

# Combating Sexual Violence in the DRC

## From Resolutions to Practice

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### Summary

Sexual violence has been endemic to warfare in the Democratic Republic of Congo (DRC) over the past decade, and the international community has focused considerably on measures to address this issue. Most prominent is United Nations Security Council Resolution 1820 (2009) on sexual violence in war. The UN has appointed a Special Advisor in the DRC with a task force against sexual and gender-based violence, and developed a Comprehensive Strategy on Combating Sexual Violence in the DRC (19 March 2009). The Comprehensive Strategy is a strategic plan involving four focal areas for combating sexual violence: (i) combating impunity for cases of sexual violence, (ii) prevention and protection against sexual violence, (iii) security sector reform and sexual violence and (iv) multi-sectoral response for survivors of sexual violence.

Despite its achievements, the Comprehensive Strategy faces severe challenges due to the lack of functioning formal state institutions and a professional police force. Less costly initiatives that build on active involvement from local communities may prove far more efficient. This can be achieved through re-building social networks to provide for better security and protection for the civilians in the eastern DRC. Additionally, professionalization of the police can be achieved through vetting mechanisms, secured payment and logistic facilitation provided by the Congolese government, the UN Police and the UN mission in the DRC (MONUC).

The endemic character of sexual violence (SV) in the eastern Democratic Republic of Congo (DRC) has formed the backdrop for United Nations Security Council Resolution 1820 (19 June 2008) on the use of SV in war and conflict. The resolution minces no words – ‘rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide’ – and is aimed at ending SV in conflict.

Less than one year after its adoption, the Office of the Senior Advisor and Coordinator for Sexual Violence in the UN mission in the DRC (MONUC) published the *Comprehensive Strategy on Combating Sexual Violence in the DRC* (March, 2009). This strategy document is divided into four overlapping strategic components:

- (i) Combating impunity for cases of SV,
- (ii) Prevention and protection against SV,
- (iii) Security sector reform and SV and
- (iv) Multi-sectoral response for survivors of SV.

The comprehensive strategy stresses the need for ‘a common framework and platform of action’ in order to combat the prevalence of SV in the war-torn DRC.

Despite these efforts by international actors, various challenges remain in dealing with SV in the eastern DRC. For one thing, there are no functioning state institutions at the appropriate level to respond

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The policy brief draws on the study ‘Combating Sexual Violence in the DRC: Towards a Comprehensive Approach?’ (Solhjell, 2009) published at NUPI, with empirical focus on the region of North Kivu. The data supporting the findings are largely based on two weeks of fieldwork in Goma and Sake in North Kivu and previous work on sexual violence in the DRC, in addition to desk-surveys on reports and other literature.

and provide protection. Moreover, MONUC, together with several other bilateral and international agents, works in an uncoordinated manner with a range of different donor funding sources and perspectives. Most are aware of SV as a general problem in the east, but fail to acknowledge it as a key security threat that affects both men and women.

These challenges can be addressed in several ways. An initial entry point could be to strengthen local social networks. Further, gender approaches should be more balanced, to incorporate both men and women and their contextual roles in the DRC. Also needed is a combination of a more professional police force that enjoys the confidence of the local population and active societal involvement against SV. That, however, will require state-led efforts and the political will to reform today's situation.

### The National Congolese Police

A necessity for enhanced coordination and capacity-building is the establishment of a national police academy in the DRC. There is no such institution today, and protection, investigation and juridical prosecution appear to be failing at every step. The National Congolese Police (PNC) consists of an assortment of former militia soldiers from CNDP, PARECO and Mayi-Mayi groups, local police, corrupt traffic police and specialised 'peace' police units trained by UNPOL. The level of training varies considerably, and their ability to perform even minimal police duties is significantly below nominal requirements.

There is a crucial need for more UNPOL staff beyond Goma, the provincial capital of North Kivu. International assistance (training, logistics, monitoring) is urgently required to reform the PNC, so as to enable them to respond adequately to the needs of local communities. What the stabilization of North Kivu requires is more civilian and police personnel in MONUC rather than more soldiers.

