

Update No. 2 on Combating SV in DRC

Office of the Senior Advisor and Coordinator on Sexual Violence

About the Office

The Office of the UN Senior Adviser and Coordinator on Sexual Violence in the DRC is proceeding with the implementation of its mandate to develop a comprehensive strategy, to strengthen prevention, protection and response to sexual violence. This is the second update and provides the most recent information on the comprehensive strategy to combat sexual violence, the first draft of which is completed, as well as other complementary activities.

The development of the comprehensive strategy follows significant recent attention by the international community on Sexual Violence, with an emphasis on the current crisis in the DRC. The creation of UN Action Against Sexual Violence (2007) and the Wilton Park Conference – Women Targeted or Affected by Armed Conflict: What Role for Military Peacekeepers? (2008) have shaped this attention into actionable recommendations for MONUC and UN Agencies. In addition to these policy recommendations, the strategy's mandate is derived from the successive Security Council Resolutions 1820, 1756, and 1794. These call on the international community, MONUC in particular, and the DRC Government to take steps towards fulfilling their obligations, and for the establishment and implementation of a legal framework to bring perpetrators to justice and allow victims' access to justice.

Comprehensive Strategy on Combating Sexual Violence

The first draft of the Comprehensive Strategy on Combating Sexual Violence has been finalised. The aim is to share this at different levels: in DRC with the UN Country Team representatives, internationally with UN Action Focal Points, and a range of experts in respective area that the strategy touches on. It has been developed in working level consultations with relevant UN agencies, MONUC sections, International NGOs and counterparts in the DRC Government, such as the Ministries of Justice, Defence, Interior, Gender and Health. The draft is now circulating for final comments among these parties, as well as among partners who will be directly or indirectly involved in its implementation. The Office's goal is for the strategy to be completed, adopted and to commence implementation by the beginning of 2009.

Each of the four strategic components (Combating Impunity, Protection and Prevention, Security Sector Reform and Multi-sectoral Assistance for victims of sexual violence) consists of a Concept Note and a Plan of Action. The concept note describes the rationale, scope, and strategic approach for the component; the plan of action proposes specific activities, indicators, outcomes and timelines (including mechanisms, roles, and responsibilities for different actors), to meet the objectives of each component. The implementation of each component will be assigned to a lead UN agency or UN section with programmatic activities relevant to its content.

Given that sexual violence is such a transversal issue, the objectives of each strategic component are inevitably interconnected. Clearly a security sector reform strategy needs to take into account the impunity aspect when dealing with perpetrators of the armed forces. Similarly multi-sectoral assistance demands a strong engagement on protection and prevention. To illustrate more specifically:

- Evaluating available resources and capacities for judicial assistance links the objectives for Combating Impunity and Multi Sectoral Response components.
- The establishment of a specialized judicial body for sexual violence, the creation of special police units, as well as the issuance of Directives and Codes of Conduct on sexual violence for security agents/forces, need to happen concurrently. These proposed activities within the SSR component are also closely connected to activities listed in Combating Impunity and Protection and Prevention.
- The establishment of a vetting mechanism is closely linked to programs for integration into the new army or the *brassage* process. These objectives within the SSR component need to link in with activities to combat impunity, when it comes to prosecuting personnel lacking integrity in line with the international human rights standards and best practices
- Disarmament programs (DDR/ Disengagement) have to rely on activities within the Multi-Sectoral Assistance component through a proposed referral system to assist survivors of sexual violence identified within the armed groups. This will also include judicial assistance to victims in line with the component on Combating Impunity.

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Upcoming
Report on progress on consultations and implementation of the Comprehensive Sexual Violence Strategy
Move of Senior Advisor's Office to Eastern DRC as of January / February 2009 to 'field-test' the strategy and streamline coordination mechanisms in the East.
Initiate the second phase of the Inventory of International Interventions on SV in DRC.
DPKO Mission to follow up on Wilton Park on Analytical Inventory of Peacekeeping Responses to Sexual Violence: late Jan/early Feb 2009.
UN Action mission to assess lessons learned and implications for Senior Adviser and Coordinator in DRC and other UN Action 'pilot countries'.

