

## Comprehensive Strategy on Combating Sexual Violence in DRC Executive Summary

### Overview

The Office of the Senior Adviser and Coordinator for Sexual Violence has developed a Comprehensive Strategy on Combating Sexual Violence in the DRC consisting of four components. This evolved in consultation with relevant UN agencies and MONUC sections, International NGOs, the Sexual Violence Task Force, respective humanitarian clusters and counterparts in the DRC Government, such as Ministries of Justice, Defense, Interior, Gender and Health.

The aim of the strategy is to **create a common framework and platform for action** for all those involved in combating sexual violence in DRC in line with successive Security Council resolutions. The basis for this process lies within UN SC Resolution 1794 (2007), which requests MONUC “to undertake a thorough review” and “to pursue a **comprehensive mission-wide strategy**”, “in collaboration with the UN Country Team to strengthen prevention, protection and response to sexual violence.”

Furthermore, UN SC Resolution 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.”

In addition, the strategy includes relevant issues and objectives contained in the **UNSC Resolutions** 1325 (2000) on Women, Peace and Security, 1674 (2006) on Protection of Civilians, 1612 (2005) Children in Armed Conflict, and the S/RES/1756 (2007) and S/RES/1856 (2008) on the Situation concerning the DRC. The Comprehensive Strategy also follows the Recommendations of the Wilton Park Conference (2008) on Women Targeted or Affected by Armed Conflict.

**The overall objective** is to strengthen prevention, protection and the response to sexual violence, by:

- Supporting the efforts of the UN system and the DRC Government to combat sexual violence;
- Streamlining coordination mechanisms;
- Providing strategic, technical and policy advice;
- Ensuring the inclusion of sexual violence in broader agendas (such as Justice and Security Sector Reform, the Protection of Civilians, or the government-led *Sous Groupe Thematique* on Sexual violence);
- Ensuring complementarity with ongoing processes and initiatives (the Security Sector Reform Working Group, *Comité Mixte de la Justice*, the National Police Reform Committee (*Comite de Suivis pour la Reforme de la Police*), the UN Stabilization Plan for Eastern DRC – UNSSSS, the government-led Plan for Reconstruction and Reform of Eastern DRC and the work plan developed by the *Sous Groupe Thematique* etc)
- Improving the methodology and focusing programmatic orientation of projects on sexual violence.

An effective response to sexual violence is **complex**. A number of fora and individuals were consulted to create and revise a strategy that will effectively manage this complexity. The objectives of the strategy should be implemented by relevant partner agencies in a coordinated and incremental manner that is complementary to planned and ongoing initiatives.

### Strategic Components *(see table below)*

The comprehensive strategy has four inter-related components, each represented by a Concept Note and a Plan of Action. The **Concept Note** describes the rationale, scope, and strategic approach for the component; the accompanying **Plan of Action** proposes a set of objectives and defines mechanisms, roles and responsibilities for different actors. For each objective several actionable steps for implementation are outlined; this includes specific **activities**, a description of key **indicators** of success, description of **outcome**, assignment of actions to relevant agencies (**actors**), description of a **timeframe** and **monitoring and evaluation** mechanisms.

**1) Combating Impunity for Cases of Sexual Violence:** Four objectives were identified: (1) To strengthen the capacities of judicial institutions and develop a criminal justice policy focused on sexual violence, (adopting a victim-centered approach); (2) To improve access to justice for victims; (3) To guarantee the effective application of the 2006 DRC Laws on Sexual Violence; (4) To ensure reparation for victims of sexual violence.

*Status:* This was formally presented to the Ministry of Justice, proposed for inclusion in the work plan of the Comité Mixte de la Justice, formally adopted by the Sous-Groupe Thematique and included into its work plan and inserted in the PAP for 2009-2010. Additional resources are required for the lead entity to ensure the full implementation of this component.

**Lead entity:** MONUC / OHCHR Joint Human Rights Office in the DRC

**2) Prevention and Protection of Sexual Violence:** The following objectives were identified as central to addressing sexual violence as part of the broader Protection of Civilians Agenda in the DRC: (1) To prevent and/or mitigate threats and reduce vulnerability and exposure to sexual violence (2) To strengthen the resilience of survivors of sexual violence and (3) To create a protective environment.

