



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

**A WEAPON OF WAR: RAPE AND SEXUAL  
VIOLENCE AGAINST WOMEN IN THE  
DEMOCRATIC REPUBLIC OF THE CONGO**

**CANADA'S ROLE IN TAKING ACTION AND ENDING  
IMPUNITY**

**Report of the Standing Committee on  
Foreign Affairs and International Development**

**Dean Allison  
Chair**

**Subcommittee on International  
Human Rights**

**Scott Reid  
Chair**

**MAY 2014**

**41st PARLIAMENT, 2nd SESSION**

---

Published under the authority of the Speaker of the House of Commons

**SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Standing Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site  
at the following address: <http://www.parl.gc.ca>

**A WEAPON OF WAR: RAPE AND SEXUAL  
VIOLENCE AGAINST WOMEN IN THE  
DEMOCRATIC REPUBLIC OF THE CONGO**

**CANADA'S ROLE IN TAKING ACTION AND ENDING  
IMPUNITY**

**Report of the Standing Committee on  
Foreign Affairs and International Development**

**Dean Allison  
Chair**

**Subcommittee on International  
Human Rights**

**Scott Reid  
Chair**

**MAY 2014**

**41st PARLIAMENT, 2nd SESSION**



# **STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT**

## **CHAIR**

Dean Allison

## **VICE-CHAIRS**

Paul Dewar

Marc Garneau

## **MEMBERS**

David Anderson

Lois Brown

Peter Goldring

Nina Grewal

Hélène Laverdière

Roméo Saganash

Gary Ralph Schellenberger

## **CLERK OF THE COMMITTEE**

Miriam Burke

## **LIBRARY OF PARLIAMENT**

**Parliamentary Information and Research Service**

Allison Goody

James Lee



## **SUBCOMMITTEE ON INTERNATIONAL HUMAN RIGHTS**

### **CHAIR**

Scott Reid

### **VICE-CHAIRS**

Hon. Irwin Cotler

Wayne Marston

### **MEMBERS**

Tyrone Benskin

Nina Grewal

Gary Ralph Schellenberger

David Sweet

### **CLERK OF THE SUBCOMMITTEE**

Miriam Burke

### **LIBRARY OF PARLIAMENT**

**Parliamentary Information and Research Service**

Erin Shaw

Miguel Bernal-Castillero





## **SUBCOMMITTEE ON INTERNATIONAL HUMAN RIGHTS**

### **CHAIR**

Scott Reid

### **VICE-CHAIRS**

Hon. Irwin Cotler

Wayne Marston

### **MEMBERS**

Nina Grewal

Pierre Jacob

Gary Ralph Schellenberger

David Sweet

### **OTHER MEMBERS OF PARLIAMENT WHO PARTICIPATED**

Ève Pécelet

Russ Hiebert

### **CLERK OF THE SUBCOMMITTEE**

Miriam Burke

### **LIBRARY OF PARLIAMENT**

#### **Parliamentary Information and Research Service**

Erin Shaw

Brian Hermon

Charlotte Landry

Melissa Radford



## **SUBCOMMITTEE ON INTERNATIONAL HUMAN RIGHTS**

### **CHAIR**

Scott Reid

### **VICE-CHAIRS**

Mario Silva

Johanne Deschamps

### **MEMBERS**

Hon. Irwin Cotler

Russ Hiebert

Wayne Marston

David Sweet

### **CLERKS OF THE SUBCOMMITTEE**

Julie Pelletier

Mariane Beaudin

### **LIBRARY OF PARLIAMENT**

**Parliamentary Information and Research Service**

Erin Shaw

Melissa Radford



# **THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT**

has the honour to present its

## **FOURTH REPORT**

Pursuant to its mandate under Standing Order 108(1) and (2), the Subcommittee has studied sexual violence against women used systematically as a weapon of war in the Democratic Republic of Congo and has reported to the Committee.

Your Committee has adopted the report, which reads as follows:



# TABLE OF CONTENTS

---

EXECUTIVE SUMMARY.....	xv
INTRODUCTION.....	1
CHAPTER 1: SEXUAL VIOLENCE IN TIMES OF CONFLICT AND CRISIS .....	3
A. A brief profile of the problem.....	3
1. Conflict-related Sexual Violence.....	4
2. Sexual Violence in Other Times of Crisis .....	6
B. Sexual violence in conflict and crisis as a criminal and human rights issue .....	8
CHAPTER 2: CASE STUDY OF SEXUAL VIOLENCE IN THE DEMOCRATIC REPUBLIC OF THE CONGO .....	11
A. Overview of armed conflict and insecurity in the DRC.....	13
1. History of the Conflict .....	13
a. Conflict and Instability Since 2009.....	16
2. UN Peacekeeping Missions in the DRC .....	20
B. The nature of conflict-related sexual violence in the DRC .....	21
1. The Extent of Sexual Violence in Conflict Zones of the DRC .....	24
2. The Impact of Sexual Violence on Individuals, Families and Communities ....	25
a. Effects on Children .....	27
3. The Subcommittee’s Observations.....	28
C. Congolese and international responses to conflict-related sexual violence.....	29
1. Positive Developments in the Fight against Conflict-related Sexual Violence in the DRC .....	30
a. Constitutional and Legal Reforms .....	30
b. National Policies .....	31
2. The Subcommittee’s Concerns Regarding Responses to Widespread and Systematic Sexual Violence in Conflict Zones of the DRC .....	32
a. The Prevalence of Discriminatory Attitudes towards Women .....	33
b. A Pressing Need for Security-Sector Reform .....	35
c. A Persistent Failure to Uphold the Rule of Law and Pervasive Impunity.....	36
(i) Inappropriate Amnesties .....	37
(ii) Barriers to Access to Justice .....	38

(iii) Lack of Judicial Independence and Impartiality .....	39
d. The Need to Prevent Natural Resource Exploitation from Fuelling Conflict and Sexual Violence .....	41
CHAPTER 3: COMBATTING SEXUAL VIOLENCE IN TIMES OF CONFLICT AND CRISIS .....	45
A. International responses .....	45
B. Canada’s role .....	47
1. Continue to be a Leader in International and Bilateral Diplomacy .....	48
2. Continue to Take Real Action in Conflict-Affected Countries like the DRC.....	49
3. Effectively Implement the National Action Plan on Women, Peace and Security and Report Regularly on Objectives Achieved .....	52
CHAPTER 4: RECOMMENDATIONS .....	53
APPENDIX A: LIST OF WITNESSES, 41 <sup>st</sup> PARLIAMENT – 1 <sup>st</sup> SESSION .....	57
APPENDIX B: LIST OF WITNESSES, 40 <sup>th</sup> PARLIAMENT – 3 <sup>rd</sup> SESSION .....	59
REQUEST FOR GOVERNMENT RESPONSE .....	61



# A WEAPON OF WAR: RAPE AND SEXUAL VIOLENCE AGAINST WOMEN IN THE DEMOCRATIC REPUBLIC OF THE CONGO

## CANADA'S ROLE IN TAKING ACTION AND ENDING IMPUNITY

---

### Executive summary

In recent years, there has been an increasing emphasis at the national and international levels around the need to prevent and address widespread sexual violence in situations of conflict and crisis. However, despite these efforts, acts of sexual violence in situations of conflict and crisis continue to be perpetrated on a significant scale around the world, shattering lives, fracturing communities and aggravating the destruction wrought by war, disaster and civil strife.

The Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (the Subcommittee) has held a number of hearings on the issue of sexual violence in situations of armed conflict and other crises.<sup>1</sup> This report aims to cast light on the causes and consequences of this troubling phenomenon through a case study of sexual violence in the Democratic Republic of the Congo (DRC).

Over the course of its hearings, the Subcommittee was told that misconceptions of conflict-related sexual violence have led to gaps in policy responses, contributing to the persistent and pervasive nature of the problem. As the former Special Representative of the Secretary-General on Sexual Violence in Conflict, Margot Wallström, has said, the challenge is to “debunk the myths that fuel sexual violence” such as the notion that rape is an inevitable by-product of war.<sup>2</sup> Witnesses stressed that, rather than being a natural collateral effect of armed conflict, i.e., an expected result of the chaos and societal breakdown generated by war, sexual violence may be used deliberately in armed conflict to destroy communities and achieve political, economic and military objectives. The Subcommittee also heard testimony regarding sexual violence perpetrated in post-conflict situations, following natural disasters and in other situations of crisis and political repression. Witnesses noted that several underlying factors contribute to shaping an environment in which sexual violence can

---

1 Sexual violence is defined by the World Health Organization as “any sexual act, attempt to obtain a sexual act, or other act directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape [...]”. (World Health Organization, “[Violence against women – Intimate partner and sexual violence against women](#),” Fact Sheet No. 239, October 2013.)

2 Margot Wallström, “[Women, Peace and Security: Where are we now on 1325?](#)”, Presentation to the UN Commission on the Status of Women, 10 March 2010.

occur, including entrenched discriminatory practices and attitudes, weak rule of law, poverty and lack of economic opportunity, and a climate of impunity for perpetrators.

As part of its broader study of these issues, the Subcommittee focused a considerable number of its hearings on the DRC, the eastern regions of which have been labelled the “rape capital of the world.”<sup>3</sup> Indeed, the DRC has become a focal point of international concern because of the extremely high incidence of acts of sexual violence that have been committed against women and girls, especially in the eastern part of the country, where armed conflict has been a constant feature of life for decades. The Subcommittee’s report highlights the magnitude of the crimes being committed in the DRC and the extremely negative effect they are having on the human rights of women and girls, as well as those of men and boys.

The evidence received by the Subcommittee identified a number of key factors contributing to the prevalence of sexual violence in the DRC, particularly in the eastern provinces:

- widespread discrimination against women in Congolese law and society;
- weak rule of law and a critically under-resourced justice sector that lacks capacity, independence and impartiality, leading to pervasive impunity;
- an ineffective, ill-disciplined security sector that is not subject to effective civilian control; and
- competition between armed groups and individuals for control of natural resource revenues in a region affected by widespread poverty and lack of economic opportunity.

