



COMPREHENSIVE STRATEGY
ON COMBATING SEXUAL VIOLENCE
IN THE DEMOCRATIC REPUBLIC OF THE CONGO



STOP RAPE NOW
UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT

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Acronyms

ADF-NALU Allied Defence Forces–National Army for the Liberation of Uganda
CAT Convention Against Torture and other cruel, inhuman and degrading treatment or punishment
CEDAW Convention on the Elimination of all forms of Discrimination Against Women
CNDP National Congress for People’s Defence/ *Congrès national pour la défense du peuple*
CP/TLVS *Comité provincial/Territoriale synergies de la lutte contre les violences sexuelles*
CRC Convention on the Rights of the Child
CSR Plan of the Executive Secretariat of the Police Reform Committee/ *Comité de Suivi de la Réforme de la Police*
DDR Disarmament, demobilization and reintegration
DRC Democratic Republic of the Congo
EUPOL European Union Police Mission
EUSEC European Union Mission to provide advice and assistance for Security Sector Reform in the DRC
FARDC DRC security forces
FDLR Democratic Forces for the Liberation of Rwanda/ *Forces démocratiques pour la libération du Rwanda*
GBV Gender-based violence
HIV Human Immunodeficiency Virus
IASC Inter-agency Standing Committee
INGOs International non-governmental organizations
ICC International Criminal Court
ICCPR International Covenant on Civil and Political Rights
ICESCR International Covenant on Economic, Social and Cultural Rights
ICRC International Committee of the Red Cross
IRC International Rescue Committee
LRA Lord’s Resistance Army
MONUC United Nations Organization Mission in the Democratic Republic of Congo
OHCHR Office of the High Commissioner for Human Rights
PAP Priority Action Plan/ *Plan des actions prioritaires*
PEP Post-exposure prophylaxis
PNC Congolese National Police
REJUSCO *Le programme de la restauration de la justice à l’est de la RDC*
SC Security Council
SGBV Sexual and Gender-based Violence
SMI *Structure militaire intégrée*
SOPs Standardized Operating Procedures
SRSG Special Representative of the Secretary General
SSR Security Sector Reform
UE-PNDDR Executive Unit of the National DDR Programme/ *Unité d’exécution Programme National de désarmement, démobilisation et réintégration*
UN United Nations
UNDPKO United Nations Department of Peacekeeping Operations
UNFPA United Nations Population Fund
UNHCR United Nations High Commissioner for Refugees
UNICEF The United Nations Children’s Fund
UNPOL United Nations Police Division
UNSSSS United Nations Support, Security and Stabilization Strategy
WHO World Health Organization

Preface

The Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of the Congo received an overwhelmingly positive response, from government ministers and international donors alike, when it was officially presented to the Government of DRC on April 1, 2009. The government endorsed the Comprehensive Strategy and has since affirmed its full commitment to implementation.

The United Nations Security Council initiated the Comprehensive Strategy in response to the scale and severity of conflict-related sexual violence in the DRC. The UN Organization Mission in the Democratic Republic of Congo (MONUC) was mandated to develop a comprehensive mission-wide strategy to strengthen prevention, protection, and response to sexual violence, working in close cooperation with the United Nations Country Team and other partners.

In April 2008, a Senior Advisor and Coordinator on Sexual Violence for DRC was appointed with support from the inter-agency network, UN Action Against Sexual Violence in Conflict (UN Action).¹ The Office of the Senior Advisor was given responsibility for creating a common framework and platform for action for all those involved in combating sexual violence and in line with successive Security Council resolutions.

The Comprehensive Strategy emerged from an extensive consultation process at provincial, national and international levels with key UN entities, INGOs, governmental and civil society partners involved in programmes and advocacy on sexual violence. In order to ensure effective implementation of the Comprehensive Strategy, MONUC plans to create a Sexual Violence Unit under the leadership of the Deputy Special Representative of the Secretary-General for Rule of Law.

DRC is the first integrated mission setting ever to adopt a nation-wide strategy against sexual violence. As such, the Comprehensive Strategy is a promising example of the UN system working as one through UN Action to address sexual violence in a holistic manner at country-level.

¹ UN Action is comprised of the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights, Joint United Nations Programme on HIV/AIDS, the United Nations Development Programme, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Fund for Women, the World Food Programme and the World Health Organization.

Introduction

Overview

The Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of the Congo (DRC) is a common framework and platform for action with designated roles, responsibilities, timelines and activities for all the parties involved.

The Comprehensive Strategy was developed in consultation with relevant UN entities and the UN Organization Mission in the DRC (MONUC), international NGOs and the DRC-based Sexual Violence Task Force, and respective humanitarian clusters and counterparts in the DRC Government, for example at the ministries of justice, defence, interior, gender and health.

The Comprehensive Strategy has four components: Combating Impunity; Protection and Prevention; Security Sector Reform; Multi-sectoral Assistance for Survivors. It should be viewed as a living and dynamic document that will need to be adapted based on practice, experience and exigencies of the situation on the ground.

Mandate

The Comprehensive Strategy was designed in response to UN Security Council Resolution 1794 (2008), which requested MONUC “to undertake a thorough review ... and to pursue a comprehensive mission-wide strategy, in close cooperation with the United Nations Country Team and other partners, to strengthen prevention, protection and response to sexual violence...” (paragraph 18).¹

The Comprehensive Strategy is in line with Security Council Resolution 1820 (2008), which affirms that “effective steps to prevent and respond to ... acts of sexual violence can significantly contribute to the maintenance of international peace and security, and ... when considering situations on the agenda of the Council, to, where necessary, adopt appropriate steps to address widespread or systematic sexual violence...” (paragraph 1).²

It addresses relevant issues and objectives contained in Security Council resolutions 1325 (2000) on Women and Peace and Security,³ 1612 (2005) on Children and Armed Conflict,⁴ 1674 (2006) on Protection of Civilians,⁵ and 1756 (2007) and 1856 (2008) on the situation concerning the DRC.⁶ It also incorporates recommendations from the 2008 conference, *Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers?*⁷

At the national level the Comprehensive Strategy has drawn on the 2006 DRC Law on the Suppression of Sexual Violence, which promotes stronger penalties for perpetrators and more effective criminal procedures. Other national laws used in developing the Comprehensive Strategy included: Laws 06/018 and 06/019, amendments to the DRC Penal (1940) and Procedural Code (1959) on combating sexual violence, and the DRC Constitution.

Objectives

The goal of the Comprehensive Strategy is to strengthen prevention, protection and response to sexual violence through the following actions:

- Support the efforts of the UN system and the DRC Government to combat sexual violence.
- Streamline coordination mechanisms.

- Provide strategic, technical and policy advice.
- Incorporate sexual violence in broader agendas (such as reform of the justice and security sectors or the protection of civilians).
- Ensure balance with ongoing processes and initiatives such as the Security Sector Reform Working Group, National Plan of Action on Justice Reform/*Comité mixte de la justice*, National Police Reform Committee, UN Stabilization Plan for Eastern DRC, the government’s Plan for Reconstruction and Reform of Eastern DRC and work plan of the UN Country Team’s Thematic Sub-group on Sexual Violence/*Sous groupe thématique violences sexuelles*.
- Improve the methodology and programmatic focus of sexual violence projects.

Interconnections Across the Components

Sexual violence is an issue that touches on all core areas of the UN’s work in the DRC. The objectives of each strategic component are therefore inevitably interconnected. The following examples, and Diagram 1 (below) illustrate these interconnections:

Capacity and resources—An assessment of available resources and capacities in all four strategic components is needed in order to delineate clearly the roles and responsibilities of each actor.

Specialized judicial body for sexual violence—Most activities within the Security Sector Reform component are closely connected to activities listed in the Combating Impunity and Protection and Prevention components. For example, proposals to establish a specialized judicial body for sexual violence and a “fast-track” procedure to bring sexual violence cases to trial; and the creation of special sexual violence police units are linked to the issuance of directives and codes of conduct on sexual violence for security agents/forces. Such activities need to happen concurrently, as proposed in the Security Sector Reform and Protection and Prevention components.

Vetting mechanism—The establishment of a vetting mechanism is closely linked to programmes for integration into, and restructuring of, the new army (the *brassage* process). These objectives of the Security Sector Reform component can be aligned with activities to combat impunity, for example prosecuting personnel who do not adhere to their obligations under international humanitarian and human rights law. A vetting mechanism creates guarantees that crimes will not recur, which is directly related to reparation and to building a credible security sector.

Demilitarization/ disarmament—Army reform processes need to ensure equal access by both women and men to disarmament programmes (DDR/Disengagement), which, in turn, connect to the proposed referral system to assist survivors of sexual violence identified within the armed groups (Multi-sectoral Assistance component). This will include judicial assistance and the provision of reparation for survivors (Combating Impunity component).

Administration of evidence—The collection and administration of evidence relies on a functioning referral system. If medical and mental-health providers are given guidance on how to perform physical and psychological examinations and record the findings, as in the proposed National Protocol of Multi-sectoral Assistance, the administration of evidence in judicial proceedings is often more forcefully in favor of the survivor.

Strengthening the resilience of sexual violence survivors is part of the approach to be adopted by judicial institutions and within a criminal justice policy (Combating Impunity component). This connects with the proposed remedial activities of the Protection and Prevention component as well as the “survivor-centred skills approach” of the Multi-sectoral Assistance component. All these activities provide guidance for interaction with survivors—respect their rights, assume a supportive attitude and attempt to reinstate their dignity and control.

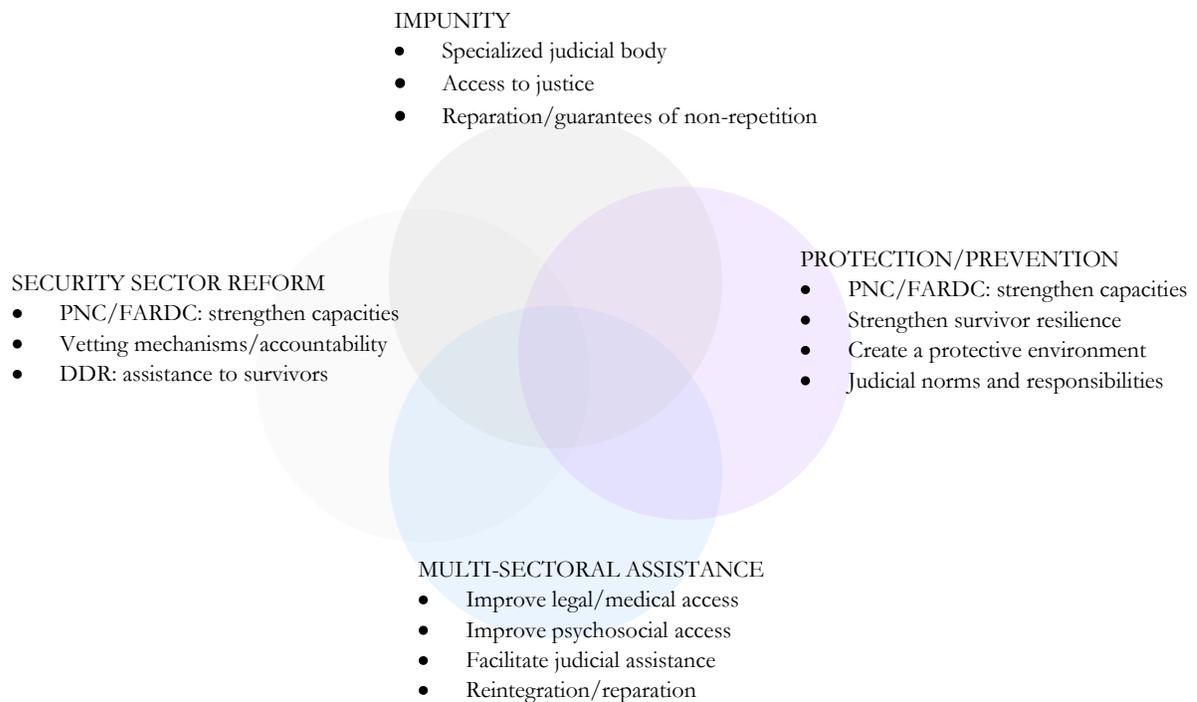
Rehabilitation—The successful rehabilitation of sexual violence survivors is linked to the provision of various forms of reparation, such as indemnity, pardon and guarantees of non-repetition. Other connected activities include the creation of a protective environment to reduce social stigma (Protection and Prevention component), economic empowerment (Multi-sectoral Assistance component), and extending demilitarization and integration benefits to women associated with armed groups (Security Sector Reform component).

Diagram I: Interconnected Objectives

KEY

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

FARDC = *Forces Armées de la République Démocratique du Congo* (Armed Forces of the Democratic Republic of the Congo)



Obstacles to Implementation and the Way Forward

A number of political and practical obstacles need to be addressed if the Comprehensive Strategy is to be implemented effectively, as a whole or in part. These include:

Political will on the part of the government to ensure a strong focus on, and genuine engagement with, sexual violence. With strong political commitment, concrete measures are more likely to be incorporated into policies and institutional reform processes, in particular of the security forces and judicial reform. Implementing and strengthening a genuine rule of law, justice reform and national security strategy will have an immediate impact on the implementation of aspects of the Comprehensive Strategy.

The ongoing insecurity and large-scale displacement of the population in Eastern DRC hinders implementation of an effective response to sexual violence. This is especially so in regard to disarmament programmes and the launching of vetting mechanisms.

The process of developing the Comprehensive Strategy took place in a “strategic void” in which sexual violence was part of a general climate of impunity for human rights violations and difficulties in meeting the objectives of the agenda for the protection of civilians. For example, while the Comprehensive Strategy has a Combating Impunity component there is still no plan on judicial reform and combating impunity as a whole. Similarly, there is no health sector strategy, national security plan to implement a coherent reform process for the security forces, or UN strategy for the protection of civilians. Solutions for combating sexual violence cannot work in isolation; they have to be part of a broader framework and policies.

The Office of the Senior Advisor and Coordinator for Sexual Violence was mandated to provide technical and policy advice and develop a strategic framework but this needs to be complemented by *an operational plan with clear programmatic activities and priorities*. This may require the development of new coordination mechanisms as well as some operational guidance.

Effective implementation of all or part of the Comprehensive Strategy depends on the *political and institutional capacity of the mandated UN agencies to coordinate and adapt their programming activities* towards the objectives they have helped to identify. Duplication of efforts and programmatic gaps together pose a major obstacle.

Increased international attention to sexual violence in the DRC has led to a substantial increase in funding. However, this has been accompanied by limited evaluations of the real needs on the ground and lack of understanding of the complexity of the issue. *Sexual violence has attracted money, but international interventions are fragmented and uncoordinated* both geographically and thematically. A centralized funding mechanism would allow for better targeting and distribution of the proposed activities in the Comprehensive Strategy.

There are numerous reports and accounts by UN agencies and field organizations describing the various aspects of sexual crimes in Eastern DRC. Yet, to date, *there has been no detailed analysis of the characteristics of the perpetrators* that incorporates an understanding of the military structures, military and civilian acts of sexual violence, and responses by communities to these crimes. A contextual and situational analysis of sexual violence in the DRC is necessary to better inform and develop appropriate and effective prevention and response strategies. It is also essential to identify the factors that influence the type and extent of sexual violence in particular areas, such as the nature of the conflict or the patterns of abuse by particular

armed groups. Timing, locations and motivations of sexual violence should be better analyzed, together with protective mechanisms that communities, and especially women, put in place.

Implementation

The following section brings together the necessary tools for implementing the Comprehensive Strategy on Combating Sexual Violence in the DRC. Each of the four components has its own Concept Note, which outlines rationale, scope and strategic approach. Each Concept Note is accompanied by a Plan of Action that sets out objectives and defines mechanisms, roles and responsibilities for different actors. Steps for implementation are clearly laid out and include activities, key indicators of success, outcomes, assignment of actions to relevant actors, timeframes, and monitoring and evaluation mechanisms.

¹ S/RES/1807 (2008)

² S/RES/1820 (2008)

³ S/RES/1325 (2000)

⁴ S/RES/1612 (2005)

⁵ S/RES/1674 (2006)

⁶ S/RES/1756 (2007) and S/RES/1856 (2008)

⁷ The conference (27-29 May, 2008) reviewed current peacekeeping practice in preventing sexual violence in conflict and post-conflict contexts; identified efforts to prevent women and children being targeted; and built a policy consensus on sexual violence as a security issue. The report was issued as a UN Security Council document (S/2008/404). UN Action Against Sexual Violence in Conflict organized the conference in cooperation with UNIFEM, UN Department of Peacekeeping Operations (UNDPKO) and UN Department of Field Support.

Comprehensive Strategy on Combating Sexual Violence in the DRC

COMPONENT 1. COMBATING IMPUNITY

Concept Note

This Concept Note serves to introduce the Plan of Action on Combating Impunity for Cases of Sexual Violence, which constitutes the first component of the Comprehensive Strategy on Combating Sexual Violence in the DRC.

Status

Formally presented to the Ministry of Justice and proposed for inclusion in the work plan of the *Comité Mixte de la Justice*; formally adopted by the *Sous Groupe thématique violences sexuelles* and incorporated into its work plan; inserted into the Priority Action Plan/*Plan des actions prioritaires* (PAP) for 2009-2010. Additional resources required for full implementation.

Lead entity

MONUC/OHCHR Joint Human Rights Office in the DRC.

Mandate

The basis for developing a strategy to address Impunity for Sexual Violence is contained in the following international and national legal instruments and directives:

- UN Security Council resolutions 1820,⁸ 1756⁹ and 1794.¹⁰ These call on the international community, MONUC in particular, and the DRC Government to take steps towards the establishment and implementation of a legal framework to bring perpetrators to justice and allow survivors access to justice.
- Existing international criminal and human rights legislation such as the International Criminal Court (ICC) Statute, international covenants on Civil and Political Rights (ICCPR) and on Economic, Social and Cultural Rights (ICESCR); Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) and Additional Protocols.
- The DRC Law on Sexual Violence (2006), Laws 06/018 and 06/019, amendments to the DRC Penal (1940) and Procedural Code (1959) on combating sexual violence, and the DRC Constitution.

Objectives

- To strengthen the capacities of the judicial institutions and develop a criminal justice policy focused on sexual violence, adopting a victim-centred approach. The onus is on ensuring that services are adapted to the needs of children, juvenile delinquents and survivors; improving the provision of information for victims; strengthening the collection and administration of evidence; creating specialized expertise in the judicial sector.¹¹
- Improve access to justice for victims. This will be achieved through the following complementary actions: strengthening the capacity of those in first contact with survivors to enable them to provide guidance on basic victim rights; facilitating the movements of victims, witnesses and alleged perpetrators; supporting and expanding existing mobile investigation and prosecution teams and courts; encouraging the

- decentralization of rule of law institutions to rural areas; establishing a protection scheme for victims, witnesses and those assisting victims; exonerating victims from paying legal fees.
- Guarantee the effective application of the 2006 Law on Sexual Violence, including a comparative analysis of jurisprudence and cases on sexual violence; an evaluation tool to monitor and follow-up on cases of sexual violence; follow-up of allegations against high-ranking officials; and effective and punitive measures against those interfering with the proper conduct of justice.
 - Ensure reparation for victims. A successful reparation scheme will depend on effective victim protection or survivors seeking compensation could be at risk of further victimization. The provision of reparation includes a legal framework to provide indemnity for victims, simplified procedures for obtaining compensation and guarantees that crimes will not recur.