*Status:* This has been integrated into the 2009 Action Plan of the DRC National Protection Cluster and introduced into work plans in North and South Kivu. Elements have also been introduced into the MONUC Protection Strategy and revised Force Commanders Directive (2009) and guide for blue helmets on protection ('Protection into Practice').

**Lead entity:** UNHCR through the National and Provincial Protection Clusters

**3) Security Sector Reform and Sexual Violence:** A vital facet of this component is to interweave this with ongoing justice reform initiatives especially military justice, the demobilization and disengagement plans for armed groups and the reform of the FARDC. To accomplish this, three objectives have been identified: (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.

**Status:** This is incorporated into the Work Plan of the Sous Groupe Thematique and elements of it are incorporated into the Military and Police Reform Plan for the FARDC and Police (Plan Mixte FARDC / PNC pour la Lutte contre le Violence Sexuelle et l'Impunite). The component was introduced to the MONUC-led SSR working group for discussion.

**Lead entity: under discussion - either** Security Sector Reform (SSR) Working Group, led by the MONUC SSR Section or EUPOL/EUSEC.

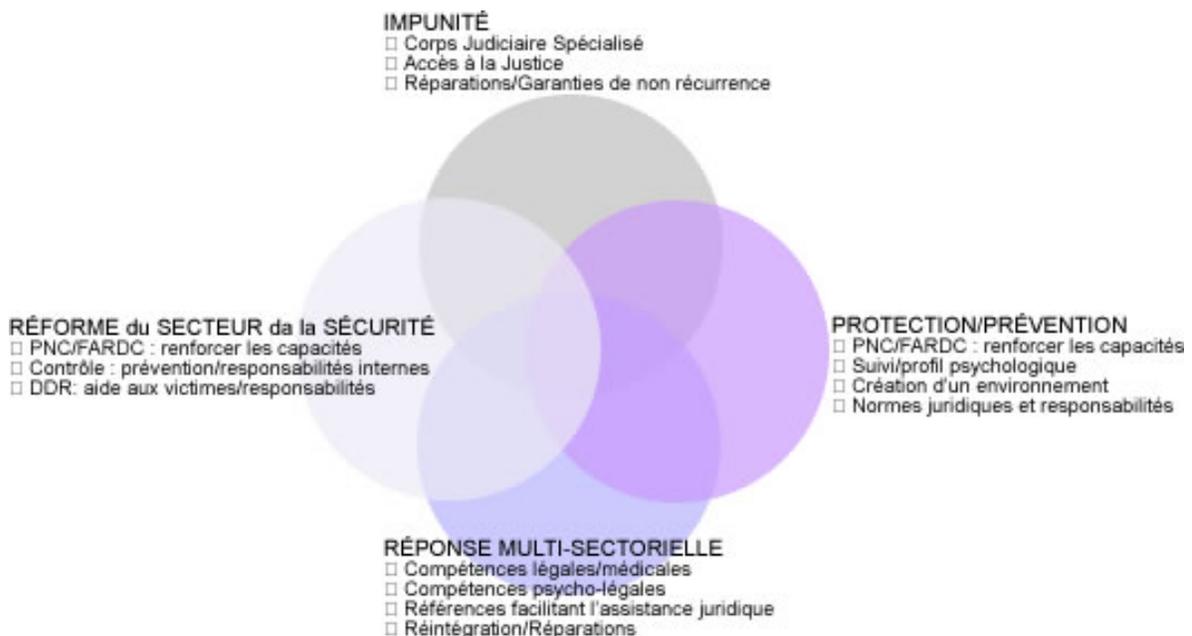
**4) Multi-Sectoral Response for Survivors of Sexual Violence:** The fundamental aim of this component is to improve access of survivors of sexual violence to multi-sectoral services and to establish minimum standards for the provision of assistance. The two overall objectives are (1) To improve the referral pathway for a multi-sectoral response for survivors of sexual violence at the community and local level and (2) To develop a National Protocol for Multi-sectoral Assistance amongst the competent DRC Ministries. This will consist of four sub-protocols on the provision of assistance in the following sectors: medical, mental health, judicial and reintegration.

**Status:** This component is subject to change depending on the situation on the ground. It was introduced to the Sexual Violence Task Force at national level and in North and South Kivu to respective SGBV working groups, chaired by UNFPA. It forms part of the Work Plan of the Sous-Groupe Thematique.