In light of the breadth of factors that contribute to the prevalence of sexual violence in the DRC and in other situations of conflict and crisis, witnesses argued that international efforts to address the problem must take a holistic, multi-sectoral approach and commit to implementation over the long term.

This report presents the Subcommittee’s observations and recommendations regarding the steps that it believes the Government of Canada can take to continue its leading role in the global fight against sexual violence related to conflict and other forms of instability.

---

3 House of Commons, Subcommittee on International Human Rights, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström, Special Representative of the Secretary-General on Sexual Violence in Conflict, United Nations). The current Special Representative is Zainab Hawa Bangura.

# INTRODUCTION

---

The Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (the Subcommittee) studied sexual violence against women used systematically as a weapon of war in the Democratic Republic of the Congo (DRC) during the 1<sup>st</sup> session of the 41<sup>st</sup> Parliament. This study took into consideration the evidence and documentation received during its study of sexual assault on women and children during peacekeeping operations, in fragile states and/or in situations of conflict during the previous Parliament.<sup>1</sup> The Subcommittee heard from witnesses and received written submissions as part of its study. Based on the evidence it received and on publicly available information, the Subcommittee has agreed to report the following findings and recommendations to the House of Commons Standing Committee on Foreign Affairs and International Development.

The Subcommittee's study focused on sexual violence related to armed conflict and the post-conflict period, in situations of political instability and repression and in the context of natural disasters. In such situations of conflict and crisis, state and non-state actors have used sexual violence deliberately to terrorize, destabilize and control groups and communities. Sexual violence can hinder economic and social development in the short and long terms and also has the potential to contribute to the destabilization of states.<sup>2</sup> The phenomenon has a profound impact on the human rights of survivors, most of whom are women and girls. The Subcommittee's study also revealed a growing understanding of the use of sexual violence against men and boys in similar contexts, although this phenomenon is less well documented.

This report begins by examining the nature, causes and consequences of sexual violence in times of conflict and crisis. It then considers a case study of the situation in the eastern DRC, which has been called the "rape capital of the world".<sup>3</sup> The report also examines international responses to sexual violence in conflict and identifies ways in which Canada can continue to be a leader in these international efforts. Finally, the report sets out the Subcommittee's conclusions and its recommendations to the Government of Canada.

- 
- 1 House of Commons, Subcommittee on International Human Rights (SDIR), [Minutes of Proceedings](#), Meeting No. 26, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 21 October 2010; [Minutes of Proceedings](#), Meeting No. 2, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 20 October 2011.
  - 2 SDIR, [Evidence](#), Meeting No. 33, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 23 November 2010 (Joanne Lebert, Progress and Opportunities for Women's Equality Rights (POWER)/Africa–Canada, Human Rights Research and Education Centre, University of Ottawa).
  - 3 SDIR, [Evidence](#), Meeting No. 52, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström).



# CHAPTER 1: SEXUAL VIOLENCE IN TIMES OF CONFLICT AND CRISIS

---

## A. A brief profile of the problem

Sexual violence is defined by the World Health Organization (WHO) as “is any sexual act, attempt to obtain a sexual act, or other act directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape [...]”.<sup>4</sup> In situations of conflict and crisis, sexual violence used by state and non-state actors can take various forms, including rape, rape using foreign objects, mutilations of the breasts or genitals, other forms of sexual assault, forced marriage or forced pregnancy, torture, and sexual slavery.<sup>5</sup> It may also include enforced sterilization, forced prostitution or “any other form of sexual violence of comparable gravity.”<sup>6</sup>

In their appearances before the Subcommittee, a number of witnesses argued that sexual violence in times of conflict and crisis is a particularly acute manifestation of the broader phenomenon of violence against women.<sup>7</sup> The Subcommittee notes that almost two decades ago, in the Beijing Platform for Action, world leaders agreed that

---

4 World Health Organization, “[Violence against women – Intimate partner and sexual violence against women](#),” Fact Sheet no.239, October 2013.

5 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010. The [Rome Statute of the International Criminal Court](#) (“Rome Statute”) criminalizes specific acts of sexual violence under international law. The European, African and Inter-American human rights systems have developed treaties specifically defining and prohibiting types of conduct constituting sexual and gender-based violence in violation of international law. See, e.g. in the European system, the new Council of Europe [Convention on Preventing and Combating Violence against Women and Domestic Violence](#) (European Convention on Violence against Women) (not yet in force); in the African system, the [Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa](#) (African Protocol on Women’s Rights); and in the Inter-American system, the [Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women \(Convention of Belem do Para\)](#) (Inter-American Convention on Violence against Women).

Canada has ratified the Rome Statute, but not the Inter-American on Violence against Women or the European Convention on Violence against Women. The African Protocol on Women’s Rights is only open to ratification by member states of the African Union and has been ratified by the DRC, which has also ratified the Rome Statute.

6 Secretary-General of the United Nations, [Sexual Violence in Conflict – Report of the Secretary General](#), UN General Assembly and UN Security Council, 14 March 2013, UN Doc. A/67/792-S/2013/149.

7 SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly, Director, Women in War Program, Harvard Humanitarian Initiative, as an individual); SDIR, [Evidence](#), Meeting No. 33, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 23 November 2010 (Kristine St-Pierre, Research Analyst, Pearson Peacekeeping Centre); SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour, President and Chief Executive Officer, International Crisis Group). Ms. Arbour was formerly a justice of the Supreme Court of Canada. She has also served as the United Nations High Commissioner on Human Rights and as the Prosecutor for the International Criminal Tribunal for Yugoslavia and the International Criminal Tribunal for Rwanda.

Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms.<sup>8</sup>

Witnesses stressed that, like other forms of violence against women, sexual violence in conflict and crisis is rooted in — and perpetuated by — gender inequality and persistent discrimination.<sup>9</sup> Louise Arbour, a former Justice of the Supreme Court of Canada and former UN High Commissioner for Human Rights, reminded the Subcommittee that “sexual violence is nearly always a hidden by-product of war, just as it is often overlooked in peace time by countries whose cultures either deny its existence or tolerate it.”<sup>10</sup>

## 1. Conflict-related Sexual Violence

The Subcommittee heard that the changing dynamics of armed conflict in recent decades have increased the exposure of civilians to crimes of sexual violence. As the former UN Secretary-General’s Special Representative on Sexual Violence in Conflict, Ms. Wallström explained to the Subcommittee:

We have traditionally thought of war as a conflict between two well-disciplined and well-trained armies on the battlefield, but this is no longer the common feature. Modern wars and conflicts are often in failed states, or they are civil wars; they are intra-state. ... This has left women and children, that is, civilians, on the front line not as armed soldiers but as victims.<sup>11</sup>

Sexual violence has been used increasingly and intentionally by armed factions as a weapon to achieve strategic goals; for example, to disrupt, terrorize and displace

---

8 The United Nations Fourth World Conference on Women, [Platform for Action](#), Beijing, China, 1995, para. 112. See also: Committee on the Elimination of Discrimination Against Women, [General Recommendation 19: Violence against Women](#), 1992 (CEDAW Committee, General Recommendation 19). The Committee’s General Recommendations provide a persuasive interpretation of the meaning of the [Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW), but do not have binding legal force. Canada and the DRC have ratified CEDAW. The Beijing Platform for Action represents a political, rather than a legal commitment.

9 SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu, Centre for Peace Missions and Humanitarian Studies at the Raoul-Dandurand Chair of Strategic and Diplomatic Studies); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff, Associate Professor, Department of Law, Université du Québec à Montréal).

CEDAW, art. 1, defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” The connection between violence against women and discrimination has been acknowledged by UN member states in UN Commission on the Status of Women, “Agreed conclusions on the elimination and prevention of all forms of violence against women and girls,” [Report on the fifty-seventh session \(4–15 March 2013\)](#), Economic and Social Council, Official Records, 2013, Supplement No. 7, UN Doc. E/2013/27, E/CN.6/2013/11, paras. 10, 13. The relationship is discussed in more detail in CEDAW Committee, General Recommendation 19.

10 SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour).

11 SDIR, [Evidence](#), Meeting No. 52, 40<sup>th</sup> Parliament, 24 March 2011, (Margot Wallström).

communities in order to achieve control of a certain population or territory. Witnesses before the Subcommittee consistently said that conflict-related sexual violence disproportionately affects women and girls, although men and boys are also victimized in this way.<sup>12</sup> According to witnesses, this type of strategic use of sexual violence in conflict has occurred in modern wars such as those in Sierra Leone, Liberia, the Darfur region of Sudan, Bosnia and Herzegovina, and during the Rwandan genocide.<sup>13</sup>

Ms. Coutu informed the Subcommittee that various armed actors, including “soldiers of national armies, militia members, paramilitary troops and mercenaries” commit crimes of sexual violence.<sup>14</sup> A fellow parliamentarian, Jürgen Creutzmann, Member of the European Parliament, raised the case of the region of Gilgit-Baltistan, located in Pakistani-controlled Kashmir.<sup>15</sup> He told the Subcommittee that Pakistani “security forces present in Gilgit-Baltistan commit terrible crimes against the native women with impunity. Police and security forces act as sexual predators and use rape as a psychological weapon” to instill fear in the population.<sup>16</sup>

Armed conflict can also affect the nature of and responses to sexual violence in situations where it is not explicitly used as a weapon. The social breakdown associated with armed conflict modifies and in some cases intensifies existing patterns of discrimination and violence against women.<sup>17</sup> In her capacity as President of the International Crisis Group, Ms. Arbour stressed that in Afghanistan, for example, although conflict limits the ability of the Afghan government to meet many of the basic needs of its people, the failure to ensure that women and girls enjoy their rights under the Afghan Constitution and the Convention on the Elimination of All Forms of Discrimination Against

---

12 SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Patricia Malikail, Director General, Africa Bureau, Department of Foreign Affairs, Trade and Development [DFATD]); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu).