Scope of application

- Development of a common framework, broadly agreed to by all involved in justice reform and in addressing impunity, to be implemented incrementally. Importantly, there needs to be cooperation and complementarity with existing initiatives and strategies under development, such as the National Plan of Action on Justice Reform/*Comité mixte de la justice*, Round Table Recommendations on Security Sector Reform, the Road Map/*Feuille de route* presented to the Justice Ministry, work plan of the Thematic Sub-group on Sexual Violence/*Sous groupe thématique violences sexuelles*, Plan of the Executive Secretariat of the Police Reform Committee/*Comité de suivi de la réforme de la police* (CSRP).
- In terms of its legal application, the Plan of Action uses the definition of “sexual violence” in the Congolese Penal Code and Legislation 06/018.¹² The focus of this proposal is on combating impunity for sexual violence and not more broadly on sexual and gender based violence (SGBV) as a whole, given the magnitude of sexual violence crimes in the current DRC context.¹³ Furthermore, this addresses crimes of sexual violence that fall under Congolese jurisdiction, independent of the nature of the circumstances or category of perpetrator (marital rape, incest, sexual exploitation of children or child prostitution).¹⁴
- The Plan of Action also addresses crimes of sexual violence that fall under the category of grave human rights abuses, as defined in Congolese law. This approach relies on close coordination amongst all actors involved in transitional justice, such as the International Criminal Court (ICC) and the Office of the High Commissioner for Human Rights current exercise of mapping grave human rights violations committed from 1993-2003.
- The Comprehensive Strategy recognizes that socio-cultural factors play an important role and can pose obstacles to combating sexual violence. Priority needs to be given to applying legal and judicial tools that will impact on both cultural and behavioural attitudes. The Comprehensive Strategy incorporates a number of crosscutting activities to address this issue.

Strategic approach

The approach is based on the premise that effective mechanisms for short and long-term protection from sexual violence have to be put in place at two levels to ensure that structural

and operational needs are addressed in line with the Comprehensive Strategy. The levels and mechanisms are as follows:

- *Structural/ macro level*—to strengthen the Rule of Law and establish an integrated and coherent framework for combating sexual violence (a criminal justice policy, access to justice, reparation for victims, establishing a vetting mechanisms at the core of public administration for the security forces, i.e. Objectives 1, 2 and 4).
- *Operational/ micro level*—to monitor the setting of priorities and the direction of the existing policy and strategy, including effective implementation of the 2006 Law on Sexual Violence, and the fight against corruption and abuse of authority.

Challenges and recommendations

Reluctance to prosecute high-ranking officials—There appears to be an unwillingness to prosecute high-level military and other officials against whom there are allegations of acts of serious crimes including acts of sexual violence. Some former members of armed groups are being integrated into the FARDC despite charges of serious crimes and human rights abuses, including rape and other forms of sexual violence, having been levied against them in the military courts.

Lack of capacity within the DRC justice system—Apart from the well-documented overall lack of human and financial capacity within the Congolese judicial system, judicial personnel lack expertise in dealing with crimes of sexual violence. The inability to deliver effective criminal justice has led to an increase in the number of out-of-court settlements, to the detriment of a survivor's right to due process and in direct violation of the DRC Constitution and the 2006 Law on Sexual Violence.

The Office of the High Commissioner for Human Rights reported that judicial authorities in South Kivu province recorded 287 cases in the period 2005-2007 (186 within civilian jurisdictions and 101 military). Of these, 60 per cent had been under investigation for over a year, 80 per cent of the alleged perpetrators had been granted bail and never appeared again before a court, and 80 per cent had waited for over two years for court hearings (MONUC/OHCHR).¹⁵

Limited access to justice—Many victims cannot access justice due to factors such as geographic distance, the absence of effective judicial assistance and the legal costs involved in filing a case. As highlighted by the Joint Initiative/*Initiative conjointe* on the situation regarding sexual violence in Nord Kivu in its preliminary report of the first six months of 2008, of 3028 cases referred for medical treatment and 2861 cases receiving psychological follow-up, only 152 were referred to the judicial system.¹⁶

Weak administration of justice and implementation of a legal framework—Victims of sexual violence and witnesses have no confidence in the justice system.¹⁷ This is due in large part to the following:

- Lack of protection mechanism for victims and witnesses.
- Lack of independence and impartiality of the justice system.
- Most alleged perpetrators are provisionally released.
- Sentences for sexual violence are either minimal or not implemented.
- Perpetrators escape from prisons.
- No provision of reparation for victims of sexual violence.

Reports indicate that in Mbandaka, since January 2007, in five out of 13 cases (38.5%) the victims had not taken legal action against perpetrators, and of 11 members of the security forces arrested on charges of sexual violence, three (27.27%) had escaped.¹⁸ The ability and willingness of the courts to deal with evidence in sexual violence crimes is weak, inefficient and often delays judicial proceedings extensively or leads to acquittal. These limitations are related to the lack of medical and psychological expertise, the weak referral system for victims especially from health centres to courts, the absence of appropriate police investigations and interrogation techniques, and the absence of witness protection schemes that dissuades the majority from seeking recourse to justice.

Absence of reparation—The most severe sentence passed to date is 20 years imprisonment and payments ranging from US\$2,000 to –US\$10,000 as reparation to victims.¹⁹ For example, on 22 March 2008, the Gemena Military Tribunal sentenced a FARDC sergeant and a lieutenant to five years imprisonment for the rape of two minors. They were also ordered to pay US\$5,000 and US\$1,500, respectively, in damages to the victims.²⁰ However, no reparation payment has been made to date, even though reparations are recognized under Congolese Law. The majority of victims are from poor, rural areas and cannot afford the legal fees required by law to enact the procedure for the execution of judgments.

Reference tools

International Legal Instruments

International Covenant on Civil and Political Rights (ICCPR), 1966.

International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.

International Convention for the Protection of all Persons from Enforced Disappearances, 2007.

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), 1979.

Convention on the Rights of the Child (CRC), 1989.

The four Geneva Conventions of 1949 and their two additional Protocols of 1977.

The Convention against Torture and other cruel, inhuman and degrading treatment or punishment (CAT), 1984.

The International Criminal Court Rome Statute (1998), Elements of Crime (2002), and Rule of Procedure and Evidence (2002).

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplement the United Nations Convention against Transnational Organized Crime (2000)

Basic Principles and Guidelines

The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005.

Istanbul Protocol: International Guidelines for the Investigation and Documentation of Torture, 2004. Reference Materials; International Rehabilitation Council for Torture Victims.

The Actualized Principles for Human Rights Protection and Promotion on the Fights against Impunity E/CN.4/2005/102/Add.1 8 of February 2005 proclaimed by the Economic and Social Council.

The General Assembly A/HRC/7/3, Chapter II on Strengthening the Protection of Women from Torture, the Economic and Social Council Resolution 2005/20.

Guidelines on Justice Matters involving Child Victims and Witnesses on Crime, International Bureau for Children Rights, 2003.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”) Adopted by General Assembly resolution 40/33 of 29 November 1985.

Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985.

National

The DRC Laws 06/018 and 06/019 on Sexual Violence; DRC Penal (30.10.1940) and Procedural (06.08.1959) Code.

The DRC Constitution

⁸ S/RES/1820 (para. 4).

⁹ S/RES/1756 (para. 12).

¹⁰ S/RES/1794 (para. 15, 16 and 18).

¹¹ It has been recommended that for crimes committed before July 2002, mixed national/international chambers should be established within the existing DRC judicial system. The chambers’ remit should be based on the results of the OHCHR exercise, Mapping of Grave Human Rights Violations between 1993-2003, which was projected to end in June 2009.

¹² See Law 06/018 of 20 July 2006 and Amendment and Decree of 30 January 1940 of the Congolese Penal Code, which define sexual assault, rape, and 14 other forms of sexual violence.

¹³ According to UNFPA, between January and June 2008, 6693 new cases were reported through health centres, and 9758 cases for 2007. This indicates a countrywide increase of 25 per cent in 2008, despite slight improvements in the security situation.

¹⁴ The justification is that between January and June 2008, some 65.5 per cent of alleged perpetrators were civilians and 32.7 per cent were uniformed men (UNFPA). Hence, sexual violence is not only conflict related; it is a widely committed crime that falls under the Congolese Penal Code.

¹⁵ MONUC/OHCHR Biannual Report (January-June 2007).

¹⁶ *Situation des violences sexuelles au Nord Kivu, Période: Premier Semestre 2008, Rapport Préliminaire, Initiative conjointe de prévention des violences sexuelles et de réponses aux droits et besoins des victimes/survivant(e)s.*

¹⁷ MONUC/OHCHR Report (March 2008), paras. 32-36.

¹⁸ MONUC/OHCHR Biannual Report (January-June 2007).

¹⁹ *Ibid.*

²⁰ MONUC/OHCHR report (March 2008).

Plan of Action

Component 1. Combating Impunity

Table I-A

Objective A: To strengthen the capacities of judicial institutions and develop a criminal justice policy focused on sexual violence

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
A1 Child centred approach: Ensure that judicial institutions provide sexual violence (SV) services adapted to children's needs.	A1.1 Ensure the implementation of international standards in the administration of juvenile justice (Beijing Rules). Ensure compliance with "Guidelines on justice for child victims and witnesses of crime" (International Office for Children's Rights 2003). Ensure that adapted services take into consideration juvenile delinquents.	Appropriate guidelines adopted	Assistance adapted to child victims and witnesses	Ministry of Justice, Gender <i>Magistrature Supérieure</i> , REJUSCO CP/MONUC UNICEF NGOs	One year	Follow-up regarding the need to increase specialized juvenile justice personnel. Highlight good examples of juvenile justice procedures. Examine the gaps, lessons learned and adapt further approach.
	A1.2 Training of social workers, assistants, or psychologists on how to interview and assist child victims: <ul style="list-style-type: none"> • Child victim orientation services. • Adapt interview by age and sex of the child. 	Number of specialized personnel assisting children	Avoiding recurring trauma for child victims	Main coordinating entity: MONUC/ UNICEF.		
	A1.3 Improve capacity building to existing or upcoming juvenile judicial personnel on child centred approach: <ul style="list-style-type: none"> • Protection. • Act in the best interest of the child. • Views and concerns of the child to be heard. • Avoid trauma recurring. • Distribute field-adapted and standardized materials on norms and standards. 	Number of children's police, inspectors, judges and prosecutors appointed by court or tribunal	Protection from justice process hardship			

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>A1.4 Provide infrastructure for child centred proceedings and hearings:</p> <ul style="list-style-type: none"> • Video or audio recording. 	Infrastructure given to X number of courts and tribunals				
	<p>A1.5 Reinforce system of court appointed guardians for minors, perpetrators and/or victims.</p>	Number of guardians of minors				
<p>A2 Create specialized judicial expertise for sexual violence and implement the “fast-track” procedure to prosecute and judge sexual violence cases.</p>	<p>A2.1 Collaborate with the Ministry of Justice and the judicial authorities concerned to develop standardized national Terms of Reference for the specialization investigation (PNC), prosecution (prosecutor’s office) and judgment (courts and tribunals) mechanisms:</p> <ul style="list-style-type: none"> • Establishment of three independent communication chains within the criminal justice system. • Specialized units within the judicial police. • A specialized judge to work with the prosecutor’s office. 	Specialized judicial expertise for sexual violence is in place	Better services for victims of sexual violence within judicial criminal procedure	UNFPA, MONUC/ OHCHR, UNICEF, UNDP, ministries of interior and justice, and <i>Superior Magistrature</i> REJUSCO, NGOs Main coordination: MONUC/ OHCHR	Six months	Evaluation of the functioning of specialized judicial expertise and identify the gaps
	<p>A2.2 Define the role of each entity in the procedural framework and improved coordination among them.</p>					
	<p>A2.3 Ensure the consideration of minimum standards for code of conduct.</p>					
	<p>A2.4 Study the possibility of delegating police officers for the needs of protection and prevention.</p>					
	<p>A2.6 Develop a centralized system of registering cases of sexual violence among police, prosecution, courts and tribunals.</p>					

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	A2.7 Enlist and train more women amongst judicial personnel (registrars, magistrates, etc.) and lawyers.					
A3 In accordance with Step A2, create Specialized Police Units for Sexual Violence. Links with the Road Map and the Work Plan for Police Reform (CSRP).	A3.1 Coordinate and harmonize different initiatives such as CERF, UNSSS and the working plan of the police reform (CSRP) into a common approach.	Adapt existing initiatives	Better services provided to victims in initial criminal proceedings	UNPOL, UNFPA, MONUC/ OHCHR, UNDP MONUC RoL EUPOL Ministry of Justice and Interior and <i>Superior Magistrature</i> REJUSCO Main coordinating entity: EUPOL /UNPOL/ UNDP. <i>S.E.</i> CSRP	Six months	Evaluation of specialized units Identify gaps not covered by the specialized units
	A3.2 Conduct an evaluation of existing human resources and infrastructure in the police (linking with the Justice Reform Agenda) and encourage the representation of policewomen.	Evaluate and implement the results				
	A3.3 Adopt standardized training materials for Police Judiciaries and Inspectors.	Training material adopted	Strengthen the capacities of specialized judicial police officers			
	A3.4 Liaise and coordinate with other specialized police units such as child protection and (eventually) Victim and Witness Units.	X number of cases referred	No duplication of initiatives			
A4 In accordance with Step A2, appoint focal points in courts and tribunals. (Link with Road Map).	A4.1 Adopt standardized training modules for the judicial military and civilian personnel.	Coordinated approach to capacity building	Efficacy of judicial personnel when addressing victims	ROLU/ MONUC, MONUC/ OHCHR, UNDP, EUPOL, ministries of justice and interior,	Six months	Evaluation of efficacy of sexual violence focal points for justice personnel
	A4.2 Improve infrastructure of prosecutors' offices, courts and tribunals to allow for more appropriate and sensitive reception and orientation of victims and witnesses, such as separate rooms, audio materials, etc.	Infrastructure in place	Victims properly informed of their rights			

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>A4.3 Apply UN Declaration on Basic Principles of justice for Victims of Crime and Abuse of Power, such as:</p> <ul style="list-style-type: none"> • Victims informed of their rights. • Victims' right to confidentiality and protection. • Victims' right to psychosocial and medical assistance etc. 			<p><i>Superior Magistrature</i> REJUSCO. Main coordinating entity: MONUC/ OHCHR/ UNDP</p>		
	<p>A4.4 Magistrates to conduct days of open consultation/ <i>cabinet ouvert</i> for victims and lawyers.</p>	Days of open consultation				
	<p>A4.5 Provide standardized materials to secretaries and registry (registry models) by liaising with the Plan of Action of Justice Reform.</p>	X number of registries and secretariat reinforced; Centralize data base				
<p>A5 Adoption, distribution and use of standardized medical certificate (Link with Strategic Component 4, Multi-sectoral Assistance for Survivors)</p>	<p>A5.1 Adoption of the standardized medical certificate and the <i>circulaire</i> defining respective roles of medical and legal institutions. Obstacles to be addressed:</p> <ul style="list-style-type: none"> • <i>Requisition de medecin.</i> • Fees levied for issuance of medical certificates. • Immediate access by victims to medical certificates. • Standard indicators to be developed for medico-legal examination. 	<i>Circulaire</i> agreed upon by ministers of justice and health	Better standards of evidence adopted	Ministry of Justice, Gender and Health WHO, MONUC/ OHCHR NGOs <i>Superior Magistrature</i> REJUSCO	Six months	Invest in further capacity building for medical and legal personnel. Follow up the positive/negative impact of trained medical and judicial personnel.
	<p>A5.2 Clear instructions and training (medico-legal) to be given to doctors of each health zone, judges and prosecutors by the respective jurisdictions.</p>	Number of trainings	Amelioration of quality of medico-legal examination	Main coordinating entity MONUC/ OHCHR/ WHO		Study the impact of the application of the medical certificate on the administration of justice.
	<p>A5.3 Apply stronger medico-legal referrals and clear instructions to personnel and clear directives on the respective personnel (see Multi-sectoral Assistance).</p>	Number of referrals made	Functional referral system			

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
A6 Directives on psycho-legal expertise (Link with Strategic component on Multi-Sectoral Assistance for Survivors).	A6.1 Treatment of trauma (counseling) adoption of directives with the Ministry of Justice and Health and the national directors of mental health according to “ <i>LASC Guidelines on Mental and Psychological Support.</i> ”	Minimum directives to be established	Psychological assistance to victims. Avoid recurring trauma of victims within the criminal proceedings.	Ministry of Justice, gender and health follow up by WHO, UNFPA, UNICEF	One year	Review the status of adoption of minimum directives. Invest in further capacity building and university centres for clinicians.
	A6.2 Administration of proof: identification and selection of qualified personnel with training in clinical psychology and psycho-legal expertise. Deployment of qualified personnel in every province.	Number of trained personnel	Ensure the consideration of evidence of physical violence. Ensure the consideration of gravity of psychological trauma and its role in determining the penalty and compensation according to the 06/019 law.	MONUC/ OHCHR <i>Superior Magistrature</i> REJUSCO NGOS		
	A6.3 Create permanent roles for social workers and psychologists within the judicial actors.	Number of psychologists to be attached to judicial institutions by province		Main coordinating entity UNICEF for counseling		
	A6.4 Improve referral systems for mental health and justice. Increase referrals from mental health to justice and define clear instructions for personnel.	Number of referrals		MONUC/ OHCHR		

Plan of Action

Component 1. Combating Impunity

TABLE I-B

Objective B: To improve access to justice for victims

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
B1 Capacity building and logistical support for those in first contact with victims. (Note: not exclusively applicable to sexual violence; links with broader judicial reform process).	B1.1 Provide logistical support (bicycles, telephone units etc.) to paralegals, recruited in rural areas.	Number of paralegals supported in rural areas	Paralegal support logistically more efficient	UNFPA, MONUC/OHCHR, UNICEF,	Six months	Apply lessons learned and examine if better guidance has been given to victims. Examine the quality of the complaint referred to justice.
	B1.2 Capacity building and ongoing coaching to those in first contact with victims Establish a common methodology as follows: <ul style="list-style-type: none"> The reporting forms that enables filing of cases and deposit of complaint. Develop a practical guide for standardized training. 	Standardized materials to be adopted	Practical, field-based approach adopted to provide legal assistance to victims	UNDP, Ministries of Interior and Justice, and <i>Superior Magistrate REJUSCO</i> , NGOs		
	B1.3 Establish a network of paralegals and lawyers. Refer complaint and judicial files and victims consent form to lawyers specifically identified. Follow up by designated lawyers.	Number of complaints from paralegals to lawyers	Criminal proceedings less time consuming and easier for victims	Main coordination: MONUC/OHCHR/UNDP		
	B1.4 Consider the mechanisms of <i>citation direct</i> . After having collected a significant amount of evidence and with knowledge of the alleged perpetrators, victims may, with the help of their lawyers, bring their case directly to the court or tribunal.	Number of <i>citations directs</i>				
	B1.5 Information on the stage of the criminal proceedings to be given on regular basis by lawyer to paralegals or directly to victims.	Judicial follow up				

