of the rule of law and security institutions in the Democratic Republic of the Congo, MONUSCO support could only partially strengthen their capacity, capabilities and accountability. The views of the Government of the Democratic Republic of the Congo and MONUSCO were not always united on mandated tasks in security sector reform and disarmament, demobilization and reintegration, but recent years have seen more convergence in that regard. The much-needed reforms in the governance, security sector (military and police), judicial and prison sectors remained limited.

MONUSCO support was aligned with the mandate and was relevant to the contextual challenges and needs of the beneficiaries. MONUSCO contributed to improved infrastructure and extended the presence of the rule of law and security



institutions. MONUSCO advocacy and support contributed to the establishment of accountability mechanisms and partial improvement in the attitude and behaviour of the security actors. Partnership with key stakeholders was challenging but endured and improved in the past two years.

MONUSCO support contributed to multiple outcomes, but the pace of reforms, the scale of assistance, and continued instability limited transformational changes. Notable outcomes of MONUSCO support were establishing relative peace, security and stability in Kasai, Kasai Central and Tanganyika Provinces, strengthening the triple nexus approach and developing the transition plan. However, the Government of the Democratic Republic of the Congo and the United Nations country team had resource and capacity constraints in effectively implementing the rule of law and security programmes in the post-conflict areas.

In the criminal justice chain domain, shortcomings in capacity and capabilities continued to limit the effectiveness of the police to perform its roles and responsibilities, but improved policing was reported in the areas where MONUSCO had made concerted efforts. Despite some improvements in investigations, quality of justice delivery and prosecution, barriers to accessing justice remained. While MONUSCO provided critical assistance to the designated priority prisons, the scale of challenges of the penitentiary system in the Democratic Republic of the Congo remained vast.

Serious human rights abuses and violations, including sexual violence and grave violations against children committed by the armed groups and State actors, increased consistently over the period under review in eastern Democratic Republic of the Congo. The intercommunity tensions continued, and the root causes and the drivers of conflict remained unresolved. Nevertheless, MONUSCO achieved noteworthy outcomes in the fight against impunity for crimes under international law and serious human rights violations.

The disarmament, demobilization, repatriation, resettlement and reintegration programmes made some progress, the initiation of community violence reduction projects by MONUSCO and promulgation of the Disarmament, Demobilization, Community Recovery and Stabilization Programme by the Government of the Democratic Republic of the Congo offered new opportunities. Nonetheless, the community perception of security and the trust and confidence in the national security actors declined. The lack of budgetary support for the State institutions negatively affected the sustainability of the support that MONUSCO provided.

The perspectives on gender, environmental protection and inclusion and empowerment of persons with disabilities were mainstreamed in the plans and programmes, although sustainable efforts would be required to make a credible impact.

To further strengthen the relevance and effectiveness of MONUSCO support provided to the rule of law and security institutions in the Democratic Republic of the Congo, the evaluation made six important recommendations.

I. Introduction

1. The evaluation objective was to determine the relevance and effectiveness of United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) support provided to the rule of law and security institutions in the Democratic Republic of the Congo.
2. The evaluation covered the period from 2014 to June 2021 and focused on the outcomes of MONUSCO support provided to security sector reform, disarmament, demobilization and reintegration, disarmament, demobilization, repatriation, resettlement and Reintegration, the justice and prison sectors and the military and police institutions in the Democratic Republic of the Congo. The evaluation covered six provinces where MONUSCO was deployed (Kasai, Kasai Central, Tanganyika, North Kivu, South Kivu and Ituri). State institutions were the primary beneficiary and the Congolese population the ultimate beneficiary of MONUSCO support. The evaluation assessed the extent to which the capacity, capabilities and accountability of the rule of law and security institutions in the Democratic Republic of the Congo were strengthened through MONUSCO support and how it contributed to stabilization, peace and security.¹ The evaluation also considered aspects of human rights (including disability inclusion), environment, and gender in the programming of the provision of support to the rule of law and security institutions.
3. Comments on the draft report were sought from MONUSCO and the Department of Peace Operations and considered in the final report. The formal management response is attached as annex I.

II. Background

4. **Overview and role.** MONUSCO was established on 1 July 2010 through Security Council resolution [1925 \(2010\)](#). MONUSCO was authorized to use all necessary means to carry out its mandate relating, among other things, to the protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence and to support the Government of the Democratic Republic of the Congo and its institutions in its stabilization and peace consolidation efforts. Over the years, the mandate of the Mission has evolved, with the protection of civilians as its core priority. Through its resolution [2098 \(2013\)](#), the Council authorized the use of force to conduct unilateral, offensive and targeted operations to protect civilians. The Mission's presence further evolved, with a focus on conflict-affected areas. Since 2019, MONUSCO had supported the stabilization and strengthening of State institutions in the Democratic Republic of the Congo and key governance and security reforms as its second strategic priority.
5. **Desired Mission end-state.** The desired end-state² of MONUSCO was defined in the joint transition strategy developed by the Government and the Mission and submitted to the Security Council in October 2020 as “reducing the threat posed by national and foreign armed groups to a level that can be managed by national authorities, as well as addressing the root causes of conflict, will enable the Mission's exit”.
6. **Political situation.** During the period of United Nations intervention (1999–2021) in the Democratic Republic of the Congo, elections were held three times (2006, 2011 and 2018). However, from 2006 to 2018, the political support and commitment from

¹ Included support provided by the Justice, Corrections, Security Sector Reform and Disarmament, Demobilization and Reintegration Sections, as well as the United Nations Police and the Force with other MONUSCO divisions and/or sections.

² See [S/2020/1041](#).

the host government for MONUSCO witnessed a steady decline, which limited the Mission's ability to implement its mandate. In 2019, a coalition Government was established, normalizing the political situation in the Democratic Republic of the Congo, which provided opportunities for the Security Council to consider the phased, responsible and sustainable drawdown and exit of MONUSCO. In December 2020, the coalition Government fell, and a new government was sworn in in April 2021, with new opportunities for advancing critical reforms. In May 2021, the new government declared a state of siege in the provinces of North Kivu and Ituri to curb the growing insecurity.