Combating Impunity ▶

With the aim of establishing a common framework for all actors involved in justice reform, the development of this component occurred in consultation with the DRC government, the *Sous-Groupe Thematique* (led by the Ministry of Gender), international coordination mechanisms in DRC (Sexual Violence Task Force and the humanitarian clusters), and UN members of UN Action on Sexual Violence in Conflict at the international level. The component has four main objectives: (1) To strengthen the capacities of judicial institutions and develop a criminal justice policy focused on sexual violence, (adopting a victim-centred approach); (2) To improve access to justice for victims; (3) To guarantee the

effective application of the 2006 DRC Law on Sexual Violence; (4) To ensure reparation for victims of sexual violence. The draft concept note and plan of action were formally presented to the Ministry of Justice who welcomed it and are examining its inclusion in the work plan of the *Comité Mixte de la Justice*. In addition, the *Sous-Groupe Thematique* formally adopted the strategy into its work plan and the PAP for 2009-2010.

Discussions are also underway on concrete ways in which the OHCHR/MONUC Human Rights section would take on the coordinating lead to implement this component. Concrete proposal for human and other resources are being considered to be able to launch this initiative in Eastern DRC initially.

Protection and Prevention ▶

Objectives for this component were identified in consultation with key actors on protection at Kinshasa and provincial level and the SV Task Force. In November 2008, the national protection cluster led a Strategic Seminar on IDPs, which yielded further recommendations. The following objectives are central to addressing SV as part of the broader Protection of Civilians Agenda: (1) To prevent and/or mitigate threats and reduce vulnerability

and exposure to sexual violence (2) To strengthen resilience of survivors of sexual violence and (3) To create a protective environment. Attention was given to avoiding duplication with existing initiatives and ensuring synergy with planning and existing achievements of the protection cluster. The first draft of this strategic component was submitted to members of the protection cluster for inputs and comments.

Security Sector Reform and Sexual Violence ▶

The intention within this component is to ensure that the burgeoning SSR agenda in DRC incorporates concrete practical initiatives that would assist in combating sexual violence in DRC. Key aspects of this are a focus on training and awareness raising amongst the DRC security forces and agents (PNC and FARDC), the establishment or strengthening of accountability mechanisms, and the need to introduce a vetting mechanism. A vital facet is to link this with ongoing justice reform initiatives especially military justice, the demobilization and disengagement plans for armed groups and the reform of the FARDC.

The three objectives identified are: (1) Accountability: security agents and forces need to both prevent and respond effectively to sexual violence and ensure that any perpetrators of SV crimes are held accountable; (2)

Vetting: reform processes for security agents and forces need to incorporate mechanisms aimed at excluding individuals who lack integrity, in line with international human rights standards and best practices; (3) DDR/*Brassage*: the disarmament and disengagement processes need to include special procedures to assist survivors of sexual violence. This involves liaison with vetting mechanisms prosecution of those responsible for human rights violations, registered during the DDR/*Brassage* processes.

The proposed steps and activities are complementary to other components, especially Combating Impunity and Prevention and Protection of sexual violence, as well as ongoing process, such as the UN Stabilisation Plan for the East (UNSSSS).

This draft component is circulating for final comments, through the MONUC-led SSR working group.

Multi-Sectoral Assistance ▶

The aim of this component is to develop a common understanding and framework for action for key actors involved in programming activities in relation to reproductive health, psychosocial assistance and reintegration/judicial assistance. A key activity will be to work towards an inter-ministerial agreement on the minimum standards applicable in the provision of assistance. The two overall objectives identified are (1) Improve the referral pathway for a multi-sectoral response for survivors of sexual violence at the community and local level and (2) Develop a National Protocol for Multi-sectoral assistance amongst the competent DRC Ministries, especially Public Health,

Gender, Family and Children, Social Affairs and Justice. The proposal is to use existing coordination structures and mechanisms for implementation, namely the existing *Comité/Synergie Provinciale/Territoriale de la Lutte contre les Violences Sexuelles (CP/TLVS)* (as initiated under the UNFPA-led *Initiative Conjointe*). Programs will need to be improved and strengthened in terms of methodology and programmatic orientation. Consequently, this plan proposes the development of standardized protocols of assistance, a new National Protocol for Multi-Sectoral Assistance, and a clearer definition of the referral pathway.