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
B2 Provide guidance to victims on their basic rights and obligations for filing complaints.	B2.1 Public information campaign on victims rights and obligations. Messages should explain: <ul style="list-style-type: none"> • Basic concepts (domestic rape, prostitution). • Basic procedural principles applicable to sexual violence. 	Number of clear and explicit messages	Provide information to victims and draw attention to domestic sexual violence cases	UNFPA, MONUC/ OHCHR, UNICEF, UNDP, Ministries of Interior, Gender and Justice and <i>Superior Magistrature</i> REJUSCO NGOs	Six months	Conduct study on views of the population before and after a public campaign. Apply lessons learned.
	B2.2 Explain the basic principles of the legal procedure, applicable to sexual violence. Ensure that no fees are paid when a complaint is lodged.	Number of materials adapted	Encourage victims to file complaints	Main coordinating entity: UNFPA, MONUC/ OHCHR, UNICEF		
	B2.3 Information campaign on how to file a complaint, who to contact and how to preserve evidence. (e.g. nearest police station, telephone numbers of prosecutors and <i>auditeur</i> , lawyers, etc.).					
	B2.4 Establish and disseminate at provincial level a Protocol of Intervention and amongst judicial partners. Disseminate a complete list of all concerned actors, including: contacts, hours of services, and function of police services, NGOs, and Bar Associations.					
	B2.5 Raise awareness and organize sensitization session among traditional leaders and families, involved setting amicable arrangement, on reducing stigma and their right to seek justice.					
B3 Provide logistical support to facilitate the movement of victims, witnesses and alleged	B3.1 Ensure the appointment of judicial police officers and inspectors in rural areas.	Number of police appointed	Intensify the investigation process	MONUC/ OHCHR, CP RoL UNPOL, EUPOL, UNDP and ministries of interior and	One year	Review good functioning of services in place
	B3.2 Take appropriate logistics measures to facilitate the movement of victims' witnesses and those who assist them from rural areas to courts or tribunals.	Number of victims testified	Resolve obstacles to bring alleged perpetrators to justice			Encourage decentralization of judicial institutions

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
perpetrators. (Note: not exclusively applicable to sexual violence; liaise with other initiatives).	B3.3 Facilitate the arrest process of alleged perpetrators and transfer to prisons, including all relevant logistical issues (cars, fuel, personnel, paper of MAP and transfer ordnance).	Number of arrests made		justice SE/CSRP <i>Superior Magistrature</i> REJUSCO, NGOs Main coordinating entity: Ministry of Justice UNDP		
B4 Promote, support and facilitate the deployment of existing mobile investigation teams by strengthening local police units and the organization of mobile courts in rural areas. (Note: not exclusively applicable to sexual violence; liaise with other initiatives).	B4.1 Ensure the presence of specialized police units for the police judiciaries deployed in the territory. Where there is a high concentration of victims in the same locality, preliminary investigations should be organized, through the immediate dispatch of prosecutors and judicial inspectors.	Number of mobile investigation teams	Links created with mobile investigation teams and mobile courts	Ministry of Interior, and Justice and <i>Superior Magistrature</i> REJUSCO, NGOs	Six months	Follow up and assess the impact of mobile investigation teams and courts on the population.
	B4.2 Ensure provisions of logistics kits to inspectors and prosecutors for investigation, and methodology adapted for sexual violence crimes.	Number of investigation kits and training conducted	Ensure quality of case files prior to court proceedings	MONUC/ OHCHR, CP, RoL, UNPOL, EUPOL, UNDP and NGOs		
	B4.3 Defence and prosecution teams commit to cases in advance.	Number of defence lawyers appointed to mobile courts	Ensure the rights of victims and defenders are respected	Main coordinating entity: Ministry of Justice, MONUC/ OHCHR/ RoL/ MONUC		
	B4.4 Judges prepared on cases content prior to the establishment of the mobile court.	Number of mobile courts	Judges prepared to address the case			
	B4.5 Ensure a harmonized approach amongst different actors on remuneration of judges, prosecutors, and lawyers (per diem, etc.).	Apply harmonized approach	Blockages by judicial authorities avoided			
B5 Encourage decentralization of rule of law	B5.1 Ensure that cases of sexual violence are referred from the <i>Tribunaux de Paix</i> to competent judicial authorities.	Number of cases referred	Work in line with the Judicial Reform Plan of Action	Ministries of Interior, and Justice and	Up to two years	Encourage decentralization of justice institutions

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
institutions to rural areas. (Note: not exclusively applicable to sexual violence, links with broader judicial reform process).	B5.2 Conduct an evaluation study on human resources and infrastructure in prosecutions (parquets) jurisdictions (courts and tribunals) (links with Justice Reform).	Results based analysis		<i>Superior Magistrature</i> REJUSCO, NGOs MONUC/ OHCHR, CP, RoL, UNPOL, EUPOL, UNDP and NGOs Main coordinating entity UNDP/RoL/ MONUC		
	B5.3 Strengthen logistical capacity of polices offices, CIAT, registries, secretariat and prosecutors' offices (parquets) in rural areas.	Number of registries, <i>secretairiat</i> and prosecutors offices rehabilitated				
B6 Establish a protection scheme for victims, witnesses, judicial actors and those assisting victims who may be an object of threats or intimidation. (Note: not exclusively applicable to sexual violence, links with judicial reform).	B6.1 Define provincial plans of protection for victims, witnesses, and those who assist them (operational responsibility of police units, and judicial police). Put in place a system of escorts and residential safeguards, identification of safe temporary houses, etc.	Logistics in place	Preparedness to address protection cases	Ministries of Interior, and Justice and <i>Superior Magistrature</i> REJUSCO, NGOs MONUC/ OHCHR, CP, RoL, UNPOL, EUPOL, UNDP and NGOs Main coordinating	One year	Study durability of protection schemes, with the creation of protection units in departments of police, courts and tribunals. Study the law and the project proposal for the protection of victims and witnesses.
	B6.2 Introduce procedures and practices for the protection of victims and witnesses. For example, at procedural level: delayed disclosure of the identity of persons being threatened, separate registries, consideration of risks when provisional liberty is granted. On a practical level, establish physical distance between victims and aggressors by using audio-visual means, especially for minors.	Systems in place to protect confidentiality	Codes to be incorporated in the internal database (viz Objective A)			
	B6.3 Ensure systems of confidentiality and that victims are kept in safe and secure conditions during judicial proceedings.	Indicators of safe and secure conditions	Ensure targeted actions as protection response			

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	B6.4 Apply follow up and gather best practice of safety and security during investigation or trial proceeding. (For example, avoid unnecessary risks; balance the advantages and potential risks of a confrontation between victims and alleged perpetrators).	Indicators of safe and secure conditions	Ensure targeted actions as protection response	entity: Ministry of Justice, MONUC/ OHCHR		
	B6.5 Develop standardized training materials for protection, prevention and response measures (analyze sources of threats, proximity, etc.).	Materials adopted	Guidelines exist for the protection and response for police and judicial authorities and those assisting victims			
	B6.6 Sensitize the public that threats to life constitute a crime under Congolese law and those who are allegedly involved could be held accountable.	Number of cases and jurisprudence on life threats related to cases of sexual violence	Publicize examples			
B7 Exonerate victims from paying legal fees (in line with the <i>Road Map</i>).	B7.1 Promote the promulgation of a Directive on the exoneration of legal fees for victims of sexual violence.	<i>Circulaire</i> to be adopted.	Encourage victims to file a complaint and gradually encourage confidence in justice institutions.	Ministry of Interior, and justice and NGOs MONUC/ OHCHR, CP, <i>Superior Magistrature</i> REJUSCO, RoL, UNPOL, EUPOL, UNDP and NGOs Main coordinating entity: Ministry of Justice MONUC/ OHCHR RoL/	Six months	Follow-up on the implementation of the circular waiving of legal fees
	B7.2 Ensure the effectiveness of judicial offices in the provinces, (following, the Directive) in being able to apply punitive measures on personnel that do not apply this ordinance.	Posters about the content of the Directive on legal fees placed in key locations; awareness campaigns in the field				
	B7.3 To ensure promotion of the Directive, emphasize the poverty of most victims and establish standard procedures for the provision of appropriate social services.	Dissemination of legislation				
	B7.4 Increase funding of the Bar Association or Legal Clinics to ensure legal fees are covered.	Number of Bar Associations or other services being funded				
	B7.5 Disperse funds and ensure that registrars supply clients with evidence of payment.	Number of direct citation of cases				

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	B7.6 Publicize examples to judicial personnel or police who are imposing illegal fees on victims.	Number of examples of corruption brought out		MONUC		

Plan of Action

Component 1. Combating Impunity

TABLE I-C

Objective C: To guarantee the effective application of the 2006 Laws on Sexual Violence

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<p>C1 Seek clarification on the 2006 law on criminal justice and procedural codes.</p> <p>(Linked with <i>Road Map</i>).</p>	<p>C1.1 Adoption of a <i>circulaire</i> for judicial staff (judges, prosecutors, secretary, registry, judicial police, police and lawyers). Issues to be clarified, inter alia:</p> <ul style="list-style-type: none"> • The procedural delay. • Assistance to victims and their family. • The organization of closed hearings. • Other forms of sexual violence within the 2006 law. 	<p><i>Circulaire</i> to be agreed</p>	<p>Better comprehension and implementation of the 2006 laws</p>	<p>Ministry of Justice. <i>Superior Magistrature</i> REJUSCO MONUC/ OHCHR, CP RoL, UNDP and NGOs</p> <p>Main coordinating entity: Ministry of justice MONUC/ OHCHR</p>	<p>Six months</p>	<p>Follow up on the implementation of the clarification linked to the 2006 laws</p>
<p>C2 Conduct an overview and analysis both of sexual violence jurisprudence and pending cases.</p>	<p>C2.1 Conduct an evaluation over a two-year period on the implementation of the 2006 laws, in terms of jurisprudence and pending cases, focused on:</p> <ul style="list-style-type: none"> • Application of the Penal Code (criminal justice, aggravating factors, etc.). • Application of the Procedural Code (in closed court proceedings, interdiction of payment of <i>amende transactionnel</i>, protection, victims' welfare, respect for procedural delay). 	<p>Review of study on the application of penal and procedural law</p>	<p>Ability to implement by the lawyers, police and magistrates studied</p>	<p>Ministry of Justice, <i>Superior Magistrature</i> REJUSCO MONUC/ OHCHR, CP RoL, UNDP, NGOs Main coordinating entity Ministry of justice / MONUC/ OHCHR</p>	<p>One year</p>	<p>Develop a policy for implementing the 2006 Laws</p>

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
C3 Implementation of policy of 2006 Laws	<p>C3.1 Define a system of quality control to evaluate the performance of the judicial system, including, the police, prosecution, courts and tribunals, and the legal system.</p> <p>Publish results and institute a reward system for more competent personnel (<i>Decret-loi N 017/2002 du 3 octobre 2002 portant code de conduite de l'agent public de l'etat</i>).</p>	Benchmarks set for implementation by judicial authorities	Clarity among international actors and state authorities on the implementation process	Ministry of Justice, <i>Superior Magistrature</i> REJUSCO MONUC/O HCHR, CP RoL, UNDP, NGOs Main coordinating entity: Ministry of Justice / MONUC/O HCHR	One year	Review and adapt implementation policy plan of 2006 laws
C4 Strengthen existing monitoring systems of sexual violence cases brought to justice.	C4.1 Criminological analysis of ongoing and upcoming cases (age of perpetrators, victims, ethnicity, trends, hot spots, <i>modus operandi</i> etc.).	Set criminological indicators on data collection tools	Improve reporting mechanisms	Ministry of Justice <i>Superior Magistrature</i> REJUSCO MONUC/O HCHR, CP RoL, UNDP, NGOs Main coordinating entity MONUC/ OHCHR,	One year	Address the lack of scientific criminological expertise Centralized data systems gradually established
	C4.2 Support existing mechanisms of monitoring administration of justice and cases brought to justice.					
	C4.3 Harmonized indicators of judicial follow up among implicated actors (MONUC/OHCHR, UNFPA database).	Common reporting guidelines				
	C4.4 Centralized systems of data collection among actors, police, prosecutors, courts and tribunals, secretaries and registries, local international actors providing judicial assistance, Bar Association (liaise with database).	Common data collection indicators				
C5 Ensure prosecution of alleged high ranking officials both military	C5.1 Respecting the independence of the DRC justice system, raise the need to investigate and prosecute high-ranking public officials who may have committed crimes of sexual violence, including celebrity cases such as Evoloko.	Number of high profile cases prosecuted by Congolese courts	Motivation and trust to victims to denounce cases. Apply Deterrence to other officials	Ministry of Justice, defence, <i>Superior Magistrature</i>	One year	Examine the impact of high-ranking officials' prosecutions on the population

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
and civilian and broadcast these as examples.	C5.2 Advocacy focus on allegations against five high-ranking officials in the East.			REJUSCO MONUC/ OHCHR, CP RoL, UNDP, NGOs Main coordinating entity MONUC/ OHCHR, ODSRSG		
	C5.3 Document and denounce cases of interference/obstruction to justice or unwillingness to prosecute.					
	C5.4 If applicable, highlight victims' satisfaction after trial.					
C6: Take punitive measures against those interfering with the proper conduct of justice on sexual violence crimes.	C6.1 In line with <i>Decret-loi N 017/2002</i> : Report and refer to justice cases, for example: <ul style="list-style-type: none"> Cases of corruption, such as imposing illegal fees. Extortion, participation in illegal transactions, and arrangement for provisional release or arrest breaching the legal framework. 	Number of punitive measures effectively investigated and judicially follow up	Increase trust towards judicial institutions	Ministry of Justice, defence, <i>Superior Magistrature</i> REJUSCO MONUC/ OHCHR, CP RoL, UNDP and NGOs Main coordinating entity Ministry of Justice MONUC/ OHCHR, ODSRSG	One year	Examine the possibility of public officials' vetting mechanisms

Plan of Action

Component 1. Combating Impunity

TABLE I-D

Objective D: To ensure reparation for victims

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
D1 Examine a case study	D1.1 Examine the example of Songo Mboyo, on how victims had access to justice and the willingness of the State to create reparation for victims.	Lessons learned from the case study of Songo Mboyo.	Apply recommendations and define a methodology for reparations	Ministry of Justice, <i>Superior Magistrature</i> REJUSCO MONUC/ OHCHR, Rule of Law, UNDP	One year	Highlight possible examples
D2 Ensure effective compensation to third parties.	D2.1 Evaluate the economic status of the defendant in the pre-trial phase.	Compensation given to victims	The obligation is imposed on the state to ensure that action is taken for the reparation of victims	Main coordinating entity Ministry of Justice MONUC/ OHCHR for reparation and UNDP for		
	D2.2 Proceed to the systematic seizure of assets and guarantee the eventual payment of compensations.					
	D2.3 Simplify the procedure for compensation: <ul style="list-style-type: none"> • Related to the state (in <i>solidum</i>). • Related to the defendant. 					

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>D2.4 Increase the capacity of victims claiming compensation:</p> <ul style="list-style-type: none"> • Fees for judgments to be typed and published. • Lawyers should follow up on procedures on the execution of reparations. • Execution of proceedings with the State. • Remind the prosecutor and the registrar of their responsibility to provide retroactive compensation for victims. 			the guarantees of non-recurrence		
<p>D3 Apply other forms of reparation.</p>	<p>D3.1 State-sanctioned provision of obligations to provide reparation:</p> <ul style="list-style-type: none"> • Updated <i>Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity</i>, OHCHR. • <i>E/CN.4/2005/102/Add1</i> and the Resolution 60/147 by the General Assembly (Fundamental Principles and Directives concerning the right to justice and reparation of victims of grave human rights and International Humanitarian law). 	Number of persons involved in the law who are referring these principles	Enlarge reparation application on the benefit of the victims	<p>Ministry of Justice, <i>Superior Magistrature</i> REJUSCO MONUC/ OHCHR, Rule of Law UNDP</p> <p>Main coordinating entity:</p>	One year	Monitor the State's ability to deal with high profile cases

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>D3.2 For third party civilians</p> <ul style="list-style-type: none"> • The defendants are seeking the pardon/apologies for victims and their families. • Research the profiles of victims and accused and ensure mediation (pre-judgment and post-judgment). • Systematic removal of the accused from public administration and/or security services. 			Ministry of Justice MONUC/ OHCHR		
	<p>D3.3 Create a fund reparation mechanism:</p> <ul style="list-style-type: none"> • For the victims of unidentified accuser. • For the victims when their perpetrator is at large. <p>The objectives will be compensation and symbolic reparation of victims.</p>					
D4 Ensure victims' satisfaction and	D4.1 Ensure victims' satisfaction and guarantees of non-recurrence by applying the following in line with "Updated Set of Principles":	Number of perpetrators and victims who	Link justice reparation to more sustainable services	Ministry of Justice, <i>Superior</i>	Two years	Evaluate the feasibility of such activities

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<p>guarantees of non-recurrence (Note: not exclusively applicable to sexual violence, links with justice reform, and strategic component on SSR).</p>	<p>D4.2 <i>For perpetrators</i>—Analyze the profile of the perpetrator and establish a mechanism of evaluation that links the level of individual criminal responsibility to the reintegration services:</p> <ul style="list-style-type: none"> Identify those state agents who were investigated but have since returned. For militias, referral to services of demobilization and reintegration. Apply vetting mechanisms (links with security sector reform). <p>D4.3 <i>For victims</i>—referral to service of economic empowerment and reintegration.</p> <ul style="list-style-type: none"> Links with services for restoration of social cohesion and reconciliation. Perpetrator to formally seek forgiveness from victims and families. <hr/> <p>D4.4 <i>For the society</i>—Judicial decisions published to communities, with the consent of the victim through religious and traditional leaders</p> <ul style="list-style-type: none"> Make these examples widely known with the consent of the victim, with full respect for confidentiality. 	<p>received appropriate services</p>		<p><i>Magistrature</i> <i>REJUSCO</i> <i>MONUC/</i> <i>OHCHR,</i> <i>Rule of Law</i> <i>UNDP</i></p> <p>Main coordinating entity Ministry of Justice UNDP</p>		

Comprehensive Strategy on Combating Sexual Violence in the DRC

COMPONENT 2. PROTECTION AND PREVENTION

Concept Note

This Concept Note serves to introduce the Plan of Action on Protection and Prevention, which constitutes the second component of the Comprehensive Strategy on Combating Sexual Violence in the DRC.

Status

Integrated into the 2009 Action Plan of the DRC National Protection Cluster and into work plans in North and South Kivu; elements included in the MONUC Protection Strategy, revised Force Commanders Directive (2009) and guidelines for UN peacekeeping personnel (or “blue helmets”).

