



## ***“Do Not Forget Us, Do Not Cross Your Arms”***

### **How Canada Can Re-Engage in DR Congo to Help Build Peace and Prosperity**

**November 2013**

*In June 2013, the **Women of Courage Delegation of KAIROS** travelled to South Kivu Province in the eastern Democratic Republic of Congo where they witnessed one of the worst humanitarian crises on the planet and offered accompaniment and solidarity from the Canadian churches. Delegates included representatives from KAIROS member organizations and staff, the Public Service Alliance of Canada, and two of KAIROS’ African partners, FECCLAHA and the Burundi Council of Churches.*

*The following briefing paper summarizes what the delegation heard from people on the ground, and makes recommendations for constructive action by the Government of Canada.*

#### **KEY FINDINGS OF THE DELEGATION**

##### **WORSENING SEXUAL VIOLENCE**

**In 2013, there has been a serious increase in sexual violence in eastern DR Congo (Province of South Kivu), reversing a decline that had been observed in recent years.** Victims are increasingly younger in age – including girls as young as two years old – and attacks are happening increasingly within the city of Bukavu, as well as in the rural areas. Rape has been used to brutal ends as a weapon of war in DR Congo and now seems to have become socialized into wider society.

There are numerous international commitments to ending sexual violence in conflict, including United Nations Security Council Resolutions 1820, 1888, 1960 and 2106; the G8 Declaration on Preventing Sexual Violence in Conflict from earlier this year; and the most recent UN Declaration of Commitment to End Sexual Violence in Conflict.



**With the support of Héritiers de la Justice, rural women in eastern DR Congo are organizing themselves and leading the struggle against sexual violence.**

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**KAIROS** unites 11 Canadian churches and church-related organizations from eight denominations in work for justice with partners in Canada and internationally. KAIROS Members are: The Anglican Church of Canada, Canadian Catholic Organization for Development and Peace, Canadian Conference of Catholic Bishops, Canadian Religious Conference, Christian Reformed Church in North America (Canada Corporation), Evangelical Lutheran Church in Canada, Mennonite Central Committee Canada, The Presbyterian Church in Canada, The Primate’s World Relief and Development Fund, Religious Society of Friends (Quakers), and The United Church of Canada. Visit us at: [www.kairoscanada.org](http://www.kairoscanada.org)

KAIROS applauds Canada for recently supporting the UN Declaration, adopted in September 2013. The true test of these declarations and commitments is whether it improves the lives of women in places like DR Congo. By putting words into action, Canada and the other 112 countries that supported the Declaration can now demonstrate that holistic support and healing for survivors is an international priority and perpetrators will no longer be able to rape with impunity.

## **SEEDS OF HOPE ARE SOWN AT THE GRASSROOTS**

**In the face of a desperate humanitarian situation and egregious human rights violations, the courageous women that the KAIROS delegation met in DR Congo offered a cause for hope.** The KAIROS delegation witnessed firsthand the powerful, transformative work of *Héritiers de la Justice*, the Congolese human rights organization based in Bukavu that hosted the visit. Their education programs and legal clinic accompany survivors of sexual violence, allowing these women and girls to heal, rebuild their lives and become trained paralegals and animators for social change. This work is funded, in part, by KAIROS and the Public Service Alliance of Canada (PSAC) Social Justice Fund. KAIROS believes that Canada and other donor countries need to direct more support to grassroots efforts, led and delivered by Congolese civil society, such as *Héritiers de la Justice*.

## **WOMEN AS PEACE BUILDERS**

**Re-establishing peace in the east of DR Congo is necessary for other solutions, such as women's empowerment or mining sector reforms, to be implemented fully and successfully.** The need for a lasting peace was a recurring theme in all of the delegation's meetings. KAIROS delegates heard that women must be key participants in peace building efforts in order for them to succeed.

The United Nations Security Council Resolutions on Women, Peace and Security (1325, 1889 and 2122) provide an international framework for advancing this agenda. Canada and DR Congo have both developed National Action Plans to implement these resolutions and fulfill their international commitments, but there is little evidence that they have started to drive real progress in DR Congo. Three years after launching its action plan, Canada has yet to release any annual reports on its progress in implementation.

## **GREATER ENGAGEMENT NEEDED FROM CANADA**

**Canadians and other Western consumers are all implicated in this regional conflict through the smart phones, tablets and other electronics products that are manufactured with minerals from DR Congo. Since we enjoy the products of this region, we all must play our part in ending the violence.**

The KAIROS delegation met with the International Conference on the Great Lakes Region (ICGLR) at its Secretariat Office in Bujumbura, Burundi. Canada played an important role in supporting the creation of the ICGLR, which in turn has facilitated many regional agreements on ending gender-based sexual violence and curbing illegal mineral extraction. However, Canadian support for regional diplomacy and local implementation projects has been withdrawing over the past two years. It is crucial that Canada continue to support regional efforts, so these plans and agreements are implemented through concrete actions and do not gather dust.

