

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

Executive Summary

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 United Nations 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 was designed in response to UN Security Council Resolution 1794 (2007), 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

It 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

The Comprehensive Strategy includes 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

The objective 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.

Strategic Components

The Comprehensive Strategy has four components. Each of these has its own Concept Note, which outlines rationale, scope and strategic approach, and a Plan of Action that sets out objectives and defines mechanisms, roles and responsibilities for different actors. The steps for implementation include activities, key indicators of success, outcomes, assignment of actions to relevant actors, timeframes, and monitoring and evaluation mechanisms. (See tables I, II, III and IV below.)

The strategic components are:

1. Combating Impunity

Objectives: To strengthen the capacities of judicial institutions and develop a criminal justice policy focused on sexual violence; to improve access to justice for victims; to guarantee effective application of the 2006 DRC Law on Sexual Violence; to ensure reparation for victims of sexual violence.

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.

2. Protection and Prevention

Objectives: To prevent 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.

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.

3. Security Sector Reform

Objectives: To merge with ongoing justice reform initiatives (especially military justice, demobilization and disengagement plans for armed groups, and reform of the DRC army) using the following mechanisms:

- Accountability—Ensure security agents and forces respond effectively to sexual violence and perpetrators are held liable.

- Vetting—Introduce mechanisms to identify and exclude individuals credibly suspected of crimes of sexual violence and generally violating international humanitarian and human rights law.
- DDR/*Brassage*—Include special procedures to assist female ex-combatant survivors of sexual violence.

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

Lead entity: MONUC SSR.

4. Multi-sectoral Assistance for Survivors

Objectives: To improve survivor access to a range of services and to establish minimum standards for the provision of assistance by improving the referral pathway for a multi-sectoral response at the community and local levels; develop a national protocol for multi-sectoral assistance consisting of four sub-protocols on the provision of medical, mental health, judicial and reintegration services.

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 sexual and gender-based violence (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 preventive 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 preventive action.