Lead entity

UNHCR through the national and provincial protection clusters

Mandate

The basic premise is that both the protection against and the prevention of sexual violence have to be viewed and acted upon within the broader Protection of Civilians Agenda. The rationale for this Plan of Action and for placing sexual violence at the heart of the Protection of Civilians Agenda lies in the international legal framework (human rights law, humanitarian law, criminal law); UN Security Council resolutions and respective tools to put them into operation (such as the MONUC Force Commander’s Directive on the Protection of Civilians in the DRC); and the IASC Guidelines on Gender-Based Violence in Humanitarian Settings.

In terms of the legal framework, the definition of “protection” is that used within the humanitarian framework, namely that protection “encompasses all activities aimed at securing full respect for the rights of individuals, in accordance with the letter and the spirit of the relevant bodies of human rights, humanitarian, criminal and refugee law.”²¹

The Outcome document of the UN 2005 World Summit addresses the narrower notion of the responsibility to protect: “...[W]e (the international community through the United Nations) are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations, as appropriate, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity...” (Chapters VI, VII and VIII).

Consecutive Security Council Resolutions (1856²², 1843, 1794, 1592, 1565) have become increasingly stronger on the need to protect civilians (see under Reference Tools, below). More specifically, and in an effort to ensure that sexual violence is addressed as part of the broader Protection of Civilians Agenda, UN Security Council Resolution 1674 (2006) on the

protection of civilians makes explicit reference to sexual and gender-based violence. (See under Reference Tools, below).

The Plan of Action on Prevention and Protection of Sexual Violence relies on the Inter-Agency Standing Committee (IASC) Guiding Principles on Prevention and Response Related to Sexual Violence²³ and the Standard Operating Procedures (SOPs) for Gender-Based Violence for Multi-sectoral and Inter-Organizational Prevention and Response. It also draws on other good practices on protection and prevention in the field.

Objectives

The goal of this Component is to develop a common framework for action, broadly agreed to by all actors involved in protection, on how to address sexual violence within the broader responsibility to protect civilians, by the government, civil society, communities, UN and INGOs alike. This document builds on the work of the DRC National Protection Cluster and elements are being integrated into its work plan.

The fundamental presuppositions are that protecting civilians is both a military and civilian matter that relies on coherent information sharing and analysis, and on close military-civilian collaborative action. The assumption is that most abuses of the civilian population, including sexual violence, are predictable; that the protection of civilians means taking preventive action, and not just responding to immediate threats; and that a hesitant and qualified response undermines the perception, mandate and credibility of a UN mission. Protection is viewed as the primary responsibility of State authorities.

Based on these presuppositions, the Plan of Action contains three main objectives:²⁴

- To prevent and/or mitigate threats and reduce vulnerability and exposure to sexual violence.
- To strengthen the resilience of survivors of sexual violence.
- To create a protective environment.

Scope of application

The Plan of Action describes clear mechanisms, roles and responsibilities for each actor involved in protection against, and prevention of, sexual violence. It complements the other components of the Comprehensive Strategy, in particular Combating Impunity and Security Sector Reform. The position taken is that “prevention” and “protection” are inter-related activities; many aspects of protection from sexual violence are also preventive measures and, in turn, prevention activities are linked to protective response actions.

A better information base is needed to develop appropriate and effective prevention strategies. Factors need to be identified that influence the type and extent of sexual violence in particular areas of DRC, such as the nature of the conflict or the patterns of abuse by particular armed groups. Actions should be taken in response to the specific circumstances that give rise to acts of sexual violence. Therefore, different phases need to be differentiated. For example, protective and preventive responses differ in circumstances where sexual violence is either encouraged or condoned by social and cultural norms. Whereas, in a conflict context, the different phases of conflict need to be distinguished for an adequate

response, such as immediately preceding conflict, during conflict, in a displaced environment, or the rehabilitation or development phase.

The prevention activities outlined are aimed at potential perpetrators, and sexual violence survivors, their families and those who might assist them. Activities must therefore target the affected community, humanitarian aid staff, host country nationals and government authorities. Most importantly this Plan of Action advocates for the active involvement of respective communities.

Reference Tools

Security Council Resolutions on the Protection of Civilians

SCR 1856 (2008)—“The Security Council (...)

2. *Requests* MONUC to attach the highest priority to addressing the crisis in the Kivus, in particular the protection of civilians, and to concentrate progressive during the coming year its action in the eastern part of the Democratic Republic of the Congo;
3. *Decides* that MONUC shall, from the adoption of this resolution, have the mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo in order to:
 - (a) Ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict;
 - (b) Contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons.”

SCR 1843 (2008)—“The Security Council (...)

3. *Stresses* that this temporary increase in personnel aims at enabling MONUC to reinforce its capacity to protect civilians, to reconfigure its structure and forces and to optimize their deployment;
4. *Underscores* the importance of MONUC implementing its mandate in full, including through robust rules of engagement.”

SCR 1794 (2007)—“The Security Council, (...)

2. *Requests* MONUC to attach the highest priority to addressing the crisis in the Kivus in all its dimensions, in particular through the protection of civilians and support for the implementation of the Nairobi Joint Communiqué; (...)
5. *Encourages* MONUC, in accordance with its mandate and emphasizing that the protection of civilians must be given priority in decisions about the use of available capacity and resources, to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to support the FARDC integrated brigades with a view to disarming the recalcitrant foreign and Congolese armed groups; (...)
8. *Recalls* MONUC’s mandate to use all necessary means to protect civilians under imminent threat of physical violence, particularly in the Kivus.”

SCR 1592 (2005)—“The Security Council, (...)

7. *Emphasizing* that MONUC is authorized to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to deter any attempt at the use of force

to threaten the political process and to ensure the protection of civilians under imminent threat of physical violence, from any armed group, foreign or Congolese, in particular the ex-FAR and Interahamwé, *encourages* MONUC in this regard to continue to make full use of its mandate under Resolution 1565 in the eastern part of the Democratic Republic of the Congo, and *stresses* that, in accordance with its mandate, MONUC may use cordon and search tactics to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in those areas.”

SCR 1565 (2004)—“The Security Council, (...)

Recalling that all the parties bear responsibility for ensuring security with respect to the civilian populations, and *recalling in particular* in this regard its resolutions 1325 (2000) on women, peace and security, 1379 (2001), 1460 (2003) and 1539 (2004) on children in armed conflict, and 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict, (...)

4. *Decides* that MONUC will have the following mandate:

- (a) To deploy and maintain a presence in the key areas of potential volatility in order to promote the re-establishment of confidence, to discourage violence, in particular by deterring the use of force to threaten the political process, and to allow the United Nations personnel to operate freely, particularly in the Eastern part of the Democratic Republic of the Congo,
- (b) To ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence.”

Security Council Resolutions on Sexual Violence

SCR 1674 (2006)—“(...) *reaffirms* also its condemnation in the strongest terms of all acts of violence or abuse committed against civilians in situations of armed conflict in violation of applicable international obligations with respect in particular to (i) torture and other prohibited treatment, (ii) gender-based and sexual violence, (iii), violence against children, (iv) the recruitment and use of child soldiers, (v) trafficking in humans, (vi) forced displacement, and (vii) the intentional denial of humanitarian assistance, and *demand*s that all parties put an end to such practices” (para. 5).

SCR 1820 (2008)—“(...) *affirms* that “effective steps to prevent and respond to acts of sexual violence can significantly contribute to the maintenance of international peace and security”, and “when considering situations on the agenda of the Council, to, where necessary, adopt appropriate steps to address widespread and systematic sexual violence” (para. 1).

SCR 1794 (2007)—“(...) *encourages* MONUC to give priority to the protection of civilians in decisions, and requests MONUC “to undertake a thorough review (...and) to pursue a comprehensive mission-wide strategy (...) in collaboration with the UN Country Team and other partners, to strengthen prevention, protection and response to sexual violence” (paras. 5 and 18).

SCR 1856 (2008)—“(...) *requests* MONUC, in view of the scale and severity of sexual violence committed especially by armed elements in the Democratic Republic of the Congo, to strengthen its efforts to prevent and respond to sexual violence, including through training for the Congolese security forces in accordance with its mandate, and to regularly

report, including in a separate annex if necessary, on actions taken in this regard, including data on instances of sexual violence and trend analyses of the problem...”

The MONUC Force Commander’s Directive on the Protection of Civilians (2008) states “(...) the mission is also charged with the protection of the civilian population under imminent threat of physical violence ... and has been given a robust mandate to enforce peace through coercive military operations as authorized under Chapter VII of the UN Charter...”

²¹ See Common Article 3 of the Geneva Conventions on the Protection of Civilians and Guiding Principles on Internal Displacement. See also, specific articles referring to gender in the International Convention on Civil and Political Rights (ICCPR); International Convention on Economic, Social and Cultural Rights (ICESCR); Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); Convention on the Rights of the Child (CRC); the four Geneva conventions of 1949 and their two additional protocols; the Rome Statute of the International Criminal Court; the Convention relating to the Status of Refugees and the Protocol; the Guiding Principles on Internal Displacement.

²² MONUC is in the process of finalizing a “protection of civilians” strategy with the aim of developing a common approach for military and civilians.

²³ www.humanitarianinfo.org/iasc/gender

²⁴ See IASC (2002), *Growing the Sheltering Tree, Protecting Rights through Humanitarian Action, Programmes and Practices Gathered from the Field*, p115; ICRC (2008). *Enhancing protection for civilians in armed conflict and other situations of violence*.

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<ul style="list-style-type: none"> ■ Identify any resources within respective communities that could assist in preventing/mitigating threats and incidents of sexual violence. ■ Examine history and previous threats of sexual violence and coping mechanisms available. ■ Identify practical opportunities for preventing sexual violence. ■ The optimal linkage between community response, individual response and response of an agency, already in place. 					
<p>A2 Profile patterns of sexual violence, threats, survivors, and perpetrators.</p> <p><i>Provincial level</i></p>	<p>The following activities should be based on initial information gathering on sexual violence.</p> <p>Crime pattern: Understanding the precise nature, pattern and scope of violations and threats in particular areas.</p> <p>Vulnerability: Who is most vulnerable to threats: differentiate threats by age, gender, ethnic group social status religion etc.</p> <p>Assessments in areas of new or recent displacement: Given new dynamics a quick, effective referral system to be established (mobile units, community committees for referral and sensitisation; see also Component of Multi-sectoral Assistance for sexual violence.)</p> <p>Circumstances: Study particular crime patterns, that is timing, schedule, logic or symbolism, connected with the threats (physical, social, spatial, economic, and habitual), that may expose people more at risk. (how, when, and where the crimes are committed). Motif of violations. Predict perpetrators next step.</p>	Number of profiles developed of crime patterns, survivors and perpetrators by territory.	Accurate analysis of the situation on the ground related to sexual violence. Prioritizing focus of prevention activities on perpetrators, survivors and community.	<p>Agreed sexual violence focal point JMAC and MONUC/OHCHR</p> <p>Provincial Protection Cluster</p>	Six months	Development of initial profiles to allow for a baseline analysis and allow for comparison of threats and incidents.

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>Community: What are prejudices, reasons, interests, frustration, and emotions driving these crimes? Learn who is encouraging, permitting, and colluding in the perpetration of violations as ideologies, strategies and active supporters.</p> <p>Select/appoint community liaison officers to inter-act with UN military and police.</p>					
<p>A3 Introduce model risk assessment for sexual violence.</p> <p><i>Provincial level</i></p>	<p>Introduce assessments based on risk models to agencies and NGOs involved in the protection of civilians.</p>	<p>Number of checklists and assessment tools developed (harmonized and standardized). Number of risk assessments per situation being conducted.</p>	<p>Achieve a common understanding on risk analysis of sexual violence and introduce standardized assessment tools</p>	<p>Protection cluster involving experienced actors involved in protection, UNHCR, UNICEF, IRC, COOPI, Oxfam, Care, NRC</p>	<p>Six months</p>	<p>Conduct follow-up sessions.</p>
<p>A4 Information sharing.</p> <p><i>Provincial and National levels</i></p>	<p>Bearing in mind the obligation to respect privacy and confidentiality of sources and individuals in question:</p> <ul style="list-style-type: none"> ■ Share information with mandated agencies and organisation when appropriate with the objective of increasing protection level of affected persons. ■ Avoid duplication and ensure a shared understanding of the situation. 	<p>Number of information and analysis reports shared</p>	<p>Consolidated and coordinated information</p>	<p>National and Provincial Protection Clusters</p>	<p>Six months</p>	<p>Identify existing gaps in terms of coordination</p>
<p>A5 Involve the community in developing protection strategies for sexual violence,</p>	<p>Assess existing attitudes towards survivors:</p> <ul style="list-style-type: none"> ■ Understand existing coping mechanisms and self-protection capacities of communities in regard to sexual violence. ■ Explore how these capacities might best be supported and developed. 	<p>Number of projects supporting community self-protection</p>	<p>Identify best practices for prevention by involving communities</p>	<p>Responsible: Sexual Violence Focal Point and Protection Cluster</p>	<p>Six months</p>	<p>Review the effectiveness of such practices and identify the secondary risks that might arise.</p>

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<p>based on existing community coping mechanisms.</p> <p><i>Community level</i></p>	<ul style="list-style-type: none"> ■ Examine what actions people are taking to avoid threats of sexual violence. ■ Base prevention activities on existing community coping mechanisms (e.g. change market times to earlier in the evening or later in the morning; men accompany women to fields or market). ■ Study how people are changing their behaviour to reduce their vulnerability to the threats (change regular movements). ■ Set community early warning systems (tam, tam). ■ Are people changing their pattern of livelihood to survive (e.g. planting crops only in areas around the village, not planting at all, migrating for work or going into prostitution to earn a living). ■ What is the attitude to the current situation (e.g. obeying orders, paying taxes, being forced to join militia groups or marry soldiers)? Positive or negative adaptation to situation? ■ What is the capacity of the community to confront the threats (defence, ignorance, dispirited, disintegrating)? ■ More gender-sensitive scenario planning (e.g. ensure that the views and concerns of women and children are taken into account). 			<p>Stakeholders: Community, traditional leaders, administrators, women's groups, teachers, local army and police commanders, ANR as advocacy targets.</p>		
<p>A6 Issuing of Directives/ Codes of Conduct on sexual violence.</p> <p><i>International and</i></p>	<p>Review and possibly adjust MONUC FC Directive and/or SOPs:</p> <ul style="list-style-type: none"> ■ Add a special section on sexual violence protection measures (e.g. patrolling along market routes and around where women and children are in movement, establish check points in sensitive areas, etc.). 	<p>Directives and code of conduct of MONUC military and army and DRC Government</p>	<p>Clear orders given to international (MONUC) and Congolese army and police.</p>	<p>MONUC Force Commander and Police Commissioner, ministries of defense and</p>	<p>Six months</p>	<p>Review the effective application and of such directives and code of conduct.</p>

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<i>National Levels</i>	<p>Review and possibly adjust Rules of Engagement to include attentiveness to sexual violence:</p> <ul style="list-style-type: none"> ■ Actively recruit more female peacekeepers; military/FPU and policewomen deployed to sensitive areas. ■ Ensure female translators round the clock. ■ Ensure deployment and mentoring of national police by deployment of more UNPOL in towns and IDP settlements. ■ Provide clear and unambiguous directions to military personnel on how to respond in concrete and practical terms. <p>Develop Code of Conduct for FARDC and PNC in collaboration with respective ministries.</p> <p>Combine respective decrees of the defence and interior ministers (<i>Ordnance</i>) introducing a specific Code of Conduct on sexual violence, e.g. ensure protection of women and girls, refer all alleged perpetrators under their command to justice, take pro-active measures to patrol, encourage and promote best practices for the protection of women and girls.</p>			interior, ODSRSG		
<p>A7 Create specialized PNC and FARDC sexual violence units.</p> <p><i>All levels</i></p>	Cross-reference to strategic components of the Comprehensive Strategy: Combating Impunity (1), Security Sector Reform (3).	Refer to strategic components of the Comprehensive Strategy: Combating Impunity (1), Security Sector Reform (3).	Refer to strategic components.			

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<p>A8 Prioritize prevention activities based on community coping mechanisms.</p> <p><i>Community and provincial level</i></p>	<p>Application of Risk Assessment: Identify and take into account primary and secondary risks. While primary risks exist, there is danger of exposure to new secondary risks. Example (a) While a militia group attacks a village, a woman is on her way to the field—protection of home areas (primary risk), safe return (secondary risk). Example (b) When market hours are changed in response to a primary risk, a secondary risk might arise with an armed group movement during market days.</p> <p>Protection cluster to set parameters Whom are you trying to protect? From what? What capacity do people have to protect themselves? How will you help them? What resources will you use? Who will you do it with?</p>	<p>Number of assessments conducted based on risk model analysis.</p> <p>Number of interventions following the risk analysis.</p>	<p>Analysis-based and focused interventions, adapted to the current situation in regard to sexual violence</p>	<p>National and Provincial Protection Clusters</p>	<p>One year</p>	<p>Review the effectiveness of these interventions on a monthly basis.</p>
<p>A9 Adapt programming activities to the objective of limiting risks of exposure to sexual violence.</p> <p>During emergency phase.</p> <p><i>Provincial level</i></p>	<p>Link programming activities to protective assistance in compliance with IASC Guidelines on Gender-Based Violence Intervention in Humanitarian Settings. For example:</p> <p><i>Identify safe areas:</i> New wells dug in safe areas that lessen the risk of a dangerous journey.</p> <p><i>Assistance targeting risks:</i> Distribution of PEP Kits to health centres, training to health personnel to avoid women being identified as rape survivors when going to hospital.</p> <p>In safe shelter or house, ensure programming by a multifunctional agency to avoid identification as refugee or rape survivor. (City of Joy).</p> <p><i>Balance risks and benefits:</i> Better to avoid assistance if it attracts too much attention, and the risk of exposure is too high, and if there are self-survival mechanisms within</p>	<p>Number of interventions which have a protection focus</p>	<p>Threats and number of incidents are reduced.</p> <p>Contingency plans on sexual violence are in place.</p> <p>Inter-cluster strategy including prevention of sexual violence is in place.</p> <p>SV focal points appointed for each cluster.</p>	<p>Protection Cluster</p>	<p>One year</p>	<p>Review programming activities.</p>

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>the community/population (e.g. if a food and clothing distribution location is known, militias may attack shortly thereafter to supply themselves).</p> <p><i>Engage local authorities:</i> Officials from local authorities; officers from ministries of gender, labour and social development, health; and the police.</p>					
<p>A10 Conduct an analysis of whether existing preventive measures impact on reducing sexual violence.</p> <p><i>Community level</i></p>	<p>Conduct needs assessments. Examine why prevention measures failed and identify entry points for intervention:</p> <ul style="list-style-type: none"> ■ Ensure equal and active participation by women and children in assessing, planning, implementing, monitoring and evaluating programmes. ■ Map existing community protection strategies. ■ Evaluate political commitment to protection (e.g. provincial government, army, police) <p>Define clear objectives for protection from sexual violence.</p> <ul style="list-style-type: none"> ■ What type of sexual violence had the severest impact on individuals and communities? ■ Which are the most prevalent and persistent forms of sexual violence? ■ Where do the greatest vulnerabilities lie? ■ Which is the most appropriate agency, mandated and equipped to address the problems identified? <p>Choosing appropriate protection activities. Need to plan interventions with vulnerable communities. Focus on the capacity and willingness of the authorities to respond,</p>	<p>Number of priorities identified in each situation.</p>	<p>Impact analysis based on vulnerability and risk assessment.</p>	<p>National and Provincial Protection Clusters</p>	<p>Six months</p>	<p>Review the effectiveness of these practices.</p>