There exists both confusion and frustration among the provincial police officers in North Kivu.<sup>1</sup> This is seen most clearly in the procedures for investigating cases of SV and forwarding them to the central police in Goma. For example, the local PNC claims that when cases of SV are reported, they only have two days to complete the investigation and forward the case to the central police in Goma. In fact, that is a misinterpretation of the formal procedure whereby a suspect may not be kept in custody for more than 48 hours without juridical prosecution. Several examples of such confusion have come to light when discussing findings with UNPOL and civilian observers, and that further reflects the lack of training and follow-up instructions among the local police.

The formal procedure for victims of SV is to have a medical examination, preferably conducted by a doctor. But in the districts there are few, if any, doctors available to perform this job. That in turn affects the referral system through the PNC. As the doctors and lawyers are located in Goma, the lack of even minimal logistics facilities for communicating with the provincial capital and the limited time-frame allotted for each case make it an impossible task for the PNC. An additional problem is that many of the reported cases of SV have been committed by civilians and the Congolese army FARDC. Civilian cases are considered difficult to prosecute, as marital rape is not automatically seen as a criminal offence. Furthermore, there are in place no vetting mechanisms for prosecution involving FARDC soldiers who violate ethical codes.

The need for a more professional PNC is evident. Congolese civilians often express suspicion and not unfounded doubts concerning the performance of the national police. Misuse of power and corruption are more often the norm rather than the exception. Additional factors also serve to discourage civilians from reporting to the police. For instance, local chiefs can often intervene in cases reported to the police.<sup>2</sup> Furthermore, the failure to give priority to establishing a properly functioning, non-corrupt judicial sector makes any ground-level effort to report cases a near-mockery of the victims. More often, protection of civilians is offered by NGOs and the churches, and not the police or other elements of the traditional security sector. In the absence of a functioning state and professional police (and army), security tends to derive from the local community and social networks. That in turn indicates the importance of according high priority to (re-)building and strengthening local social networks.

### (Re-)building Social Networks

*The Comprehensive Strategy* strongly encourages the inclusion of social networks in order to respond in a timely way to threats of SV. 'Social networks' meaning social structures among individuals who share bonds of kinship, family, land and religion. Social networks have traditionally provided protection against severe domestic violence and rape, in addition to securing livelihoods. When war erupted in the east, Congolese civilians were forced to flee their villages, which led to a breakdown in such long-established social networks. Social networks have also been disrupted by the irregular, often village-based warfare that has become a way of life among armed forces.

The international actors' counter-responses to SV are often based on generic assumptions about men and women, frequently without an adequate understanding of vulnerability. Many have failed to recognise that

<sup>1</sup> Field visit to Sake (27 March 2009), outside Goma.

<sup>2</sup> Discussions with the NGO Heal Africa in Sake (27 March 2009).



joining an armed group or the military might be the only possible option left for the men in the eastern DRC. The attention from the international community towards women in the DRC has encouraged a perception of women as victims and men as perpetrators. This is an overly simplistic interpretation. The socialization in these armed groups strongly encourages the use of violence in many forms as an outlet for frustration and empowerment for men, as well as an entry point to gain basic livelihood and control. In order to prevent violence and SV, more attention will have to be directed to the root causes of such violence.

Due to the lack of functioning government institutions in the country, church networks are perhaps the sole stable and fundamental institution in North Kivu today, shared by militias, soldiers, government staff and civilians. The churches occupy a unique position in terms of presence and trust among the people, and that has made churches and their staff a focal point for donor aid. However, it is also important to recognise the limitations involved. For instance, the patriarchal perspectives often represented by church leaders can impede the development of more nuanced gender perspectives, an issue that crucially needs to be addressed. Attitudes like glorifying female chastity while accepting men's sexually active behaviour outside marriage are prevalent. Furthermore, corruption is widespread also within church networks. This is systemic throughout the DRC, a result of decades of the Mobutu dictatorship, and is not limited to individuals. Stronger links will have to be forged with other networks so that the churches do not have a monopoly on reaching out to the civilian population.

