

## Combating Sexual Violence in DRC

Office of the Senior Advisor and Coordinator - Sexual Violence

Contact Us	
	+243998753537
	pari@un.org

### The Office of the Senior Adviser – Lessons to be learned

The Office of the Senior Adviser has over **the past year** provided strategic support to strengthen efforts by the UN system to combat sexual violence in the DRC under the aegis of UN Action Against Sexual Violence in Conflict. Based in the Office of the UN DSRSG/Humanitarian Coordinator/Resident Coordinator, the Office has developed a comprehensive UN system-wide strategy, in close coordination with the UN Country Team and other partners, to strengthen prevention, protection, and response to sexual violence in the DRC and provide a framework and platform for action.

**The nature of the Office is likely to shift.** The Senior Adviser/Coordinator is departing DRC shortly to assume other functions. Some of the **key achievements** of her Office are:

- The conceptualisation and development of the Comprehensive Strategy to Combat Sexual Violence in DRC;
- The inclusion of the Strategy's components in a range of inter-agency and government work plans and reform proposals (such as on Security Sector Reform, Army and Police reform plans, Judicial Reform, Protection Cluster work plans and the development of National Health Protocols);
- Increased awareness of the complexity and transversal nature of sexual violence;
- Initial inventory conducted of existing and planned international activities;
- Highlighted gaps, such as lack of coordination, unreliable data, quality of programmatic responses, fragmentation of donor responses etc.;
- Developed a software package for a database on sexual violence to promote better collection of data;
- Initiated streamlining of coordination mechanisms; and
- Increased dialogue and debate at policy and strategic level on sexual violence, both nationally and internationally.

To learn broader lessons from this strategic support, UN Action is conducting currently **an assessment of the function of the Senior Adviser/Coordinator**, to be able to develop recommendations to guide UN Action's future support to the UN System in the DRC and in other conflict-affected countries. The DSRSG/HC/RC has requested on-going strategic support from UN Action to guide implementation of the Comprehensive Strategy, enhance policy dialogue with the DRC Government, and to further strengthen UN system coordination and programming.

At the same time, the Senior Adviser is finalising **a reflection of lessons learned** to submit both to the DSRSG/HC/RC and to UN Action. Some of the salient observations and recommendations are as follows:

- Coordination and the creation of a common platform for agencies posed a major challenge, *inter alia* due to perceived mandate conflicts and competition for funding. These difficulties abated considerably due in part with the lengthy consultation process and discussions. There is now a platform for further action and discussion in the form of the Strategy, with UN entities coming together more coherently;
- Discussions and consultations were extended deliberately beyond UN Agencies, with INGOs, the ICRC, EUPOL/EUSEC, and key national NGOs, notably those involved in the justice sector. This strengthened the conceptualization and potential for practical application of the Strategy's components;
- The Strategy has already been integrated in several national programs (The Road-Map of the Minister of Justice, the UN Stabilization Strategy for Eastern DRC, the work-plan of the *Sous Groupe Thématique*, police reform plan - *Plan mixte Police/FARDC*, the national action plan for the protection cluster, etc.);
- At this stage, an important **challenge** exists **for MONUC** to improve the coordination of approaches and incorporation of the strategy into its substantive activities, particularly in view of its explicit mandate under SC Resolution 1856. For example, (1) through improved information sharing between MONUC civilian and military components, to allow for better planning and monitoring of the impact of initiatives to prevent sexual violence; (2) through developing a policy on the establishment of a vetting mechanism, aimed at excluding members of the security forces, in particular, in line with international human rights standards and best practices.

### Upcoming

Formal presentation of the Comprehensive Strategy on Combating SV in DRC to the Government-led Sous Groupe Thématique, at ministerial level on 1 April 2009.

Assessment of UN Action's strategic support to the UN system's response to SV in DRC, 24 March – 4 April 2009.