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>capacity of the communities.</p> <p>Specify the “protection outcome” and work towards it: For example, all women in Minova will have sufficient and safe access to food aid until free movement is secured again in the surrounding area. Women and girls will have safe access to water and move freely to collect points without intimidation.</p>					

Plan of Action

Component 2. Protection and Prevention

TABLE II- B

Objective B: To strengthen the resilience of survivors

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<p>B1 Ensure Multi-Sectoral assistance for survivors of sexual violence.</p> <p><i>Community level</i></p>	<p>Refer to Multi-sectoral Assistance Component of the Comprehensive Strategy against sexual violence:</p> <ul style="list-style-type: none"> ■ Provide direct and adequate services for sexual violence survivors in need. ■ Disseminate flyers/leaflets on services available in different contexts (medical, psychosocial, judicial, and reintegration support). ■ Improve referral systems for assistance. 	<p>Refer to Multi-sectoral Assistance Component of the Comprehensive Strategy.</p>	<p>Refer to strategic component</p>	<p>Refer to strategic component</p>	<p>Refer to strategic component</p>	<p>Refer to strategic component</p>
<p>B2 Establish standardized sexual violence monitoring and reporting mechanisms that place the best interests of the survivor at the forefront.</p> <p><i>Develop at National level</i></p> <p><i>Apply at Community level</i></p>	<ul style="list-style-type: none"> ■ Develop tools for a standardized interview format. ■ Refer to A1. and follow the checklist developed of issues to be aware of in dealing with survivors (e.g. avoid repeated interviewing etc). ■ Identify and develop suitable locations where survivors feel comfortable to come forward and report. Depending on the settings (IDP camps, villages), create “Drop in Centres”, “Women’s Centres” to provide community services on a confidential basis (survivors are not identified but part of a comprehensive programme), etc. ■ Apply strict criteria of confidentiality neutral places where survivors and other sources can be interviewed. Apply confidentiality; identify neutral places where survivors or sources are interviewed (in a religious location, preferably not directly to a <i>maison d’ecoute</i>, known by all as a place where rape 	<p>Standardized interview format agreed.</p>	<p>Information that will enable an analysis of legal responsibility (see B3).</p>	<p>Agreed sexual violence focal point.</p> <p>Provincial Protection Cluster with NGOs, INGOs and UN agencies</p>	<p>Six months</p>	<p>Identify gaps in human and material resources, knowledge and expertise.</p> <p>Identify the positive attributes, such as expertise, previous experience, innovative responses that may contribute to their protective ability.</p>

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>survivors receive assistance).</p> <ul style="list-style-type: none"> ■ These places to be used specifically to protect people by inhibiting further abuses (e.g. cases of local women accompanying rape survivors to a hospital who in turn were raped in revenge by militias as they were to have provided information or assisted survivors). 					
<p>B3 Apply safety and security measures to increase protection.</p> <p><i>Community level</i></p>	<p>Safety and security measures:</p> <ul style="list-style-type: none"> ■ Increase capacity of army or police to fulfil their protection functions. ■ Establishment of safe houses. ■ Establish better information sharing on security problems and “hotspots.” <p>Examine capacities:</p> <ul style="list-style-type: none"> ■ The willingness and capacities of authorities to respond (deploy specialized police units in the area, patrolling etc). ■ The capacity of the international community (protection cluster, and/or particular agency) to respond. ■ Ensure synergy between protection activities and existing initiatives on the ground (e.g. One organisation has established a counselling mechanism already established in a particular area). ■ Use experience of specialized protection training officers (UNHCR, UNICEF, NGOs, etc). <p>Awareness:</p> <ul style="list-style-type: none"> ■ Through formal and informal networks, maintain awareness of protection and security issues related to sexual violence. Provide information to local formal and informal sexual violence working groups about protection and security issues. 	<p>Number and type of safety and security measures applied.</p>	<p>Vulnerability to sexual violence threats is reduced.</p>	<p>Sexual violence Focal Points</p> <p>Protection Clusters</p> <p>Stakeholders: Community, traditional leaders, administrator, local army and police commander, ANR, women’s groups, teachers.</p>	<p>Six months</p>	<p>Identify gaps in human and material resources, knowledge and expertise.</p>

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<p>B4 Address the consequences of sexual violence on survivors and communities.</p> <p><i>Local level</i></p>	<ul style="list-style-type: none"> ■ Facilitate the reintegration of sexual violence survivors through economic empowerment programmes. ■ Create social reintegration mechanisms for abandoned women and children born of rape. ■ Address the lack of capacity in survivors' home towns/villages. 	Number of reintegration programmes	Aim at long-term reduction of vulnerability of individuals.	<p>Sexual violence focal points</p> <p>UNSSSS</p> <p>Protection Cluster</p> <p>Community, traditional leaders, administrator, local army and police commander, ANR, women's groups, teachers.</p>	Six months	Identify the positive attributes (e.g. expertise, experiences, innovation, etc.) that may contribute to the empowerment of survivors.

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<p>B5 Address the consequences of sexual violence on survivors and communities.</p> <p><i>Community level</i></p>	<ul style="list-style-type: none"> ■ Address the shame of having this phenomenon within the community. ■ Address community blame for not responding effectively to the problem. ■ Address how men perceive their wives and children being survivors of sexual violence. 	Number of sensitization campaigns	Restoration of confidence, in order to collectively face the impact of sexual violence on the community.	<p>Sexual violence Focal points</p> <p>UNSSSS</p> <p>Protection Cluster</p> <p>Community, traditional leaders, administrator, local army and police commander, ANR, women's groups, teachers.</p>	Six months	Identify the positive attributes, such as expertise, previous experience, innovation that may contribute to the ability by the community to protect itself.

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<p>B6 Reduce social stigma of survivors.</p> <p><i>Community level</i></p>	<p>Reduce Stigma:</p> <ul style="list-style-type: none"> ■ Give voice to women’s organizations and involve community leaders, religious men to reduce social stigma. ■ Highlight examples of husbands or other family members accepting survivors. <p>Survivors speak for themselves:</p> <ul style="list-style-type: none"> ■ Adult women choose to speak out about their ordeal in a safe environment and become spokespersons for the issue and other women. ■ They should be made aware of opportunities, such as becoming community activists and spokespersons for other survivors. ■ In line with safety and security principles, caution towards recent survivors and children who require direct and immediate protection. 	<p>Number of positive examples of reducing stigma coming from the community.</p>	<p>Address phobias to face the problem and the individual and social responsibilities towards the creation of stigma to survivors.</p>	<p>Cluster protection</p> <p>Sexual violence Focal points</p> <p>UNSSSS</p> <p>Protection Cluster</p> <p>Community, traditional leaders, administrator, local army and police commander, ANR, women’s groups, teachers.</p>	<p>Six months</p>	<p>Evaluate the secondary risks of reducing stigma.</p>

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<p>B7 Monitor recovery programmes for survivors.</p> <p><i>Stabilization phase Community level</i></p>	<ul style="list-style-type: none"> ■ Reintegration of survivors into the community. ■ Protective assistance in compliance with IASC. ■ Guidelines on Gender-Based Violence Interventions in Humanitarian Settings, to be conducted during the stabilization phase (human resources, water and sanitation, food security and nutrition, shelter and camp management, non-food Items, health and community services, education, information and education communication). ■ Include reintegration of survivors into larger early recovery programmes (such as PEAR plus, part of the UNSSSS Stabilization strategy. This will ensure full reintegration into the community by preserving confidentiality, avoid stigma and ensure a community-based approach. 	<p>Number of recovery programming activities.</p>	<p>Economic empowerment of survivors and their communities.</p>	<p>UNSSSS</p> <p>UN agencies, NGOs</p>	<p>Three years</p>	<p>Review programmatic activities.</p>

Plan of Action

Component 2. Protection and Prevention

TABLE II-C

Objective C: Create a protective environment

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
C1 Restore rule of law mechanisms related to sexual violence.	Refer to the strategic components of Combating Impunity (1) and Security Sector Reform (3).	Refer to (1& 3) strategic sub components.	Refer to (1& 3) strategic sub components.	Refer to (1& 3) strategic sub components.	Refer to (1& 3) strategic sub components.	Refer to (1& 3) strategic sub components.
C2 List applicable legal standards and responsibilities. <i>National and provincial level</i>	<p>“Translate” the nature of sexual violence violations and threats, and the impact on communities into the language of International Law (IHL and IHRL), identifying the following:</p> <ul style="list-style-type: none"> ■ Individual criminal responsibility, command responsibly and state responsibility. ■ Refer to patterns of sexual violence; take into account applicable DRC 2006 Laws on sexual violence and identify the authorities with primary responsibility for stopping perpetrators from committing these violations. ■ Identify agencies on the ground, mandated to respond to this work and their respective responsibilities (e.g. UNCHR, UNICEF, BNUDH and NGOs, Coop, Oxfam and others as appropriate). 	Number of situational analyses developed, based on an analysis of legal standards and responsibilities.	Sexual violence is addressed through recognized accountability mechanisms.	<p>Agreed sexual violence focal point</p> <p>National and Provincial Protection Clusters</p> <p>UNHCR, UNICEF, MONUC/ OHCHR, IRC, COOPI, Oxfam, Search for Common Ground</p>	Six months	Use the analysis of legal standards and responsibilities as a tool for persuasion and advocacy.
C3 Advocacy <i>All levels</i>	<p><i>Denunciation:</i></p> <ul style="list-style-type: none"> ■ Pressuring authorities through public disclosure into meeting their obligations to protect civilians (e.g. after a mass rape, 	Number of Advocacy activities carried out	Provision of support to existing structures that enables them to carry out their	Local NGOs or INGOs, UN agencies present in	Six months	Provide regular feedback on the positive or negative impact

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>organize a visit to the affected village with Regional authorities, the Police Commander, the Chief Prosecutor and the FARDC Commander – if soldiers involved).</p> <ul style="list-style-type: none"> ■ Media communication on the situation with strict respect for survivors’ anonymity, attributing responsibility not directly at alleged perpetrators but at commanders. <p><i>Mobilization:</i></p> <ul style="list-style-type: none"> ■ Sharing information discreetly with select people and bodies, using their capacity to influence the authorities. ■ Engage community-based counsellors and women’s forums that act as social pressure groups to bring sexual violence issues to the attention of the community and humanitarian organizations. <p><i>Persuasion:</i></p> <ul style="list-style-type: none"> ■ Convince authorities and perpetrators to engage in private dialogue to discuss their obligations. <p><i>Support/ Capacity-building:</i></p> <ul style="list-style-type: none"> ■ Conduct sensitization sessions with SGBV focal points, heads of agencies, FARDC commanders and military chief prosecutor to underline specific responsibilities of specific units in committing acts of sexual violence in a particular area. Informal contacts with commanders of foreign, armed groups. ■ Message to pass through MONUC DRRR radio, or SMS on the sensitization and legal responsibilities of such groups. 		<p>functions, such as the sexual violence community focal points or local associations in first contact with survivors.</p>	<p>respective settings, Provincial Protection Cluster.</p>		<p>of advocacy.</p>

Comprehensive Strategy on Combating Sexual Violence in the DRC

COMPONENT 3. SECURITY SECTOR REFORM

Concept Note

This Concept Note serves to introduce the Plan of Action on Security Sector Reform (SSR) and Sexual Violence, which constitutes the third component of the Comprehensive Strategy on Combating Sexual Violence in the DRC.

Status

Incorporated into the work plan of the *Sous groupe thématique violences sexuelles*; elements incorporated into the reform plan for the army and police. Introduced to the MONUC-led Security Sector Reform (SSR) Working Group for discussion.

Lead entity (under discussion)

SSR Working Group (led by the MONUC SSR Section) or EUPOL/EUSEC.

Mandate

Existing data indicates that in areas of conflict the majority of perpetrators of sexual violence are members of the security forces or armed groups. Currently in Eastern DRC perpetrators are mainly associated with the regular DRC army (FARDC), national and foreign armed groups (for example, CNDP, FDLR, LRA, ADF-NALU) and local militia such as *Mayi Mayi*. In Goma, in the course of 15 days (29 October-14 November 2008), some 84 new cases of sexual violence, allegedly with FARDC involvement, were reported. Very few prosecutions have either taken place or succeeded, either through the military justice system or via internal accountability mechanisms.

Following the 21 February 2007 DRC Presidential Statement to the Security Council (S/PRST/2007/3), which recognized the need to consider national SSR priorities within UN operational mandates, MONUC designed a SSR strategy to support the Government of the DRC to manage national security challenges in the post-transition period. The strategy sets out three objectives to be implemented with partners:

- Encourage and assist the Government of the DRC to start a national process to define its concept of national security and develop a national security plan.
- Assist, facilitate and support the Government of the DRC to develop a sub-sectoral reform plan for defence, police, prisons and justice.
- Assist and support the Government of the DRC to complete remaining transitional tasks and strengthen the immediate management and operational needs of security sector actors.

A SSR Working Group, involving all international actors with SSR related activities, was created as a platform for coordination, discussion and implementation of the SSR MONUC strategy. The activities of the SSR Working Group are framed by the January 2008 SG Report on Security, Peace and Development: The role of the United Nations in Supporting Security Sector Reform and the 2007 Security Resolution on the situation concerning the DRC (S/RES/1756), which mandates MONUC to:

- Provide in the short-term basic training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based violence, to various members and units of the FARDC integrated brigades deployed in Eastern DRC with a view to enhancing their capacity to carry out the missions.
- In coordination with international partners, provide technical assistance, training and mentoring support to further develop the capacities of the Congolese national police and related law enforcement agencies in accordance with internationally recognized standards and norms on human rights, proportionate use of force and criminal justice, including the prevention, investigation and prosecution of cases of gender-based violence.
- In coordination with international partners, advise the Government on strengthening the capacity of the judicial and correctional systems, including the military justice system.
- In coordination with international partners, contribute to the efforts of the international community to assist the Government in the initial planning process of the reform of the security sector.

Security Council resolutions 1794 (2007) and 1856 (2008) have extended MONUC's mandate. Resolution 1794 urges the Government of the DRC to end violence and bring the perpetrators, as well as the senior commanders under whom they serve, to justice. It asked that MONUC review its efforts to prevent and respond to sexual violence, to develop a comprehensive mission-wide strategy, in close cooperation with the United Nations Country Team and other partners, to strengthen prevention, protection, and response to sexual violence, and to regularly report on actions taken.

Security Council Resolution 1856 urges MONUC to provide FARDC integrated brigades in Eastern DRC with military training on human rights and specifically on the prevention of sexual violence. It also requests that MONUC, with the international community, support the Government of the DRC in the planning of the security sector reform process, and reiterates its call upon the Congolese authorities to establish a vetting mechanism.

The UN SSR mandate in DRC, as the resolutions demonstrate, is focused on the military, police and justice. The range of activities are limited and do not provide the UN with a leading role in SSR. Intelligence and Border services are not included.

The rationale for incorporating sexual violence into the broader SSR agenda, which is within the scope of resolutions 1756, 1794 and 1856, is underscored by the UN Security Council's wider international peace and security agenda.

Resolution 1820 (2008) on Sexual Violence in Conflict explicitly links sexual violence with the maintenance of international peace and security. It emphasizes the need for states to prosecute perpetrators of sexual violence and situates efforts to prevent and respond to sexual violence within a broader context of women's empowerment and their full participation in conflict resolution and peace processes.

Resolution 1325 (2000) on Women, Peace and Security specifically addresses the disproportionate and unique impact of war on women, and women's under-utilized

contributions to conflict resolution. The resolution requires parties to support women's participation in peace negotiations and in post conflict reconstruction, and calls for the prosecution of perpetrators of crimes against women.

Sexual violence is a cross cutting issue that needs to be reflected across a broader SSR strategy with a special focus on the PNC, FARDC and justice sector reform. Opportunities exist to include practical interventions to combat sexual violence through various ongoing processes and complementary initiatives. This strategy aims to ensure linkages with the following:

- *The United Nations Support Security and Stabilization Strategy (UNSSSS)* is a plan aimed at stabilizing Eastern DRC and protecting civilians by improving the security environment and extending State authority through a combination of integrated political, military, development and humanitarian initiatives along clearly identified geographical axes. A sub-component and accompanying plan on sexual violence is under development and will form part of this strategy.
- A *National Plan for the Stabilization and Reconstruction of Eastern DRC* was launched in March 2009. Efforts are underway to ensure adequate consideration of sexual violence initiatives in a coherent and concrete manner throughout this plan.
- *Demobilization and Disengagement plans and programmes* and building a unified national army are ongoing processes. These include remaining DDR caseload as well as integration into the national army procedures.
- The *Plan mixte FARDC/PNC pour la lutte contre les violences sexuelles et impunité* (joint army/police plan against sexual violence and impunity), developed within the framework of the *Initiative Conjointe*, proposes the inclusion of sexual violence in its interventions in both the security and judicial spheres.
- Development of a vetting mechanism for State institutions, in line with the OHCHR's Rule-of-Law Tools for Post-conflict States (see Reference Tools below).
- Policy recommendations from the international conference, *Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers*, emphasizes accountability for domestic military prosecutions and strengthening the criminal justice system.
- The work plan of the *Sous groupe thématique violences sexuelles* has incorporated all elements of the SSR Component as well as those of the other components of the Comprehensive Strategy.

Objectives

The goal is for this component to be incorporated into the work plan of the SSR Working Group to ensure that the SSR agenda in DRC integrates practical initiatives to help combat sexual violence. The focus is on training and awareness raising amongst the DRC security forces and agents, the establishment or strengthening of accountability mechanisms, and introduction of a vetting mechanism. This needs to be linked with ongoing justice reform initiatives especially military justice, the demobilization and disengagement plans for armed groups, and reform of the FARDC.

The objectives identified for combating sexual violence as part of SSR are:

- Accountability—Security agents and forces need to both prevent and respond effectively to sexual violence and ensure that perpetrators of sexual violence crimes are held accountable.
- Vetting—Reform processes underway for security agents and forces need to incorporate mechanisms aimed at excluding individuals whose behaviour is not in line with international humanitarian law, human rights standards and best practices.
- DDR/*Brassage*—The disarmament and disengagement processes need to include special procedures to assist survivors of sexual violence.