13 SDIR, [Evidence](#), Meeting No. 37, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 7 December 2010 (Peter Miller, Vice-President, Programs, Pearson Peacekeeping Centre); SDIR, [Evidence](#), Meeting No. 51, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 22 March 2011 (Rachel Gouin, Africa Program Manager, Inter Pares); SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström); SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour).

14 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu).

15 Gilgit-Baltistan is part of the disputed Kashmir region and is strategically located between Pakistan, India, Afghanistan, Tajikistan and China. It has been under the administrative control of Pakistan since the partition of British India in 1947. Long-standing conflict with India over control of Kashmir, decades of armed conflict and instability in Afghanistan, the presence of nationalist and separatist movements in the region, and continuing violent sectarian clashes between the Shi'ite Muslim majority and Sunni minority ensure a heavy military presence and contribute to instability in the region (Izhar Hunzai, “[Conflict Dynamics in Gilgit-Baltistan](#)”, Special Report, US Institute of Peace; Pakistan Institute of Legislative Development and Transparency, “[Sectarian Conflict in Gilgit-Baltistan](#)”, Background Paper, May 2011). Islamic terrorist organizations active elsewhere in Pakistan are also increasingly targeting Gilgit-Baltistan. Ten foreign mountain climbers in the region were murdered, allegedly by members of the Taliban, in June 2013 (Haq Nawaz Khan and Tim Craig, “[Taliban kills foreign climbers in Pakistan](#)”, *The Washington Post*, 23 June 2013).

16 SDIR, [Evidence](#), Meeting No. 36, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 2 December 2010 (Jürgen Creutzmann, Member of the European Parliament, as an individual).

17 SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour); SDIR, [Evidence](#), Meeting No. 51, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 22 March 2011 (Rachel Gouin).



Women (CEDAW) has been “especially stark.” She identified “pervasive impunity” as a key driver of widespread violence against women and girls perpetrated principally by family members. Impunity also facilitates sexual violence against boys, committed equally by members of pro-government militias and members of insurgent groups. Ms. Arbour argued that this climate of impunity has been created by the weakness of Afghan state institutions, a lack of political will and pervasive discrimination against women in the formal and informal justice systems. These factors work to entrench “cultural attitudes and abusive practices that deny women their rights, including protection against sexual violence.”<sup>18</sup>

Witnesses informed the Subcommittee that even after the fighting ends, sexual violence can persist on a large scale in post-conflict societies, which often lack the legal framework, institutional strength and reformed security sector necessary to address the phenomenon. Liberia and South Sudan were cited by witnesses as two post-conflict countries struggling to address high levels of sexual violence. In South Sudan, for example, women and children have increasingly been targeted in inter-communal clashes, and sexual violence committed by members of security forces is rarely punished. Witnesses also suggested that untreated psychological trauma from sexual violence experienced by individual survivors and perpetrators, including child soldiers,<sup>19</sup> can increase levels of post-conflict sexual violence.<sup>20</sup>

## 2. Sexual Violence in Other Times of Crisis

Outside situations of armed conflict, the prevalence of sexual violence can also increase during other times of crisis such as periods of political instability, civil disturbances or tensions. Just as in conflict and post-conflict situations, those with power can use sexual violence as a mechanism to control or punish others. For example, Ms. Wallström told the Subcommittee that sexual violence has been employed as a tool of repression to punish political opponents in countries including Kenya, Guinea and Côte d'Ivoire.<sup>21</sup> Similarly, Rachel Gouin, Africa Program Manager at Inter Pares, told the Subcommittee that rape has been used against protesters in Sudan “as a form of punishment for participating [in protests] or speaking out.”<sup>22</sup>

---

18 Ibid. (Arbour).

19 The term “girl child soldier” is used here in the colloquial sense, to denote a female child under the age of 18 years who has been associated with the fighters of a non-state armed group or with state forces. The DRC and Canada have both ratified the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (OP-CRC-AC), which sets the minimum age direct participation in hostilities at 18 years.

20 SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour); SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu); SDIR, [Evidence](#), Meeting No. 51, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 22 March 2011 (Rachel Gouin); SDIR, [Evidence](#), Meeting No. 37, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 7 December 2010 (Peter Miller, Vice-President, Programs, Pearson Peacekeeping Centre).

21 Ibid. (Wallström).

22 SDIR, [Evidence](#), Meeting No. 51, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 22 March 2011 (Rachel Gouin).



Population displacement, which is often related to armed conflict, political violence or natural disasters, also increases individuals' vulnerability to sexual violence, especially for women and girls. In Angola, for example, significant levels of sexual violence reportedly have occurred in the context of the chaotic expulsion of illegal migrants to the DRC.<sup>23</sup> Vulnerability to human trafficking also increases when people flee their homes and communities, exposing them to both physical and economic insecurity.<sup>24</sup> For many women and girls, trafficking can lead to sexual violence and/or sexual slavery.

Sexual violence can also rise following natural disasters, as in Haiti following the 2010 earthquake that killed at least 217,300 people.<sup>25</sup> Ms. Arbour told the Subcommittee that

sexual violence was pervasive in Haiti even before the earthquake and the subsequent humanitarian disaster, as the rule of law was weak and years of development efforts failed to construct a functioning criminal justice system. The crisis has further increased the vulnerability of many women and girls. Data are unreliable, but widespread abuse and rape have been reported in the ... IDP [internally displaced persons] camps in the capital.<sup>26</sup>

The Subcommittee heard that it is vitally important for refugee and internally displaced persons camps to be designed and run in a way that minimizes the vulnerability of women and girls to sexual violence. Examples of actions that can be taken include:

- instituting night-time patrols;
- increasing monitoring and intervention by international police personnel;
- distributing fuel-efficient stoves to reduce the need for women to make as many trips to dangerous areas to find firewood;
- ensuring that women have separate shower areas; and

---

23 SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström).

24 SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour). Under the [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#) (the Trafficking Protocol), art. 1, trafficking in persons means “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” The consent of a victim is irrelevant if the means of trafficking listed in the definition are used and “the recruitment, transportation, transfer, harbouring or receipt” of a child under the age of 18 years for the purpose of exploitation amounts to trafficking, even if it does not involve the means set out in the definition. Canada and the DRC have ratified the Trafficking Protocol (making them state parties to the treaty) and, therefore, are bound under international law to abide by its terms.

25 UN Office for the Coordination of Humanitarian Affairs, [“Haiti”](#).

26 SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour).

- taking steps to ensure that the other needs of women and girls are met in order to reduce the likelihood that women will be forced to trade sex for the necessities of life (known as “survival sex”).<sup>27</sup>

According to Ms. Wallström, UN agencies have begun working to improve camp design as well as the delivery of gender-sensitive services in humanitarian and peacekeeping operations. In addition, training programs to help UN peacekeepers and other personnel working with displaced populations better prevent and respond to sexual violence are being delivered.<sup>28</sup>

## **B. Sexual violence in conflict and crisis as a criminal and human rights issue**

In keeping with its mandate,<sup>29</sup> the Subcommittee examined the issue of sexual violence in conflict and crisis with a view to promoting respect for international human rights. The Subcommittee notes at the outset that sexual violence in situations of armed conflict is clearly prohibited by international humanitarian law. In situations of armed conflict and in other situations of crisis, sexual violence represents a serious violation or abuse of human rights.

Sexual violence can negatively affect the right to life, liberty and security of the person, to equal protection in armed conflict, and the right not to be subject to torture.<sup>30</sup> It also prevents survivors from fully enjoying their economic, social and cultural rights.<sup>31</sup> For example, fear of conflict or crisis-related sexual violence can prevent women from participating in economic activities and all too often prevents girls from going to school.<sup>32</sup> The short and long-term physical and psychological consequences of sexual violence for survivors, their families and their communities can also be far-reaching. Under international human rights law and standards, survivors of sexual violence have a

---

27 SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström).

28 Ibid.

29 House of Commons, Standing Committee on Foreign Affairs and International Development (FAEE), [Minutes](#), Meeting No. 1, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 29 October 2013, motion adopted pursuant to the [Standing Orders of the House of Commons](#), July 2011, 108(1) and 108(2).

30 CEDAW Committee, *General Recommendation 19*, para. 7.

31 Economic, social and cultural rights are guaranteed under the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR); the [Convention on the Rights of the Child](#) (CRC); and enshrined in the [Universal Declaration of Human Rights](#) (UDHR). Canada and the DRC have ratified the ICESCR and the CRC. The UDHR is not a legally binding treaty, but many of its provisions are now considered to have legally binding force as part of customary international law (James Crawford, *Brownlie's Principles of Public International Law*, 8<sup>th</sup> ed., Oxford University Press, 2012, p. 636).

32 SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström); SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Nicole Mwaka, Congo Yetu Initiative).

right to an effective remedy in the state where the acts occurred, which includes access to justice in order to see the perpetrators held to account.<sup>33</sup>

In certain circumstances, sexual violence can amount to an international crime for which individual perpetrators may be held criminally responsible. The Geneva Conventions of 1949 and their Additional Protocols, as well as the *Rome Statute of the International Criminal Court* (Rome Statute) establish that, when committed in the context of an armed conflict by soldiers or fighters in non-state armed groups, sexual violence can constitute a war crime.<sup>34</sup> Similarly, the Rome Statute provides that when civilian populations are subject to widespread and systematic attacks, including acts of sexual violence, during and outside of armed conflict situations, such acts can amount to crimes against humanity.<sup>35</sup> In addition, if “committed with the intent to destroy, in whole or in part a

---

33 [International Covenant on Civil and Political Rights](#) (ICCPR), art. 2(3); CEDAW, art. 2(2); [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#) (Basic Principles on the Right to a Remedy), Adopted and proclaimed by General Assembly Resolution 60/147, 16 December 2005, paras. 3-4; CEDAW Committee, General Recommendation 19, paras. 10, 24(i), (t)(i); Human Rights Committee, [General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant](#) (Human Rights Committee, General Comment No. 31), 2004, UN Doc. CCPR/C/21/Rev.1/Add.13, paras. 15, 18. Canada and the DRC have ratified the ICCPR. The Basic Principles on the Right to a Remedy set out international standards agreed by the UN General Assembly, but are not legally binding under international law. The Human Rights Committee is the UN expert body charged with overseeing states' compliance with their obligations under the ICCPR and issuing guidance on the meaning of its provisions. Like the CEDAW Committee, the Human Rights Committee's general comments are not legally binding.

