

**SUBMISSION TO THE SENATE JUDICIARY SUBCOMMITTEE
ON HUMAN RIGHTS AND THE LAW
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Sexual and Gender-based Violence in the DRC

CARE thanks the Subcommittee for the opportunity to provide this testimony, and for holding a hearing on the very important topic of sexual and gender-based violence in the Democratic Republic of Congo (DRC).

CARE is an international humanitarian and development non-governmental organization that has been working in the DRC since 2002. In the DRC, CARE engages in programming involving basic health services, family planning and reproductive health, treatment and prevention of malaria, livelihood protection and promotion, management of natural resources, and, more generally, community development for war-affected communities. A cross-cutting focus on women's rights and empowerment is a central part of our approach to all of our programs.

CARE DRC's approach is to work in partnership with others, reinforcing civil society to engage in advocacy and actions in favor of vulnerable and marginalized groups, such as survivors of sexual and gender based violence, and enabling the latter to claim their rights. All of the projects in the CARE DRC portfolio use a similar approach to raise awareness and reinforce the responsibilities of all actors to advance toward a democratic state that protects and serves all citizens equally and supports sustainable peace and development.

The people of the DRC currently face a multiplicity of challenges in their search for sustainable peace and post-conflict development. In addition to the active conflict and displacement in North Kivu and parts of South Kivu, many other areas of the country face widespread poverty, poor governance, a near total lack of basic infrastructure, incomplete demilitarization and general insecurity—all of which undermine the nation's prospects for reconstruction and stability. More specifically, these factors are at the root of the high rates of sexual and gender-based violence in the country, the issue that we have been asked to address in this submission.

Our submission highlights the trends and root causes of the problem of sexual and gender based violence (SGBV) in the DRC and outlines recommendations for US government action to reduce this scourge.

What are the issues driving the high levels of SGBV in the DRC?

The use of rape as a weapon of war in the DRC is well-documented. The ongoing conflict in the Kivus has been characterized by brutal forms of rape and sexual violence, which have traumatized victims and entire communities. Many of the perpetrators of this violence are armed men associated with various rebel factions and the national army.

However, a shift has also been observed in the nature of SGBV in the DRC, with sexual crimes increasingly being perpetrated by civilians in areas of the country that are enjoying relative stability. A report of the UN's joint initiative on sexual violence indicates that 60% of the perpetrators of sexual violence in the DRC are now civilians and that many areas are experiencing high rates of rape

and sexual violence, years after the end of active fighting.¹ SGBV seems to have embedded itself as a broader social problem, one that will not necessarily disappear with the cessation of hostilities.

Many would ask why such forms of violence—which have become associated with periods of active conflict—would continue in relatively stable areas of the DRC. Through our programmatic work and research in Maniema province—which is currently at peace, we have identified a number of key drivers of this problem.

1. A weakened social fabric

A complete breakdown of the “community fabric” occurred during years of unrelenting conflict in many areas of the DRC. People witnessed heinous acts of violence, some of which were perpetrated by members of their own community. Especially in the East, the war has destroyed social structures, undermined traditional authority mechanisms and opened the way for rule by force. Large numbers of young men—many of whom committed horrible acts of violence during the war and were separated from family and community structures—pose a particular threat to women.

2. Incomplete Demobilization and Reintegration processes

Roughly half of the combatants that were part of various militias in the Maniema province were actively demobilized after the war. Of those that were disarmed, many did not receive a full package of assistance to complete their reintegration into civilian society, leaving many without proper psychological counseling or livelihood options.

There is some evidence that this incomplete DDRR process has helped create an environment where former combatants are more likely to perpetrate violence against women as civilians in their own communities. The years of experience in meeting their needs by force—combined with the challenges of integrating back into civilian life—have left the door open to this type of violence. Furthermore, roughly 5,000 Mayi Mayi (or local militia) soldiers that were not disarmed during the DDRR process continue to pose a threat in some areas of Maniema².

3. Weak Justice mechanisms

There is a near total absence of formal justice mechanisms through which SGBV cases can be prosecuted, which unsurprisingly creates an environment ripe for impunity. Extensive corruption, coupled with weak judicial capacity and a lack of legal services in many areas, make meaningful enforcement of the DRC’s new law against SGBV almost impossible. The lack of faith among the general population in the ability of ever being able to have a case processed in a fair, timely and enforceable manner only reinforces the environment of impunity as people do not bother to pursue legal action against their perpetrators.

There is a great need for judicial accompaniment programs for victims to help them navigate the complexities of the court system in the DRC. Assistance is also needed to strengthen the capacity of the court system and root out corruption. Furthermore, efforts must be made to

¹ *Rapport semestriel 2007 des cas incidents de violences sexuelles*, UN Joint Initiative against sexual violence in the DRC, July 2007

² Based on a conversation between CARE employees and representatives of the United Nations Development Programme in Kindu, Maniema, Democratic Republic of Congo. January 2008.

bolster the mobile court system, as lack of physical access to courts and legal services will remain one of the major barriers to ending impunity. Informal justice mechanisms are prevalent and play an important role in reconciliation, but they may not be an appropriate avenue to address the gaps in the formal justice systems.