Scope of application

This proposed Plan of Action on Security Sector Reform and Sexual Violence outlines steps and activities to be included in the national reform process for DRC security forces and agents. The aim is to train them and strengthen their capacity to prevent and respond to crimes of sexual violence. The main threads of the plan are as follows:

- Impunity—A priority is to ensure that crimes of sexual violence are prosecuted through the creation of specialized judicial and police units, a fast-track procedure to prosecute and judge crimes of sexual violence in both civilian and military jurisdictions, and particularly, the creation of specialized sexual violence units within the PNC, focusing on UNSSSS axes in the East.
- A small specialized unit within UNPOL to develop improved training modules on sexual violence, provide strategic guidance within UNPOL and assist with the creation of the specialized sexual violence units within the PNC.
- Harmonized and strengthened training programmes for State security agents and a Code of Conduct for FARDC and PNC, negotiated with the respective ministries (defence and interior) and outlining the responsibilities and obligations of State security agents to protect Congolese citizens.
- The establishment of special sexual violence cells within the FARDC to ensure and pursue internal accountability for sexual violence crimes.
- A vetting mechanism to ensure that police, military, and judicial personnel who have allegations of sexual violence and other serious crimes against them are not recruited into the security forces.
- To implement the vetting mechanism, an independent and impartial commission comprising of specialized units with expert personnel to deal with sexual violence related crimes. The options are to establish either a mixed domestic and international commission or a domestic commission supported by an international secretariat.

Challenges and recommendations

The proposed objectives and steps under this strategic component intersect with other strategic components of the Comprehensive Strategy, in particular that of Combating Impunity (1) and Protection and Prevention (2). The intricacy of these intersections are illustrated in the following examples:

- The sexual violence strategy needs to be linked to the demilitarization/disarmament and army reform processes. This will allow for more balanced gender access to both

- programmes, and ensure appropriate support for survivors of sexual violence, in line with the assistance referral system envisaged under the Multi-sectoral Assistance component. Similarly, it will be important to link demilitarization/*brassage* programmes to the reparation of victims, as envisaged under the Impunity Component. This would ensure that benefits provided to ex-combatants known to be responsible for human rights violations, including sexual violence, are equally granted to the respective victims.
- The demilitarization/disarmament process needs to be linked into the proposed vetting mechanism and consequently the reparation of victims. Demilitarization processes provide a platform for tracing victims and perpetrators registered throughout the process. The prosecution of those (ex-) combatants allegedly responsible for human rights violations, including crimes of sexual violence, and their exclusion from the new army represents an important step towards combating impunity, providing reparation for victims and contributing to a reliable national army.

Reference tools

This Plan of Action for Security Sector Reform and Sexual Violence relies on the following:

Carson, Marc, SSR Adviser to MONUC SRSG. End-of-Assignment Report, October 2008.

Dahrendorf, Nicola, "MONUC and the Relevance of Coherent Mandates: The Case of the DRC. Chapter 3 in Heiner Hanggi, *Security Sector Reform and Integrated Missions—Experiences from Burundi, The Democratic Republic of Congo, Haiti and Kosovo*. Geneva: Centre for the Democratic Control of Armed Forces, 2008.

MONUC Strategy to Support the Government of the DRC in Security Sector Reform from 2007 to 2010, April 2007.

Office of the High Commissioner for Human Rights. Rule-of-Law Tools for Post Conflict States-Vetting: An Operational Framework. New York: United Nations, 2006.

Plan Mixte FARDC/PNC pour La Lutte Contre les Violences Sexuelles et l'Impunité pour 2007-2008, UNFPA, 2005.

Security Council Presidential Statement, (S/PRST/2007/3), 21 February 2007.

UN Secretary-General Report on Security, Peace and Development: the role of the United Nations in supporting Security Sector Reform, (A/62/659-S/2008/39), January 2008.

Verwijk, Margret, *Developing the Security Sector: Security for Whom, by Whom? Security Sector Reform and Gender*. Ministry of Foreign Affairs Policy Division (DSI/ER): The Hague, December 2007.

Plan of Action

Component 3. Security Sector Reform

TABLE III-A

Objective A: Accountability—Security agents/forces to respond effectively to sexual violence and ensure perpetrators are held accountable

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
A1 Create a specialized judicial expertise for sexual violence and implement “fast-track” procedures to investigate, prosecute, and judge sexual violence cases (as provided by Law 06/019).	A1.1 Develop, together with the ministries of justice, defence and interior and relevant judicial authorities, standardized Terms of Reference on a national level for the specialization of investigation organs (OPJs/IPJs) and prosecution (<i>parquets/ auditorats militaires</i>) and courts and tribunals): <ul style="list-style-type: none"> • Establishment of three independent relays within the penal chain. • Specialized units within the judicial police. • The instructor judge referring to the parquet, a specialized judge. 	Specialized judicial expertise for sexual violence is in place.	Better services for victims of sexual violence in criminal proceedings.	UNFPA, MONUC/OHCHR, UNICEF, UNDP, ministries of interior, defence and justice, and <i>magistrature superieure</i> REJUSCO/NGOs Main coordination: MONUC/OHCHR	Six months	Evaluation of functioning of specialized judicial body, identify the gaps.
	A1.2 Delineation of roles during the procedures and of coordination mechanisms.					
	A1.3 Develop a Code of Conduct with minimum standards (<i>Code de deontologie de la police/ Statut militaire</i>).					
	A1.4 Examine possibility of suspending police/military officers if necessary for protection and prevention					
	A1.5 Develop a centralized registration system for sexual violence cases in criminal proceedings, courts, including military justice.					
	A1.6 Recruit and train female judicial personnel (registrars, magistrates, defenders etc).					

Cross reference to Strategic Component 1, Combating Impunity

A2 Separation of accountability between PNC and military forces.	A2.1 Advocate for police to be accountable under civilian justice and not to remain under military justice procedures.		PNC and military forces separated	DRC Government: ministries of justice, defence and <i>Conseil Superieure</i>	Six months	
A3 Establishment of UNPOL special sexual violence units to assist in the creation of PNC special sexual violence units.	A3.1 Obtain mission authorization for UNPOL to recruit small specialized units with expertise in investigation techniques and training for crimes of sexual violence.	Agreement and authorization received	Specialized expertise available to reinforce PNC capacity on sexual violence.	UNPOL, UNDPKO New York	Two months	
	A3.2 Determine ToRs for the UNPOL special sexual violence unit.					
	A3.3 Deployment of UNPOL sexual violence units.					
		Number of personnel deployed	Improved recruitment and evaluation mechanisms for sexual violence personnel. Increased presence and engagement of UNPOL.			

Plan of Action

Component 3. Security Sector Reform

TABLE III-B

Objective B: Vetting—Reform processes for security agents/forces aimed at excluding individuals who are out of line with international humanitarian law, human rights standards and best practices

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
B1 Assessment of the situation (public needs, perception and capacities).	B1.1 Broad consultation with civil society on the identification of public needs. Particular attention should be paid to the needs of victims, women, minorities and vulnerable groups.	Report of analysis and documentation of findings.	Persons lacking integrity excluded from state institutions. Civic trust re-established and public institutions re-legitimized. Criminal accountability for past abuses. Abuses prevented	MONUC/OHCHR, MONUC FC, EUSEC, UNPOL, EUPOL <i>Etat Major des Forces Armees, PNC</i> Coordinating Entity MONUC/OHCHR/UNDP	12 months	
	B1.2 Evaluate state institutions' capacities and resources to establish and implement personnel reform.					
	B1.3 Assess integrity of individuals through a proactive process of collecting background information from a variety of sources (human resources, databases, judicial authorities registries, civil society records/claims/cases – available databanks).					
	B1.4 Potential risks of removal should be assessed (provision of severance pay and other temporary assistance might be required in certain cases; care should also be taken to consider the rights of victims and assistance to removed officials has to be balanced with the needs of victims.					
	B1.4 Assess pool of potential replacements. Minimize the risks of governance gaps. Build capacity quickly.					
	B1.5 Assess potential resistance to the personnel reform process and risks.					
B2 Define parameters, standards and	B2.1 Define organizational parameters: institutional ToRs, Codes of Conduct; organizational structures.			As above	12 months	

outcomes	<p>B2.2 Define individual capacity standards: job descriptions, setting out personnel and professional qualifications.</p>					
	<p>B2.3 Define standards of individual integrity: adherence to international standards of HR and professional conduct</p>					
<p>B3 Design the process:</p> <ul style="list-style-type: none"> • Define a clear mandate. • Define the scope of Personnel Reform of security agents/ forces and institutions. • Ensure that sexual violence crimes are included in the agenda. 	<p>B3.1 Establishment of an independent and impartial mechanism to administer and implement the Personnel Reform processes. Creation of specialized units with expert personnel to deal with sexual violence-related crimes.</p>	<p>Vetting Commission established.</p>	<p>Process designed and in place.</p>	<p>As above plus: Parliament and Constitutional Court.</p> <p>Coordinating Entity: MONUC at political level, National Assembly</p>	<p>12 months</p>	
<p>B3.2 Develop ToRs for an independent/ impartial mechanism and ensure that they reflect:</p> <ul style="list-style-type: none"> • Appropriate measures for the efficient functioning of the Commission. • Transparency and impartiality of its members (ensure that measures such as verifying the background of members is taken to avoid “double agents”). • Confidentiality in its work. 						
<p>B3.3 Ensure that <i>personnel reform</i> regulations will be integrated into legislation. Need for clarity and precision to avoid ambiguity and political interference (to be approved by Legislative body, i.e. Parliament).</p>						
<p>B3.4 Ensure that the Personnel Reform process will prioritize the following:</p> <ul style="list-style-type: none"> • Military, police and judicial institutions. • Senior managers/officers whose authority might influence the implementation of the personnel reform process. • Individuals publicly known to have committed gross violations of human rights with particular attention to sexual violence crimes. 						
<p>B3.5 Establish parameters for the implementation for each type of process: screen current employees, reappointment, and disciplinary proceedings.</p>						

	B3.6 Integrate a public information and broad consultation mechanism within the reform process, to increase transparency and pre-empt attempts to cast doubt on the legitimacy/validity/impartiality/independence of the process.					
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Plan of Action

Component 3. Security Sector Reform

TABLE III-C

Objective C: DDR—Disarmament and disengagement processes to include special procedures to assist survivors of sexual violence

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation					
C1 Ensure that disarmament/disengagement programmes focus on integrating a sexual violence sensitive approach into all activities and infrastructure.	C1.1 Include and emphasize the disengagement of women and children as a priority during negotiations with leaders of armed groups. Female Combatants should be integrated into lists of combatants provided by armed groups. Differentiate between women/girl combatants and dependents.	Number of women and girls part of the lists of combatants presented for demilitarization.	Women and girls separated by armed groups.	UE PNDDR, SMI, DDR/DDRRR, UNICEF	Six months						
	C1.2 Integrate SGBV issues in sensitization campaigns aimed at ex-combatants and undertaken at assembly points, regroupment centres and <i>brassage</i> centres.										
	C1.3 Training programmes for combatants being integrated into the army should include sexual violence modules.										
C2 Ensure that demobilization programmes appoint female focal points at each stage in the process; assembly points, regroupment and <i>brassage</i> centres, in line with the UE-PNDDR principles.	C2.1 Define clear ToRs for focal points to: <ul style="list-style-type: none"> • Trace and identify female combatants among the troops being processed. • Sensitize female combatants about the disengagement/disarmament and registration processes. • Identify, register and orient female ex-combatants for integration into the DDR processes and community development programmes (socio-economic reintegration). • Orient sexual violence survivors identified amongst the combatants to appropriate support structures. 	Number of female Focal Points appointed.		UE-PNDDR and SMI, UNSSSS, EUSEC Main coordinating entity: UNICEF	Three months						
	Cross reference to Strategic Component 4, Multi-sectoral Assistance for Survivors										
	C2.2 Create appropriate infrastructure for intake and <i>regroupement centres</i> to maintain separate and private areas for female ex-combatants.										

<p>C3 Ensure that programmes for reintegration into the new army/<i>brassage</i> link in with the strategic component on combating impunity by prosecuting perpetrators identified through the DDR process.</p>	<p>C3.1 Ensure that the disengagement process does not imply immunity from prosecution for crimes committed (moreover when they could constitute international crimes as war crimes); (refer to the sexual violence strategy component Combating Impunity for Sexual Violence Crimes).</p>	<p>Number of documented cases.</p>	<p>Prosecution of perpetrators identified through DDR.</p>	<p>SMI, MONUC/OHCHR, UNICEF, INGOs, local NGOs</p> <p>Coordinating entity: UE PNDDR, MONUC/OHCHR</p>	<p>12 months</p>	
	<p>C3.2 Trace those ex-combatants allegedly responsible for sexual violence violations, with an emphasis on victims within their own troops (e.g. women and children taken by force into the troops or voluntarily joining):</p> <ul style="list-style-type: none"> • Cross-check people listed (list of names) during the demilitarization process with the Human Rights and child protection database and the monitoring and reporting mechanisms within SCR 1612. • Cross-check with information reported by NGOs and civil society. • Cross-check with information collected or registered by Military Prosecutor offices. 					
	<p>C3.3 UNICEF and UE-PNDDR should ensure that their “Verification Teams” properly document the use of children by armed groups and make that information available for the prosecution of perpetrators.</p>					
	<p>C3.4 Identify and document cases of kidnapping, forced recruitment, forced marriage, slavery, rape of women and girls, and facilitate/promote prosecution of respective perpetrators.</p>					
	<p>C3.5 Ensure the link with the FARDC <i>committee de suivi</i> on human rights violation.</p>					
<p>C4 Ensure that programmes</p>	<p>C4.1 Ensure that female ex-combatants will be assisted during their stay in each of the transit points (AP/CR/CBR).</p>	<p>Number of female combatants assisted.</p>	<p>Female combatants assisted with</p>	<p>UNICEF, UEPNDDR, UNDP, World Bank, INGOs and national</p>	<p>Six months</p>	

for social reintegration and service provision provide special assistance to female ex-combatants.	C4.2 Special medical and psychological support should be available for survivors of sexual violence identified among the combatants during the overall disengagement process.	Documentation of reports provided.	appropriate assistance.	NGOs Coordinating entity: UNDP		
	C4.3 Ensure access to multi-sectoral assistance to sexual violence survivors whenever appropriate (refer to the sexual violence strategy: Multi-sectoral Assistance Component)					
	C4.4 Assistance should be extended to dependents of female combatants.					
	C4.5 Give priority to female combatants in accessing reintegration programmes (social reintegration and economic empowerment).					
C5 Ensure that programmes for reintegration (both social and <i>brassage</i>) include justice and vetting mechanisms.	C5.1 Link the disengagement process with the overall Vetting Strategy and ensure that vetting mechanisms will apply to former combatants allegedly responsible for sexual violence crimes.		Former combatants vetted.	UE-PNDDR, MONUC/OHCHR		
C6 Ensure that programs for reintegration link into programs for the reparation of victims.	C6.1 Ensure that demilitarization/integration benefits provided to ex-combatants with allegations of human rights violations and war crimes are equally granted to the respective victims.	Number of allegations pursued.	Reparation provided	BNUDH, FARDC, CSM Coordinate: MONUC/OHCHR		
	C6.2 Work closely within the military jurisdiction and the human rights organizations to set up special sexual violence hearings to get justice and reparation for victims.					

Comprehensive Strategy on Combating Sexual Violence in the DRC

COMPONENT 4. MULTI-SECTORAL ASSISTANCE FOR SURVIVORS

Concept Note

This Concept Note serves to introduce the Plan of Action on Multi-sectoral Assistance for Survivors of Sexual Violence, which constitutes the fourth component of the Comprehensive Strategy on Combating Sexual Violence in the DRC.

Status

Subject to change depending on local conditions; introduced to the Sexual Violence Task Force at national level and in North and South Kivu to respective SGBV working groups; forms part of the *Sous groupe thématique violences sexuelles* work plan.

Lead entity: UNICEF

4.1 Collection, analysis and data dissemination

Objectives: To make information available on preventative action, survivors, perpetrators and responses to sexual violence, including actions targeting perpetrators, by developing an integrated system of information management including collection, analysis and dissemination.

Status: A database focused on survivors and responses is currently available in the DRC. However, there is not much information available on perpetrators or on preventative action.

Lead entity: UNFPA

Mandate

The Plan of Action aims to incorporate the following ongoing initiatives and processes under a common framework:

- The *Initiative Conjointe* protocols, tools for data collection, training modules and referral systems. Adopted in 2005.^{xxv}
- The National Medical Protocol, DRC Ministry of Health, 2007.^{xxvi}
- The Plan of Action of the government-led *Sous groupe thématique violences sexuelles*.
- The programmatic axis of the ministries of health, social affaires, gender and justice to be integrated into the *plan des activités prioritaires* (PAP) by the Ministry of Planning.

Objectives

The aim of this Component is to develop a common framework for the key actors involved in reproductive health, psychosocial assistance and reintegration. It needs to be viewed in conjunction with Component 1 (Impunity), as any reintegration assistance needs to also involve access to justice for survivors. The intention is to:

- Improve access of survivors to health, psychosocial and reintegration/judicial assistance.
- Seek a common understanding by all actors and inter-ministerial agreement on the minimum standards applicable in the provision of assistance.
- Establish a simple referral pathway^{xxvii} and follow-up mechanisms at the local/ community level.

The Plan of Action contains two main objectives:

- Improve the referral pathway for multi-sectoral assistance for survivors of sexual violence—Aimed at the community/local level and involving UN agencies, INGOs, provincial authorities and State institutions.
- Develop a National Protocol for Multi-sectoral Assistance amongst the competent DRC ministries—Aimed at the national governmental level and will be applied at the provincial level with the assistance of UN agencies, INGOs and relevant government ministries, in particular public health, gender, family and children, social affairs and justice.

Challenges and recommendations

An effective response to sexual violence is complex as this Plan of Action highlights. Current initiatives, interventions and programmes need to be strengthened to allow for more effective and life-saving responses for victims, better access to services and a clearer delineation of roles and responsibilities for key agencies, individuals and the Government. Following are the challenges and recommendations of the Plan of Action on Multi-sectoral Assistance for Survivors of Sexual Violence:

Comité provincial/Territoriale synergies de la lutte contre les violences sexuelles (CP/TLVS) is a coordination mechanism for UN agencies, NGOs and local governments in most DRC provinces. Established in 2004, the CP/TLVS functions under the umbrella of the *Initiative Conjointe*, which is administered and coordinated by UNFPA and the Ministry of Gender, Family and Children. The CP/TLVS consists of four thematic working groups: Medical, Psychosocial, Justice and Reintegration. It is currently the forum for information sharing on programming activities by UN agencies involved in the *Initiative Conjointe*. However, a consensus has emerged that its methodology and some of its programming activities are not adaptable to field realities, as survivors of sexual violence still cannot access adequate assistance.

Recommendation: In order for it to be responsible for implementing the Multi-sectoral Assistance component, the CP/TLVS should be improved and strengthened in terms of methodology and programmatic orientation by relying on commonly agreed guidelines. Consequently, this plan proposes the development of standardized protocols of assistance, with a National Protocol for Multi-sectoral Assistance and a clearer definition of the referral pathway.