**Lead entity: under discussion – either** UNFPA and/or UNICEF

### “Inter-connectedness” of the strategic components

Sexual violence is a transversal issue that touches on all core areas of the UN’s work in DRC. Consequently, the objectives of each strategic component are inevitably interconnected.



The examples below serve to illustrate the linkages between the components:

- **Capacity and lack of resources:** The need to conduct an assessment of available resources and capacities is necessary for all four strategic components in order to delineate clearly the roles and responsibilities of each actor.
- **Specialized judicial body for sexual violence:** Most activities within the SSR Component are closely connected to activities listed in the components on Combating Impunity and Protection and Prevention. The establishment of a specialized judicial body for sexual violence is proposed, as well as a “Fast-Track” procedure to bring cases of sexual violence to trial. There is a vital link between the creation of special sexual violence police units as well as the issuance of Directives and Codes of Conduct on sexual violence for security agents/forces. These activities need to happen concurrently, as outlined in the components on SSR and Protection and Prevention.
- **Vetting mechanism:** The establishment of a vetting mechanism is closely linked to programs for integration into the new army and the *brassage* process. These objectives contained in the SSR Component need to be aligned with activities to combat impunity, in terms of prosecuting personnel who lack integrity in line with international human rights standards and best practices. A vetting mechanism also creates guarantees that crimes will not recur, which is directly related to the effective provision for the reparation of victims.
- **Demilitarization/disarmament:** army reform processes need to ensure balanced gender access to both programs. The 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 include judicial assistance and the provision of reparation for victims in line with the component on Combating Impunity.
- **Administration of evidence:** The collection and administration of evidence relies on a functioning referral system. If medical and mental-health providers have clear guidance on how to perform a thorough physical and psychological examination and record findings through the establishment of the proposed National Protocol of Multi-Sectoral Assistance, the administration of evidence in judicial proceedings becomes stronger in favor of the victim.
- **Strengthening the resilience of sexual violence survivors** forms part of the victim-centered approach to be adopted by judicial institutions and within a criminal justice policy (Component on Combating Impunity). This objective is also incorporated within the proposed remedial activities of the Protection and Prevention Component and within the “survivor-centered skill approach” of the Multi-Sectoral Response Component. The respective activities provide guidance for interaction with survivors, by respecting their rights, assuming a supportive attitude and attempting to reinstate the survivors’ 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, guarantees of non-recurrence. Equally related is the creation of a protective environment that ensures the reduction of social stigma (Protection and Prevention Component), and economic empowerment (Multi-Sectoral Assistance Component), but also the demilitarization and integration benefits for females associated with armed groups (SSR Component).

## Database

To implement the strategy on sexual violence effectively, a piece of software was developed to serve as a tool to support sexual violence **data management and reporting**. This will provide a better platform for an analysis of trends on sexual violence and identify actual and potential hotspots through carefully selected indicators for (a) incidents, victims, and perpetrators; (b) judicial, medical, and psychosocial responses; (c) reintegration interventions, and (d) protection mechanisms. This is a substantial contribution towards better collation of data and obtaining better analysis of the situation of sexual violence in DRC (and potentially other countries).

The software was developed following a formal software development process. Because of its ‘architecture’, users are shielded from the complexity of directly dealing with the database. Its familiar and intuitive windows-based forms facilitate data entry and retrieval and minimal orientation is needed. While the software was created to apply to sexual violence in the context of the DRC, other countries and subject areas may also find it applicable. The software is part of a complete software package consisting of an installation CD, technical documentation, and a user guide.

Discussions are ongoing on which UN entity should be the central depository for this database. Crucial questions outstanding are: Who will host the database? Who owns the data? Who maintains the database? Who are the partners collecting the data and which methodology will be applied for data-collection? Who should have access to the data? Who are the main beneficiaries (UN agencies, MONUC, INGOs, GoDRC)?

## Obstacles to the implementation of the strategy

A number of political and practical obstacles need to be addressed or at least taken into account for this proposed comprehensive strategy to be implemented effectively, as a whole or in part.