34 Rome Statute, art. 8. The prohibition is also found in the four Geneva Conventions of 1949 and their Additional Protocols: [Convention \(I\) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field](#), arts. 3, 50; [Convention \(II\) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea](#), arts. 3, 51; [Convention \(III\) relative to the Treatment of Prisoners of War](#), arts. 3, 130; and [Convention \(IV\) relative to the Protection of Civilian Persons in Time of War](#) (Fourth Geneva Convention), arts. 3, 147; [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(Protocol I\)](#) (API), 8 June 1977, art. 85; [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts \(Protocol II\)](#) (APII), 8 June 1977, arts. 4, 13. See also the interpretation of international law on this point in International Criminal Tribunal for the Former Yugoslavia (ICTY), [Prosecutor v. Furundžija](#) ('Lašva Valley'), Case No. 1CTY-95-17/1, Judgment of the Trial Chamber, 10 December 1998, para. 169, as well as [UN Security Council Resolution \(UNSCR\) 1820 \(2008\)](#), para. 4 and [UNSCR 2106 \(2013\)](#), para. 2. Canada and the DRC are parties to all four of the Geneva Conventions of 1949 as well as API and APII.

35 Rome Statute, art. 7(1)(g); UNSCR 1820 (2008), para. 4; UNSCR 2106 (2013), para. 2.

national, ethnical, racial or religious group, as such,” sexual violence can also be a constituent act of genocide.<sup>36</sup> Sexual violence also may be a constituent act of torture.<sup>37</sup>

Despite the existence of strong prohibitions under international law and the right of survivors to a remedy, acts of sexual violence usually go unpunished during times of conflict and crisis.<sup>38</sup> Witnesses informed the Subcommittee that a close relationship among three factors underpins this failure: discriminatory attitudes and prejudices towards women; the persistent failure by many to characterize sexual violence as criminal during conflicts and crises; and the problem of impunity.<sup>39</sup> The Subcommittee agrees with Ms. Wallström, who emphasized that sexual violence in times of conflict and crisis “is not cultural. It is not even sexual. It’s criminal, and that is how we have to treat it.”<sup>40</sup>

In the Subcommittee’s view, sexual violence in times of conflict and crisis raises specific concerns and requires carefully tailored responses. A focus on strengthening justice-sector responses is vital in order to combat impunity up to the highest levels. In addition, successful action against sexual violence in conflict and crisis also requires sustained effort to address discrimination and violence against women and to ensure their full participation in crisis response, reconstruction and reconciliation.

---

36 [Convention on the Prevention and Punishment of the Crime of Genocide, Art. II](#); International Criminal Tribunal for Rwanda, [Prosecutor v. Akayesu](#), Case No. ICTR-96-4, Judgment of the Trial Chamber, 2 September 1998; Rome Statute, art. 6; UNSCR 1820 (2008), para. 4; UNSCR 2106 (2013), para. 2. Both Canada and the DRC are parties to the Genocide Convention.

37 *Prosecutor v. Furundžija* (“Lašva Valley”), Case No. 1CTY-95-17/1, Judgment of the Trial Chamber, 10 December 1998, para. 163; UN Commission on the Status of Women, “Agreed conclusions on the elimination and prevention of all forms of violence against women and girls”, [Report on the fifty-seventh session \(4-15 March 2013\)](#), Economic and Social Council, Official Records, 2013, Supplement No. 7, UN Doc. E/2013/27, E/CN.6/2013/11, p. 1, para. 5. Under the Rome Statute, torture can constitute a crime against humanity (art. 7(1)(f)) and/or a war crime (art. 8(2)(a)(ii), 8(2)(c)(i)). Torture is prohibited under international human rights law in the ICCPR, art. 7 and in the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT), art. 2.

38 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Jillian Stirk, Assistant Deputy Minister, Europe, Eurasia and Africa Bureau, (DFATD)); SDIR, [Evidence](#), Meeting No. 33, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 23 November 2010 (Kristine St-Pierre).

39 SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour); SDIR, [Evidence](#), Meeting No. 52, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström); SDIR, [Evidence](#), Meeting No. 51, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 22 March 2011 (Rachel Gouin); SDIR, [Evidence](#), Meeting No. 36, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 2 December 2010 (Jürgen Creutzmann); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu).

40 *Ibid.* (Wallström). See also: SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly).

## CHAPTER 2: CASE STUDY OF SEXUAL VIOLENCE IN THE DEMOCRATIC REPUBLIC OF THE CONGO

---

The DRC is located in central Africa, stretching from the Atlantic Ocean in the east to the African Great Lakes in the west. The country has a population of approximately 75.5 million, comprising over 200 ethnic groups.<sup>41</sup> The main religious groups are Roman Catholic (50%), Protestant (20%), Kimbanguist (10%) and Muslim (10%).<sup>42</sup> The country has an area of 2,345,410 square kilometres, which is roughly the size of Ontario and Quebec combined. The eastern regions of the country, particularly North and South Kivu provinces, are rich in mineral resources (primarily copper, cobalt, gold, diamonds, coltan, zinc, tin and tungsten). The mining sector is the most important source of export income, with base metals and diamonds accounting for 86% of the nation's exports in 2012.<sup>43</sup>

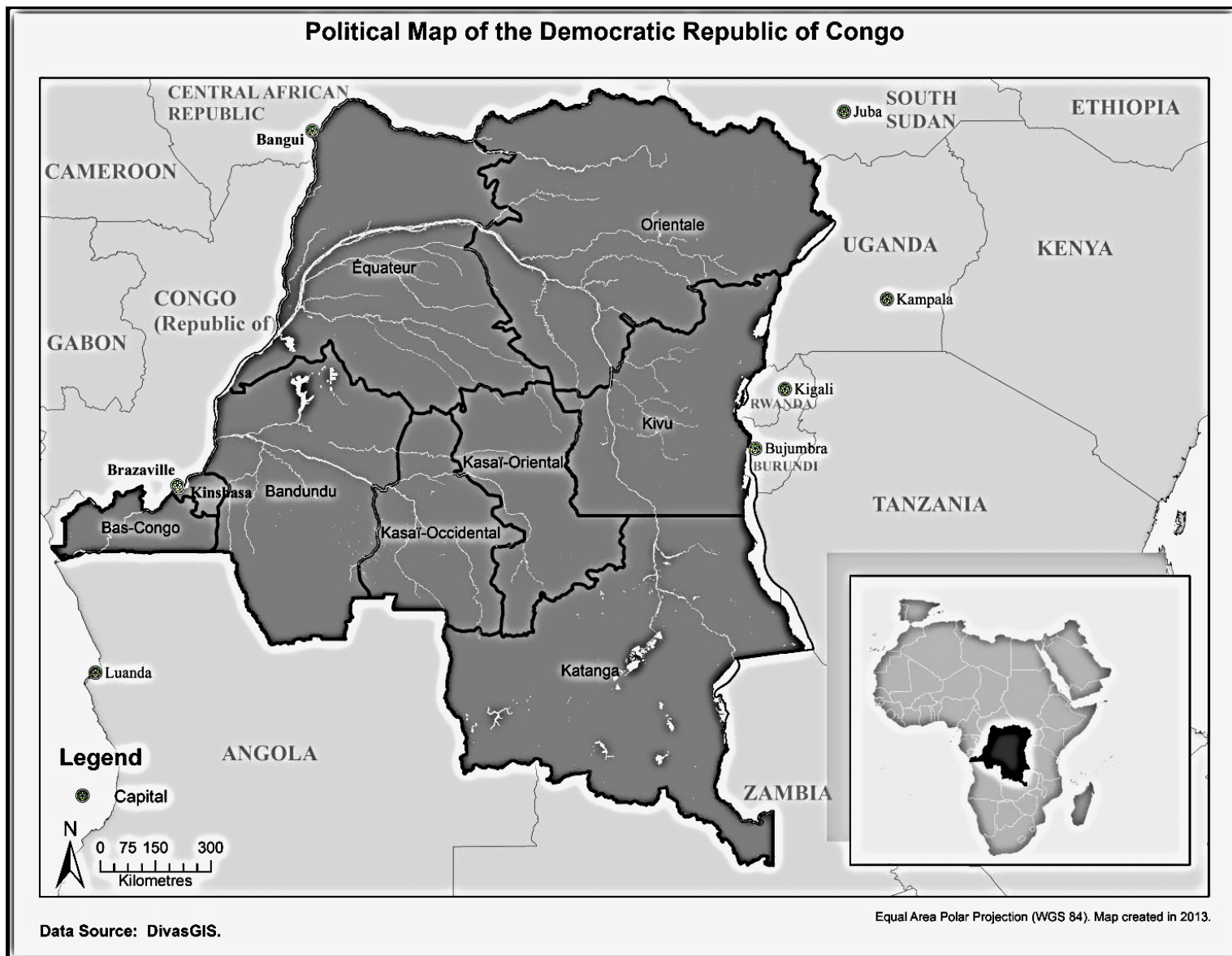
---

41 CIA World Factbook, Democratic Republic of the Congo, [People and Society](#).

42 Ibid.

43 CIA World Factbook, Democratic Republic of the Congo, [Economy – overview](#); The Economist-Intelligence Unit (EIU), Congo (Democratic Republic), "[Economy – Annual indicators](#)".