7. **Security situation.** The security situation in eastern Democratic Republic of the Congo continued to suffer from recurring and evolving cycles of conflict and persistent violence by foreign and national armed groups, power and security vacuums; weak capacity of the military, police and judicial institutions to effectively protect civilians; and the illegal exploitation of resources.³ This exacerbated the security, human rights and humanitarian crisis, as well as intercommunal and militia violence. During 2014 to 2020, a total of 33,067 human rights violations were reported in the conflict areas, which included 7,177 extrajudicial killings and 6,164 sexual violence cases.⁴ Moreover, 7 million people were at risk of experiencing some form of gender-based violence.⁵

8. **Humanitarian situation.** The Democratic Republic of the Congo continued to face a humanitarian crisis that left an estimated 26 million persons in need of humanitarian assistance, including 6 million (51 per cent women) internally displaced persons and 535,235 refugees in the Democratic Republic of the Congo; as well as the more than 962,142 refugees from the Democratic Republic of the Congo elsewhere in Africa.⁶

9. **Opportunities.** The promulgation of the Ordinance on the Disarmament, Demobilization, Community Recovery and Stabilization Programme, as well as the subsequent appointment of the national coordinator in July 2021, the development of the transition plan in September 2021,⁷ which is closely linked to the Government's programme of action, and the improved political climate among the countries in the Great Lakes region provided new opportunities to advance critical reforms, improve security and advance peacebuilding and stabilization.

III. Methodology

10. The evaluation mainly used primary data, including direct observation during a field trip, individual and group interviews with beneficiaries, partners, civil society organizations, MONUSCO staff, Department of Peace Operations, the Office of Rule of Law and Security Institutions of the Department of Peace Operations and the United Nations country team. In total, the evaluation team engaged in 116 individual and 19 group interviews, reaching over 300 respondents, including underrepresented groups such as women in the internally displaced persons camps. To validate the findings, an electronic survey was conducted with the participation of 192 respondents (42 per cent response rate) from MONUSCO, the Department of Peace Operations, the Government of the Democratic Republic of the Congo and civil society organizations (OIOS survey). To gauge perceptions and experiences of the communities in eastern Democratic Republic of the Congo, the evaluation benefited

³ See General Assembly resolution [56/4](#).

⁴ United Nations Joint Human Rights Office in the Democratic Republic of the Congo.

⁵ Office for the Coordination of Humanitarian Affairs.

⁶ Office of the United Nations High Commissioner for Refugees (UNHCR).

⁷ [S/2021/807](#), annex.

from a longitudinal survey conducted by the Harvard Humanitarian Initiative, funded jointly by the United Nations Development Programme (UNDP) and MONUSCO, for the period 2014–2021.⁸

11. **Evaluation limitations.** Owing to heightened tensions in the form of demonstrations against MONUSCO presence, the evaluation team was not able to travel to Beni (North Kivu Province) and Bunia (Ituri Province). Owing to the coronavirus disease (COVID-19) pandemic, the team was also not able to travel to the Kasai provinces. Instead, the team engaged remotely with MONUSCO staff in Bunia and the United Nations country team in the Kasai provinces.

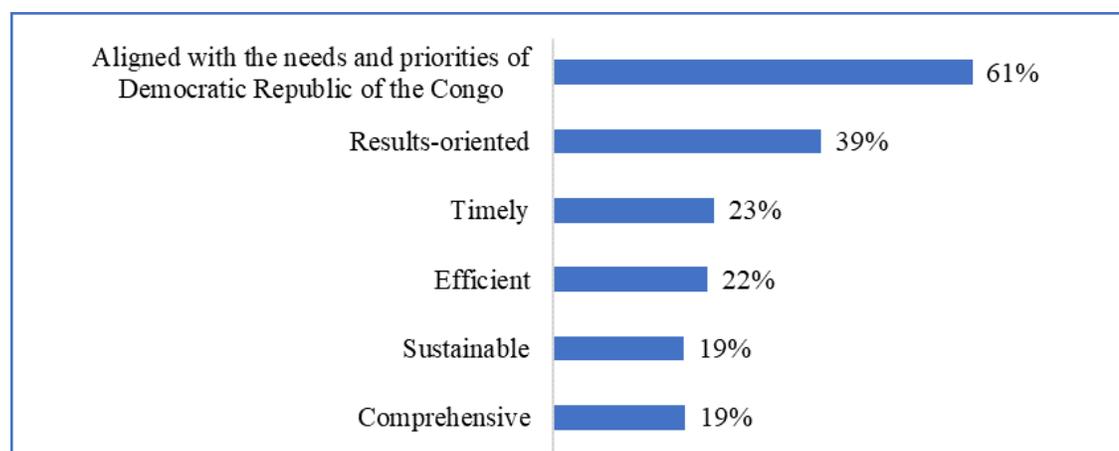
IV. Evaluation results

A. Mission support partially strengthened the capacity, capabilities and accountability of the rule of law and security institutions in the Democratic Republic of the Congo

1. Mission support was aligned with its mandate and was relevant to the contextual challenges and needs of beneficiaries

12. Most State and civil society organization beneficiaries expressed a high level of appreciation for MONUSCO support and its significance. However, multiple informants reported issues with the timeliness of support and expressed the need for additional and more comprehensive assistance. In the OIOS survey, alignment with the needs and priorities of the Democratic Republic of the Congo was the highest scored attribute of support provided by MONUSCO to the rule of law and security institutions, while sustainability and comprehensiveness received the lowest scores (see figure I).

Figure I
Attributes of Mission support provided to the rule of law and security institutions



Source: OIOS survey, 2021.

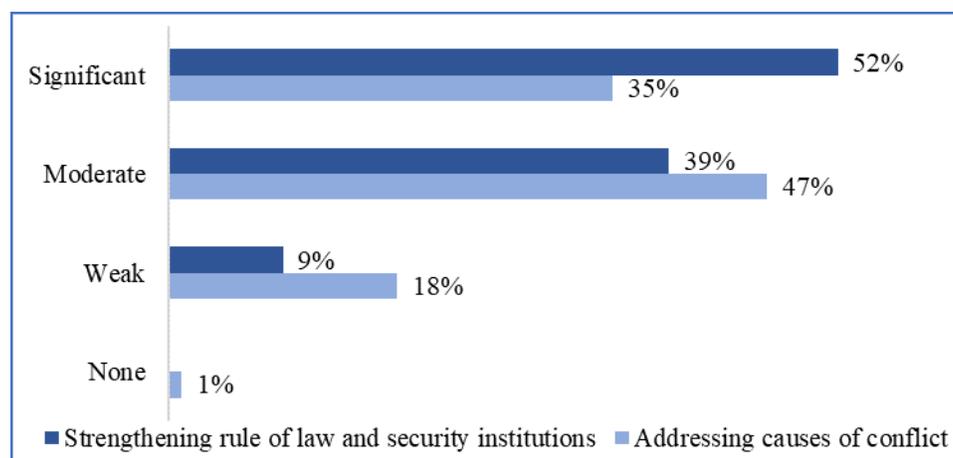
13. Just over half of OIOS survey respondents rated the MONUSCO contribution to strengthening the rule of law and security institutions and addressing the root causes of conflict as significant (see figure II). However, the Harvard Humanitarian Initiative survey indicated that much of the positive contribution of MONUSCO appear to be

⁸ Respondents included randomly selected civilians in North Kivu, South Kivu and Ituri Provinces.

under-recognized by the population of eastern Democratic Republic of the Congo. Most respondents rated the MONUSCO contribution to establishing security and peace either as none or as weak. In interviews, civil society organizations had a more positive view on the MONUSCO contribution but expressed the need for MONUSCO to step up its protection efforts. “The perception is that MONUSCO has the capacity to end the insecurity, but it does not do it” (Representative of civil society organization in eastern Democratic Republic of the Congo).

