

Protection of civilian populations in the DRC Snapshot report, 23 November 2009

Overall problems

- One of the most serious consequences of continued fighting in the Democratic Republic of the Congo (DRC) consists in human rights abuses against civilians, the vast majority of which are perpetrated by belligerent parties.
- In the Nord-Kivu and Sud-Kivu provinces, approximately 90% of human right abuses are reportedly perpetrated either by the National Army of the DRC (FARDC), or by the Rwandan armed opposition group Democratic Front for the Liberation of Rwanda (FDLR), who are at war against each other. The two parties routinely accuse civilians of collaborating with their enemy. This is often a cause, or a pretext, for some of the abuses committed against civilians.
- Since the beginning of 2009, an increase in human rights abuses was reported, particularly against displaced persons (IDPs). Due to widespread insecurity and the degradation of infrastructure in public sector, the vulnerability of the populations has further increased.

Rationale and approach for protection activities

- Given the seriousness of the problem, the reinforcement of the protection of civilian populations is a central objective of humanitarian action in the DRC. OCHA is particularly concerned with the issue of the protection of civilians and it works to ensure that this problem is at the centre of all humanitarian actions.
- Actions to promote improved protection must include not only activities responding to specific types of incidents, but also the development of structures and mechanisms that can help prevent further abuses. In this context, humanitarians cooperate very closely with the Host Government, who has at all times shown a firm commitment to prevent human rights abuses.
- Activities of humanitarian actors in support of the Host Government's work for improved protection lie on the principle of the "responsibility to protect" (R2P). According to this principle, a State has a responsibility to protect its population, and the international community has a responsibility to also promote protection, in support of the Government (as in the case of the DRC) or otherwise, especially if the State is unable to fulfil its responsibilities (which is largely the case in DRC due to weak Government structures in some areas, despite the Government's firm commitment in this regard).
- Humanitarians are also keen to follow the "do no harm" principle, which requires humanitarian agencies to minimise the harm that they may inadvertently cause as a result of their presence and work. In the Haut-Uelé district of the Province Orientale, for example, it was noted that several attacks by the Ugandan armed opposition group Lord's Resistance Army (LRA) occurred after the distribution of humanitarian assistance. This is of great concern to humanitarians, thereby requiring them to assess and foresee, to the extent possible, whether the delivery of humanitarian aid can put the beneficiaries at higher risk of being attacked or being the victims of human rights abuses.

Specific protection concerns

- The main types of reported human rights abuses include the following:
 - Intimidation, death threats, physical violence and summary executions. According to the "Living with Fear" study published in August 2008, 55% of those questioned claimed to have been interrogated and persecuted by armed groups, 46% had been beaten by these groups, and 46% threatened with death.
 - Sexual violence. According to this same study, 23% of people responding said they had witnessed an act of sexual violence, and 16% had been victims of such acts.
 - Abductions, forced labour and exploitation, particularly of women and children. In the same study, 34% of respondents had been kidnapped for at least a week.
 - Illegal taxation and extortions, theft, and looting.

- Forced use of civilians for the transport of military assets, and for other activities in support of belligerent parties.
- The situation is especially worrying for IDPs. Faced with an extremely precarious situation, these people are particularly vulnerable to the human right abuses, in a context where the Guiding Principles for displaced persons inside their country are still largely unknown and/or not respected in the DRC. In particular:
 - IDPs as well as local civilian populations are often trapped in violence, unable to move or receive assistance because of restricted humanitarian access. Freedom of movement of the population is gravely hampered.
 - The recurrent fighting has also resulted in a phenomenon of re-displacement whereby IDPs are forcibly displaced several times.
 - Civilians are often victims of indiscriminate violence in towns, IDP sites and remote villages. Armed actors often fail to distinguish between combatants and the civilian population with the employment of disproportionate military force such as destruction of houses and assets.
 - Gender-based violence, especially sexual violence, is perpetrated by all involved armed groups against girls, women and men, having an enormous physical and psychological impact, instilling humiliation and frequently leading to family or community rejection of women already exposed to abuses and deprivation. Perpetrators are rarely held to account.
 - Children are among the most vulnerable. Separations and gender-based violence affect children from displaced and other impacted communities. Spontaneous settlements are crowded and chaotic environments without basic social services, leading to a breakdown in protective mechanisms for children. Children are more vulnerable to sexual violence, abuse and exploitation, recruitment into armed groups, abduction, social exclusion and emotional distress.
 - Forced recruitment of children, youth and adults has alarmingly increased, especially in Oriental Province (LRA).
 - Communities in areas under the control of militia groups are forced to support the group's war efforts, through forced taxation and labour and by volunteering their children and youth to become part of the group. Reprisal attacks have taken place.
 - The rising violence and pressure on civilians has forced them to change their behaviour in order to reduce their vulnerability and exposure to threats. In order to mitigate risks, they change their regular movements. 'Night commuting' to avoid night-time attacks is now common in many locations.
 - In the majority of IDP sites, the extensive presence of armed elements inside and around the sites continues to put IDPs at risk. Not only does this presence of armed elements defy the civilian character of IDP sites, it exposes the IDPs to severe exactions including harassment, rape and looting.

Objectives and actions

- The objectives of humanitarians as regards protection of civilians can be summarised as follows:
 - Prevent and/or stop the abuse. Violations of human rights are not inevitable. More must be done to avoid or limit the exposure of vulnerable people and communities to risks. A sustained effort is necessary in terms of sensitization/training (civilian and military Congolese authorities, civil society, and armed groups), advocacy, and integrated activities (involvement of humanitarian assistance in the protection objective). This applies particularly to forced displacements, sexual violence and abuse and violence towards women and children;
 - Repair the consequences of the abuse and restore the victim's dignity and rights. Referral mechanisms must be effective, available to victims (medical, psychological and legal) and known by them, in particular for victims of sexual violence, as well as children who are victims of violence, family separation or forced recruitment;
 - Promote a protective environment. One of the major obstacles to the reestablishment of rights and the respect of the basic individual rights in the DRC is the culture of impunity. Thus, the exactions and abuses of the basic rights of the most vulnerable by armed individuals or other civilians are a continuing and persistent practice.