- **Political will on the part of the government** is vital. This means not just paying lip service to the problem but ensuring that there is real engagement and focus on sexual violence and that concrete measures are 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 this comprehensive strategy.
- The **ongoing conflict in the Eastern DRC** and large scale displacement of the population poses an obstacle to the implementation of an effective response to sexual violence, especially in regard to disarmament programs and launching of vetting mechanisms.
- The process of developing this comprehensive strategy took place in a **“strategic void” both on the part of the UN system and the DRC government**. The *problematique* of sexual violence is part of a general climate of impunity of human rights violations as well as problems of meeting the objectives of the protection of civilian’s agenda. For example, whilst the strategy has a component on Combating Impunity, no overall agreed strategy exists as yet on judicial reform and combating impunity as a whole. The same applies to the lack of a Health Sector strategy or a

- National Security Plan to implement a coherent reform processes for the security forces or an UN-wide strategy for the protection of civilians. Solutions for combating sexual violence cannot stand alone but have to be part of a broader framework and policies.
- Whilst the Office of the Senior Advisor and Coordinator is mandated to provide technical and policy advice and develop a strategic framework, its **remit is not to be operational** nor to manage or oversee its own programmatic activities. The future role of the Office will be to oversee the implementation and “operationalization” of the different strategic components. This will in turn entail the establishment of new coordination mechanisms but also some operational guidance and programmatic involvement.
  - Effective implementation of all or part of the strategy depends on the **political and institutional will of the mandated UN Agencies** to be “coordinated” and adapt their programming activities towards the objectives identified in consultation with them. Duplication of efforts and lack of inter-agency communication is posing a major obstacle. This is due in part to agency’s interpretation of respective mandates and roles, a certain degree of territoriality as well as lack of requisite expertise in programme management and sexual violence.
  - Increased international attention to sexual violence in DRC in particular has led to a **substantial increase of funding**, accompanied by a disproportionate lack of 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 managed by the Sexual Violence Task Force would allow for better targeting and distribution of the specific activities proposed in this comprehensive strategy.
  - There are numerous, disparate reports and accounts by UN agencies and field organizations that characterize various attributes of sexual crimes in Eastern DRC. Yet, to date, there has not been a detailed, comprehensive situational analysis of perpetrator characteristics of sexual violence in the DRC that incorporates an understanding of both military structures, as well as military and civilian acts of sexual violence and responses by communities to these crimes. A **contextual and situation analysis on sexual violence in DRC** should be developed to better inform and develop appropriate and effective prevention and response 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. **Timing, places, motivations of sexual violence should be better analyzed together with protective mechanisms** that communities, and especially women, put in place in order to prevent sexual violence.

The aim of the Comprehensive Strategy on Combating Sexual Violence is to provide a **practical framework and platform for action** with clearly designated roles, responsibilities, timelines and activities. This needs to 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. It is hoped that this effort will be seen as a constructive step towards addressing some of the obstacles outlined above.

**Part I of the Comprehensive Strategy on Combating Sexual Violence:  
 Combating Impunity for Sexual Violence: Plan of Action**

Objective	Steps
<b>A. Strengthen the capacities of the judicial institutions and develop a criminal justice policy focused on sexual violence</b>	A.1: Child centered approach: Ensure that judicial institutions provide SV services
	A.2: Create specialized judicial expertise for sexual violence and implement the “fast-track” procedure to prosecute and judge sexual violence cases
	A.3: 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 standardized medical certificate
	A.6: Directives on psycho-legal expertise
	B.1: Capacity building and logistical support for those in first contact with victims
<b>B. Improve access to justice for victims</b>	B.2: Provide guidance to victims on their basic rights and obligations for filing complaints
	B.3: Provide logistical support in order to facilitate the movement of victims, witnesses and alleged perpetrators
	B.4: Promote support and facilitate the deployment of existing mobile investigations teams by strengthening local police units and the organization of 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 an object of threats or intimidation
	B.7: Exonerate victims from paying legal fees
	C.1: Seek clarification on the 2006 law on criminal justice and procedural codes
<b>C. Guarantee the effective application of the 2006 Law on Sexual Violence</b>	C.2: Conduct an overview and analysis both of SV jurisprudence and pending cases
	C.3: Implementation of policy of 2006 Laws
	C.4: Strengthen existing monitoring systems of SV cases brought to justice
	C.5: Ensure prosecution of alleged high ranking officials both military and civilian
	C.6: Take punitive measures against those interfering with the proper conduct of justice on SV crimes
	D.1: Examine a case study
<b>D. Ensure reparation for victims</b>	D.2: Ensure effective compensation to the third parties
	D.3: Apply other forms of reparations
	D.4: Ensure victims satisfaction and guarantees of non –recurrence