Figure II

Perception of Mission contribution by respondents to the Office of Internal Oversight Services survey



Source: OIOS survey, 2021.

2. The Mission and the Government of the Democratic Republic of the Congo did not share unity of vision on some mandated tasks, but strategic needs and priorities of key stakeholders converged over time

14. The lack of shared vision between the Government of the Democratic Republic of the Congo and MONUSCO in some mandated tasks was illustrated by the security sector reform and disarmament, demobilization and reintegration programmes that achieved limited progress (discussed under sub-result 3). Following the 2018 elections, the new President came into office with a reform agenda ranging from strengthening justice and the rule of law to the professionalization of security and defence institutions and establishing institutional checks and balances. Several stakeholders reported that this opened a space for engaging with the Government to advance MONUSCO mandate implementation.

3. The planned reforms that would enhance professionalization, capacity and accountability of the rule of law and security institutions in the Democratic Republic of the Congo were not fully implemented

15. The police, justice and prison sectors had national reform plans and structures but lacked adequate human and budgetary resources; thus, their implementation was limited. Security sector reform, including military reforms and disarmament, demobilization and reintegration-disarmament, demobilization, repatriation, resettlement and reintegration, faced multiple challenges. MONUSCO contributed to developing the plans, along with the United Nations country team and other international actors through good offices, partnership and joint programming (see table 1).

Table 1
Summary of reforms in six sectors under evaluation

<i>Reform sector</i>	<i>Evidence of progress</i>	<i>Status</i>
Security sector reform	No measurable evidence	<ul style="list-style-type: none"> • National strategy and road map not developed • MONUSCO coordination role was not effective, since collective efforts were not adequate or sustained, coordination outcomes were not defined, and institutions pursued bilateral arrangements with supportive partners
Military reforms	Limited evidence	<ul style="list-style-type: none"> • MONUSCO played a limited role since the Government and partners preferred bilateral arrangements
Police reforms	Some evidence	<ul style="list-style-type: none"> • First five-year plan of action (2012–2016): 21 per cent out of 141 actions completed and 49 per cent were under way • PAQ 2 (2020–2024): No activity recorded in 2020, and establishment of 18 priorities to be completed by 2022
Justice reforms	Limited evidence	<ul style="list-style-type: none"> • National Justice Sector Policy (2017–2026) and Priority Action Plan (2018–2022) developed (under review as the priorities of the new Government are being integrated) • Ministry of Justice and High Judicial Council supported
Prison reforms	Limited evidence	<ul style="list-style-type: none"> • Administration and security enhanced in 14 priority prisons • Prison reform package including four laws submitted to the Ministry of Justice
Disarmament, demobilization and reintegration-disarmament, demobilization, repatriation, resettlement and reintegration	Some evidence	<ul style="list-style-type: none"> • Disarmament, demobilization and reintegration faced multiple challenges, while disarmament, demobilization, repatriation, resettlement and reintegration made greater progress • Past three generations of national disarmament, demobilization and reintegration programmes failed to achieve desired results and MONUSCO support resulted in the promulgation of the Disarmament, Demobilization, Community Recovery and Stabilization Programme for reintegrating ex-combatants into communities

16. During the period 2014–2020, MONUSCO trained 3,194 judicial officials, 41,030 police officials and 3,503 prison officials. MONUSCO mentored and coached magistrates to organize mobile trials to better manage the case load and to reduce pretrial detention. The professionalization and accountability of supported institutions were generally rated as low by OIOS survey respondents (see table 2). Only 26 per cent believed that the military and police institutions had the required capacities and capabilities to function effectively. Many State institutions and civil society organization interviewees expressed the continued need for MONUSCO capacity-building support for State institutions. The leadership of the State institutions and the recipients of MONUSCO capacity-building support expressed satisfaction and reported enhanced substantive knowledge and technical skills.

Table 2
Percentage of Office of Internal Oversight Services survey respondents who agreed and strongly agreed

<i>Institutions/indicators</i>	<i>Civil justice</i>	<i>Military justice</i>	<i>Prisons</i>	<i>Police</i>	<i>Military</i>
Have been professionally structured and managed:	17%	36%	39%	32%	25%
Have enhanced accountability in fulfilling their responsibilities:	27%	34%	37%	30%	24%

4. The Mission contributed to improved infrastructure and to extending the presence of the rule of law and security institutions

17. Key contributions of MONUSCO included improving judicial infrastructure, with 26 courts and prosecutors' offices constructed and/or refurbished, 32 courts equipped and 15 courts of appeal operationalized; enabling the deployment of 831 police officials in areas cleared of armed groups, the deployment of 13 community police booths and 4 intervention units, the establishment of 11 hubs for the operational strategy for combating insecurity (SOLI), and the launching of a project for the construction of seven bases for the military to increase presence in critical areas.

18. Further work on judicial infrastructure was needed. Of 352 local jurisdictions (peace courts for urban and rural areas) provided for in national law, only 174 (49 per cent) were installed and operational in 2017. Large areas of the country did not have specialized courts for children. Both the military and the police extended their presence in the country and deployed to most areas of the Democratic Republic of the Congo. The Harvard Humanitarian Initiative survey rated the presence of military and police as insufficient. With the ratio of police to population at 1:567, against the widely accepted international standard of 1:360, there existed a police workforce gap of 90,000 in the Democratic Republic of the Congo.⁹

5. Mission advocacy and support contributed to the establishment of accountability mechanisms and partial improvement in the attitude and behaviour of the members of military and police institutions

19. Multiple interviewees indicated considerable improvement in the attitude and behaviour of the military and police commanders and officials, due to MONUSCO advocacy, training, monitoring of conduct and support for the establishment of accountability mechanisms. MONUSCO advocacy resulted in the establishment of the National Human Rights Commission and provincial-level human rights commissions, oversight bodies in the national military (discipline committees), and the police structures (General Inspectorate of the national police and police reforms monitoring committee), military and police follow-up committees for human rights violations at the provincial level, joint technical working groups on women and child protection and the designation of a Special Adviser to the President on Youth, Gender and Violence against Women to strengthen accountability mechanisms. Fifty-one per cent of OIOS survey respondents believed that the police had enhanced accountability in fulfilling their responsibilities, while 34 per cent held that view with regard to the military.