Figure 1



In 2013, DRC ranked 186<sup>th</sup> among the 187 countries on the United Nations Development Programme's (UNDP) Human Development Index, which is measured on the basis of three basic dimensions of human development: health, education and income.<sup>44</sup> In 2009, only 56.6% of women over the age of 15 were literate, compared with 77.4% of men.<sup>45</sup>

44 United Nations Development Programme (UNDP), [Democratic Republic of the Congo](#).

45 DFATD, Response to Question Taken on Notice, 1 November 2011, providing literacy figures from the United Nations Educational, Scientific and Cultural Organization (UNESCO). For a complete education profile of the DRC, see: UNESCO, "[UIS Statistics in Brief, Education \(all levels\) profile – Democratic Republic of the Congo](#)".



## A. Overview of armed conflict and insecurity in the DRC

Since the early 1990s, the Great Lakes region of central Africa, which includes the eastern DRC, Rwanda, Burundi and Uganda, has experienced a high degree of instability due to a variety of armed conflicts within and between states, as well as difficult transitions toward more democratic governance.

At its peak, between 1997 and 2001, the armed conflict in the DRC was described as the widest interstate war in modern African history.<sup>46</sup> Jillian Stirk, then Assistant Deputy Minister, Europe, Eurasia and Africa Bureau at the Department of Foreign Affairs, Trade and Development Canada (DFATD) (formerly the Department of Foreign Affairs and International Trade),<sup>47</sup> summarized the deleterious impact that multiple years of conflict and instability have had on the country:

The DRC has a history blighted by tragedy, first under colonial rule, then followed by the brutal regime of President Mobutu, who ruled for over 30 years. Regional wars, including the 1994 Rwandan genocide as well as the 1997–2003 first and second Congo wars, which involved armies from eight neighbouring countries, have undermined the social and political fabric of the region. Together these events resulted in approximately five million deaths from murder, famine, and disease. Millions were displaced, economies were devastated, governance structures collapsed, and armed groups became increasingly powerful. Corruption is a fact of life.<sup>48</sup>

Although the intensity of armed conflict in the DRC as a whole has ebbed and flowed since 1996, the eastern DRC has been the epicentre of much of this violence and instability. A number of non-state armed groups, some of whom are Congolese and some of whom have links to foreign governments (in particular, Rwanda and Uganda), have continued to operate and launch attacks in the north-eastern and eastern parts of the country, where government forces have been unable to maintain effective control.<sup>49</sup> In particular, armed conflict and violence have been endemic in Ituri District and parts of Haut and Bas Ulélé districts in Orientale Province, the provinces of North and South Kivu and parts of Katanga Province.

### 1. History of the Conflict

In 1994, an estimated one million Rwandese Hutu refugees — including Hutu militia forces (known as the Interahamwe) who had participated in the Rwandan genocide — fled to the neighbouring North and South Kivu regions of eastern DRC (then known as Zaire).

---

46 The International Institute for Strategic Studies, [Armed Conflict Database, DRC](#) (conflict summary).

47 At the time of Ms. Stirk's appearance, the department was known as the Department of Foreign Affairs and International Trade (DFAIT). DFAIT was amalgamated with the Canadian International Development Agency (CIDA) to become the Department of Foreign Affairs, Trade and Development (DFATD) effective 26 June 2013, when the [Department of Foreign Affairs, Trade and Development Act](#), S.C. 2013, c. 33, s. 174, came into force. For ease of reference, this report refers to DFATD rather than to the former departments of DFAIT and CIDA.

48 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Jillian Stirk).

49 See, e.g., Group of Experts on the Democratic Republic of the Congo, [Final Report](#), Security Council, 15 November 2012, UN Doc. S/2012/843.

Once there, the Rwandan militias made up of ethnic Hutus started using the territory as a base for incursions against Rwanda, further destabilizing a region already troubled by ethnic and inter-communal tensions by drawing Rwanda into armed conflict in the Kivu regions. By 1996, the Hutu militias also began attacking Zaire's members of the Tutsi ethnic group that had historically resided in the country, as well as Tutsis recently displaced by the genocide in Rwanda. Ethnic Tutsis in Zaire reacted to this threat by organising their own armed groups, many of which benefitted from Rwandan support. Political opponents of President Mobutu quickly joined forces with the Tutsi militias in a coalition led by Laurent-Desiré Kabila, who was himself supported by Uganda and Rwanda. Laurent Kabila's forces took Kinshasa in 1997, after which he declared himself president and renamed the country the Democratic Republic of the Congo (DRC). As noted by Ms. Stirk, this period of conflict in 1996–1997 is called the First Congo War.<sup>50</sup>

Instability and violence continued in the eastern DRC and rebellion broke out against Laurent Kabila's government in 1998. Different armed groups in the resource-rich Kivu regions, who were backed by Rwanda and Uganda, eventually took control of significant portions of the northern and eastern parts of the country. President Kabila received support from the armed forces of Zimbabwe, Namibia and Angola to counter this threat. At different times during the conflict, Sudan, Chad and Burundi were also involved in the fighting. This regional phase of the conflict is called the Second Congo War, which lasted from 1998 to 2003.

In July 1999, the governments of the DRC, Angola, Namibia, Rwanda, Uganda and Zimbabwe, and representatives from the two largest rebel groups signed a ceasefire agreement in Lusaka, Zambia.<sup>51</sup> Pursuant to this agreement, the UN Security Council approved the deployment of the United Nations Organization Mission in the DRC (known by its French acronym MONUC) in November 1999 to support the implementation of the Lusaka ceasefire agreement, facilitate humanitarian assistance and assist in the protection of human rights.<sup>52</sup>

In 2001, President Laurent Kabila was assassinated and his son, Joseph, took power. Fighting resumed in the eastern parts of the country in 2002, involving various ethnic militias and armed groups, as well as troops from Rwanda and Uganda. Peace talks in Sun City, South Africa, brought an end to the fighting the same year and allowed

---

50 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Jillian Stirk); Christiane E. Philipp, "Congo, Democratic Republic of the", *Max Planck Encyclopedia of International Law*, Oxford University Press, February 2013; United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), "[MONUSCO Background](#)"; International Crisis Group, [Congo: Bringing Peace to North Kivu](#), Africa Report No. 133, 31 October 2007, Annex A.

51 United States Institute of Peace, "[Peace Agreements: Democratic Republic of the Congo](#)".

52 UNSCR [1279 \(1999\), para. 5](#).



Joseph Kabila to lead a transitional government in 2003; soon after, most foreign troops began to withdraw, bringing large-scale regional conflict to an end.<sup>53</sup>

Following the end of this stage of the conflict, over 96,000 rebel fighters were demobilized and more than 50,000 were integrated into the Congolese national army between 2003 and 2006.<sup>54</sup> A new constitution was approved in a national referendum in December 2005 and elections were held in 2006 — the first free elections held in the country since 1960. The presidential elections were won by the incumbent president, Joseph Kabila, who received 58% of the vote in an election that was generally considered to be free and fair.<sup>55</sup>

Despite the fact that many parts of the country began to stabilize and focus on post-conflict reconstruction and development, another round of fighting between rebels and government forces in eastern DRC began in late 2006 and continued until peace agreements were signed with some — but not all — of the militia groups in January 2008. On 23 March 2009, the government of the DRC reached a peace agreement with one of the most important Tutsi militias, the Congrès National Pour la Défense du Peuple (the National Congress for the Defence of the People, known by its French acronym, CNDP). Under the peace agreement, CNDP fighters would be integrated into the Congolese military, which is known by its French acronym FARDC (Forces Armées de la République Démocratique du Congo).<sup>56</sup> In January 2009, the governments of Rwanda and the DRC began cooperating in an offensive against Hutu rebel groups in the eastern DRC that had not signed ceasefire agreements, including, most importantly, the Forces démocratiques de libération de Rwanda (Democratic Forces for the Liberation of Rwanda, known by its French acronym FDLR).<sup>57</sup>

In addition, the Lord's Resistance Army (LRA), an armed group originating in Uganda, took advantage of the instability in the DRC and moved into Orientale Province, in the north-eastern part of the country, between 2005 and 2007. The LRA began launching attacks against villages in neighbouring countries and, later, against the Congolese population (particularly in the Haut and Bas Ulélé districts). The group's capacity has been reduced — but not destroyed — by military offensives involving troops

---

53 Philipp, "Congo, Democratic Republic of the", *Max Planck Encyclopedia of International Law*, 2013; Emizet François Kisangani, *Civil Wars in the Democratic Republic of the Congo 1960-2010*, Boulder, Lynne Rienner Publishers, 2012, pp. 151-152.

54 See: IHS Jane's, "Jane's Sentinel Security Assessment – Central Africa, Democratic Republic of the Congo, Non-state armed groups", January 2012.

55 United Nations, "[MONUSCO Background](#)"; European External Action Service, "[EU relations with Democratic Republic of the Congo](#)".

56 [Peace Agreement Between the Government and Le Congrès National Pour la Defense du Peuple \(CNDP\)](#), Goma, 23 March 2009. See: International Crisis Group, [Eastern Congo: Why Stabilization Failed](#), Africa Briefing No. 91, 4 October 2012; International Crisis Group, [Congo: Bringing Peace to North Kivu](#), Africa Report No. 133, 31 October 2007; "[DRC: Cautious welcome for Kivu peace deal](#)", IRIN, 29 January 2008.