Upcoming Security Council debate on the implementation of UNSC Resolution 1820 (2008) on SV in Conflict

*Journée de Reflexion* proposed by the Senior Adviser's office on the Establishment of a Vetting mechanism, in conjunction with UN Joint Human Rights Office and the International Center for Transitional Justice

Web page on UN system responses to sexual violence on MONUC.org

- **Future positioning and role of the Office:** MONUC's *organogram* has been adjusted by the SRSR reflecting to some extent the importance placed by the mission on sexual violence, whereby it is proposed to create a Sexual Violence Unit within MONUC under the Principal DSRSG/Rule of Law. At the same time, it will be important for an Office dealing with sexual violence to retain its inter-agency, humanitarian and developmental connections because of the transversal nature of sexual violence and also to ensure and coordinate the application of the strategy across the UN system and beyond.
- The future role of the office will also have to be linked to the formalization of monitoring and reporting mechanisms as called for by SC Resolution 1820 (2008), as well as the broader based action plan called for under SC Resolution 1325 (2000).
- Finally, the Office should also be engaged in finding better mechanisms to streamline and channel funds for sexual violence, such as the creation of a pool fund, proposed by some donors, to avoid the fragmentation of donor interests and activities.

## Comprehensive Strategy on Combating Sexual Violence in DRC

**The Strategy has now been finalised** (Final version distributed on 18 March 2009), based on inputs and collaboration by the DRC Government, UN partners and a range of national and international NGOs. This is a 'living' document that will need to be adjusted as work progresses and experiences are added under the leadership of the responsible UN entity at national and provincial level. The status of the four inter-related components is as follows:

1) **Combating Impunity for Cases of Sexual Violence:** *Status:* This was formally presented to the Ministry of Justice, proposed for inclusion in the work plan of the *Comité Mixte de la Justice*, formally adopted by the *Sous-Groupe Thématique* and included into its work plan. Additional resources are required for the lead entity to ensure the full implementation of this component. Lead entity: MONUC/OHCHR Joint Human Rights Office in the DRC.

2) **Prevention and Protection of Sexual Violence:** *Status:* This has been integrated into the 2009 Action Plan of the DRC National Protection Cluster and introduced into work plans in North and South Kivu. Elements have also been introduced into the MONUC Protection Strategy and revised Force Commanders Directive (2009) and guide for blue helmets on protection ('Protection into Practice'). Lead entity: UNHCR through the National and Provincial Protection Clusters.

3) **Security Sector Reform and Sexual Violence:** *Status:* This is incorporated into the Work Plan of the *Sous-Groupe Thématique* and elements of it are incorporated into the Military and Police Reform Plan for the FARDC and Police (Plan Mixte FARDC/PNC pour la Lutte contre le Violence Sexuelle et l'Impunité). The component was introduced to the MONUC-led SSR working group for discussion. Lead entity: under discussion - either Security Sector Reform (SSR) Working Group, led by the MONUC SSR Section or EUPOL/EUSEC.

4) **Multi-Sectoral Response for Survivors of Sexual Violence:** *Status:* This component is subject to change depending on the situation on the ground. It was introduced to the Sexual Violence Task Force at national level and in North and South Kivu to respective SGBV working groups, chaired by UNFPA. It forms part of the Work Plan of the *Sous-Groupe Thématique*. Lead entity: under discussion - either UNFPA and/or UNICEF.

**The Comprehensive Strategy is** currently in the process of **being "field-tested"** in North and South Kivu with a view to achieving the following objectives:

- The main elements of the strategy are included in provincial strategies and protection action plans.
- Key humanitarian, human rights, security actors and civilian and military components of MONUC have an understanding of the strategy and prioritise its key elements in their programming.
- Lead agencies/coordination mechanisms ensure the implementation of the strategy at field level.

## DRC submission to the Secretary General's Report on the implementation of SC Resolution 1820 (2008) on Women, Peace and Security

The Secretary-General is due to submit a report to the Security Council on the implementation of Resolution 1820 (2008) by 30 June 2009. Largely based on information from UN peacekeeping operations and country teams, the report will focus on "situations of armed conflict in which sexual violence has been widely or systematically employed against civilians", including Eastern DRC.

The MONUC/UN submission, put forward by the Office of the Senior Adviser to MONUC leadership in early March 2009, contained, *inter alia*, the following **analysis and significant recommendations:**

### Analysis:

Sexual violence in DRC has a multiplicity of root causes and contributory factors, principally linked to shifting gender relations due to the effect of the conflict, the breakdown of state authority, the crippled legal system and the weakening community protection mechanisms. Precise data on the scope and magnitude of sexual violence in DRC is near impossible to obtain as data is at best anecdotal and fragmented. This constitutes a major challenge in trying to predict and prevent sexual violence.