Lead entity: UNFPA

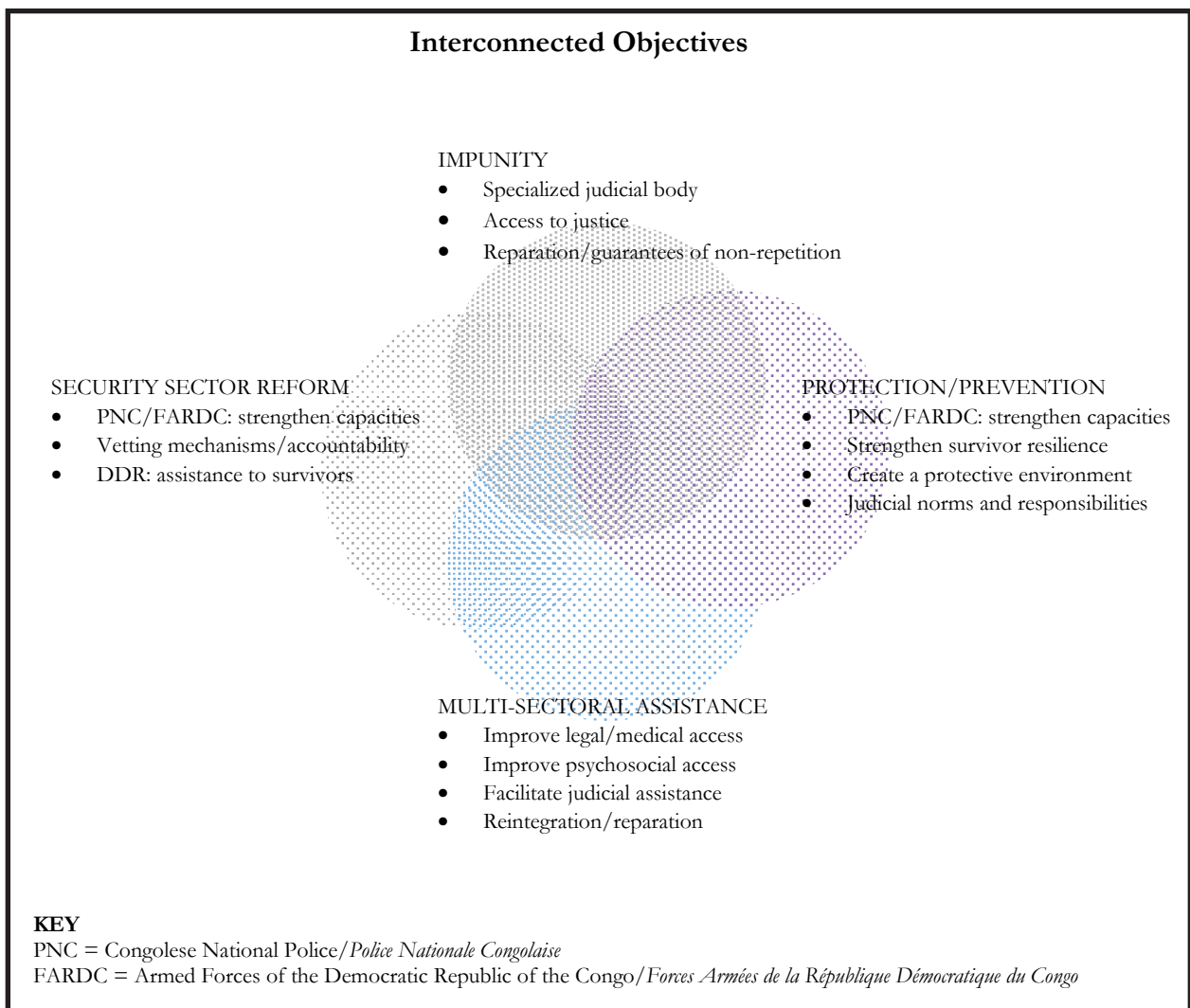
Interconnections across the Components

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, a “fast-track” procedure to bring such 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 availability and administration of evidence in judicial proceedings would be greatly enhanced 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 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).

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 justice and security sector. 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.

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. The implementation of the Comprehensive Strategy will provide strategic guidance on funding priorities and will be accompanied by evaluations of real needs on the ground. This will improve coordination both geographically and thematically.

There are numerous reports and accounts by UN agencies and field organizations describing the various aspects of sexual crimes in Eastern DRC. The implementation of the Strategy is meant to improve the *analysis of the characteristics of the perpetrators*, which incorporates an understanding of the military structures, as well as civilian acts of sexual violence, and community responses to these crimes. A contextual and situational analysis of sexual violence in the DRC is necessary to better inform 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.

The Comprehensive Strategy on Combating Sexual Violence in the DRC should be viewed as a living and dynamic framework that will need to be adapted based on practice, experience and exigencies of the situation on the ground.

TABLE I
Part I of the Comprehensive Strategy on Combating Sexual Violence in the DRC
Combating Impunity: Plan of Action

Objectives	Steps
A. Strengthen the capacities of judicial institutions and develop a criminal justice policy focused on sexual violence.	A1. Child-centred approach—Ensure that judicial institutions provide sexual violence services.
	A2. Create specialized judicial expertise for sexual violence and implement the “fast-track” procedure to prosecute and adjudicate sexual violence cases.
	A3. In accordance with Step A.2, create specialized police units for sexual violence.
	A.4 In accordance with Step A.2, appoint focal points in courts and tribunals.
	A.5 Adoption, distribution and use of a standardized medical certificate.
	A.6 Directives on psycho-legal expertise.
B. Improve access to justice for victims.	B.1 Capacity-building and logistical support for those in first contact with victims.
	B.2 Provide guidance to victims on their basic rights and obligations for filing complaints.
	B.3 Provide logistical support to facilitate the movement of victims, witnesses and alleged perpetrators.
	B.4 Promote, support and facilitate the deployment of existing mobile investigation teams by strengthening local police units and organizing mobile courts in rural areas.
	B.5 Encourage decentralization of rule of law institutions to rural areas.
	B.6 Establish a protection scheme for victims, witnesses, judicial actors and those assisting victims who may be subject to threats or intimidation.
	B.7 Exonerate plaintiffs from paying legal fees.
C. Guarantee effective application of the 2006 Law on Sexual Violence.	C.1 Seek clarification on the 2006 law on criminal justice and procedural codes.
	C.2 Conduct an overview and analysis of both sexual violence jurisprudence and pending cases.
	C.3 Implementation of policy of 2006 laws.
	C.4 Strengthen existing monitoring systems of sexual violence cases brought to justice.
	C.5 Ensure prosecution of high-ranking officials, both military and civilian, accused of sexual violence crimes.
	C.6 Take punitive measures against those interfering with the proper conduct of justice in sexual violence crimes.
D. Ensure reparation for victims.	D.1 Examine a case study.
	D.2 Ensure effective compensation to third parties.
	D.3 Apply other forms of reparation.
	D.4 Ensure victims’ satisfaction and guarantees of non-repetition.