Referral pathway for Multi-sectoral Assistance—The existing referral pathway is not applied consistently in most provinces and localities and is particularly weak in regard to judicial and reintegration assistance. The *Initiative Conjointe* proposes a referral system, called a “*reference contre reference*.”^{xxviii} Confusion has arisen because the referral system, as applied within the *Initiative Conjointe*, appears to merge referral procedures for survivors with information collection, based on an elaborate monitoring and reporting mechanism.^{xxix}

Recommendations:

- The referral pathway for multi-sectoral assistance for survivors needs to be separate from monitoring and data collection. Whilst a functioning referral pathway will also facilitate better monitoring and information gathering, its purpose needs to be clearly defined in advance.
- Care providers have the duty to inform survivors of their rights and opportunities for services and assistance. Survivors have the right to control how information about their cases is shared with responsible agencies or individuals.
- The Plan of Action proposes that the referral pathway apply the IASC Standardized Operating Procedures (SOPs)^{xxx}, which are based on good field practices and were developed to clarify roles and responsibilities of agencies in each setting.

The *Initiative Conjointe* boasts a 73-page guide containing tools for data gathering and referral systems but it is not well understood by local implementing partners. For example, local NGOs or health centres are often the

entry point for survivors of sexual violence but they have neither the capacity nor time to apply the elaborate forms (“*fiches techniques*”). Consequently, when a survivor arrives at a rural health centre she/he often receives only basic medical treatment and is often neither referred nor informed about any possibilities of psychosocial counselling or judicial assistance.

Recommendations:

- Referral mechanisms need to be as simple and accessible as possible.
- The referral pathway should be communicated in local languages and via graphic/pictorial representation, and contain instructions on priority actions to be taken by survivors within the first 72 hours as well as contacts for each service/actor.
- The rules and responsibilities of each actor involved in Multi-sectoral Assistance need to be clearly outlined and aligned to the DRC administrative division of health zones, down to the local/community level.
- Appoint two to three focal points with responsibility for managing the referral path in each health zone.
- Programme planning has to take into account the need to appoint and support two to three fully operational focal points per health zone. These will be based in locations with the highest concentration of incidents of sexual violence, such as in health centres or religious institutions.

Breach of confidentiality is a prevailing problem. Existing data on survivors of sexual violence frequently contains confidential information, such as the result of HIV testing or surgical intervention. This is often communicated without the survivors consent to actors responsible for other sectors (e.g. judicial or reintegration).

Recommendations:

- The survivor’s file (‘*fiches techniques*’ or other tools) needs to remain in a safe location and should not be circulated or transmitted to other sectors.
- A one-page standardized form with minimum information about the survivor needs to be developed and completed at point of first contact (‘entry point’), ensuring confidentiality.

National Protocol of Multi-Sectoral Assistance amongst the competent DRC ministries—At present, there is no such agreed protocol that is widely accepted and implemented by the relevant actors. Such a protocol would provide guidance for care providers on, for example, the provision of appropriate assistance by outlining basic steps and defining a set of minimum standards of assistance for survivors. The existing protocols are:

- The Protocols of the *Initiative Conjointe* (2004), which are not widely adhered to in UN agencies and INGO programmes unless they form part of the two main *Initiative Conjointe* projects.^{xxxii}
- The National Medical Protocol issued by the Ministry of Public Health (2007)^{xxxii} describes the medical treatment needed by survivors of sexual violence but does not explain how to perform a physical examination, record findings or administer medical care.

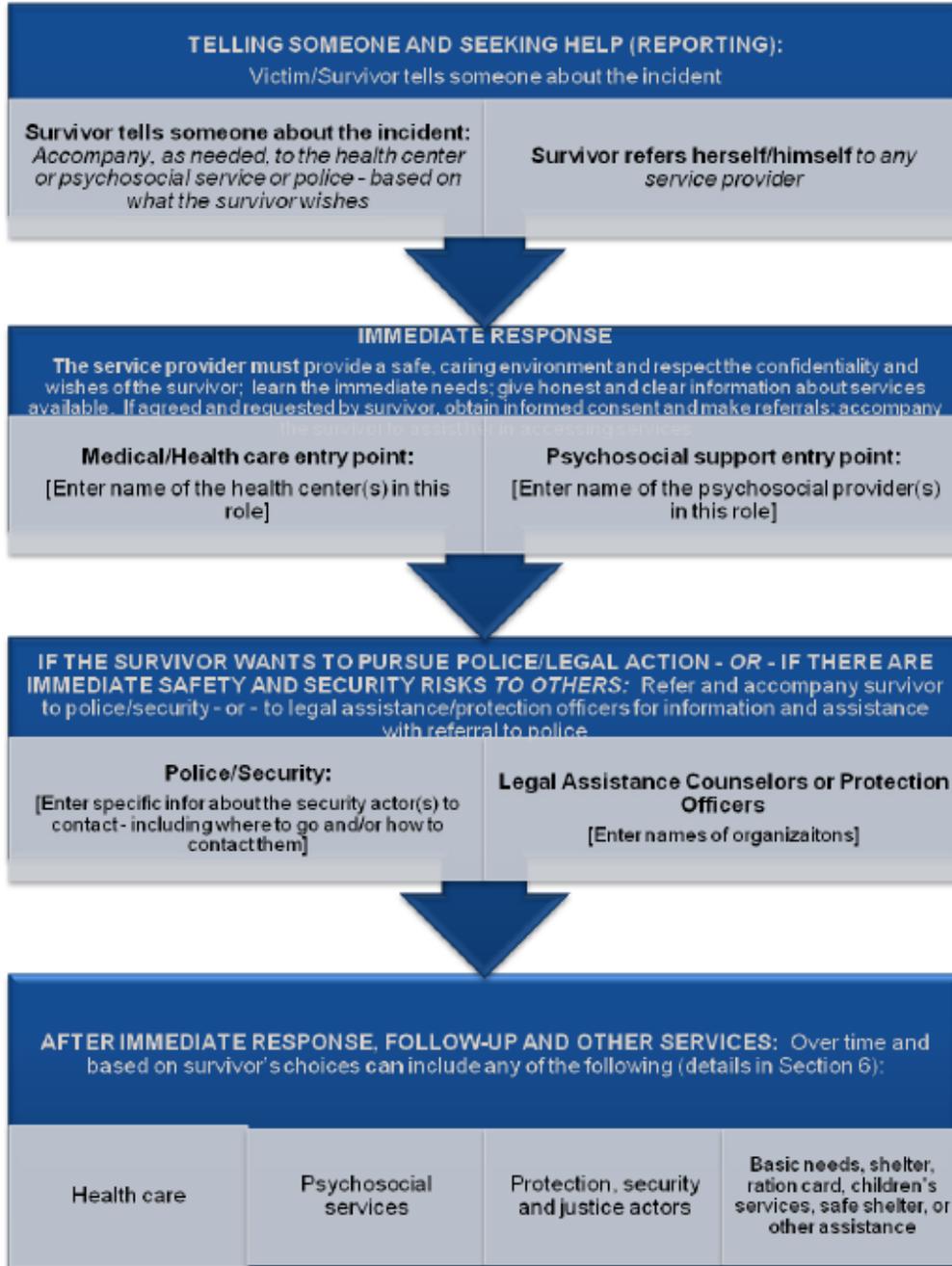
Recommendations:

- Develop a National Protocol for Multi-sectoral Assistance that could serve as an *aide memoire* and include guidance on the provision of medical, psychosocial, reintegration and judicial assistance as well as a clear delineation of roles. The aim would be to assist care providers in each sector. Survivors should be systematically informed of their rights and of the available services in order to make an informed choice. For example, a survivor needs to be informed of the existence and composition of PEP kits but should choose whether or not to take the morning-after pill.
- The National Protocol needs to define minimum standards for interventions in each sector and incorporate the following: ethics for care providers; the IASC guidelines (see in Reference Tools,

below); the “survivor-centred skill” approach;^{xxxiii} services that are accessible to survivors; and a checklist of materials and equipment required for each locality (such as medication, provision of separate rooms for survivors).

- Programming priorities need to be aligned with the National Protocol. Agencies whose mandate includes protection, reproductive health, development, reintegration, human rights and justice should lead on the programmatic activities that correspond to their expertise.
- The National Protocol needs to be applied in a decentralized manner. Its aim should be to improve existing structures in rural areas with high incidents of sexual violence. Logistical support and training is required for those in first contact with survivors. In the short term, initiatives such as mobile clinics need to be supported.

SAMPLE HELP-SEEKING AND REFERRAL PATHWAY



Reference tools

This Plan of Action for Multi-sectoral Assistance for Survivors of Sexual Violence relies on the following:
—International

Gender-Based Violence (GBV) Standard Operating Procedures (SOPs) for Multi-sectoral and Inter-organizational Prevention and Response to GBV in Humanitarian Settings, IASC sub-working group on Gender and Humanitarian Action, May 2008.

The IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings, Inter-Agency Standing Committee, 2007.

The Clinical Management of Rape Survivors: Developing protocols for use with refugees and internally displaced persons (revised ed). Geneva: WHO/UNHCR, 2004.

WHO Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies. Geneva: WHO, 2007.

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—National

Initiative Conjointe de lutte Conjointe de Lutte contre les Violences Sexuelles Faites aux Femmes aux Hommes aux Jeunes et aux Enfants en République Démocratique du Congo:

- *Les outils harmonisés de collecte, dans de le carte de la lutte contre les Violences Sexuelles UNFPA octobre 2008*
- *Les Modules des Formations et les Protocoles des volets Medico-Sanitaire, Psychosocial, Judiciaires et Protection, Réinsertion/ Réintégration Sociale, Familiale et Economique, dans de le carte de la lutte contre les Violences Sexuelles, 2005.*

République Démocratique du Congo, Ministère de la Sante Direction de Développement des Soins de Sante Primaire, Ordinogrammes des soins au Centre de Sante, 2eme édition Révisé avec l'appui de IRC, Octobre 2007, pp 99-101, Plainte d'une Violence Sexuelle.

^{xxxv} *Initiative Conjointe de lutte Conjointe de Lutte contre les Violences Sexuelles Faites aux Femmes aux Hommes aux Jeunes et aux Enfants en République Démocratique du Congo, Les outils harmonisés des collecte, modules de formations, protocoles dans de le carte de la lutte contre les Violences Sexuelles, 2005.*

^{xxxvi} *République Démocratique du Congo, Ministère de la Sante Direction de Développement des Soins de Sante Primaire, Ordigrammes des soins au Centre de Sante, 2eme édition Révisé avec l'appui de IRC, Octobre 2007, p 99-101, Plainte d'une violence Sexuelle.*

^{xxxvii} See terminology used in Gender-Based Violence (GBV) Standard Operating Procedures (SOPs) for Multi-sectoral and Inter-organizational Prevention and Response to GBV in Humanitarian Settings, IASC Sub-working group on Gender and Humanitarian Action, May 2008. The referral pathway is defined as a “clear reporting and referral system in each setting so that survivors and/or witnesses to an incident know to whom they should report and what sort of assistance they can expect to receive from health, legal, psychosocial, security and other sectors.”

^{xxxviii} Refer to the terminology used by the *Initiative Conjointe de lutte Conjointe de Lutte contre les Violences Sexuelles Faites aux Femmes aux Hommes aux Jeunes et aux Enfants en République Démocratique du Congo: Les outils harmonisés de collecte, dans de le carte de la lutte contre les Violences Sexuelles UNFPA octobre 2006.*

^{xxxix} *Ibid: Les outils harmonisés de collecte, dans de le carte de la lutte contre les Violences Sexuelles, UNFPA octobre 2006.*

^{xxx} Gender-Based Violence (GBV) Standard Operating Procedures (SOPs) for Multi-sectoral and Inter-organizational Prevention and Response to GBV in Humanitarian Settings, IASC sub-Working Group on Gender and Humanitarian Action, May 2008.

^{xxxxi} The two main projects of the *Initiative Conjointe* were financed by Belgium and Canada and jointly executed by UNFPA, UNICEF and OHCHR, in the Orientale, Maniema Equateur South and North Kivu Provinces.

^{xxxii} *République Démocratique du Congo, Ministère de la Sante Direction de Développement des Soins de Sante Primaire, Ordigrammes des soins au Centre de Sante, 2eme édition Révisé avec l'appui de IRC, Octobre 2007, p 99-101, Plainte d'une Violence Sexuelle.*

^{xxxiii} The “survivor-centered skill approach” defines the ethical framework for care providers. It provides guidance on interaction with survivors, i.e. respecting their rights, assuming a supportive attitude, giving back to survivors their dignity and control, and so on.

Plan of Action

Component 4. Multi-sectoral Assistance for Survivors

TABLE IV-A

Objective A: Improve the referral pathway³

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
A1 Assemble inventory for each health zone on existing actors in multi-sectoral assistance.	<p>A1.1 Identify existing establishments on sectoral assistance for sexual violence survivors per health zone.</p> <ul style="list-style-type: none"> Evaluate human resources. Identify available material resources (materials, facilities, safe places, etc.) if possible per health zone. Conduct a quick survey of the capacities and the credibility actors. 	Inventory on existing resources and capacity	Overview of needs and capacities for referral pathway	SGBV working groups where present or UN leading agency in the province in cooperation with ministries of gender, and health	Six months	Identify best practices for referrals. Examine how referrals were conducted in each situation and the availability of human and material resources.
A2 Disseminate and ensure the application of the IASC Guidelines.	<p>A2.1 Ensure the dissemination and application of the IASC Guiding Principles for care providers and others interacting directly with sexual violence survivors.</p> <p>A2.2 Ensure respect for the IASC Guiding Principles in programming activities and application of the “Do No Harm Approach.”</p>	Number of activities applying IASC Guidelines in practice	Actors collaborate and adhere to the IASC Guiding Principles	<p>SGBV working groups at provincial level</p> <p>Leading UN agency where there is no working group</p>	Six months	Follow up on the application of the IASC Guiding Principles.
A3 Define respective roles and responsibilities of actors involved in multi-sectoral assistance in each health zone.	<p>A3.1 Identify the coordinating entity for each setting.</p> <p>A3.2 Identify the health, psychosocial, and reintegration/judicial entity for each setting.</p> <p>A3.3 Agree on respective roles and responsibilities for each actor and agree to a common memorandum.</p> <p>A3.3 Identify local counterparts (local authorities, police, IDPs, site coordinators, judicial authorities).</p>	Number of agreements on responsibilities of each actor in multi-sectoral assistance per health zone	Accountability and coordination of actors intervening in multi-sectoral assistance per health zone is improved	<p>SGBV working groups where present or UN leading agency in the province in cooperation with ministries of gender, health, justice</p> <p>MONUC/</p>	Six months	Follow up on the roles and responsibilities of each actor, based on accountability, capacities and available resources per health zone.

³ Gender-based Violence (GBV) Standard Operating Procedures (SOPs) for Multi-sectoral and Inter-organizational Prevention and Response to GBV in Humanitarian Settings, IASC Sub-working Group on Gender and Humanitarian Action, May 2008

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	A3.4 Disseminate the memorandum and the contact list of actors.			OHCHR		
A4 Appoint at least two focal points per health zone to manage the referral pathway.	<p>A4.1 Plan programming activities to include 2–3 fully operational focal points per health zone.</p> <p>A4.2 Base focal points at the location of the most frequent point of contact (such as a health centres). Seek advice from the community and women’s associations where to locate the focal points.</p> <p>A4.3 Meet guarantees of safety, privacy and confidentiality.</p> <p>A4.4 The focal points managing the referral pathway should:</p> <ul style="list-style-type: none"> • Have previous counselling experience and training with sexual violence survivors, and know the basic Guiding Principles. • Collect initial information once survivor is identified. • Have the Memorandum of roles and responsibilities and contact list of actors on multi-sectoral assistance for respective zones. • Know whom to refer to on a provincial level in case of severe trauma (physical or psychological). • Guarantee confidentiality and inform the survivor of the basic rights and services available. • Have appropriate equipment to assist survivors. • Have means of communication and transport. 	Number of focal points appointed managing the referral pathway per health zone	<p>Coordination, facilitation and follow-up on the referral pathway of the survivor is improved.</p> <p>Clear and practical guidance are given to survivors</p>	SGBV working groups where present or UN leading agency in the province in cooperation with ministries of gender, health, justice, NGOs, UNFPA, UNICEF.	Six months	Follow-up in each health zone on successes and failures of the system of focal points managing the referral pathway.
A5 Publish and disseminate simple, language appropriate, pictorial	A6.1 Adopt a one-page simple pictorial chart of the referral pathway with available contacts points, including the referral pathway focal point. Highlight that medical/health care needs to be immediate, within 72 hours. Disseminate	Number of sensitization materials per health zone distributed	Potential survivors know where to go to seek assistance	SGBV working groups where present or UN leading agency	Six Months	Review the sensitization materials if any change in contacts or focal

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
representations or charts of available services on the referral pathway in each health zone. <i>Provincial level</i>	in the local language. A6.2 Advertise and place in frequent assembly points of the community posters and flyers on the referral pathway key messages and the contact points via sector (health, psychosocial, reintegration, judicial).			in the province in cooperation with ministries of gender, health, justice, NGOs, UNICEF and UNFPA		points or in assistance providers.
A6 Develop and adopt a simple user-friendly form at the national level to collect a minimum amount of sexual violence survivor's information at first contact (entry point).	A7.1 Focal points managing the referral pathway have to complete the form, ensuring confidentiality at the entry point: <ul style="list-style-type: none"> Name. Age. Date/location/time of incident. Nature of incident (rape/enslavement etc). Perpetrator's identity if known/number of perpetrators. First necessities. A7.2 The survivors have the right to control how information about their case is shared with other agencies or individuals.	Standard form agreed to and applied on a regular basis	Avoidance of abusive and unnecessary reporting practices that might cause trauma recurrence.	Ministries of gender, social affairs, justice and health, NGOs, UNFPA/ UNICEF, Focal Points Coordinating entity: UNFPA/ UNICEF	Six Months	The use of information contained in the form for follow-up, prevention and protection to be agreed upon by all actors. Indicators to be evaluated regularly by all actors.
A7 Agree to and adopt referral systems in each health zone. ⁴	A8.1 Establish practical rules (SOPs): <ul style="list-style-type: none"> Focal points managing the referral pathway or any other actor in first contact with the survivor to ensure transfer to medical care within 24 hours. Sexual violence survivors can enter the referral system at any point and are not obliged to benefit from all available services. Survivor should be informed about all available services, counselling and assistance. A consent form needs to be signed. All services within the referral system 	Number of health zones that use referral form	Clear referral system established in each setting so that survivors/witnesses know whom to report to, type of assistance available in terms of health, legal psychosocial, security, and other.	Ministries of gender, social affairs, justice and health, NGOs, UNFPA/ UNICEF, Focal Points Coordinating entity: UNFPA/ UNICEF	Six Months	Follow-up on roles and responsibilities of each actor in the referral pathway taking into account accountability, capacities and available resources per health zone.

⁴ Standard Operating Procedures (SOPs) for Multi-sectoral and Inter-organizational Prevention and Response to GBV in Humanitarian Settings, pp. 21 -22.

