



Briefing by the Special Representative of the Secretary-General

on Sexual Violence in Conflict

to the Special Session of the Human Rights Council on the Democratic Republic of the Congo

27 September 2010

Madam Chair, Excellencies, Ladies and Gentlemen, thank you for this timely opportunity to discuss the recent, horrific human rights violations in eastern DRC, and to brief you on my role in working with governments and other partners to address these issues and prevent their recurrence. This is my first briefing to the Human Rights Council as the United Nations' Special Representative on Sexual Violence in Conflict. My vision for this new mandate is outlined in a 5-point priority agenda which I believe is at common purpose with the central concerns of the Human Rights Council. My priorities are: to contribute to ending impunity; to empower women; to mobilize political leadership; to increase recognition of rape as a tactic and consequence of conflict; and to ensure a concerted and coherent response from the UN system. I believe that this post was created to cast a spotlight on 'history's greatest silence' and the 'world's least condemned war crime'. This is a problem which touches every continent where conflict continues to devastate communities.

I hope to add the voice of my mandate to that of this Council, to assert that women's rights are human rights; that women's freedoms are fundamental freedoms. Sexual violence infringes civil, cultural, economic, political and social rights. It impairs freedom of movement, access to education, the right to a livelihood. Communities live in fear and hopelessness.

Our exchange today is timely as it immediately precedes my second visit to the DRC, which will take place this week. The brutal mass rapes in Walikale exemplify the plight of communities in too many situations of armed conflict around the world. It is outrageous that such crimes have become the rule, rather than the exception. In my assessment of the recent atrocities committed in Walikale, I will cast three spotlights: one on the survivors; one on the perpetrators; and one on the response.

A senior member of my staff accompanied Mr. Atul Khare, Assistant Secretary-General for Peacekeeping Operations, on his mission to the affected villages in Walikale territory to investigate the incident. This is what we now know:

The series of mass rapes, in conjunction with looting and pillage, took place in 13 villages along the Kibua-Mpofi axis between 30 July and 3 August 2010. The area is an important commercial centre for lucrative mining activities, with armed actors vying for control of minerals such as cassiterite and coltan. The Democratic Forces for the Liberation of Rwanda (FDLR) and the Mayi-Mayi, have employed sexual terror to control coveted territory. In this instance, men armed with AK47s, grenades and machetes, trapped the population by blocking access to the area and severing communications to prevent villagers from raising the alarm. They went from house to house breaking down doors, rounding up women, men and children, and raping them. As the UN High Commissioner for Human Rights has noted, this attack is striking for the calculated way in which it was carried out.

Interviews with victims lead to the conclusion that the main motive was to intimidate those seen by the rebels as government supporters, as a form of reprisal and collective punishment. Over five hundred rapes are estimated to have occurred, with many women having been gang-raped by up to five or six men at a time, often in front of their children. We have confirmed reports of 235 women, 52 girls, 13 men and three boys. In addition, at least 923 houses and 42 shops were looted, and 116 people were abducted in order to carry out forced labor.

The inquiry into the Walikale case identified shortcomings in the response of the local Congolese army and police. This was compounded by failings on the part of MONUSCO forces, which have been attributed to not only operational constraints but also a lack of specific training on the protection of civilians, and more specifically how to recognize and respond to sexual violence.

What is particularly disturbing is that the attacks on Kibua were not isolated incidents but part of a broader pattern of widespread and systematic rape and pillage. I am deeply distressed by information that has subsequently surfaced about the large numbers of rapes in other areas of North and South Kivu. Widespread sexual violence was committed by armed groups during July, August and September in South Kivu, with 294 cases confirmed. The FDLR was again responsible for the vast majority of cases, although other perpetrators include Mayi-Mayi elements, the FARDC and the Congolese PIR (*Police d'Intervention Rapide*). The absence of an effective State security

presence in the area has exacerbated these attacks, most of which took place in villages that are not easily accessible due to the absence of roads, coupled with the low density of security forces relative to the vast territory. Following the fact-finding, Mr. Khare and I reported jointly to the Security Council on 7 September. The Council issued a Presidential Statement last Friday condemning the mass rapes and calling for action against the perpetrators.

1. Spotlight on the survivors

Let me now turn to the survivors:

In Luvingi village, one of the women spoke of how they had been “*forced to live through something like never before*”. She recounted how armed men went from house to house breaking down the doors, and how people were prevented from escaping because the village had been surrounded. She described how armed men inserted their hands into women’s genitals searching for gold. Many women were gang-raped by up to five or six men at a time. A woman of 87 years recounted how she had been raped by boys who were young enough to be her grandchildren.

The women of DRC are the backbone of their country, and the mainstay of its largely agricultural economy. They are not just victims, but rights-holders and agents of change. Yet, the sad reality for many of these women is that they are tired. They are tired of wondering when their time will come to be robbed, tortured and raped. For them, there is no safe place. They are raped when harvesting crops; when going to market; when fetching water and firewood; when carrying their babies; and in their homes at night. Rape does not end when the act of violence is over. Many survivors are permanently traumatised, unable to return to the fields to earn an income, resulting in increased poverty and isolation. Women live in fear of men carrying guns, often clad in uniform. They can scarcely distinguish *protector* from *tormentor*.