20. MONUSCO monitored human rights violations committed by national security actors including through field missions, and conducted advocacy for investigations by the judicial authorities, including through joint follow-up committees with military and police institutions for judicial or disciplinary proceedings. This resulted in the adjudication of 378 administrative and disciplinary sanctions for human rights violations involving commanders and troops by the military and police institutions in 2020. The

⁹ PAQ-2 Action Plan.

follow-up resulted in arrests and the opening of 11 judicial inquiries and the replacement of three high-ranking officers with commanders with significantly better human rights records. As part of the human rights due diligence policy, MONUSCO screened 3,558 military and police officers, of whom 3,088 were cleared for the provision of support, 328 were cleared for monitored support and 142 were denied support.

21. Action plans and a road map to address conflict-related sexual violence and six types of grave violations against children by the military and police institutions were under implementation. Child recruitment by the military had stopped by 2017 and the commitment to prevent conflict-related sexual violence by State actors was strengthened. Monitoring of illegal detentions in prisons and police or judicial detention cells by MONUSCO improved.¹⁰ OIOS survey respondents (60 per cent) assessed that the national police had improved their public order management, with more restrained use of force, due to the capacity-building training provided by MONUSCO. A senior interlocutor cited the significant role that the national police played in preventing casualties and damage to United Nations personnel and properties during the public protest in Beni against United Nations peacekeepers in April 2021 as an example of improved accountability and attitude.

22. However, State security actors continued to engage in predatory practices (82 per cent of OIOS survey respondents disagreed that the police had reduced predatory practices, as against 70 per cent for the military) and serious human rights violations against civilians, which increased in the wake of operations conducted by security forces. Security forces were responsible for 48 per cent of the total human rights violations committed in the conflict areas since 2014.

6. Partnership with key national stakeholders, while enduring, was challenging, with improvement observed since 2019

23. The Government of the Democratic Republic of the Congo and the United Nations country team leadership highly appreciated and valued their partnerships with MONUSCO. However, the period from 2014 to 2018 witnessed a tenuous relationship with the Government that restricted MONUSCO mandate implementation; but the situation has improved significantly since 2019, with the establishment of the new government. The strategic partnerships between the Government, the country team and MONUSCO resulted in the adoption and implementation of the joint strategy on the progressive and phased drawdown of MONUSCO,¹¹ the transition priorities and benchmarks,¹² the Joint Justice Reform Support Programme, the five-year plan of action for national police reform, the Joint Disarmament, Demobilization, Community Recovery and Stabilization Programme and a joint commission to draft a road map for transitional justice. The partnership facilitated the implementation of peacebuilding and stabilization programmes¹³ which were aligned with the United Nations Sustainable Development Cooperation Framework for 2020–2024.

24. The United Nations country team benefited from the MONUSCO presence and dedicated support through the good offices of the Mission leadership, enhanced security and protection, joint programming and logistical arrangements. MONUSCO effectively partnered with UNDP in the implementation of justice and police reforms and stabilization activities; the Office of the United Nations High Commissioner for Refugees (UNHCR) for the protection of vulnerable sections of the population and their return to their places of origin; the International Organization for Migration in capacity-

¹⁰ MONUSCO efforts resulted in the release of 757 illegal detainees and 700 political prisoners.

¹¹ [S/2020/1041](#).

¹² [S/2021/807](#).

¹³ \$57.2 million Peacebuilding Fund and \$47.5 million from the Stabilization Coherence Fund allocated during 2014–2021.

building for the national police; the United Nations Children's Fund (UNICEF), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Population Fund (UNFPA) for children's and women's protection, including through the monitoring and reporting mechanism on children and armed conflict, and monitoring, analysis and reporting arrangements; and the United Nations Mine Action Service in weapons and ammunition management.

25. The partnership between the Office of the Special Envoy of the Secretary-General for the Great Lakes Region and MONUSCO in implementing the Regional Oversight Mechanism of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region was effective and positive.¹⁴ The collaboration among the guarantor institutions of the Peace, Security and Cooperation Framework and the Governments of Burundi, the Democratic Republic of the Congo, Rwanda, Tanzania and Uganda; and the Office of the Special Envoy and MONUSCO resulted in strengthened information and intelligence sharing; cooperation to work against foreign armed groups; peaceful settlement of cross-border incidents; fostering trust and confidence; the institution of non-military measures; and the establishment of a contact and coordination group with an operational cell deployed in Goma, Democratic Republic of the Congo, for engagement with armed groups for their voluntary disarmament and repatriation to their countries of origin. The Great Lakes Regional Judicial Cooperation Network also contributed to cross-border collaboration in addressing serious crimes, including violations of international humanitarian law and international human rights law.

26. While the role of the international community was crucial, especially in the capacity-building of State institutions, stabilization support through the Stabilization Coherence Fund, and the transition process towards sustainable peace and development, some Member States preferred to pursue bilateral arrangements with the Government of the Democratic Republic of the Congo and its institutions (e.g., with regard to security sector reform, capacity-building) rather than be coordinated by MONUSCO, which limited the coherence and comprehensiveness of efforts.

B. Mission support for the rule of law and security institutions contributed to multiple outcomes, but the pace of reforms, the scale of assistance and continued instability hampered transformational change and response to the justice and security needs of the Congolese people

1. Relative peace, security and stability were established in Kasai, Kasai Central and Tanganyika Provinces

27. MONUSCO contributed to the prevailing peace, an improved security situation and the creation of an enabling environment for peace consolidation, peacebuilding and stabilization in the post-conflict provinces of Kasai and Kasai Central and Tanganyika (where two territories remain volatile). MONUSCO withdrew from the Kasai and Kasai Central provinces in June 2021, while the exit from Tanganyika Province was planned for June 2022. Nearly 50 per cent of the OIOS survey respondents believed that the threat posed by armed groups had reduced to a level that could be managed by the national institutions in the Kasai provinces, whereas only 33 per cent were of the same opinion with regard to Tanganyika. The security situation in the Ituri, North Kivu and South Kivu provinces remained a major concern, as the national and foreign armed groups continued to commit serious human rights violations, undermining State authority.

¹⁴ Office of the Special Envoy of the Secretary-General for the Great Lakes Region database.