The draft of this component is now circulating at the working level with the main implementing / coordinating agencies and the Ministries of Gender and Health. ■

Inventory of International Interventions on Sexual Violence ('Mapping')

An initial inventory was undertaken in August 2008 to map out existing and planned activities by international actors on sexual violence (SV), under the aegis of UN Action Against Sexual Violence in Conflict and the UN Senior Adviser and international agencies alike and allow for a better identification of the concentration of activities and gaps. It is important to emphasise that this inventory constitutes a first phase. Whilst providing a good indication of trends, it is not exhaustive and will need to be updated on a regular basis. A second phase is envisaged following a more rigid methodology. This inventory should be viewed as complementary to the mapping of needs developed by UNFPA - *Cartographie des intervenants, interventions et besoins non ocuverts dans la prevention et la réponse aux violences sexuelles dans 5 provinces: Equateur, Maniema, Orientake, Nord et Sud-Kivu.*

Sectors of intervention	Cross cutting activities, contained in each sector
<ul style="list-style-type: none"> ■ Protection: Activities aimed at improving the physical protection of vulnerable groups and survivors of SV. ■ Legal/Justice support: Activities aimed at providing legal and judicial support for survivors of SV and at ending impunity for SV crimes ■ Health and medical support: Activities aimed at providing health and medical assistance for SV survivors. ■ Psycho-social support: Activities aimed at the provision of psycho-social support for SV survivors and their families. ■ Reintegration: Activities aimed at supporting economic and/or social reintegration of SV survivors. 	<ul style="list-style-type: none"> ■ Capacity building: Activities aimed at building within the government and for civil society to prevent and respond to sexual violence ■ Advocacy/Communication: Activities aimed at integrating better awareness and responses to SV in authorities' policies ■ Education/Sensitization: Civic education-type activities to promote a better understanding by the population on SV causes and consequences

Main Findings

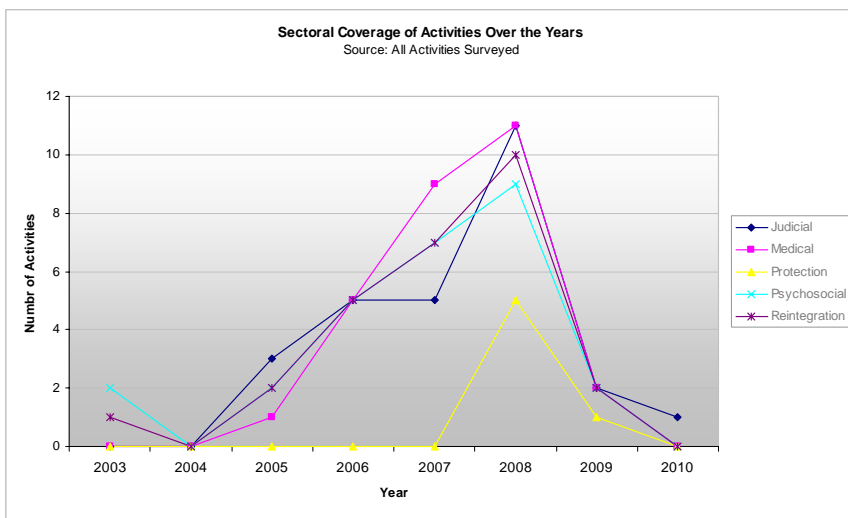
The main challenge was the difficulty of obtaining a comprehensive picture of what had been done and by whom on sexual violence in DRC, because of:

- the large number of actors and
- the inability to identify both the precise role and the expertise of each actor with regard to SV - some actors adopted a more holistic approach to prevention and response to SV, whereas others focused on one sector only.
- the cross-cutting aspect of sexual violence,
- the widely varying coordination mechanisms in place,
- the pooling and management of funds, and
- the complexity of the current situation in the country.

Overall, the inventory highlights a general lack of coordination within and between the sectors with regard to policies, approaches, the distribution of funds and expertise. Efforts are unevenly distributed in terms of geographic coverage, implementing agencies and sectors of interventions. Activities are mostly concentrated on Eastern DRC. One UN agencies leads the majority of interventions, and the programmatic focus is essentially on two sectors: medical and judicial support to SV survivors, while the remaining sectors show very few interventions.