57 Group of Experts on the Democratic Republic of the Congo, [Interim Report](#), Security Council, 18 May 2009, UN Doc. S/2009/253, paras 18-19; Jason Stearns, [North Kivu: The Background to Conflict in North Kivu Province of Eastern Congo](#), Rift Valley Institute Usalama Project, 2012, pp. 39-41.

from Uganda and the DRC that began in late 2008.<sup>58</sup> In 2005, the International Criminal Court (ICC) issued arrest warrants for high-ranking members of the LRA, including its leader, Joseph Kony, but to date they have evaded capture.<sup>59</sup>

### a. Conflict and Instability Since 2009

Overall, while peace-building efforts intensified during this period, insecurity and attacks on civilians by various armed actors remained a feature of life in the country's eastern regions, where conflict-related sexual violence continued to be reported.<sup>60</sup>

In November 2011, the DRC held a general election marred by violence, a lack of transparency, irregularities and human rights violations. Incumbent President Joseph Kabila remained in power following the election. Ms. Malikail informed the Subcommittee that “[a]rmed groups and elements of the armed forces actively promoted the election of certain presidential candidates and members of Parliament through fear and intimidation. ... The outcome of the elections and the increase in political tension and instability ... had a negative impact on the security situation in the DRC.”<sup>61</sup> According to witnesses, the post-election period saw the closing of democratic space in the country.<sup>62</sup>

Throughout 2012 and most of 2013, fighting and attacks on civilians in the eastern DRC intensified,<sup>63</sup> in particular as a result of renewed conflict between the Congolese army and a non-state armed group called the Mouvement du 23 mars (Movement of

---

58 Security Council Report, “[Chronology of Events: LRA-affected areas](#)”, 3 July 2013; Human Rights Watch, “[The Christmas Massacres: LRA attacks on Civilians in Northern Congo](#)”, 16 February 2009.

59 The arrest warrants allege responsibility for crimes against humanity and war crimes committed in Uganda in 2003–2004. The warrants for Joseph Kony and his alleged second-in-command, Vincent Otti, include crimes of sexual violence. See: [Warrant of Arrest for Joseph Kony Issued on 8 July 2005 as Amended on 27 September 2005](#), Public Redacted Version, Case No. ICC-02/04-01/05, Pre-Trial Chamber II, 27 September 2005; [Warrant of Arrest for Vincent Otti](#), Public redacted version, Case No. ICC-02/04, Pre-Trial Chamber II, 8 July 2005.

60 See, e.g.: Special Rapporteur on violence against women, its causes and consequences et al., [Third joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo](#), General Assembly, 9 March 2011, UN Doc. A/HRC/16/68; UN Joint Human Rights Office (UNJHRO), [Report of the United Nations Joint Human Rights Office on Human Rights Violations Perpetrated by Armed Groups During Attacks on Villages in Ufamandu I and II, Nyamboko I and II and Kibabi Groupements, Masisi Territory, North Kivu Province, Between April and September 2, 2012](#), MONUSCO & Office of the High Commissioner for Human Rights (OHCHR), November 2012; UN Group of Experts on the Democratic Republic of the Congo, [Midterm Report](#), Security Council, 19 July 2013, UN Doc. S/2013/433; Group of Experts on the Democratic Republic of the Congo, [Interim Report](#), Security Council, 18 May 2009, UN Doc. S/2009/253, paras 18–19, 86–90; Kisangani, *Civil Wars in the Democratic Republic of the Congo 1960-2010*, Boulder, Lynne Rienner Publishers, 2012, p. 156.

61 SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Patricia Malikail).

62 Ibid. The UN has documented human rights violations during the electoral period and the Government of the DRC's response in: UNJHRO, [Report by the United Nations Joint Human Rights Office on the Violations of Human Rights and Fundamental Freedoms Committed During the Electoral Period in the Democratic Republic of the Congo, as well as on the Actions Taken by Congolese Authorities in Response to these Violations, October 2011 – November 2013](#), MONUSCO & OHCHR, December 2013.

63 SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Patricia Malikail).

March 23<sup>rd</sup>, known as M23). Sexual violence by both rebel fighters and Congolese government forces continued to be a feature of this round of conflict.<sup>64</sup>

M23 is made up primarily of former CNDP fighters who mutinied after having been integrated into the Congolese army following the 23 March 2009 peace agreement noted above. The rebels claimed that they mutinied because they believed the Congolese government was not living up to commitments it made in the agreement.<sup>65</sup> It has been reported that M23 received support from the governments of Rwanda and Uganda.<sup>66</sup> For 11 days in December 2012, following battles with the Congolese military, M23 took control of Goma, the largest city in the conflict-torn North and South Kivu provinces and the headquarters of UN peacekeeping operations. In March 2013, infighting within M23 caused a faction of the movement, led by Bosco Ntaganda, to flee the DRC. Mr. Ntaganda subsequently surrendered himself to the U.S. Embassy in Rwanda. He was later transferred voluntarily to the ICC to face charges of war crimes and crimes against humanity — including counts alleging responsibility for rape and sexual slavery committed in Ituri district in 2002 and 2003.<sup>67</sup>

M23 was defeated militarily by UN forces and the FARDC in late October and early November 2013.<sup>68</sup> In mid-December 2013 in Nairobi, Kenya, the Government of the DRC and M23 reached a formal agreement to end the rebellion.<sup>69</sup> Notably, while the

---

64 UNJHRO, [Report of the United Nations Joint Human Rights Office on Human Rights Violations Perpetrated by Soldiers of the Congolese Armed Forces and Combatants of the M23 in Goma and Sake, North Kivu Province, and in and around Minova, South Kivu Province from 15 November to 2 December 2012](#), MONUSCO & OHCHR, May 2013, pp. 9–11; UNJHRO, [Report of the United Nations Joint Human Rights Office on Human Rights Violations perpetrated by Armed Groups during Attacks on villages in Ufamandu I and II, Nyamaboko I and II and Kibabi Groupements, Masisis Territory, North Kivu Province, between April and September 2012](#), November 2012, p. 11; Human Rights Watch, “[Democratic Republic of the Congo: UPR Submission 2013](#),” 24 September 2013; [Final Report of the Group of Experts on the Democratic Republic of the Congo](#), UN Security Council, 15 November 2012, UN Doc. S/2012/843, paras 6–55, 147, 153–158.

65 International Crisis Group, [Eastern Congo: Why Stabilization Failed](#), Africa Briefing No. 91, 4 October 2012.

66 Group of Experts on the Democratic Republic of the Congo, [Addendum to the Interim report of the Group of Experts on the DRC \(S/2012/348\) concerning violations of the arms embargo and sanctions regime by the Government of Rwanda](#), Security Council, 27 June 2012, UN Doc. S/2012/348/Add.1, para. 2; [Final Report of the Group of Experts on the Democratic Republic of the Congo](#), Security Council, 15 November 2012, UN Doc. S/2012/843.

67 Prosecutor v. Bosco Ntaganda, Case No. ICC-01/04-02/06, [Decision on the Prosecutor’s Application under Article 58, Public Redacted Version](#), Pre-Trial Chamber II, 13 July 2012; UN Group of Experts on the Democratic Republic of the Congo, [Midterm Report](#), Security Council, 19 July 2013, UN Doc. S/2013/433, paras 26–27. See paras 9–30 for a full description of the infighting in M23 that led to the surrender of Mr. Ntaganda.

68 Kenny Katombe, “[Defeated M23 ends revolt in Congo, raising peace hopes](#)”, *Reuters*, 5 November 2013.

69 [Joint ICGLR-SADC Final Communiqué on the Kampala Dialogue](#), Nairobi, 12 December 2013; [Declaration of the Government of the Democratic Republic of the Congo at the End of the Kampala Talks](#), Nairobi, 12 December 2013; [Declaration of Commitments by the Movement of March 23 at the Conclusion of the Kampala Dialogue](#), Nairobi, 12 December 2013. For Canadian and international reaction, see: DFATD, “[Canada Welcomes Conclusion of Kampala Dialogue](#)”, News Release, 14 December 2013; “[Ban welcomes signing of declarations between DR Congo-M23](#)”, UN News Centre, 13 December 2013; MONUSCO, “[International Team of Special Envoys for the Great Lakes Joint Statement on the Conclusion of the Kampala Dialogue](#)”, 13 December 2013.

declarations provide for amnesty to M23 fighters for acts of war and insurrection, crimes of sexual violence as well as other war crimes and crimes against humanity are excluded from the scope of the amnesty. Despite the end of the M23 rebellion, the security situation in the eastern DRC remains fluid and other armed groups reportedly continue to use sexual violence as a weapon against civilians.<sup>70</sup>

---

70 See: EIU, *Country Report – Democratic Republic of the Congo*, “Summary”, 7 January 2014; EIU, “UN force begins operations against FDLR rebels”, 12 December 2013; EIU, “Fighting Intensifies in Ituri”, 2 October 2013; International Crisis Group, “DR Congo”, *CrisisWatch Database*, 2 January 2014; UN News Centre, “DR Congo: UN boosts force in east after gruesome massacre of civilians”, 16 December 2013.

Figure 2





The Subcommittee was told that several complex and inter-related factors explain the continued fighting between government forces and various armed groups in the eastern DRC. According to Patricia Malikail, Director General, Africa Bureau at DFATD, “[k]ey motivators for violence originate from the competition for resources, political grievances based on ethnicity and land ownership, as well as from fear between ethnic groups — for example, fear of the increasing influence of the Rwandaphone community.”<sup>71</sup> Ongoing regional instability exacerbates the violence and facilitates the incursion of non-state armed groups across the DRC’s porous borders.<sup>72</sup>

According to witnesses, sexual violence has been a dominant feature of all stages of the conflicts. In interviews conducted by a high-level panel convened by the UN High Commissioner for Human Rights on remedies and reparations for victims of sexual violence in the DRC, survivors of sexual violence in the North and South Kivu regions considered the restoration of peace and security to be a precondition to any type of return to normal life. Peace is also their number one priority — their “big dream,” “first prayer” and “greatest hope”.<sup>73</sup>

## 2. UN Peacekeeping Missions in the DRC

UN peacekeeping missions in the DRC — first MONUC and then, from 1 July 2010, the United Nations Organization Stabilization Mission in the DR Congo, known by the acronym MONUSCO<sup>74</sup> — have had mixed success to date in protecting civilians from violence in the eastern provinces and in addressing the high prevalence of sexual violence in those areas, at least in part due to severe capacity constraints.<sup>75</sup>

The Subcommittee was told that in 2004–2005, it was reported that members of MONUC were involved in the sexual exploitation and abuse of Congolese women and girls.<sup>76</sup> To find out how the situation has changed since that time, the Subcommittee consulted the UN Secretary-General’s 2013 report on *Special measures for protection*

---

71 SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Patricia Malikail). The Rwandaphone community speaks the Kinyarwanda language.