28. MONUSCO spearheaded the development of a joint Government of the Democratic Republic of the Congo-MONUSCO-United Nations country team transition plan¹⁵ with 18 benchmarks, as requested by the Security Council in its resolution 2556 (2020). The benchmarks laid down the minimum conditions for the Mission's drawdown and priority actions for implementation in collaboration with the Government, the country team and other national stakeholders for a progressive and sustainable transition in the Democratic Republic of the Congo.

2. Mission efforts with the Government of the Democratic Republic of the Congo and the United Nations country team enabled the establishment of the triple nexus approach, despite their resource constraints and low capacity to implement programmes effectively

29. State institutions and the United Nations country team gradually scaled up their presence and activities for peace consolidation in the three post-conflict provinces (Kasai, Kasai Central and Tanganyika) but lacked adequate presence, critical capacities and additional resources for the peacebuilding and stabilization work. Only 40 per cent of OIOS survey respondents believed that the country team had the capacity to scale up activities, despite the continuation of the provision of support to the rule of law and security institutions being well planned and coordinated by MONUSCO and the country team in the post-conflict provinces. A MONUSCO lessons learned study highlighted the need for early transition planning, identification of realistic projects, assessment of critical gaps in the State institutions and the country team, cross-pillar coordination within the Mission, increased integration with the country team, matching of initiatives with provincial resources for sustainability of programmes and the importance of complementary efforts in confidence-building among local communities. The interlocutors reported improved coordination and the application of lessons learned in Tanganyika Province.

30. MONUSCO and the United Nations country team, in collaboration with key national and provincial authorities, civil society organizations and international stakeholders, initiated the humanitarian-development-peace (triple nexus) approach in the conflict and post-conflict provinces. This had a positive impact in creating an enabling environment especially in the post-conflict provinces of Kasai, Kasai Central and Tanganyika for sustainable stabilization. In line with the triple nexus approach, the priority thematic areas for the use of the joint Peacebuilding Fund¹⁶ and the Stabilization Coherence Fund included the community-based reintegration of former combatants; transitional justice in Kasai; reconciliation and social cohesion; inclusive local governance with an emphasis on the participation of women; and the promotion of durable solutions for displaced populations.¹⁷

3. Shortcomings in capacity and capabilities continued to limit the effectiveness of the police in performing its roles and responsibilities, but improved policing was reported in the areas of concerted efforts by the Mission and the police force

31. To address insecurity, the United Nations Police and the national police implemented the integrated operational strategy for the fight against insecurity) in 11 areas by establishing command control, providing fuel and toll-free numbers for reporting crimes, capacity development through co-location, and joint patrolling. The strategy proved its effectiveness by establishing a police-community relationship (for example, during the period 2018–2020, its detachments received 312,708 calls), improved police response (50,124 interventions carried out leading to the detention of 21,495 suspects) and reducing some crimes.

¹⁵ S/2021/807, annex.

¹⁶ Thirteen Peacebuilding Fund programmes worth \$29.2 million were under implementation.

¹⁷ See S/2020/1041.

4. Despite some improvements, the barriers to accessing justice remained significant

32. The Harvard Humanitarian Initiative survey data indicated improved access to justice in Ituri, South and North Kivu, yet significant barriers continued to hinder equitable access, particularly for marginalized groups, including high costs, long distances to justice institutions for those outside main urban areas, lack of sufficient witness protection,¹⁸ stigmatization, limited enforcement of judicial decisions, including reparation for victims, and limited knowledge of laws. There was a considerable trust deficit with regard to justice institutions. The justice sector was not able to effectively process the caseload, resulting in a high ratio of remand prisoners to convicted prisoners. This ratio had remained unchanged at 75 per cent in the prisons supported by MONUSCO since 2014, despite the support of MONUSCO for scaling up prosecution efforts. Following the promulgation of the state of siege in May 2021 in North Kivu and Ituri, the criminal jurisdiction of the civilian courts was transferred to the military courts, which did not have the capacity to process the additional caseload, with an impact on timely access to justice. MONUSCO, in accordance with its mandate, prioritized support for the investigation and prosecution of crimes of genocide, war crimes and crimes against humanity and violations of international humanitarian law and violations or abuses of human rights, adjudicated by the military justice system (including in civilian cases), but more needed to be done to strengthen civil justice system.

5. The Mission provided critical assistance to the priority prisons. However, the scale of challenges of the penitentiary system in the Democratic Republic of the Congo remained vast

33. Following a strategic review process in 2016 and 2017, MONUSCO prioritized support for prisons with high-value and high-risk prisoners. As at June 2021, MONUSCO supported 12 priority prisons with a population of 22,729 (64 per cent high-risk prisoners). MONUSCO contributed to: (a) improved security for priority prisons (it established security walls and/or fencing, wire obstacles, cameras, lights and detectors, foiled five attacks, transferred 638 high-risk prisoners to safe prisons and created 10 prison intelligence cells); (b) rehabilitated 20 infrastructures; (c) gender segregation of prisoners in six prisons; (d) strengthened human rights monitoring; (e) conditional release of 5,708 prisoners; (f) alleviation of food shortages, including through prison farms; and (g) better conditions and health care for prisoners and Ebola and COVID-19 response.

34. The corrections sector remained underfunded and was characterized by overcrowding (the total prison population of prisons supported by MONUSCO exceeds 320 per cent of the official capacity), food shortages (including instances of starvation deaths),¹⁹ inadequate basic hygiene and sanitation facilities, combined with poor health-care facilities and inadequate security culminating in prison breaks (from 2014 to 2020, 13,360 prisoners/detainees escaped from prison in Kinshasa and six provinces).

6. Mission support for the fight against impunity for crimes under international law and serious human rights violations had notable outcomes in terms of the number of convictions and the quality of judgments

35. The support of the MONUSCO Prosecution Support Cell and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in collaboration with other relevant stakeholders in the military justice system resulted in the prosecution of 1,953 persons involving 1,135 cases which resulted in the conviction

¹⁸ MONUSCO provided contextualized judicial protection measures for the victims and witnesses.

¹⁹ From June to August 2021, 66 prisoners died in 11 priority prisons.

of 1,502 perpetrators. This included State actors (55 per cent), civilians (27 per cent) and armed group persons (18 per cent). The quality of judgements improved. As one of the interlocutors stated, “The country went from no accountability to the conviction of over 1,000 cases, some of them going to the level of generals. A significant impact is that the convictions are no longer based on confessions, possibly coerced, but based on evidence”. MONUSCO support for 38 emblematic trials, 82 fact-finding/joint investigation missions and the deployment of 78 mobile courts in remote eastern Democratic Republic of the Congo, where atrocities were committed and which had limited judicial infrastructure, was seen as an essential element bringing justice closer to communities and demonstrating that justice can be delivered in the Democratic Republic of the Congo.