TABLE II
Part II of the Comprehensive Strategy on Combating Sexual Violence in the DRC
Protection and Prevention: Plan of Action

Objectives	Steps
A. Prevent or mitigate threats and reduce vulnerability and exposure to sexual violence.	A.1 Establish a plan for the collection of information on sexual violence.
	A.2 Profile patterns of sexual violence, threats, survivors and perpetrators.
	A.3 Introduce a risk model assessment for sexual violence.
	A.4 Share information between agencies and organizations to increase protection ability.
	A.5 Involve the community in developing protection strategies for sexual violence based on existing community coping mechanisms.
	A.6 Issue directives and codes of conduct on sexual violence.
	A.7 Create specialized police and military sexual violence units.
	A.8 Prioritize prevention activities based on community coping mechanisms.
	A.9 Adapt programming activities to the objective of limiting risks of exposure to sexual violence.
	A.10 Conduct an analysis of whether existing preventive measures have an impact on reducing sexual violence.
B. Strengthen resilience of survivors of sexual violence.	B.1 Ensure multi-sectoral assistance for survivors of sexual violence.
	B.2 Establish standardized sexual violence monitoring and reporting mechanisms that put the best interests of the survivor at the forefront.
	B.3 Apply safety and security measures to increase protection.
	B.4 Address the impact of sexual violence on survivors and communities.
	B.5 Reduce social stigma of survivors.
	B.6 Monitor recovery programmes for survivors.
C. Create a protective environment.	C.1 Restore rule of law mechanisms related to sexual violence.
	C.2 List applicable legal standards and responsibilities.
	C.3 Promote an approach of respect, support and encouragement in interactions with survivors.

TABLE III
Part III of the Comprehensive Strategy on Combating Sexual Violence in the DRC
Security Sector Reform: Plan of Action

Objectives	Steps
A. Accountability to ensure security agents and forces both prevent and respond effectively to sexual violence.	A.1 Create specialized judicial expertise for sexual violence and implement “fast-track” procedures to investigate, prosecute and judge sexual violence cases.
	A.2 Separation of accountability between specialized police units (PNC) and military forces.
	A.3 Establishment of UNPOL special sexual violence units to assist in creating and building capacity of PNC special sexual violence units.
	A.4 Create specialized police units for sexual violence.
	A.5 Establish special sexual violence cells within the FARDC.
	A.6 Issue directives and codes of conduct on sexual violence.
B. Vetting mechanisms aimed at identifying individuals who do not adhere to international humanitarian and human rights law.	B.1 Assess the situation regarding public needs, perception and capacities.
	B.2 Define parameters, standards and outcomes for vetting (including organizational parameters and standards of individual capacity and integrity).
	B.3 Design the process with a clear mandate and scope for personnel, reform of security agents/forces and institutions, and to ensure that sexual violence is included in the agenda.
C. DDR/Brassage in which the disarmament and disengagement processes include special procedures to assist survivors of sexual violence.	C.1 Make sure disarmament/disengagement programmes focus on integrating a sensitive approach to sexual violence into all activities and infrastructure.
	C.2 Ensure that demobilization programmes appoint female focal points at each stage in the process, in line with the principles of the UE-PNDDR (<i>Unité d'exécution-programme national de désarmement, démobilisation et réintégration</i> /Executive Unit of the National DDR Programme).
	C.3 Link programmes for reintegration into the new army/ <i>brassage</i> with the strategic component on combating impunity by prosecuting perpetrators identified through the DDR process.
	C.4 Check that programmes for social reintegration and service provision provide special assistance to female ex-combatants.
	C.5 Include justice and vetting mechanisms in all programmes for reintegration (social and <i>brassage</i>).
	C.6 Ensure that programmes for reintegration link with reparation programmes.

TABLE IV
Part IV of the Comprehensive Strategy on Combating Sexual Violence in the DRC
Multi-sectoral Assistance for Survivors: Plan of Action

Objectives	Steps
A. Improve the referral pathway.	A.1 Assemble inventory for existing actors on multi-sectoral response in each health zone.
	A.2 Disseminate and ensure the application of the IASC Guidelines.
	A.3 Define respective roles and responsibilities of actors in each health zone.
	A.4 Appoint at least two focal points per health zone to manage the referral pathway.
	A.6 Publish and disseminate pictorial representations or charts on the referral pathway.
	A.7 Develop and adopt a simple user-friendly form to collect information on survivors at entry point.
	A.8 Agree to and adopt referral systems in each health zone.
	B Develop a national protocol for multi-sectoral assistance.
B.2 Update the National Medical Protocol in relation to survivors of sexual violence.	
B.3 Ensure that medical and paramedical staff are trained in the National Medical Protocol.	
B.4 Evaluate available resources and capacities for mental health care.	
B.5 Adopt a protocol on mental health-care management for sexual violence.	
B.6 Train mental health professionals and paramedic mental health staff on the Mental Health Protocol.	
B.7 Evaluate available resources and capacities for judicial assistance.	
B.8 Adopt a protocol on judicial assistance for survivors of sexual violence.	
B.9 Ensure that legal and paralegal personnel are trained in the Judicial Protocol.	
B.10 Assess available resources and capacities for reintegration assistance.	
B.11 Adopt a reintegration protocol for survivors of sexual violence.	
B.12 Train those involved in social and economic reintegration and empowerment.	

NOTES

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 and addressing 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 the UN Development Fund for Women (UNIFEM) and the UN Department of Peacekeeping Operations (DPKO). The conference was held at Wilton Park in the United Kingdom, with support from the Governments of the United Kingdom and Canada.