*"... it's vital that women not stay inactive, not submit day after day, nor cross our arms. On the contrary, we must stand up, act, and denounce. Let's break the silence, claiming back from those who hold power the use of diverse legal instruments that protect the rights of women. In so doing, we can change the situation of women throughout the world."*

**- CHANTAL BILULU, Women and Children's Program Coordinator, Héritiers de la Justice**

## DOCTORS, PRIESTS AND HUMAN RIGHTS DEFENDERS ARE NOW TARGETS

**Women and men who are defending human rights and offering legal, medical or spiritual support to victims of sexual violence have become major targets of violence and killings.**

Church leaders and medical professionals in Bukavu shared disturbing accounts with the KAIROS delegation about priests, doctors and nurses who have been kidnapped, received death threats or faced other forms of harassment for their work. Protecting civilians who are working to rebuild civic institutions and who care for the most vulnerable needs to become a higher priority for Canada, other donor countries and multilateral institutions.

KAIROS is deeply concerned about the ongoing impunity connected to the killing of Mr. Pascal Kabungulu, former executive-secretary of *Héritiers de la Justice*, in July 2005. Mr. Kabungulu was an internationally renowned human rights defender in South Kivu who was gunned down in his home, in front of his wife and children, by armed men dressed in military uniforms. His widow and children received death threats and have since fled to Canada as refugees. The case of Mr. Kabungulu's murder has been transferred to the military court in Kinshasa, but is currently languishing with no hearing scheduled. The KAIROS delegation met with Canadian embassy officials in Kinshasa to bring this case to their attention and request that Canada use diplomatic channels so that the Kabungulu family can see justice done.



**KAIROS delegation commemorates the life and work of Pascal Kabungulu, in Bukavu, DR Congo, June 23, 2013.**

## MINING IS NOT DELIVERING ON ITS PROMISE

**Despite its rich mineral potential, DR Congo has failed to translate mineral extraction into positive development outcomes.** Foreign mining companies operating in DR Congo are not doing enough to respect human rights and share the benefits of natural riches with local populations. Transparency is essential for good governance in the extractive sector. At the time of the delegation, DR Congo had not implemented revenue transparency standards and was under suspension by the Extractive Industries Transparency Initiative (EITI).

Canada can support better mining practices internationally by instituting new mechanisms to hold its companies more accountable. The creation of an extractive sector ombudsman in Canada to investigate corporate conduct abroad and propose remedial actions could help resolve mining-related conflicts and ensure respect for international human rights norms. In addition, those who believe they have been harmed by the activities of Canadian mining companies should be given access to Canadian courts.

Artisanal mining is a source of livelihood for millions of Congolese people. To improve their lives, the sector must be regularized and formalized. Artisanal mining certification schemes need local participation and monitoring to really work. Forming cooperatives could offer one model, when they are democratically run and responsive to local needs.

## RECOMMENDATIONS TO THE GOVERNMENT OF CANADA

### Ending Sexual Violence and Impunity

KAIROS heard and believes that Canada can make a positive impact in DR Congo and the region by:

1. Investing in women's empowerment and peace-building efforts led by **Congolese civil society working at the grassroots**, such as *Héritiers de la Justice*, while continuing to support larger multilateral efforts at the national and regional levels.
2. Taking action to implement **Canada's international commitments on Women, Peace and Security (WPS)** – including new resources and actions to involve women's organizations in the search for solutions; **the full implementation (and reporting on) Canada's National Action Plan**; and work with international institutions, such as the International Criminal Court.
3. Calling for the immediate reopening and processing of the **unresolved murder case of Pascal Kabungulu**, human rights defender and former executive secretary of *Héritiers de la Justice*, whose surviving family members are refugees in Canada.
4. Offering diplomatic and financial support to the **International Conference on the Great Lakes Region (ICGLR)**, particularly towards implementation of regional plans to end gender-based sexual violence, curb illegal mineral extraction, and foster peace.

### Promoting Responsible Mineral Extraction

In addition, the Government of Canada can drive responsible mineral extraction in DR Congo by:

5. Enacting **mandatory revenue transparency in Canada** that requires companies to disclose all payments to governments on a project-by-project basis without exceptions, and encouraging the DR Congo government to comply with the **Extractive Industries Transparency Initiative (EITI)**.
6. Renewing Canadian government funding for the **establishment of mineral certification systems** in DR Congo and neighbouring countries to curb illegal mineral exports and improve conditions for women and men in the artisanal mining sector.
7. Requiring Canadian companies to **exercise due diligence in mineral sourcing** in DR Congo and neighbouring countries, in accordance with OECD standards (Bill C-486).
8. Creating an independent **extractive sector ombudsman in Canada** to investigate and make recommendations regarding the conduct of Canadian companies abroad, including those active in DR Congo.
9. Providing **access to Canadian courts for non-nationals** who believe they have been seriously harmed by the international operations of Canadian extractive sector companies, including those active in DR Congo.

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