36. Despite this significant progress in the fight against impunity, the number of prosecutions supported by MONUSCO remained low compared with the scale of human rights violations committed.

7. The human rights abuses and violations of international humanitarian law committed by armed groups increased over time and continued to destabilize eastern Democratic Republic of the Congo

37. The presence and strength of national and foreign armed groups and the human rights abuses committed by them perpetuated insecurity, forced population displacement and posed a serious threat to peace and stability in eastern Democratic Republic of the Congo, adversely impacting progress towards the desired end state for MONUSCO. The number of foreign armed groups decreased during the period covered by the evaluation, while the national armed groups proliferated but remained fragmented. An estimated 90 to 130 armed groups were operating in eastern Democratic Republic of the Congo, comprising approximately 14,000 to 17,000 combatants.

38. The Group of Experts on the Democratic Republic of the Congo mandated by the Security Council had documented the use of armed groups as proxies by the State forces (e.g., Nduma défense du Congo-Rénové (NDC-R)/Bwira Faction).²⁰ Some military units were reported to use local armed groups for “subcontract warfare” in their military operations against foreign armed groups.²¹ Eighty per cent of the arms retrieved from the armed groups by MONUSCO were traced to military forces, while 20 per cent were deemed untraceable. During 2014–2020, 52 per cent of the total human rights abuses and violations, 72 per cent of extrajudicial and/or summary killings and 70 per cent of conflict-related sexual violence and grave violations against children were committed by the armed groups.²²

8. Mission disarmament, demobilization and reintegration-disarmament, demobilization, repatriation, resettlement and reintegration programmes made some progress; the initiation of community violence reduction projects by the Mission and promulgation of the Disarmament, Demobilization, Community Recovery and Stabilization Programme by the Government of the Democratic Republic of the Congo offered new opportunities

39. The reintegration of ex-combatants into the security forces adversely impacted professionalization and discipline, while reintegration into communities without enough incentives and economic opportunities resulted in many ex-combatants rejoining the armed groups. Some other ex-combatants were recycled into conflict by security forces. Notwithstanding the challenges, MONUSCO support for disarmament,

²⁰ See S/2021/560.

²¹ See S/2019/842.

²² The United Nations Joint Human Rights Office (in the Democratic Republic of the Congo-MONUSCO).

demobilization and reintegration and disarmament, demobilization, repatriation, resettlement and reintegration resulted in the processing of 11,459 (including 1,582 female) ex-combatants, children associated with armed groups and dependants; the collection of 1,381 weapons; and the destruction of 1,358 weapons and 23,540 rounds of ammunition as part of the disarmament and demobilization mandate.²³ The Mission undertook 159 community violence reduction projects worth \$13.9 million from July 2016 to June 2021 that benefited 40,313 (including 16,473 female) beneficiaries.²⁴ The good offices and political advocacy of MONUSCO contributed to the promulgation of an ordinance for the Disarmament, Demobilization, Community Recovery and Stabilization Programme²⁵ by the Government of the Democratic Republic of the Congo to pave the way for a new strategy. Strengthening the implementation of the Disarmament, Demobilization, Community Recovery and Stabilization Programme by MONUSCO was indicated as one of the top five priorities by OIOS survey respondents.

9. Intercommunity tensions continued, and root causes and drivers of conflict remained partially addressed

40. The insecurities in eastern Democratic Republic of the Congo caused by the armed groups were compounded by intercommunal conflicts both in eastern Democratic Republic of the Congo and the Kasai provinces, inflicting suffering on the population, and hindered progress towards stabilization. Intercommunity conflicts were primarily driven by ethnic, political, land-related, customary, socioeconomic and transhumance issues. Since 2020, some reduction in intercommunity conflict had been observed, especially in Kasai, Kasai Central and Tanganyika provinces, although the tensions had the potential to escalate since the drivers and root causes of conflict were not fully addressed. The good offices and the support provided by MONUSCO at the national, provincial and local levels, the promotion of dialogue, mediation, gender-responsive reconciliation, community engagement and conflict resolution measures at the local levels and the response of uniformed components helped to prevent, mitigate and resolve some of the intercommunity conflicts. OIOS survey respondents believed that MONUSCO support resulted in reduction in intercommunal conflicts (49 per cent), and that the support resulted in enhanced local conflict resolution efforts (59 per cent).

10. Serious human rights violations and abuses increased consistently over the years in eastern Democratic Republic of the Congo, resulting in many civilian casualties

41. Serious human rights violations and abuses, including civilian killings committed by State agents and armed groups increased approximately threefold from 2014 to 2020. Approximately 80 per cent of the human rights violations committed were reported from eastern Democratic Republic of the Congo (Ituri, North Kivu and South Kivu Provinces), while 20 per cent were reported from the three post-conflict provinces (Kasai, Kasai Central and Tanganyika). Of the total human rights violations, 21 per cent (7,177 persons) consisted of extrajudicial and summary killings (72 per cent by armed groups and 28 per cent by State agents) during 2017–2020. There was an increasing trend of conflict-related sexual violence, with 6,164 cases verified since 2014. Grave violations committed by armed groups against children included recruitment (40 per cent), abduction (19 per cent), sexual violence (17 per cent) and killing and maiming (14 per cent). On average, 70 per cent of

²³ Disarmament, Demobilization and Reintegration Section, MONUSCO.

²⁴ Included 15,218 former combatants, 7,084 youths-at-risk, 7,609 vulnerable women, 7,830 children separated from armed groups and 2,088 community members.

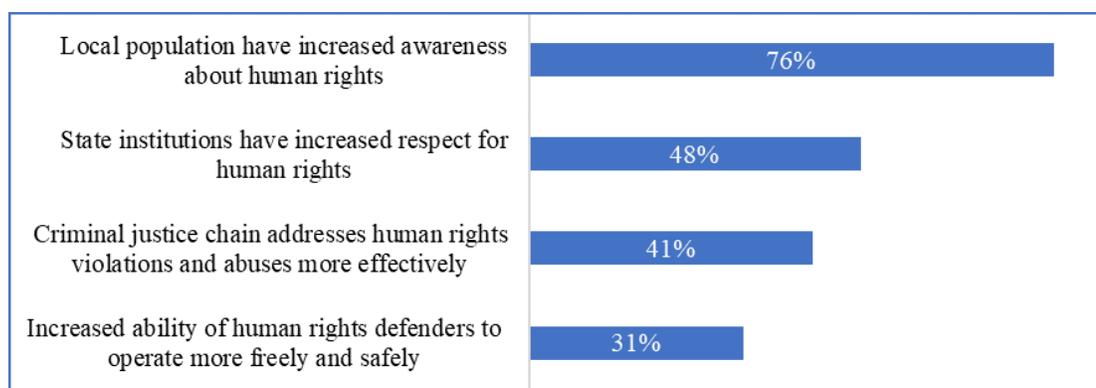
²⁵ Government of the Democratic Republic of the Congo Ordinance No. 21/038 (4 July 2021).

conflict-related sexual violence and grave violations against children were committed by armed groups, while the State forces accounted for 30 per cent.