In order to deal with some of the root causes of SV in the eastern DRC, there should also be a focus on gender inequality within the household. Clear gender inequalities characterise relations of Congolese men and women. It is important that the policies introduced should be more nuanced and context-sensitive. Female empowerment programmes such as training in sewing, soap-making etc. along with literacy work are usually well-intended and practically oriented towards achieving direct benefits for women. However, an increased workload can be a side effect for women who already have heavy work burdens like fetching water, nursing and crop harvesting. The empowerment of men, through sharing the household work with women, is important in order to counter male passivity, which in turn can develop into alcoholism, domestic violence and essentially gender inequality. It is dangerous for society if men increasingly become disempowered from their traditional roles as protectors and providers for their families.

With its unbalanced gender perspectives that favour women over men, the international community may be doing more harm than good. When men lose out in socio-economic terms, increased militarization and

violence can be seen as way to re-establish control and power. Sensitization of gender issues among civilians using the positive features of Congolese traditions can add value and understanding to today's current situation.

By perceiving men as perpetrators, i.e. a part of the problem, many fail to take into account the male victims of SV, and a significant number of victims are neglected. Here it can be noted, for example, that one tenth of those who reported being raped during the month of June 2009 were male victims.<sup>3</sup> This is most likely only the tip of the iceberg as male victims tend to come forward only when the physical injuries are so severe as to threaten their lives. Existing rehabilitation and reintegration programmes – with income-generating activities like basket weaving – have been designed for women and girls, and hence further exclude the men. 'Gender issues' have become equated with 'women's issues' or 'special needs'. It is important to challenge this perception in order to adequately address the needs of all – men, women, girls and boy – for security and protection responses.

A more open discussion concerning men and women's experiences from the war should be encouraged. An important step in the process is establishing places where people from civil society, civilians, police, the army, community and state representative can meet. That should enable awareness from different gender perspectives, so that both men and women can have an open dialogue on their concerns.

### **Absent State or Too Much State?**

The volatile and uncertain political context in the DRC is without doubt a major obstacle to change in the country. Many politicians and legislators either directly represent, or are closely linked to, armed opposition groups that harbour the perpetrators of SV. In addition, the existence of 60 different ministries in the government impairs the coordination and decisive protection and prevention action that are prescribed by the *Comprehensive Strategy*. The practice of simply moving rebels into government, army or police positions is not good – neither for peace in the short or long-term, nor for security and reconciliation in the DRC. The Congolese state is absent where it is most needed, and involves too many untrustworthy actors.

In formal terms, legal rights for women are now provided through various national laws, the constitution and other instruments. For instance, the 2006 law against SV, a necessary reform of the outdated 'rape law', brought changes to the legal status of women. However, the law has not had much effect among civilians.<sup>4</sup> The system of impu-

3 Statistics provided by a legal clinic in Goma run by the American Bar Association (Gettleman, 2009).

4 Personal interview with Allyson Gardner, gender advisor at USAID, 31 March 2008, Kinshasa.

nity has become part of the life of the political elite, and few of those in power will be willing to reform the system from which they themselves benefit.

One of the problems with equal rights for men and women is that the policies remain on paper, with no monitoring or enforcement mechanisms to implement and enforce them. Dealing properly with this area would require massive, long-term investment and stability: two elements that are not available, internationally or nationally. As long as the state remains absent from crucial and unstable areas in North Kivu, local and provincial elements will be the key to combating high levels of SV.

### Conclusion

The *Comprehensive Strategy* represents an important initial step in creating awareness of SV as a security threat equally serious as other, more conventional weapons of war. However, the success of the *Comprehensive Strategy* will depend on several factors. For one, the police forces need to be professionalised through a police academy. Today there exists no police academy, and police training is generally uncoordinated and non-systematic. Secondly, personnel must be ensured payment and logistical assistance through the

Congolese government and by UNPOL. Thirdly, top priority should be accord to actively involving local societies. Giving too much attention to the churches may be counter-productive, whereas rebuilding social structures through popular meetings and greater dialogue among civilians, local chiefs, state actors and the armed forces can be beneficial. Furthermore, state actors must be held accountable for crimes through vetting mechanisms and prosecution. In that way, the Congolese state could begin to lead by example.

### Literature

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