Recent increased international attention on sexual violence in DRC has led to a substantial increase of funding, accompanied by a disproportionate lack of evaluations of the real needs on the ground. Sexual Violence has attracted money, but international interventions are fragmented and uncoordinated, both geographically and thematically.

### Recommendations:

- All UN agencies in DRC should endorse the establishment of a centralized and comprehensive database on sexual violence to allow for improved monitoring of trends and analysis.
- A contextual and situation analysis on sexual violence in DRC should be developed under the aegis of the Senior Adviser to better inform and develop appropriate and effective prevention and response strategies for all involved in programmatic responses.
- Sexual violence should be prioritized by the Government of DRC and parties to the conflict during political negotiations. Prevention and response to Sexual Violence should be systematically included in peace agreements and political commitments.
- High-level military and other officials, against whom there are allegations of serious crimes including sexual violence, should be prosecuted. Five high ranking officers should immediately be brought to justice.
- Alleged perpetrators of rape that belong to armed groups or forces should not be promoted and/or integrated into the FARDC. A vetting mechanism should be put in place urgently, in order to introduce a systematic exclusion of individuals lacking integrity from military institutions.
- Prevention and response to sexual violence should be fully integrated in humanitarian and assistance interventions.
- In order to improve the quality of services available for survivors, a National Protocol for Multi-Sectoral Assistance should be developed. The National Protocol should include guidance on the provision of medical, psychosocial, reintegration and judicial assistance and a clear delineation of roles for each actor.

## Protection: progress on integrating sexual violence aspects in protection activities

The Office has been **working with numerous protection actors** to ensure that sexual violence is prioritised as part of the broader Protection of Civilian's agenda. These are the main activities conducted in the last two months, based on **UNSC 1856 (2008)**, which extends MONUC mandate for one year and requests MONUC to strengthen its efforts to prevent and respond to sexual violence, including training for Congolese security forces and to regularly report on trends of sexual violence and on actions taken to prevent and address it.

### o Joint Protection Monitoring Teams (JPTs)

The Office has supported the creation of JPTs, by assisting in the development of the Terms of Reference and constant input and counsel during the start-up phase. The Office developed guidelines on monitoring and prevention of sexual violence for the JPTs. The guidelines include indications on how to monitor and report on patterns of violence and recommendations to prevent and address sexual violence.

### o How can peacekeepers prevent and address Sexual Violence?

The Office held several meetings with MONUC military commanders in order to prioritise the prevention of sexual violence in the protection of civilians' agenda. The Office organized a briefing for the officers of the MONUC Forward Command in Goma and contributed to the development of a booklet for blue helmets, "Protection in Practice", which is being finalized. In January 2009, the Office facilitated an assessment by UN Action, led by Gen (ret) Patrick Cammaert. The **research mission visited DRC to investigate UN military and police responses to violence against women** and validate the *Analytical Inventory of Responses by Peacekeeping Personnel to War-Related Violence against Women*. Briefings were held with a wide range of interlocutors in Kinshasa and Goma, including MONUC leadership, military training, operations and planning units, MONUC sections, UNPOL, EUPOL, the Minister of Defence, the Protection Cluster, UN agencies, ICRC, PNC, NGOs, IDP women's committees and civil society. Some of its **findings** included:

- A general lack of understanding of the link between sexual violence and peace and security (Res 1820);
- Efforts to increase protection of women and girls are hampered by limited community liaison and outreach;
- Military positions are static rather than focused on increasing, for example, foot patrols;
- There is a lack of women uniformed personnel;
- The lack of language skills is seriously impeding communication with communities.
- Fear of allegations of sexual exploitation and abuse deters uniformed MONUC personnel from operating in proximity to women civilians.
- Overall, there is a lack of clarity on the part of the military on how to respond to individual cases of violence.

### o Pooled Fund

The DRC Pooled Fund (DRCPF) is a pooled funding mechanism established in 2006 for humanitarian activities in the DRC. Under the overall authority of the Humanitarian Coordinator (HC) for the DRC, the DRCPF is intended to give the HC greater ability to target funds to the most critical humanitarian needs, encourage early donor contributions and enable a rapid response to unforeseen circumstances. In collaboration with UNHCR, the Office of the Senior Adviser developed **technical criteria for the selection of projects on sexual violence in DRC**. This formed part of the Protection Cluster's efforts to ensure quality of projects funded through the pooled fund and to strengthen accountability and coordination. The **criteria** developed by the Office recommend that

- Projects should apply standard guidelines on SGBV.
- They should be in line with the Comprehensive strategy on Combating Sexual Violence in DRC.
- Data gathering and information sharing on sexual violence should respect the best interests of the survivor.
- Information gathering should be based on ethical principles.
- Agencies/NGOs should implement and monitor a Code of Conduct against sexual abuse and exploitation.

