

**THE DEMOCRATIC REPUBLIC OF THE CONGO (SANCTIONS) (EU EXIT)
(AMENDMENT) REGULATIONS 2021**

**REPORT UNDER SECTION 46 OF THE SANCTIONS AND ANTI-MONEY
LAUNDERING ACT 2018**

1. This is a report under section 46 of the Sanctions and Anti-Money Laundering Act 2018 (“the Act”) in relation to the Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2021. When new regulations are made under section 45 of the Act to amend sanctions regulations that have been made under section 1 of the Act, and the regulations being amended state a purpose other than compliance with a UN or other international obligation (i.e. discretionary purposes in section 1(2) of the Act), the Minister making the new regulations must lay before Parliament a report under section 46(2) of the Act which explains why the Minister is of the opinion mentioned in section 45(2)(b) of the Act, namely that:
 - the Minister considers that carrying out the purposes of the regulations would meet one or more of the conditions in paragraphs (a) to (i) of section 1(2) of the Act;
 - the Minister considers that there are good reasons to pursue that purpose;
 - the Minister considers that the imposition of sanctions is a reasonable course of action for that purpose.
2. The Democratic Republic of the Congo (Sanctions) (EU Exit) (Amendment) Regulations 2021 are made under the Act to make amendments to the Democratic Republic of Congo (Sanctions) (EU Exit) Regulations 2019 (the “DRC Regulations”).
3. The purposes of this instrument are to:
 - a. amend the DRC Regulations to enable the UK to implement its obligations under paragraph 3 of UNSCR 2582 (2021), which decided that the travel ban and asset freeze measures in UNSCR 1807 (2008) shall also apply to individuals and entities designated by the Committee of the Security Council concerning the Democratic Republic of the Congo (“the Committee”) for planning, directing, sponsoring or participating in attacks against medical personnel or humanitarian personnel;
 - b. correct an error in regulation 10(1) of the DRC Regulations.
4. The UK's obligations to implement financial sanctions under the UN DRC sanctions regime are implemented in UK law by the DRC Regulations. This instrument will

amend those Regulations to include reference to paragraph 3 of UNSCR 2582 so as to ensure that any persons designated by the UN on the basis of the additional designation criterion in paragraph 3 of UNSCR 2582 will have financial sanctions imposed on them in UK law. The travel ban on such individuals is implemented through the Immigration Act 1971.

5. This instrument will also amend regulation 10(1) of the DRC Regulations, by which persons designated for the purposes of the UN asset-freeze are designated for asset-freeze purposes under the DRC Regulations, by correcting a reference to the asset-freeze provisions of UNSCR 1807 (2008).
6. This instrument only makes amendments to certain provisions of the DRC Regulations which implement the UK's UN obligations.
7. Section 2(4) of the Act requires a report to be laid before Parliament explaining why the appropriate Minister making regulations under section 1 of the Act considers that carrying out each of the discretionary purposes of the regulations would meet one or more of the conditions in paragraph (a) to (i) of section 1(2) of the Act, why the Minister considers that there are good reasons to pursue that purpose, and why the Minister considers that the imposition of sanctions is a reasonable course of action for that purpose i.e. the same criteria as those under section 45(2)(b) of the Act. This report and the other associated documents that accompanied the DRC Regulations were completed and laid before Parliament on 5 March 2019.
8. A summary of the conclusions relating to the discretionary purposes of the section 2 report and the annual review is below, together with an assessment of the current situation for the purposes of this section 46 report.

The Democratic Republic of Congo (Sanctions) (EU Exit) Regulations 2019

9. **Section 2 report, laid before Parliament on 5 March 2019:** The report stated that the discretionary purposes of the Regulations were to promote:
 - a. The resolution of the armed conflict in the Democratic Republic of the Congo (DRC);
 - b. Respect for human rights, and compliance with international humanitarian law, as applicable to the armed conflict in the Democratic Republic of the Congo, including, in particular, in relation to—

- i. the right of persons not to be subjected to torture or cruel, inhuman or degrading treatment or punishment in the Democratic Republic of the Congo, including in the context of—
 - aa. rape, mass rape and other forms of sexual and gender-based violence;
 - bb. deliberate targeting of civilians, schools and hospitals;
 - cc. recruitment or use of children as soldiers;
- ii. the right of persons in the Democratic Republic of the Congo to the freedom of expression and peaceful assembly;
- c. Respect for democracy, the rule of law and good governance in the Democratic Republic of the Congo.

10. The report concluded that carrying out those purposes met one or more of the conditions in section 1(2) of the Act. In particular, carrying out those purposes would fall within paragraphs 2(e), in that the Regulations aim to promote the resolution of the armed conflict in the DRC, (2)(f)(ii), in that they would provide accountability for or be a deterrent to gross violations of human rights, or otherwise promote respect for human rights, 2(g), as these sanctions aim to promote compliance with international humanitarian law, and 2(i), as these sanctions aim to promote respect for democracy, the rule of law and good governance in the DRC. The report also considered that there were good reasons for pursuing those purposes, namely to address the ongoing human rights abuses and violations taking place in the DRC. A high proportion of human rights abuses in the DRC are committed by state actors. Sanctions are put in place in order to pressure state actors and other human rights violators into improving human rights in the DRC. Finally, the report concluded that the imposition of the kinds of prohibitions and requirements imposed by the DRC Regulations for those purposes was a reasonable course of action for the purpose of promoting the resolution of the armed conflict in the DRC as well as respect for human rights and compliance with international humanitarian law, respect for democracy, the rule of law and good governance in the DRC.

11. **Current assessment:** Since the completion of the section 2 report, the position has not changed. The policy intention is to keep sanctions on the DRC in place until there has been evidence of concrete improvement in the areas of concern outlined in the purposes of these Regulations. The Foreign, Commonwealth and Development Office will continue to coordinate with international partners, to push for the rigorous implementation of existing sanctions, and to coordinate on the future of the sanctions regime. Therefore, and for the reasons set out in the section 2 report, carrying out those

purposes continues to meet one or more of the conditions in section 1(2) of the Act, there are good reasons for pursuing those purposes, and the imposition of the kinds of prohibitions and requirements imposed by these Regulations for those purposes is a reasonable course of action for those purposes.

Lord Ahmad of Wimbledon

Minister of State for South Asia and the Commonwealth, Foreign, Commonwealth and Development Office, on behalf of the Secretary of State for Foreign, Commonwealth and Development Affairs