If this is not an illustration of why sexual violence impedes stability and the realization of basic rights, what is? As we meet here in this chamber, thousands of women, children, and families, are trying to cope with the trauma of rape. A ripple of devastation emanates from each crime, bringing with it disease, depression, and despair. There are Congolese women whose tragic experiences have led them to conclude that “*being gang-raped by many men, is normal for a woman*”.

The recent atrocities affirm that sexual violence should never again be sidelined as random, cultural or inevitable. In the DRC, sexual violence is not a *byproduct of war*, but a deliberate *tactic*. This means that it is used by armed groups for political, military and economic advantage. And my conviction is that if it is planned and pre-meditated, it must be preventable.

Humanitarian actors are still struggling to provide essential services to the survivors. A recent UN interagency mission to Walikale confirmed that of 242 survivors who reached Lubongo Health Centre, most had received some medical treatment and psychosocial support. However, none have received Post Exposure Prophylaxis (PEP) to protect them from HIV, primarily because they were unable to access care within 72 hours of the incident. Many of the victims have still not come forward to receive urgent medical treatment for fear that they remain unsafe, or due to the risk of being ostracized by their communities because of the taint of rape. Rape is the only crime for which communities stigmatize the victim, rather than the perpetrator.

2. Spotlight on the perpetrators: Sexual violence as a war tactic

The FDLR has time and again been responsible for grave human rights violations in the DRC. Accountability must begin with the commanders of this and other groups who commit acts of sexual violence. The preamble of Security Council resolution 1925 on the situation in the DRC, urges “all States to take legal action where appropriate...against the FDLR leaders residing in their countries”. Political pressure must therefore extend beyond the perpetrators to their supporters and leaders. I urge host governments to exercise universal jurisdiction if a chain of command is proven.

The most intense spotlight has fallen on the UN and what we could have done differently, while the perpetrators – those who committed or commissioned rape and pillage – seem to have escaped from the scene of the crime and slipped into the shadows. This challenges our collective credibility and undermines efforts to deter such atrocities in the future.

The aim of international criminal law is to put names and faces to history’s greatest horrors. War crimes and crimes against humanity are committed by *individuals*, not *abstract forces*. If women continue to suffer sexual violence during and in the wake of war, it is not because international law is inadequate to protect them, but because it is inadequately enforced. In this case, we already have some names: such as Colonel Mayele, the Mai Mai Cheka Chief of Staff, and Colonel Serafim of FDLR who were present on the scene. Cheka himself, as well as the political and military

leadership of the FDLR, may ultimately bear command responsibility for crimes by their subordinates that they failed to prevent or punish. These names are a starting point and constitute leads by which we may also identify some of the other participants in and architects of the mass rapes in Kibua.

I believe we have a narrow window of opportunity before the trail goes cold and international media attention fades, dissipating the pressure on these groups. My role is to ensure sustained international attention and action through public advocacy and direct political dialogue. One of the primary priorities of my visit to the DRC this week must be to also shine a light on the perpetrators.

3. *Spotlight on the response*

In light of what happened in Walikale, we are all compelled to look in the mirror and face our collective responsibility. The United Nations, for its part, cannot afford to shy away from confronting its shortcomings as such an examination provides the basis for improving our response. This includes our communication with local communities – particularly women, and our capacity to collect and analyse early-warning information to trigger timely action. The Security Council has emphasized better monitoring and reporting on sexual violence as a basis for more effective protection. We need better systems for obtaining real-time and actionable information in the future.

However, as we focus on improving the flow of information, we must confront the fact that we were slow to respond to *existing* information. The sad reality is that incidents of rape have become so commonplace that they do not always trigger our most urgent interventions. We should examine the UN's response with a determination and resolve to afford better protection to civilians in what is undoubtedly one of the most complex, vast and volatile war-zones in the world.

And we must also bear in mind that if we expect our peacekeepers to perform more effectively, we must ensure that they receive the requisite training and resources. In this regard, I intend to work closely with DPKO and Troop Contributing Countries to roll out a new tool that my Office helped to launch in June, entitled: *Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice*. It contains promising practices employed by peacekeepers to protect women and girls from conflict-related sexual violence. These *ad hoc* efforts need to be systematized and included in pre-deployment training as model scenarios that can help peacekeepers recognize and react to sexual violence by armed groups. It provides examples of early-warning systems,

patrols tailored to women's mobility patterns, community liaison techniques and other tactics that illustrate a gradual shift from *best intentions*, to *best practice*. In the wake of Walikale, new procedures and safeguards are being added to enhance security. MONUSCO has assisted in airlifting victims to Panzi Hospital and has established a Mobile Operating Base in the area to intensify patrols. My Office will work with key Troop Contributing Countries to ensure their personnel receive training on the specific challenges posed by sexual violence. In remote areas like Walikale, uniformed peacekeepers may be the first responders – the first to interact with rape survivors or communities at risk. They need to be as prepared for this reality, as they are for conventional military operations.