72 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Jillian Stirk); SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Desire Kilolwa, President and Founder, Congo Yetu Initiative).

73 [Report of the Panel on Remedies and Reparations for Victims of Sexual Violence in the Democratic Republic of the Congo to the High Commissioner for Human Rights](#), OHCHR, March 2011, para. 4. The interviews took place in late September and early October 2010.

74 MONUC, United Nations Organization Mission in the Democratic Republic of the Congo, “[MONUC Mandate](#)”; MONUSCO, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, “[MONUSCO Mandate](#)”.

75 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante, Canadian Francophone Section, Amnesty International).

76 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu). Details of the allegations are contained in: UN Secretary General, [Investigation by the Office of Internal Oversight Services into allegations of sexual exploitation and abuse in the United Nations Organization Mission in the Democratic Republic of the Congo](#), General Assembly, 5 January 2005, UN Doc. A/59/661; Human Rights Watch, “[MONUC: A Case for Peacekeeping Reform](#)”, 1 March 2005.

from sexual exploitation and sexual abuse. Although the situation has clearly improved since 2004–2005, the report indicates that MONUSCO “consistently” experienced the highest number of reported allegations of sexual exploitation and abuse amongst UN peace missions.<sup>77</sup> A recent evaluation of the mission by UN Women concluded that it continues to face challenges in terms of investigating and preventing such conduct.<sup>78</sup>

In March 2013, responding to a perceived need for more effective and robust UN action to protect civilians in the context of continued conflict in the eastern DRC, the United Nations Security Council authorized the creation of an intervention brigade empowered to conduct offensive combat missions, under the command of the MONUSCO Force Commander. The brigade was given a mandate to neutralize, prevent the expansion of and disarm foreign and Congolese armed groups and contribute “to reducing the threat posed by armed groups to state authority and civilian security in the eastern DRC and to make space for stabilization activities.”<sup>79</sup> The brigade was part of the successful offensive against M23 rebels. It then began operations against the FDLR militia.<sup>80</sup>

The Subcommittee hopes that renewed UN efforts in eastern DRC, combined with the intensification of efforts to combat sexual violence within UN operations, will have a positive impact on the security situation. The Subcommittee believes it is vital that the effective protection of civilians, including their protection from sexual violence by all perpetrators — including peacekeepers and UN staff — be a top priority for international and Congolese action in the eastern DRC.

## **B. The nature of conflict-related sexual violence in the DRC**

Sexual violence against women and girls in armed conflict began to increase dramatically during the First Congo War, when “rape as a weapon of war proved to be extraordinarily effective” at demoralizing the population and breaking down the structure of communities.<sup>81</sup> The Subcommittee was told that widespread sexual violence has been used to terrorize entire groups in order to displace large numbers of people, who must then take refuge in camps or elsewhere, facilitating armed actors’ control over a particular

---

77 UN Secretary General, [Special measures for protection from sexual exploitation and sexual abuse](#), 28 February 2013, General Assembly, UN Doc. A/67/766, para. 27. See also paras 10–11, 20. In 2012, 25 out of a worldwide total of 60 allegations (41%) of sexual exploitation and abuse by UN staff members, contractors, volunteers, police and peacekeepers, were received from MONUSCO. The largest proportion of the most egregious forms of sexual exploitation (i.e., sexual activities with minors and non-consensual sex with a person over the age of 18) also came from MONUSCO. In addition, MONUSCO also had the highest ratio of allegations to personnel deployed.

Of completed investigations into allegations of sexual exploitation and abuse between 2008–2012, 51% were deemed to be substantiated. Factors including a lack of forensic evidence, a lack of corroborating witnesses, or the impossibility of identifying perpetrators can result in an allegation being deemed to be unsubstantiated.

78 UN Women Evaluation Office, [Evaluation of Gender Mainstreaming in United Nations Peacekeeping Activities \(MONUC/MONUSCO\) in the Democratic Republic of the Congo](#), UN Women, 2012, p. 25.

79 [UNSCR 2098](#) (2013), paras. 9, 12(b).

80 MONUSCO, [“MONUSCO to track down FDLR after M23,”](#) 10 December 2013.

81 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Denis Tougas).

territory or population.<sup>82</sup> In the DRC, sexual violence has also been employed as a means to attack individuals of a particular ethnicity and reportedly is used as a form of ethnic cleansing.<sup>83</sup> The Subcommittee wishes to stress once again that international law absolutely prohibits these types of deliberate attacks on civilians.<sup>84</sup>

According to the witnesses who appeared as part of this study, conflict-related sexual violence in the DRC is particularly brutal in nature. The violence spares no one — women and men, girls and boys, babies and grandparents have all been raped and, often, intentionally mutilated.<sup>85</sup> As Nicole Mwaka from the Congo Yetu Initiative informed the Subcommittee, “[t]he intent is to destroy, to damage, to humiliate. They want to leave their mark, impose their decisions, show that they are stronger.”<sup>86</sup> Ms. Coutu, from the Centre for Peace Missions and Humanitarian Studies at the Raoul-Dandurand Chair of Strategic and Diplomatic Studies at the University of Quebec in Montreal, explained that rapes frequently are planned in advance and occur in public areas, on roads or in fields, in view of the family and community. In this way, armed groups use sexual violence as a weapon to control and humiliate victims, punish communities for their political loyalties and establish a climate of terror.<sup>87</sup>

---

82 SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff); SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Nicole Mwaka); SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla, Senior Program Officer, Trust Fund for Victims, International Criminal Court).

83 Ibid. (Kalla); Rome Statute, art. 7(1)(h). The International Court of Justice (ICJ) has defined ethnic cleansing as “rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area.” (ICJ, [Case concerning application of the Convention on the prevention and punishment of the crime of genocide \(Bosnia and Herzegovina v. Serbia and Montenegro\)](#), Judgment, 26 February 2007, para. 190.) The UN mission in the DRC has documented such allegations in detail. See, for example: OHCHR, [Democratic Republic of the Congo, 1993-2003: Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003](#) (UN Mapping Exercise Report, 2010), August 2010, para. 646 and in UNJHRO, [Report of the United Nations Joint Human Rights Office on Human Rights Violations Perpetrated by Armed Groups During Attacks on Villages in Ufamandu I and II, Nyamaboko I and II and Kibabi Groupements, Masisi Territory, North Kivu Province, Between April and September 2012](#), MONUSCO & OHCHR, November 2012, para. 25.

84 Prohibitions are found in Article 3 of the Fourth Geneva Convention (article 3 is common to the four Geneva Conventions of 1949) and APII, arts. 4, 13. Such conduct in the context of an armed conflict is criminalized under the Rome Statute, art. 8(2)(c) and (e). When such attacks against civilians are committed in a widespread and systematic manner, regardless of the existence of an armed conflict, they may constitute crimes against humanity under art. 7(1) of the Rome Statute.

85 SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Nicole Mwaka); SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Desire Kilolwa); SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Charmian Davi, Public Relations, Congo Yetu Initiative); SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante); SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström).

86 Ibid. (Mwaka).

87 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu); SDIR, [Evidence](#), Meeting No. 33, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 23 November 2010 (Joanne Lebert); SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly).



Armed groups also abduct women and girls in order to keep them as sex slaves or forcibly marry them to fighters. This practice is particularly common amongst the LRA, an armed group led by Joseph Kony with roots in Uganda. Despite having been indicted by the ICC, Kony and his group continue to attack villages in order to loot supplies in the northeastern part of the DRC, in areas bordering the Central African Republic and South Sudan. During their raids, LRA fighters typically abduct adults and children to carry the pillaged goods. Most of the captured women and girls are forced into sexual servitude and, in some cases, are forced to marry LRA commanders.<sup>88</sup> During its 2012–2013 mutiny, the M23 militia also reportedly forced young girls to act as “wives” to commanders; other militias also reportedly have held women and girls as sex slaves.<sup>89</sup>

Research conducted by the Harvard Humanitarian Initiative’s Women in War program points to the existence of specific attitudes and practices within armed groups that promote sexual violence against civilians. For instance, Ms. Jocelyn Kelly, the program’s director, told the Subcommittee that extremely violent initiation practices in one particular armed group led to a sense of dehumanization amongst fighters. Fighters may also believe that they are entitled to take what they want from civilian populations, including sex, to compensate for the sacrifices they have made defending their country (which is how they perceive their role). At the same time, Ms. Kelly said that many rebel commanders have no interest in trying to prevent rape by their fighters. Some commanders see sexual violence as a way for fighters to control civilian populations; others either condone or overlook it.<sup>90</sup>

Witnesses indicated that both fighters with non-state armed groups and soldiers of the FARDC are credibly suspected of committing crimes of sexual violence in the DRC.<sup>91</sup> While most acts of sexual violence in the DRC in conflict zones can be attributed to fighters or soldiers, there has also been a worrying rise in the number of civilian perpetrators.<sup>92</sup> The Subcommittee is concerned that the increase in civilian perpetrators could indicate that sexual violence is becoming normalized in the eastern DRC, a trend

---

88 SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström); UN Secretary General’s Report on Conflict Related Sexual Violence, 2012, para. 30; [Second joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo](#), Submitted to the Human Rights Council, 8 March 2010, UN Doc. A/HRC/13/63, para. 30.

89 UN Group of Experts Report, November 2012, para. 154; Secretary General of the United Nations, [Sexual Violence in Conflict: Report of the Secretary General](#), General Assembly & Security Council, 14 March 2013, UN Doc. A/67/792-S/2013/149, paras. 7, 41-42.

90 SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly). See: Jocelyn Kelly, [Rape in War: Motives of Militia in DRC](#), United States Institute of Peace Special Report, June 2010.

91 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante); SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Jillian Stirk); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff); Secretary General of the United Nations, [Sexual Violence in Conflict: Report of the Secretary General](#), General Assembly & Security Council, 14 March 2013, UN Doc. A/67/792-S/2013/149, Annex.