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

Objective	Steps
<b>A. Prevent and/or mitigate threats and reduce vulnerability and exposure to sexual violence</b>	A.1: Establish a plan for the collection of information on SV
	A.2: Profile patterns of sexual violence, threats, survivors, and perpetrators
	A.3: Introduce 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 / Codes of Conduct on SV
	A.7: Create specialized PNC and FARDC SV 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 SV
	A.10: Conduct an analysis of whether existing preventive measures impact on reducing SV
<b>B. Strengthen resilience of survivors of sexual violence</b>	B.1: Ensure Multi-Sectoral assistance for survivors of sexual violence
	B.2: Establish standardized SV monitoring and reporting mechanisms that place the best interests of the survivor at the forefront
	B.3: Apply safety and security measures to increase protection
	B.4: Address the consequences of SV on survivors and communities
	B.5: Address the consequences of SV on survivors and communities
	B.6: Reduce social stigma of survivors
	B.7: Monitor recovery programs for survivors
<b>C. Create a protective environment</b>	C.1: Restore rule of law mechanisms related to sexual violence
	C.2: List applicable legal standards and responsibilities
	C.3: Advocacy

**Part III of the Comprehensive Strategy on Combating Sexual Violence:  
 Security Sector Reform (SSR) and Sexual Violence: Plan of Action**

Objectives	Steps
<b>A: Accountability: Security agents and forces need to both prevent and respond effectively to sexual violence</b>	A.1: Create a 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 PNC and military forces
	A.3: Establishment of UNPOL special sexual violence units to assist in the creation/capacity building of PNC special SV units
	A.4: Creating Specialized Police Units (PNC) for Sexual Violence
	A.5: Establishment of special SV cells within the FARDC
	A.6: Issue Directives and Codes of Conduct on SV
<b>B: Vetting: mechanisms aimed at excluding individuals who lack integrity</b>	B.1: Assessment of the situation (public needs, perception and capacities)
	B.2 Define parameters, standards and outcomes for vetting (including: organizational parameters, individual capacity standards, and individual integrity standards)
	B.3 Design the process: define a clear mandate/ scope for personnel Reform of security agents/forces institutions and ensure that sexual violence is included in the agenda
<b>C: DDR/Brassage: The disarmament and disengagement processes need to include special procedures to assist survivors of sexual violence</b>	C.1: Ensure that disarmament / disengagement programs focus on integrating a SV sensitive approach into all activities and infrastructure
	C.2: Ensure that demobilization programs appoint female focal points at each stage in the process, in line with the UE PNDDR principles
	C.3: Ensure that programs 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
	C.4: Ensure that programs for social reintegration and service provision provide special assistance to female (ex)-combatants
	C.5: Ensure that programs for reintegration (both social and <i>brassage</i> ) include justice and vetting mechanisms
	C.6: Ensure that programs for reintegration link into programs for the reparation of victims

**Multi-Sectoral Response for Survivors of Sexual Violence: Plan of Action  
 Part IV of the Comprehensive Strategy on Combating Sexual Violence**

Objective	Steps
<b>A: Improve the referral pathway</b>	A. 1: Assemble inventory for existing actors in 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 SV survivor’s information at entry point
	A.8: Agree to and adopt referral systems in each health zone
	<b>B: Develop a National Protocol for multi-sectoral assistance</b>
B.2: Update the National Medical Protocol related to SV survivors	
B.3: Ensure that medical and para-medical staff are trained in the Medical Protocol	
B.4: Evaluate available resources and capacities for mental health care	
B.5: Adopt a protocol on mental health care management for SV	
B.6: Train mental health professionals and para-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 SV survivors	
B.9: Ensure that legal and para-legals are trained in the judicial protocol	
B.10: Assess available resources and capacities for reintegration assistance	
B.11: Adopt a reintegration protocol for SV survivors	
B.12: Train those involved in social and economic reintegration and empowerment	