42. Notwithstanding the negative trends in human rights violations outlined above, the protection and promotion of human rights underpinned much MONUSCO work. In addition, to strengthen monitoring, investigation, documentation, reporting and enhanced accountability mechanisms (see sect. IV.A.5), from 2017 to 2020, MONUSCO provided capacity-building support to the National Human Rights Commission and delivered training on human rights for 73,801 persons from the security forces, civil society organizations and community protection networks. There was a strong perception of increased human rights awareness (see figure III).

Figure III

Percentage of OIOS survey respondents who agreed or strongly agreed on human rights aspects



Source: OIOS survey, 2021.

11. Perception of security overall declined, with important provincial and territorial differences

43. The Harvard Humanitarian Initiative survey results indicated that, overall, the perception of security in eastern Democratic Republic of the Congo had declined during 2014 to 2020, considering the perception of security when walking alone during the day and at night. Since 2017, the perception of security improved in North Kivu, remained relatively stable in South Kivu and saw a considerable decline in Ituri. Ongoing conflict left women and other vulnerable groups at high risk of insecurity, while State institutions were largely not able to meet their specific needs. The continued attacks on civilians undermined the people's confidence in the State institutions and MONUSCO to deliver security.

12. Mission support provided to the rule of law and security institutions was partially sustainable

44. Multiple sustainability-related measures were embedded in the support provided to the rule of law and security institutions through emphasizing local capacity development through training (including the training of trainers and the refurbishment of training centres), mentoring and co-location, with some positive effects on the individual and institutional beneficiaries reported. Visits to selected project sites indicated that the recipient institutions used adequately and maintained properly assets provided by MONUSCO (e.g., medical clinics, police and court buildings, vehicles, office equipment, infrastructure, security enhancements).

45. However, all rule of law and security institutions continued to suffer from limited capacities and budgetary support, including in the operational and logistical domain. Undue dependency on external support, which limited the ownership and responsibilities of State institutions to provide the resources necessary to ensure continuity of programmes, was the unintended consequence of MONUSCO presence most often cited in the OIOS survey. Until self-sufficiency and adequate budgetary support for the State institutions at the national level is achieved, the continued need-based support, including through transition programmes by MONUSCO, the United Nations country team and other stakeholders, remained crucial for enhancing their capacity and sustainability.

C. The Mission actively advocated for and supported rule of law outcomes under environmental protection, disability inclusion and gender mainstreaming

1. Environmental aspects were considered in programme planning and implementation

46. MONUSCO established a biogas plant in Uvira Central Prison that provided a clean alternative source of energy, eliminated organic waste and improved the hygiene and sanitation conditions, benefiting 1,281 inmates.²⁶ The installation of solar panels in priority prisons, police stations and vulnerable roads improved security conditions. A Joint United Nations Environment Programme (UNEP)-MONUSCO environmental crimes task force had been functional since 2015 to support national and regional efforts to investigate, prosecute and sanction members of armed groups and criminal networks engaged in national and transnational organized crime, with special emphasis on addressing sources of conflict and safeguarding protected areas and UNESCO World Heritage Sites. MONUSCO supported a community violence reduction project on environmental reintegration with society in Bukavu by raising awareness on waste issues, waste collection, waste sorting, waste recycling and waste disposal.

2. Mission advocacy enhanced the application of disability inclusion strategy by the Government of the Democratic Republic of the Congo

47. MONUSCO advocacy and technical support facilitated the adoption of an organic law for the protection and promotion of rights of persons with disabilities in the National Assembly and the Senate and pending promulgation by the President of the Democratic Republic of the Congo.²⁷ An assessment to establish the numbers, categories and condition of persons with disabilities in the Democratic Republic of the Congo by the United Nations Joint Human Rights Office in the Democratic Republic of the Congo and MONUSCO was in progress. The Joint Human Rights Office and MONUSCO also supported an assessment of the socioeconomic impact of COVID-19 on persons with disabilities and jointly conducted workshops on the effectiveness of the principle of “inclusive education” in the Democratic Republic of the Congo with the Ministry in charge of disabled and other vulnerable persons, with a view to ensuring equitable, inclusive and quality education for all children, without discrimination based on disability.

3. A gender perspective was adequately mainstreamed and promoted

48. MONUSCO leadership engaged with members of the Government of the Democratic Republic of the Congo, the parliament and senators and civil society

²⁶ Corrections-MONUSCO.

²⁷ United Nations Joint Human Rights Office (in the Democratic Republic of the Congo-MONUSCO).

organization at the national and provincial levels to improve women's representation in the nominative and elective positions. In 2020, women's representation in the Government improved from 18 per cent to 26 per cent. The Mission's assessments, programmes, plans and reports were adequately gender-mainstreamed and disaggregated. MONUSCO capacity-building initiatives specifically targeted female officials and community members. Female engagement teams interacted with local communities to sensitize them on protection issues in order to tailor collective responses. MONUSCO advocacy resulted in the appointment of 48 gender focal points in police offices. Separate living areas were constructed by MONUSCO for women and juvenile inmates in six priority prisons. MONUSCO also supported capacity-building for specialized squadrons to address sexual violence in six provinces. MONUSCO advocacy and support led to the revision of the family code in 2016 and the national strategy on gender-based violence in 2020.