The UN system has also developed a *Comprehensive Strategy on Combating Sexual Violence*, endorsed by the Government of the DRC. The strategy has five pillars, namely: combating impunity; prevention and protection; security sector reform; multi-sectoral assistance for survivors; and data-collection and mapping. It is being financed by donors through the Stabilization Programme for the East (STAREC), and has created a platform for a coordinated response. MONUSCO's Sexual Violence Unit is charged with overseeing implementation of the strategy and we must ensure that it has adequate capacity to perform this function. My role is to help mobilize resources for full implementation of the strategy, as well as to ensure ongoing support from the inter-agency network, UN Action Against Sexual Violence in Conflict, which I chair. We particularly need to reach out to NGOs who provide frontline services. Their critical role has once again been exemplified by the work of such organizations as the International Medical Corps and Heal Africa in response to the mass rapes in Kibua.

Let me finally outline three additional considerations:

➤ ***Curb the illicit exploitation of natural resources***

The mass rapes in Kibua indicate a connection between the illicit exploitation of natural mineral resources, the continuing operations of illegal armed groups, and the high levels of violence against civilians in general and women in particular, in lucrative and strategic areas. We must examine this nexus more closely as one of the root causes of the recent atrocities and, more broadly, of the protracted conflict in the DRC, that has claimed the lives of more than five million people and led to over 200,000 rapes. I call on all Governments to enact due diligence measures to track the flow of conflict minerals – following the example of the United States which has recently passed

measures to this effect in the form of its Financial Reform legislation of last July. I also commend the President of the DRC for announcing a moratorium on mining in three provinces in the Walikale region, in an effort to regulate the sector and improve conditions for people living there. But a global due diligence regime – along the lines of the Kimberley Process for conflict diamonds – is needed to deny a market for all the minerals that make these wars profitable.

➤ ***Reinforce the primary protection responsibility of the Government***

The role of the United Nations in the DRC is to *support* and not to *supplant* the Government as the primary protection and service provider. It is clear that deploying a well-trained and vetted national army and police presence, which prioritizes the protection of civilians, is critical in high-risk zones. I also urge the Government to reinforce its efforts to address impunity and strengthen the rule of law, as policies of “zero tolerance” for rape cannot be backed by a reality of “zero consequences”.

For our part, we are directing additional resources to reinforce the UN presence on the ground in their ongoing support to governments to strengthen the rule of law, including through the deployment of a Team of Experts as called for by Security Council resolution 1888. I am confident that swift and exemplary justice would have a deterrent effect. After my first visit to the DRC, I called for practical steps to be taken to establish a reliable payment chain for soldiers, garrisons to deter commingling with and preying upon the population, as well as human rights training backed with military disciplinary measures and military justice. These are not just *punitive*, but longer-term *transformative*, measures.

➤ ***Responding to early-warning signals***

We know that information on the rapes that occurred along the Kibua-Mpofi axis was slow to surface. Therefore, one of the critical lessons we must take from this tragedy is that the actual reporting of rape cases should not be viewed as a pre-requisite for robust protection responses. Lack of data does not equate to lack of incidents. We must be more keenly attuned to other indicators, including the movements of armed groups, their proximity to civilian centers, patterns of looting and pillage, actions to block off access to certain areas, as well as the concerns of local women about the security situation. These should all be considered signals that the population is at risk of exactions, attacks, and increasingly sexual violence. In this regard, my Office intends to prepare a matrix of early-warning risk factors to help sound the alarm from the ground up.

4. Conclusion

We cannot turn back time for the victims of Kibua, or for the countless other survivors of brutal acts of organized sexual violence. But we can and must do our utmost to ensure there are no more victims. Our immediate actions will send a powerful signal to the perpetrators, who are watching and waiting to see how the world will react.

The International Criminal Court has broken new ground in this regard, by pursuing a case against Jean-Pierre Bemba who is facing charges of command responsibility for acts of alleged pillage and rape, akin to those witnessed in Walikale. This sends the message that anyone who commits, commands or condones sexual violence will face consequences. It is my conviction that only through our collective and concerted efforts will we stem the tide of sexual violence. We must use all means at our disposal, including the unique mechanisms of the Human Rights Council.

I look forward to working closely with the Human Rights Council and the mechanisms of the human rights regime, including collaboration with the Special Rapporteur on Violence against Women and by contributing to the Universal Periodic Review process. I urge the Council to devote special attention and priority to sexual violence. Sessions such as this send an important signal that sexual violence is among the primary concerns of this Council. Together, we must ensure that the vicious cycle of silence and impunity for sexual violence is replaced with a virtuous cycle of recognition and reparation.

Thank you.
