

Protection from sexual violence in DRC

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While service provision for survivors of sexual violence is the top priority, protection for women and girls can also be improved in DRC.

The humanitarian community has faced enormous challenges in trying to protect women and girls in DRC. Civilian-based prevention strategies traditionally implemented by humanitarian actors are critical to addressing the underlying causes of sexual and gender-based violence, as well as providing some measure of physical protection and accountability. However, real change in the shocking level of sexual violence against women and girls in eastern DRC will require changes that go beyond the mandate of humanitarian agencies and civil

society organisations. Real change will require substantial political will and action by national authorities, with concrete and sustained support from the international community.

DRC is struggling with both gender-based violence in society and conflict-related sexual violence. These will require inter-dependent yet distinct solutions. While the cases of sexual violence being documented across the country, including in non-conflict areas, indicate that a significant percentage of reported cases are perpetrated

by armed groups, there is no doubt that women and girls are also being sexually assaulted by civilians. Traditional gender roles and the already low status of women in Congolese society exacerbate their vulnerability to violence and exploitation. However, in eastern DRC women's and girls' greatest risk of sexual assault comes from the war, the armed bodies involved in the conflict, and consequent breakdown of state entities such as the judicial system and police force that might otherwise provide some measure of security.

Women and girls are being targeted by all armed groups with unparalleled levels of brutality.

Over the past year, the International Rescue Committee (IRC) has seen mutilation and torture become more common in relation to acts of sexual violence and more children among the survivors. Unfortunately, undisciplined members of the Congolese armed forces are also committing acts of sexual violence.¹

Traditional preventive strategies are not enough

Humanitarian actors have traditionally responded to violence against women either with programmes that increase protection in a particular physical space where women are most at risk, or with programmes that focus on changing negative or violent behaviour of men.

Arguably, these approaches are not sufficient in eastern DRC where 56% of women reporting to IRC are being attacked by members of armed groups while conducting their everyday activities. The IRC has found that women and girls are potentially at risk in many settings, some of which are far beyond the reach of the protection capacity of humanitarian and civil society organisations. Sexual assaults in these settings will not be prevented unless there are national or international security forces able and willing to protect the local population.

Various actors in DRC are implementing programmes focusing on preventing sexual assault by changing attitudes and behaviour, including of security forces. While training in human rights, gender and conduct of war has a place, the assumption that changes in knowledge and awareness will in fact lead to changes in behaviour is under-researched. Ensuring that these types of training become an integral part of the standard training package of Congolese security forces is an important and necessary step in the professionalisation of the national army and police. However, a real shift in behaviour is only likely when military command and control are instated, military personnel are regularly paid and provided adequate lodging and food, and members of the armed forces are consistently held accountable for acts of sexual violence.

Both conflict-related sexual violence and societal gender-based violence will require a security and judicial system capable of ensuring accountability of sexual offenders. Impunity for sexual offenders in DRC is widespread. Few sexual criminals are brought in front of a court of law and even fewer actually spend time in prison for their actions. Corruption, a fee-for-service system (under which the survivor has to pay to press charges) and length of trial are only some of the many factors discouraging survivors from seeking justice. As a result, despite the fact that survivors are offered legal services free of charge through IRC's programme, fewer than 5% of the women assisted by IRC seek support for judicial action following a sexual assault and an even smaller percentage take their cases to court. Fear of retaliation, stigmatisation by the community and spousal rejection can prove insurmountable obstacles for survivors when considering legal action. Safety and security concerns compound the issue, with police forces unable or unwilling to ensure arrest and incarceration of convicted perpetrators or those awaiting trial.

The problem of impunity unfortunately extends to members of the Congolese security forces – the same forces who are tasked to protect women and girls from crime, including sexual violence. The lack of accountability within the command structures of the Congolese army allows combatants to continue to carry out grievous human rights abuses with few or no repercussions. Sexual offenders among the national army and police are often not prosecuted, and middle- and senior-level personnel are not held accountable for the actions of men under their command.²

While the Congolese government declared a laudable zero tolerance policy for such violations by members of its armed forces in July 2009, there is still a great discrepancy between the policy and its implementation.

The UN's peacekeeping mission in DRC has outlined responses to these issues in its Comprehensive Strategy to Fight Sexual Violence,³ in which

it has designated agency leads and activities for five thematic areas: security sector reform; prevention and protection; combating impunity; multi-sectoral assistance; and data and mapping. The Comprehensive Strategy is a new tool, which should be seen as an important pilot for how the international community can assist countries in addressing this issue. However, the strategy may be inadvertently promoting a fragmented approach by dividing different prevention activities – such as security sector reform and combating impunity – into separate pillars of response. It is particularly important to capture any key lessons identified and to modify the Comprehensive Strategy accordingly if this pilot effort is to be adopted as an international model for a unified UN-supported approach to sexual violence.

Practice is still slow to catch up with the new protection framework created for women and girls by UN resolutions 1820 and 1888. Unless political authorities elaborate security-oriented solutions and institutions are developed to implement them, sexual violence in DRC will continue to be treated as an unfortunate side-effect of war, not as a security problem which requires and deserves a security response.

Political will, national and international, must be generated and applied to all elements of security and justice sector reform – and reform of the military, police, penitentiary and judicial systems carried out – if we are to hope for an end to conflict-related sexual violence in eastern DRC.

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1. Baaz, Maria & Stern, Maria, 'Understanding and addressing conflict-related sexual violence', Nordiska Afrikainstitutet, Policy Notes 2010/3

2. 'Soldiers who rape, commanders who condone', Human Rights Watch Report, 2009 <http://www.hrw.org/en/node/84366/section/1>

3. <http://monuc.unmissions.org/Default.aspx?tabid=4073>