V. Recommendations

49. OIOS makes the following six important recommendations.

<i>Serial Number</i>	<i>Recommendation</i>	<i>Type</i>	<i>Indicators</i>
1	MONUSCO should provide its good offices, coordination function and facilitation role to (a) support the Government's prioritization of security sector reform; (b) increase national ownership; and (c) build strategic partnerships with international partners based on a comprehensive security sector reform implementation road map.	Important	(a) The development of a national security sector reform strategy, action plan, and road map by the Government of the Democratic Republic of the Congo supported as a priority; (b) Joint Government-MONUSCO-United Nations country team-Stakeholders coordination structure established under government leadership with defined outcomes, and comprehensive support facilitated; (c) National dialogues facilitated to encourage inclusiveness in security sector reform.
2	MONUSCO should support the Disarmament, Demobilization, Community Recovery and Stabilization Programme to reduce the threat of armed groups in eastern Democratic Republic of the Congo and ensure synergies and coordination with related stabilization and transitional justice initiatives.	Important	(a) Joint Government-MONUSCO-UNCT-Stakeholders Disarmament, Demobilization, Community Recovery and Stabilization Programme strategy and action plan developed under Government leadership; (b) The number of ex-combatants processed and arms collected by MONUSCO increased; (c) Disarmament, demobilization, repatriation, resettlement and reintegration of foreign ex-combatants increased, with the cooperation of relevant stakeholders.

<i>Serial Number</i>	<i>Recommendation</i>	<i>Type</i>	<i>Indicators</i>
3	MONUSCO should enhance its support for the civilian justice system in conjunction with support for the military justice system, to strengthen the fight against impunity and to ensure access to justice and the effective and accountable delivery of justice.	Important	(a) Implementation of the national justice reform plan (including the prison sector) by the Government bolstered through enhanced support, coordination and joint programming; (b) Joint Government-MONUSCO-UNCT plans and programmes for integrated capacity-building for judicial and prison officials created under government leadership.
4	MONUSCO should intensify efforts to improve the prison administration and the conditions of the prisoners in the priority prisons supported.	Important	(a) Application by the Government of the “Mandela Rules” as standards for the treatment of prisoners in priority prisons reinforced, monitored and reported; (b) Prison security incidents reduced.
5	MONUSCO, in collaboration with partners, should support military and police institutions in improving their capacities, capability, and accountability to effectively protect civilians.	Important	(a) Human rights abuses committed by armed groups effectively countered by MONUSCO and security forces; (b) Implementation of action plans to prevent conflict-related sexual violence and grave violations against children by security actors advanced; (c) Greater respect for human rights and lower levels of impunity by State actors promoted; (d) Safe and effective management, storage, monitoring and security of weapons and ammunition stockpiles by security forces promoted; (e) Joint Government-MONUSCO-United Nations country team capacity-building plans for the military and police institutions (including specialized programmes for women to enhance their meaningful participation) developed based on identified gaps and needs.
6	MONUSCO, in collaboration with partners, should accelerate the implementation of the provision of support to the State rule of law and security institutions in the framework of the transition plan in conflict and post-conflict areas for durable peace, security and stability.	Important	(a) Joint MONUSCO-UNCT-Government-Stakeholder planning and coordination structures created, and joint programme plans developed under Government leadership; (b) Priority joint programmes initiated and on track under Government leadership.

Annex I

Management response of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

I wish to thank the Inspection and Evaluation Division of the Office of Internal Oversight Services (OIOS) for the conduct of the Outcome Evaluation of MONUSCO Support for the Rule of Law and Security Institutions in the Democratic Republic of the Congo.

Overall, the evaluation provides a helpful and detailed assessment of the impact of MONUSCO support to state rule of law and security institutions. The evaluation report considers several contextual factors that help explain its findings, and it appears balanced in its approach. We would note and appreciate that OIOS has considered inputs, perspectives, and evidence provided by colleagues supporting Rule of Law initiatives both at the level of the Mission and Headquarters, while conducting the evaluation and preparing the report. Overall, the OIOS report has highlighted the strengths and key achievements of MONUSCO support.

The Mission would like to seek clarification regarding reference to certain reform initiatives for which there was only “limited” or “some evidence of progress” as this would provide useful insights for the implementation of the recommendations (paragraphs 16–17).

Overall, the recommendations proposed by OIOS are in line with the strategic objectives of MONUSCO as specified by the Security Council in resolution [2612 \(2021\)](#). Further, the Transition Plan welcomed by the Security Council in resolution [2612 \(2021\)](#) envisions actions by the Mission, the UNCT, and the Government that would enact the recommendations. The emphasis placed on the shared responsibility for achieving indicators of the recommendations is welcome, given that MONUSCO operates in support of the Government to strengthen rule of law and security institutions.

It should be noted that certain indicators will be affected by factors beyond the scope of MONUSCO support to the Government. Despite MONUSCO efforts to implement the anticipated actions identified in the Action Plan, it is foreseeable that some of the indicators may remain unachieved within the timeframe required by OIOS.

Regarding the broader aspect of joint programming, I wish to inform that the United Nations country team, jointly with relevant Mission components and in collaboration with the Government and civil society representatives has undertaken actions that directly respond to the necessity for joint initiatives identified by OIOS, notably in the transition context. Further details are included in the Action Plan.

The Mission’s focal points will support the monitoring of the implementation of the Action Plan which is enclosed to this inter-office memorandum.

Annex II**Response from the Office of Internal Oversight Services to the management response of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo**

OIOS thanks and appreciates the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) for its valuable comments on the present evaluation report and for submitting the action plan to implement the six recommendations.

On the MONUSCO request for clarification (para. 3 of MONUSCO management response) regarding the references to “limited” or “some evidence of progress” of reform initiatives in paragraphs 16 and 17 of the report, OIOS assessed the national reform plans of justice and prison sectors, police and military institutions, as well as security sector reform and disarmament, demobilization and reintegration-disarmament, demobilization, repatriation, resettlement and reintegration to ascertain the progress made in the implementation. The evidence of progress was assessed based on jointly agreed plans, indicators and timelines and corroborated from primary and secondary data sources. MONUSCO and relevant stakeholders provided limited evidence of the progress made in the implementation of justice, prisons, and military reform processes (see the status update in table 1). This was partly attributed to the lack of a sectoral capacity gap and needs assessments, the absence of sufficient and systematic monitoring and reporting, and the lack of adequate human and budgetary resources to advance the planned reform plans. In the case of police reforms and disarmament, demobilization and reintegration-disarmament, demobilization, repatriation, resettlement and reintegration, although some evidence of progress was noted in table 1, the implementation of most of the workstreams was lagging. As for security sector reform, OIOS was unable to obtain any measurable evidence.

Against the backdrop of the planned transition, OIOS underscores the pivotal and crucial role that MONUSCO is mandated to play in enhancing the provision of support to the rule of law and security institutions in the Democratic Republic of the Congo; preventing, deterring and stopping the armed groups from committing serious human rights abuses and violations of international humanitarian law; and better protecting the civilians in eastern Democratic Republic of the Congo with a view to achieving sustainable peace, security and stability.

The progress made on the implementation of the recommendations will be periodically monitored by OIOS through its existing procedures.