The need to harmonize programs emerged as a real priority, especially with regard to training, sensitization, advocacy initiatives and reinforcing capacity within each sector of intervention. Furthermore, it proved difficult to identify if programs were more oriented towards prevention or response.

It emerged that even though some of the activities surveyed dated from 2003, it was only in 2005 that funding for sexual violence activities increased and expanded in DRC. A further major increase occurred in 2007, though it was in 2008 that the biggest surge of interventions on sexual violence was registered, in all of the key sectors (Health, Judicial, Protection, Psychological support and reintegration), with Protection activities commencing implementation only in 2008.



□ Improved reporting and data management on sexual violence (Database) ▶

The development of a database package for sexual violence is now in its final stages. This application consists of the complete software and related documentation. Our office initiated the development of this tool to be able to provide a better platform for analysis of trends on sexual violence and to identify actual and potential hotspots via carefully-selected indicators for (a) incidents, victims, and perpetrators; (b) judicial, medical, and psychosocial responses; (c) reintegration interventions, and (d) protection mechanisms. Four internal tests have been conducted to-date, with an additional one planned before compiling the final version for release. The preparation of accompanying technical documentation and a user guide are also underway. **The complete installation package, ready for deployment, will be released this month.** This is a serious contribution towards better collation of data and obtaining better analysis of the situation of sexual violence in DRC (and potentially other countries). However, some crucial questions need to be resolved: Who will host the database? Who owns the data? Who maintains it? Who should have access to the data? Who are the main beneficiaries (UN agencies, MONUC, INGOs, GoDRC)? ■

Other Relevant issues

1) Security Situation in the East, Sexual Violence and the Protection of Civilians

The deteriorating security situation in Eastern DRC over the past three months highlighted the need to strengthen MONUC's capacities to accomplish its mandate to protect civilians, as per SC Resolutions (vide SCRs 1843, 1794, 1592, 1565). Unsurprisingly, a serious increase in incidents of sexual violence and obstruction of victim's access to services was registered, mostly related to the conflict and large-scale displacement in the East, particularly in North Kivu. Though precise data on the scope and magnitude of SV during this period is not available, information collected within some IDP camps suggests a disproportionate increase of incidents of SV, especially against minors. This is in part related to the militarization of camps and lack of protection afforded to civilians by both the government and international military forces. To illustrate: in the course of fifteen days (29 October - 14 November 2008), 84 new cases of sexual violence were reported in Goma alone. Minors (10 to 17 years old) are particularly vulnerable.

Our Office worked closely with other MONUC's sections (Civil Affairs and Military in particular) and the Protection Cluster to focus MONUC's work on the protection of men, women and children who are currently being victimized on a daily basis, while awaiting the deployment of the additional mandated 3,000 military forces and police.

This work includes concrete proposals for actions to be taken:

- Strengthening military presence in troubled areas to support the FARDC, create safe areas and impede progress of rebel forces;
- The deployment of mixed MONUC military/civilian teams in vulnerable areas (Kwanja, Kanyabayonga). This has contributed to the reestablishment of security there through the replacement of some authorities/leaders, accountability/sanctions against some perpetrators, restitution of goods to victims, and return of the displaced population
- Increased patrolling, focused on places where women and children would normally go for water and firewood
- The provision of armed escorts for safety and to facilitate access to humanitarian assistance
- Issuance of a Handbook: **Guidelines for Peacekeepers on the Protection of Civilians prior to, during and after military operations.** This combines both the military and humanitarian concepts and approaches to protect civilian populations, in particular the need to create and then sustain a safe and secure environment. It also includes, *inter alia*, a practical guide for peace keepers on how to deal with victims and perpetrators of sexual violence.

2) Journée de Réflexion on “Specialized Police Units for Sexual Violence”

In a joint initiative by EUPOL and the Office of the Senior Advisor and Coordinator for Sexual Violence, key international and national actors met in Kinshasa on 5 November 2008 to discuss and analyze progress on initiatives focused on strengthening the capacity of the Congolese National Police (PNC) to prevent and respond to sexual violence crimes. The meeting identified short and long term objectives for the units.