### One day Workshop on the Mixed Plan National Army and Police (*Journée de Réflexion on the Plan Mixte de FARDC et PNC*)

Initiated by EUPOL and the Office of the Senior Advisor and under the aegis of the *Sous-Groupe Thématique*, a workshop took place in Kinshasa on 4 March 2009 to discuss the *Plan Mixte de FARDC et PNC pour la lutte contre les violences sexuelles et l'impunité* and identify priorities with regard to its implementation.

The workshop was attended by key actors and stakeholders, who agreed on the need to revise and update the plan to better reflect the current context and meet the actual needs on the ground (the original plan dates back to 2006). In addition, it was agreed to focus joint advocacy efforts on:

- The creation of **specialist Sexual Violence cells within the FARDC** to ensure compliance with national and international standards; strengthen internal accountability mechanisms (including the adoption of a code of conduct); and develop a standardized training programme for all military personnel.
- The need to **recruit more women** (a minimum quota up to 30%) into the security forces, and to allow survivors full access to FARDC and PNC medical facilities.
- The focus on the need for a **vetting** process in the ongoing reform processes of the security forces.
- The establishment of special sexual violence units within the PNC, as per the ongoing discussions with the CSRP, as well as a forensic laboratory.
- The need to improve coordination amongst different actors and stakeholders.

### National Congolese Police *Police Nationale Congolaise (PNC)*

Several initiatives are underway to strengthen the capacity of the Congolese police to better prevent, protect, and respond to sexual violence:

- Under the Stabilization Plan for the East, the Office of the Senior Advisor/Coordinator on Sexual Violence, UNPOL, EUPOL, HCHRO, and CSRP have developed a plan for the establishment of specialized sexual violence cells within the PNC. The pilot phase provides for capacity development support for 112 OPJs (*Officiers the Police Judiciaire*) and the establishment of 20 specialized sexual violence units in Eastern DRC.
- UNPOL has created a working group to develop training modules targeting the specialized sexual violence cells. UNPOL also intends to reinforce their capacity by prioritizing sexual violence expertise among their selection criteria.

## Advocacy

### S-G's Visit to the Democratic Republic of the Congo

During his second visit to the DRC on 28 February - 1 March 2009, the S-G stressed the need for the Government of the DRC and MONUC to work together to put an end to the spread of sexual violence. As sexual assault has become a common practice among security forces and militias operating in Eastern DRC, reports now suggest an escalation of rape cases perpetrated by civilians, including demobilized soldiers.

Following a meeting with President Kabila in Kisangani on 28 February 2009, Mr. Ban Ki-Moon went to Goma (North Kivu), where he met with local government officials, MONUC staff, and humanitarian aid workers. In addition, he paid a visit to the Heal Africa Hospital and Kibati IDP Camp just north of Goma. At the hospital, the S-G visited the training and rehabilitation programme and the operating room, and met with both survivors and hospital staff. Following his visit, the S-G made a brief statement, expressing his profound anger and sadness: "I am so humbled and sad. I was told that last Monday alone there were ten cases of rape. It is shocking and I am angry. The biggest problem is the culture of impunity. There must be a firm commitment to punish perpetrators of sexual violence. This is simply unacceptable." Mr Ban Ki-Moon also called for vetting mechanisms to be put in place: "Alleged perpetrators of rapes that belong to armed groups or forces should not be promoted or integrated into the FARDC or national police".

### Application of the 2006 Laws on Sexual Violence

In February 2009, the *Sous-Groupe Thématique* initiated a series of meetings with civilian and military judicial authorities in Kinshasa, including the presidents of the Supreme Court and High Military Court, the General Prosecutor, the General Military Prosecutor, and the Inspector General of the National Police.

The aim of these meetings is to advocate for a strict application of the 2006 DRC Laws on Sexual Violence, and ensure that SV cases are given priority. In addition to establishing fast-track procedures, this will also involve providing proper oversight of judicial personnel and putting in place accountability mechanisms. In particular, arbitrary paroles and light sentencing will need to be addressed.