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>should be free of charge.</p> <ul style="list-style-type: none"> Services specializing in children need to be available in the health zone. <p>A8.2. Develop Referral Form to facilitate survivors' access to services at different stages:</p> <ul style="list-style-type: none"> Give to survivor in the case that she/he cannot be accompanied by Focal Points. Form should contain name, address of the agency and contact person, (i.e. Focal Points, medical/health psychosocial support, police, security, legal counsel or protection officers). 					

Plan of Action

Component 4. Multi-sectoral Assistance for Survivors

TABLE IV-B

Objective B: Develop a National Protocol for Multi-sectoral Assistance amongst the competent DRC Ministries comprising four thematic sub-protocols: Medical, Mental Health, Judicial and Reintegration

The National Protocol for Multi-sectoral Assistance will need to underline and define how the sub-protocols are inter-related, as outlined in Objective A above.

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
B1 Examine the application of the DRC specific Health Protocol.	<p>B1.1 Examine if medical care for sexual violence victims has taken into account:</p> <ul style="list-style-type: none"> • Documenting injuries. • Forensic evidence. • Treatment of injuries. • Assessment of any sexually transmitted infections and preventive care. • Assessment of risk of pregnancy and prevention. <p>B1.2 Identify available resources per health zone (medication, laboratory facilities, medical and paramedical staff).</p>	Number of Health Zones contacted for these assessments	Better basis for developing Health Care Protocol	WHO with Ministry of Health Chief Medical Officer or staff, Provincial Coordinators of health zones, Medical NGOs, WHO/ UNFPA. Coordinating: WHO/ UNFPA.	Six months	Identify best practice in clinical management. Evaluate how national protocol is adapted in each situation and availability of resources and materials.
B2 Update the National Medical Protocol related to sexual violence survivors. ⁵	<p>B2.1 Include an STI Treatment Protocol, a Post Exposure Prophylaxis (PEP) Protocol and a vaccination schedule (including anti-hepatitis and anti-tetanus).</p> <p>B2.2 Insert two additional sections:</p>	Medical Protocols updated and completed	National Protocol includes clear guidelines on management of medical consequences of	WHO with Ministry of Health Chief Medical Officer or staff,	Six months	Follow-up on how provincial health coordinators are ensuring that basic guidance

⁵ République Démocratique du Congo, Ministère de la Santé Direction de Développement des Soins de Santé Primaire, Ordigrammes des soins au Centre de Santé, 2eme édition Révisé avec l'appui de IRC, Octobre 2007, p 99-101, Plainte d'une violence Sexuelle.

The Clinical Management of Rape Survivors, , Geneva: WHO/OHCHR/UNHCR, 2004.

Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	<p>A. Develop Standard Procedure for medical care of sexual violence:</p> <ul style="list-style-type: none"> • Deontological rules. • Inform and prepare the survivor for examination. • Special considerations for child survivors, men and elderly women. • Perform physical examination (laboratory testing). • Prescribe treatment (prevention of STIs, HIV infections, wound care, pregnancy). • Medical referral (secondary health care and follow up visits, psychiatry, surgery, pediatrics, gynecology/obstetrics). • Referral to psychosocial, reintegration and judicial assistance. <p>B Introduce a check-list for the clinical management of sexual violence survivors, taking into account low resources:</p> <ul style="list-style-type: none"> • Copy of the Protocol. • Trained Personnel. • Supplies including rape kit for collection of forensic evidence. • Drugs (SIT and PEP kit). • Administrative supplies (medical certificate, pictograms, consent form, safe storage or external location for keeping medical records). • Operating procedures (working hours, etc.) 		<p>sexual violence (contraception, HIV, infection).</p> <p>Basic guidance on psychosocial and ethical aspects of collection and preservation of forensic evidence, treatment and follow up.</p>	<p>Provincial Coordinators of health zones, Medical NGOs, UNFPA.</p>		<p>and minimum standards on clinical management are incorporated into practice.</p>

<p>B3 Ensure that medical and para-medical staff are trained in the Medical Protocol.⁶</p>	<p>B3.1 National and Provincial Health Coordinators to ensure that health care providers (doctors, medical assistants, nurses etc) are trained as a priority.</p> <p>B3.2 Intensify training and recruitment of female health workers.</p>	<p>Number of health care providers trained</p> <p>Number of female health providers trained</p>	<p>Health facilities dealing with rape survivors, from reception staff to health care professionals sensitized and trained. Specific attention given to female and health providers in rural areas with high concentration of sexual violence cases.</p>	<p>Ministry of Health, Chief Medical Officer or medical staff, Provincial Coordinators of health zones, Medical NGOs, WHO/ UNFPA.</p> <p>SGBV working groups</p>	<p>One year</p>	<p>Follow-up to training.</p>
<p>B4 Evaluate available resources and capacities for mental health care.⁷</p>	<p>B4.1 Conduct an assessment of available personnel for psychological treatment:</p> <ul style="list-style-type: none"> • How many provincial clinical mental health establishments exist? How many are attached to health coordination mechanisms? • How can universities contribute to clinical mental health treatment? • How many local counselling structures exist (<i>maison d'ecoute</i>, women's associations etc)? <p>B4.2 Identify available resources (facilities, safe places, etc) per health zone.</p>	<p>Number of Health Zones contacted for this assessment</p>	<p>Better guidance for developing a Mental Health Care Protocol</p>	<p>WHO with Ministry of Health, Chief Medical Officer or staff, Provincial Coordinators of health zones, Medical NGOs, UNFPA/ UNICEF</p>	<p>Six months</p>	<p>Identify best practice in mental care health management. Consider how health counselling is conducted and availability of resources and materials in each situation.</p>
<p>B5 Adopt a Protocol on Mental Health Care Management for sexual violence survivors.⁸</p>	<p>B5.1 Adopt a Mental Health Care Protocol including three sections:</p> <p>(1) Introduce minimum procedures for para-mental health care (<i>maison d'ecoute</i>, <i>paroisses</i>, women's associations)</p> <ul style="list-style-type: none"> • Deontological rules. • Inform and prepare the survivor. • Special considerations for child survivors, 	<p>Mental Health Protocol Adopted</p>	<p>National Protocol contains section on management of possible mental health consequences of sexual violence (trauma, etc).</p>	<p>WHO with Ministry of Health, Chief Medical Officer or staff, Provincial Coordinators</p>	<p>Six months</p>	<p>Follow-up on how provincial mental health coordinators incorporate basic guidance and minimum standards on</p>

⁶ Ibid

⁷ The IASC Guidelines on Mental Health and Psychosocial Support in Emergency Settings, 2007.

⁸ Ibid

	<p>men and elderly women.</p> <ul style="list-style-type: none"> • Emphasize the symptoms (disorders, blame, isolation, substance abuse, sexual dysfunction, psychosomatic complaints, uncontrollable emotions). • Address the after-effects of sexual violence through e.g. survivor-centred skills, coping mechanisms. • Outline referral to specialized mental health referral (psychiatric support) • Outline process of referral to medical services, reintegration and judicial assistance. <p>(2) Establish Standard Procedures on mental health care, as above plus:</p> <ul style="list-style-type: none"> • Address trauma and extreme distress. • Treat after effects of sexual violence (survivor-centred skills). • Prescribe treatment. • Invite psychological and legal expertise to allow for consideration of trauma during the judicial process. • Further referral to specialized mental health centres or a psychiatric hospital (for suicidal patients and severe emotional reactions). <p>(3) Introduce a check-list for a mental health management of sexual violence survivors, taking into account low resources (as in B2.3. above)</p>		Basic guidance developed on psychosocial treatment and follow-up.	of health zones, Medical NGOs, WHO/ UNFPA/ UNICEF		mental health management.
B6 Train mental health professionals and para-mental health staff (<i>staff des maison d'ecoute ou paroisse</i>) on the Mental Health Protocol.	<p>B6.1 Provincial and National Health Coordinators to ensure that mental health providers in rural areas (psychologists, social counsellors, people working in <i>maison d'ecoute etc</i>) are trained as a priority.</p> <p>B6.2 Intensify training and recruitment of female health workers to be intensified.</p>	<p>Number of para-mental health care providers trained</p> <p>Number of female paramental health providers trained</p>	Mental health facilitators dealing with rape survivors sensitized and trained. Specific attention should be given to female and to health providers in rural areas with high concentration of sexual violence cases.	WHO/ UNFPA/ UNICEF SGBV working groups	One year	Follow-up on training.

<p>B7 Evaluate available resources and capacities for judicial assistance.</p> <p>Note: reference to Strategic Component 1, Impunity for Cases of Sexual Violence.</p>	<p>B7.1 Assess human resource available for Bar Associations, the <i>Barreaux et clinic juridique</i> and para-judicial NGOs:</p> <ul style="list-style-type: none"> • Judicial assistance available. • Ability of Provincial Bar Associations and other legal entities to respond. 	<p>Number of provinces where evaluation conducted</p>	<p>Better platform to develop a situation specific Judicial Assistance Protocol</p>	<p>MONUC/OHCHR with Ministry of Justice, <i>Batonier</i>, National/ Provincial Bar Associations and Legal Clinics, NGOs, REJUSCO</p>	<p>Six months</p>	<p>Identify best practices in judicial assistance, including: how judicial assistance is conducted in each situation and what is the availability of resources and materials.</p>
<p>B8 Adopt a Protocol on Judicial Assistance for sexual violence survivors.⁹</p>	<p>B8.1 Judicial Assistance Protocol to incorporate the following two sections:</p> <p>(1) Introduce minimum procedures for paralegal assistance (local human rights/development NGOs, women’s associations).</p> <ul style="list-style-type: none"> • Deontological rules. • Inform and prepare the survivor. • Special considerations for child survivors, men and elderly. • Explain criminal process and rights of the survivor. • Basic instruction on relations with survivor to ensure non-repetition of trauma and confidentiality. • Complete standardized forms to allow for complaint to be lodged. • Evaluate personal security of survivors and witnesses who are pursuing the complaint. • Ensure Defense Council. • Information to survivors on criminal proceedings. • Information on referral systems for medical psychosocial etc support. <p>(2) Establish standard procedure for legal assistance, as above, plus:</p> <ul style="list-style-type: none"> • Ethical standards to be applied to 	<p>Judicial Protocol Adopted</p>	<p>National Protocol for Judicial Assistance harmonized with approaches by e.g. <i>Clinique Juridique</i> and <i>Bureau de Consultation Gratuite</i> of the Bar Association.</p>	<p>MONUC/OHCHR with Ministry of Justice, <i>Batonier</i>, National and Provincial Bar Associations, Legal Clinics, NGOs, REJUSCO</p>	<p>Six months</p>	<p>Follow-up on how provincial legal and paralegal personnel are ensuring that basic guidance and minimum standards of survivors are applied.</p>

⁹ WHO Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies. Geneva, World Health Organization 2007

	<p>representing defendants.</p> <ul style="list-style-type: none"> • Plan to collect information on the survivor, alleged perpetrator, evidence, including through standardized forms for paralegals. • Evidence including a list of witnesses if applicable. • Initial investigation phase (role of defence), filing a complaint. • <i>Partie civile</i> constitution. • Investigation phase and instructions. • Trial stage. • Execution of judgment and follow up. • How to follow up by informing survivors at the criminal proceeding stage. <p>B8.2 Introduce a check-list for a legal assistance, taking low resources into account:</p> <ul style="list-style-type: none"> • One copy of the protocol. • Trained paralegals (minimum two for each zone). • Administrative supplies (standardized form, safe location for keeping evidence and recording). • Modalities of operating (working hours, etc). 					
B9 Ensure that legal and paralegals are trained in the Judicial Protocol.	<p>B9.1 Train of paralegal and legal professionals based on standardized materials (such as a practical guide on judicial support to victims. Give priority to rural areas.</p> <p>Intensify training and recruitment of female health workers.</p>	<p>Number of paralegal and legal professionals trained</p> <p>Number of female paralegals and legal individuals engaged</p>	<p>Paralegals and legal individuals sensitized and trained.</p> <p>Special attention given to females and health providers in rural areas with a high concentration of sexual violence cases</p>	<p>MONUC/ OHCHR with Ministry of Justice, <i>Batonier</i> National and Provincial Bar Association and Legal Clinics, NGOs</p>	<p>One year</p>	<p>Follow-up on training.</p>
B10 Assessment of available resources and capacities for reintegration	<p>B10.1 Develop an inventory of associations/entities dealing with economic and social reintegration:</p> <ul style="list-style-type: none"> • How many provincial establishments exist involved in reintegration assistance. 	<p>Number of Zones per province incorporated in evaluations.</p>	<p>Guidance for the development of a situation specific Reintegration Protocol.</p>	<p>Ministry of gender, social affairs, UNICEF UNDP</p>	<p>Six months</p>	<p>Identify best practice in terms of reintegration and empowerment.</p>

assistance.	<ul style="list-style-type: none"> Evaluate existing reintegration and mediation structures (<i>maison d'ecoute</i>, women's associations etc). <p>B10.2 Identify available resources (facilities, safe places, etc.) per zone.</p>			NGOs		Examine how reintegration assistance is conducted in each situation. What are available resources and materials?
B11 Adopt a Reintegration Protocol for sexual violence survivors. ¹⁰	<p>B11.1 Develop and adopt reintegration Protocol to include the following three sections:</p> <p>(1) Minimum procedures for reintegration (NGOs, <i>maison d'ecoute</i>, <i>paroise</i>, women associations).</p> <p>(2) Social reintegration:</p> <ul style="list-style-type: none"> Deontological rules. Mediation, family and community consultations. Adopt a social services manual for sexual violence survivors. Evaluate risk factors for individual safety. Identify after-care services in safe houses/shelters. Safe return in case of displacement or refugees. Minimum standardized reporting on survivors. <p>(3) Economic empowerment:</p> <ul style="list-style-type: none"> Educational and mentoring services. Soft skills training. Microcredit loans. Liaise and refer to other existing services, if appropriate. <p>B11.3 Introduce a check-list for reintegration assistance, taking into account low resources:</p> <ul style="list-style-type: none"> One copy of the protocol. Trained Personnel per zone. 	Reintegration and Mental Health Protocols adopted	National Protocol on Reintegration with survivor-centered skills approach. Provision of basic guidance on reintegration services and follow-up.	Ministries of gender, social affairs, UNICEF UNDP NGOs	Six months	Monitoring on how provincial coordination structures apply basic guidance and minimum standards on reintegration.

¹⁰ IASC Guidelines for Gender-Based Violence Interventions in Humanitarian settings: Focusing on prevention and response to sexual violence in Emergencies, Geneva, 2005.

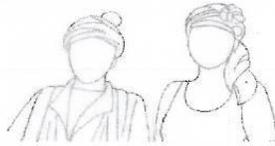
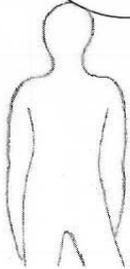
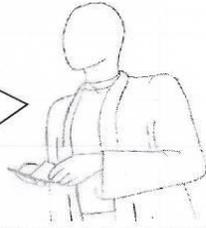
	<ul style="list-style-type: none"> • Equipment and Administrative supplies. • Operational modalities (working hours etc.) 					
B12 Train those involved in social and economic reintegration and empowerment.	<p>B12.1 Conduct practical training on social and economic reintegration and empowerment for those involved. (E.g. how to manage microcredit's program with victims etc).</p> <p>B12.2 Intensify training and recruitment of female health workers.</p>	<p>Number of trainings on social and economic reintegration and empowerment.</p> <p>Number of female trainers engaged</p>	<p>Reintegration structures sensitized and trained</p> <p>Specific attention given to females and to providers in rural areas with concentration of sexual violence cases.</p>	Ministries of gender, social affairs, NGOs, UNICEF, UNDP	One year	Follow-up to review effectiveness of training.

Annexe
Sample of referral for judicial assistance:

Vous avez droit à une réparation !

Le tribunal peut vous rétablir dans vos droits

Ce tribunal vous reconnaît coupable de viol et vous condamne à 15 ans de servitude pénale et au paiement de 3000 \$ de dommages-intérêts

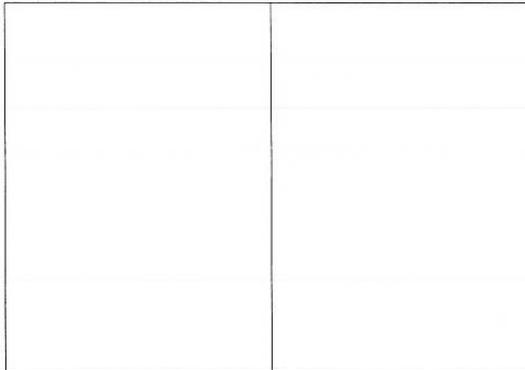


Si vous craignez pour votre sécurité ou dignité, vous pouvez bénéficier de mesures de protection, comme demander que le procès se tienne à huis clos.

OÙ POUVEZ-VOUS OBTENIR DE L'AIDE ?

ADRESSEZ-VOUS À :

- Un hôpital ou un centre de santé
- Une maison d'écoute
- La Police Nationale Congolaise
- Le Parquet
- L'Auditorat Militaire
- Le Barreau
- Une ONG d'assistance judiciaire



C'est un message du Bureau des Nations Unies aux Droits de l'Homme de la MONUC



QUE FAIRE APRES UN VIOL?

VOUS POUVEZ EXERCER UNE ACTION EN JUSTICE !



Quelles que soient les circonstances du viol, vous n'êtes pas responsable de ce qui vous est arrivé. Vous n'avez pas à en avoir honte.

Parlez-en à une personne de votre entourage ou à une ONG d'assistance judiciaire.

1. Allez dans un hôpital ou un centre de santé le plus tôt possible pour :

- recevoir les premiers soins

- éviter d'être contaminée par une maladie
- éviter une grossesse non désirée
- faire établir un certificat médical



Ne vous lavez pas avant la consultation médicale et conservez dans un sac les vêtements que vous portiez lors de l'agression ainsi que tout objet qui pourrait vous aider à prouver le viol et à identifier votre agresseur. *

2. Allez vers une ONG locale d'assistance judiciaire ou un cabinet d'avocat : vous pouvez obtenir des conseils gratuits pour défendre vos droits.



Vous avez le droit de vous faire assister par un avocat avant, pendant et après le procès.



N'acceptez pas un arrangement à l'amiable ! Le violeur peut être condamné :

- à une peine de 5 à 20 ans d'emprisonnement
- à une amende ne pouvant être inférieure à cent mille francs congolais
- au paiement de dommages - intérêts à la victime

3. Portez plainte au plus vite :

- À l'Auditorat Militaire, si votre agresseur est un militaire ou un policier
- À la Police ou au Parquet dans les autres cas

Parce que le violeur doit



STOP RAPE NOW

UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT

United Nations Action Against Sexual Violence in Conflict (UN Action) united the work of 12 UN entities to address sexual violence in conflict and post-conflict situations. It represents a concerted effort by the UN system to improve coordination and accountability, amplify programming and advocacy, and support national efforts to prevent sexual violence and respond effectively to the needs of survivors.