4. Poverty and lack of sustainable livelihoods

The end of conflict has produced little in terms of economic opportunity for communities in many parts of the country. In an environment where many are struggling to cope on a daily basis, poverty and hopelessness has bred frustration, which in turn increases the potential for ongoing violence against women. In regions such as Maniema, one of the critical barriers to development and improving people's lives is a lack of infrastructure and transportation. This isolation cripples trade and agricultural production, dramatically increases the cost of basic food and goods and makes it nearly impossible for people to live beyond a subsistence level. Alleviating the dire economic situation in many parts of the country is a necessary long term step for addressing women's vulnerability to violence.

5. Inadequate Coordination and financing of GBV services

In many areas the provision of SGBV services is plagued by coordination and capacity problems. Scaling up of SGBV programs is needed to reach survivors in rural and inaccessible areas and to make more people aware of the availability of existing services. In addition, women receiving services are not being properly monitored through the stages of assistance (medical—psychosocial—judicial—economic reinsertion) and many “fall through the cracks”. Enhanced coordination is needed to ensure better sharing of information and referral of survivors as a full assistance package is critical in assisting victims overcome the physical, mental, social, and economic shocks that are associated with SGBV.

6. Women's unequal status

Societal gender norms have perpetuated violence against women by allowing the stigmatization of survivors and increasing impunity for perpetrators. Violence against women is in many ways an outgrowth of underlying concepts regarding women's value and rights as people. An indicator of these trends is the increasing number of “rape marriages” or forced marriages occurring in communities where a man rapes a girl he wishes to marry—often forcing the family of the girl to negotiate with the perpetrator in order to save face. In addition, the violence is increasingly perpetrated against girls of a younger and younger age.

Women's empowerment and inclusion in decision-making is critical to preventing and addressing SGBV. It is of paramount importance that women be elevated to equal members of society and that they are able to use their own voice to end the stigma associated with SGBV and the conditions that have allowed it to occur. The current rolling out of a decentralization process provides an opportunity to make government more responsive and accountable to women.

Recommendations for US Government Action to address SGBV

The US government, working with the government of the DRC, the UN and other stakeholders, can play a critical role in strengthening efforts to address the causes and consequences of sexual and gender based violence in the DRC. To do so, the US government should take the following steps:

1. Continue work towards a sustainable political solution to the conflict in the East of the country, where SGBV continues at an alarming rate. Not only does the conflict perpetuate immense suffering among affected populations, but it diverts the attention of the government of the DRC from addressing the many post-conflict challenges that are being faced in other areas of the country.

This includes supporting the work of the Senior Advisor to the Assistant Secretary on Conflict Resolution—Tim Shortley—in implementing the recently signed Goma Peace Agreement. The US has played a leadership role in getting the parties to the negotiating table and these efforts must be closely monitored and supported in order to increase the likelihood of sustainable peace.

2. Make efforts to take a broader approach in addressing SGBV in the DRC by orienting foreign assistance programs to target the underlying issues that perpetuate SGBV in both conflict and post-conflict environments. These include:
 - Extending infrastructure and services that increase economic opportunities
 - Ensuring sufficient support for the proper demobilization and reintegration of ex-combatants
 - Strengthening the capacity, at all levels, of essential government institutions—particularly the police and the courts—whose weakness helps create an environment of impunity
 - Investing in interventions that reduce women’s vulnerability, including: access to education, strengthened property rights, increased economic opportunities, and political inclusion.
3. Increase support for community-based awareness raising and dialogue on the social norms that contribute to SGBV. Programming of the type meant not merely to campaign against violence against women, but to engage with fundamental cultural conceptions of gender and discrimination, is urgently needed. This includes activities directed at building advocates of change in communities, among both men and women, to end tolerance of this type of violence and ensure that women’s rights are recognized and put into practice.
4. Step up efforts to provide support to victims of SGBV in conflict and post-conflict areas of the DRC. These include:
 - Providing medical services to assist with physical trauma
 - Ensuring psychosocial support to victims
 - Assisting women to support themselves through “economic reinsertion” programs
 - Supporting women to seek justice through the formal legal system

Special efforts should be made along with other donors to ensure the provision of this full package of services in hard-to-reach and “forgotten” areas of the country where they are desperately needed.

5. Explore options to strengthen the justice system in the DRC, which is key to ending impunity. This can be done by:
 - Providing increased assistance for capacity building in the judicial system, and for work aimed at familiarizing populations with new laws on sexual violence
 - Working with the government of the DRC to stamp out corruption in its legal system
 - Collaborating with other donor governments to provide additional funding for legal accompaniment of victims of SGBV and extending a mobile court system to harder to reach areas
6. Support the government of the DRC with technical and financial assistance as it rolls out its “decentralization program”. This is a critical step in devolving governance and basic service provision to a level more accessible to the people of the DRC; however, it will be fraught with challenges. Institutional strengthening and the establishment of checks on corruption will be critical elements in ensuring that the process is successful and ultimately improves the lives of the Congolese people.
7. Pass the International Violence against Women Act (S.2279). CARE supports this legislation, which would establish mechanisms to increase US leadership in combating violence against women around the world.

In conclusion, it is clear that the DRC is at the very beginning of a long journey towards reconstruction and development. Within this context, strong action to prevent and respond to sexual and gender based violence is more than a moral and humanitarian imperative. It is a fundamental step in rebuilding the country’s social capital and moving towards a just, prosperous, and equitable future for all Congolese.