The meetings participants unanimously recognized the importance of establishing special SV Police units and identified the following relevant issues for follow up:

- **Training:** there is an enormous need to harmonize and strengthen training programs for police working on sexual violence. Our office is collating an inventory of existing training modules on sexual violence currently in use by different actors. A working group was set up within UNPOL to develop training module targeting the special police units for sexual violence, to be deployed in Eastern DRC within the UNSSSS framework.
- **Coordination:** An improved effort to coordinate the different initiatives is essential. The following aspects need to be addressed: (1) Define standardized ToRs for units (2) Clarify their composition and links with other judicial mechanisms (3) Ensure that civilian and military jurisdictions are covered by the interventions of the special SV units (4) Strengthen the links between SV units and ongoing initiatives within the SSR program; **Children and Sexual Violence:** special judicial attention to be paid to children, both as SV perpetrators and victims. Need for coordination between SV units and existing Police Child Protection Teams, as prescribed by the *Project de Loi de Code Protection de l'enfant*;
- **Separation of SV police units from women’s police units:** A revision of the concept and separation of SV police units from special police units for women was suggested, to promote a more inclusive approach for the prevention and response to SV crimes.
- **Recruitment Process:** Strong support for developing a process for recruiting women police officers of sufficiently senior rank into the SV units;
- **Inter-ministerial approach:** the complexity inherent to combating sexual violence requires a coordination of efforts at both the central and operational level. In addition, full coordination between the various ministries (specifically: Interior, Justice, Gender, family and children, Human rights and Defence) is vital.

3) UN Stabilisation Plan for the East (UN SSSS)

The UNSSSS will contain a sub-component under its pillar of the extension of state authority on the short term reduction and long term eradication of cases of sexual violence. The draft plan developed by the Senior Adviser’s Office is focused on ensuring greater protection, prevention and response to SV and greater attention to combating impunity. The objectives of the plan is in line with the Comprehensive Strategy and will include: effective deployment of PNC and FARDC sexual violence units, establishment of a specialized judicial body for sexual violence, awareness training and campaigns for civilian populations, the return, reconciliation and reintegration of displaced communities and SV survivors, and the demobilisation and reintegration of ex-combatants.

4) 16 Days of Activism against Violence Against Women

Between 25 Nov and 10 Dec 2008, UNHCR coordinated programming for these international days of activism. This year’s theme was “Human rights for women and human rights for all: 60 years of the Universal Declaration of Human Rights”. Activities in Kinshasa included a series of conferences at local universities, vocational training for displaced persons and anti-violence programming at secondary schools. In the East, programming included: conferences, debates, marches, and theatre pieces promoting messages of anti-violence. At the international level UN Action issued a collective statement (posted on their website www.stoprapenow.org) regarding the nexus between implementation of SC Resolution 1820 and the pressing demand for immediate action in the DRC (with a focus on the Kivus.) Specifically, the statement emphasized ending sexual violence, holding perpetrators accountable, and ensuring service for survivors. The statement also called for a coordinated implementation of the tenants of 1820 in the DRC, including specifically programs to enforce greater military discipline, train troops against sexual violence, vet of armed forces for perpetrators and quickly and safely evacuate to women and children that are under the threat of sexual violence.

5) Council of Human Rights Resolution

On 1 December, the Council of Human Rights issued a resolution condemning the atrocities perpetrated in the Eastern DRC and demanding the immediate cessation of violations of human rights. The statement drew particular attention to the widespread use of sexual violence and the militia recruitment of children in North Kivu, and called for additional reports on the scope and scale of these issues.

6) Briefing to the DRC UN Country Team and DRC Donors etc

On 30 October and 1 November 2008 respectively, the Senior Advisor/Coordinator on Sexual Violence updated the United Nations Country Team (UNCT) on progress of her office. The update focused on three main components: the current situation of Sexual Violence (with a specific focus on North Kivu), the four components of the Comprehensive Strategy for Combating Sexual Violence, and the offices’ on-going activities (including: the inventory/mapping project and the development of the centralized database). Advice for practical implementation was solicited from the respective country teams. ■