92 Ibid. (Breton-Le Goff).

that could prevent women and girls from fully participating in the rebuilding of their society if a durable peace is ever achieved.<sup>93</sup>

## 1. The Extent of Sexual Violence in Conflict Zones of the DRC

Witnesses stressed to the Subcommittee that sexual violence is being committed on a massive scale in the DRC. Ms. Béatrice Vaugrante, from the Canadian Francophone Section of Amnesty International, said, “[t]he acts of sexual violence committed in the DRC are sometimes described as a war within a war.” In fact, Ms. Kristin Kalla, Senior Program Officer at the Trust Fund for Victims (TFV) of the ICC, told the Subcommittee that “sexual violence has been found to be the most common form of violence and the most widespread form of criminality” in the country.<sup>94</sup>

According to witness testimony, however, most statistical estimates are likely to underestimate the prevalence of sexual violence, and, in particular, conflict-related sexual violence in the DRC. Ms. Coutu informed the Subcommittee that many women do not report incidents of sexual violence to the police, often because they wish to avoid the stigma associated with being a victim of this type of crime. Moreover, only a small proportion of women seek medical treatment after being attacked, which means that hospital records cannot provide an accurate indication of the number of victims.<sup>95</sup> Witnesses stressed that concerns regarding under-reporting apply equally, if not more so, to male victims of conflict-related sexual violence.<sup>96</sup>

In order to get a better grasp of the magnitude of sexual violence in the DRC, the Subcommittee consulted two recent public health studies.<sup>97</sup> A June 2011 study published in the *American Journal of Public Health* used data-gathering techniques designed to avoid under-reporting.<sup>98</sup> The study found that “estimates of rape among women aged 15 to 49 years in the 12 months prior to the [2007 DRC Demographic and Health] survey translate into approximately 1,150 women raped every day, 48 women raped every hour,

---

93 See, e.g., SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström), discussing the post-conflict situation in Liberia and Sierra Leone.

94 SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla).

95 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu).

96 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante); SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström).

97 The Government of the DRC and the UN Population Fund (UNFPA) has published a third survey; however, this survey is not demographically or geographically representative (DRC, Ministère du Genre, de la famille et de l'enfant and UNFPA, [Ampleur des violences sexuelles en RDC et actions de lutte contre le phénomène de 2011 à 2012](#), Kinshasa, June 2013). The report is available in French only, with an English executive summary.

98 The study indicates that it used a 2007 nationally representative household survey data from 3,436 women selected to answer a domestic violence module along with population estimates.

and 4 women raped every 5 minutes” throughout the DRC.<sup>99</sup> The total female population in the relevant age range was 14,754,551. The study noted that these estimates are “several orders of magnitude higher than what has been cited in previous studies” and confirmed that rates of sexual violence were particularly high in eastern regions of the country affected by armed conflict.<sup>100</sup>

The second study consulted by the Subcommittee represents one of the few attempts to quantify conflict-related sexual violence against both men and women. Researchers conducted the population survey of 998 adults in the eastern DRC over a four-week period in March 2010 and published the results in the *Journal of the American Medical Association*. Of respondents in the study, 29.9% of women and 22% of men reported having been the victim of some form of conflict-related sexual violence over the previous 16 years. Both men and women reported being forced into sexual servitude by a person associated with an armed group. In addition, both men and women were reported to have been the perpetrators of conflict-related sexual violence.<sup>101</sup>

## 2. The Impact of Sexual Violence on Individuals, Families and Communities

Witnesses emphasized that sexual violence used as a weapon of war has had a profound and an extended impact on the physical and psychological health of many Congolese people, as well as on their communities, society and economy. The physical repercussions of sexual violence vary and include severed and broken limbs, burned and/or mutilated flesh, fistulas,<sup>102</sup> sexually transmitted infections — including HIV/AIDS — unwanted pregnancy, long-term urinary incontinence, infertility and death.<sup>103</sup> Victims’ lack of access to adequate medical care often aggravates the physical injuries associated with sexual violence. For example, the 2010 study published in the *Journal of the American Medical Association*, referenced above, found that in many parts of the eastern DRC, between 60 and 75% of households could not reach a hospital or medical clinic within a

---

99 Amber Peterman et al., “[Estimates and Determinants of Sexual Violence Against Women in the Democratic Republic of the Congo](#),” *American Journal of Public Health*, 2011, p.1064–1065. The study was welcomed by Ms. Wallström when she was the UN Secretary-General’s Special Representative on Sexual Violence in Conflict (UN News Centre, “[UN envoy welcomes study into extent of sexual violence in DR Congo](#)”, 12 May 2011).

100 Peterman, et al., *ibid.*

101 Kristen Johnson et al., “Association of Sexual Violence and Human Rights violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo”, *Journal of the American Medical Association* (JAMA), August 2010, vol. 304, no. 5, pp. 553–562. The article reports a confidence interval of 95% for its results within a range of accuracy for each statistic provided. The study’s authors indicate that the results of the survey are not generalizable across the entire eastern DRC, but are generalizable across “many territories” of the region.

102 A recto-vaginal fistula “is an abnormal connection” between the rectum and the vagina. As a result, “[g]as or stool may leak from the bowel into the vagina” (Mayo Clinic, “[Rectovaginal fistula: Definition](#)”).

103 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu); SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla).

four-hour walk.<sup>104</sup> As a result, many survivors remain ill or disfigured for the rest of their lives.

Ms. Stirk from DFATD told the Subcommittee that sexual violence also contributes to the spread of HIV/AIDS and other sexually transmitted diseases. Professor Gaëlle Breton–Le Goff Associate Professor in the Faculty of Law at the University of Quebec in Montreal, informed the Subcommittee that 22% of women who have been raped in the DRC conflict are thought to be carrying HIV/AIDS.<sup>105</sup> Desire Kilolwa, from the Congo Yetu Initiative, stressed the serious impact that increased HIV/AIDS prevalence has on Congolese children, many of whom are orphaned because of the disease.<sup>106</sup>

In addition to the tremendous physical suffering endured by survivors of sexual violence in the DRC, some witnesses told the Subcommittee about the psychological consequences of sexual violence. These include depression, post-traumatic stress disorder, deep-seated feelings of fear, rage and shame, loss of self-esteem, feelings of guilt, memory loss, nightmares and suicide.<sup>107</sup> The 2010 population survey referenced above found that 67.7% of women and 47.5% of men who had survived conflict-related sexual violence showed symptoms of depression, while 75.9% of women and 56% of men showed symptoms of post-traumatic stress disorder. Access to mental health services for these individuals is virtually non-existent.<sup>108</sup>

The Subcommittee learned that the pervasive and public nature of sexual violence in the DRC shatters family and community relationships, stigmatizing survivors and isolating them from social networks.<sup>109</sup> As a result, the socio-economic consequences of conflict-related sexual violence may be severe. Consequences can include rejection by husbands, families and communities, displacement, loss of educational opportunities and loss of an individual's ability to earn a livelihood.<sup>110</sup>

---

104 Johnson et al., "Association of Sexual Violence and Human Rights violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo", JAMA, 2010, p. 559.

105 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Jillian Stirk); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff).

106 Ibid. (Stirk); Ibid. (Breton-Le Goff); SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Desire Kilolwa).

107 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante); SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla).

108 Johnson et al., "Association of Sexual Violence and Human Rights violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo", JAMA, 2010, pp. 559-560.

109 SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly); SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff); SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Nicole Mwaka).

110 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante).

## a. Effects on Children

In the DRC, sexual violence has taken a particular toll on children, both directly and indirectly. The physical consequences of sexual violence are often more severe for girls than for adult women because they are not fully physically developed. For instance, girls who become pregnant after being raped are more likely than adult women in the same situation to suffer from obstructed birth, which can lead to fistulas or even death.<sup>111</sup>

The Subcommittee was told that both girl and boy child soldiers are frequently subjected to sexual violence. After demobilization, boys suffer stigmatization and marginalization because of their status as former rebels. Ms. Kalla told the Subcommittee that demobilized girl child soldiers experience gender-specific consequences including shock, shame and low self-esteem. In a survey conducted by the ICC's TFV, more girl than boy child soldiers reported that their communities of origin treated them poorly. The double burden of forced enlistment and sexual violence on girls means these consequences tend to be more severe, more long-lasting and more difficult to reduce.<sup>112</sup>

The pervasive insecurity caused by widespread sexual violence against women and girls also has an indirect effect on children by undermining the critical social structures — including family, religious communities, health and education systems — upon which children rely for their healthy development.<sup>113</sup> Like their mothers who survive wartime rape, children born as a result of sexual violence also suffer from rejection and stigmatization.

The Subcommittee was told that, in regions where many live at a subsistence level, such children frequently are not accepted into their mothers' families, "which means that often these children are not able to go to school or even nutritionally receive the same food within a household."<sup>114</sup> Overall, Ms. Kelly argued that an "integrated family-based approach" is required in sexual violence interventions in order to address the interconnected nature of problems faced by children, families and communities who have been affected by conflict-related sexual violence.<sup>115</sup>

---

111 SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla).

112 Ibid. (Kalla); UNICEF, [The Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups](#), February 2007, para. 7.59. Canada, the DRC and at least 103 other UN member states have endorsed the *Paris Principles*, which are not legally binding. See: UNICEF, [Paris Commitments and Paris Principles on Children Associated with Armed Forces or Armed Groups](#), October 2011, available on the website of the International Committee of the Red Cross; Office of the Special Representative of the Secretary-General for Children and Armed Conflict, ["Five new countries endorse the Paris Commitments to end the use of children in conflict"](#), News Release, 3 December 2012.

113 SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly); ICESCR, art. 10.

114 SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla); Evidence, Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff); SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante).

115 SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly). See: Harvard Humanitarian Initiative, [Issue in Focus: Family, Community and Conflict in DRC](#).



### 3. The Subcommittee's Observations

The Subcommittee is convinced that sexual violence in the context of armed conflict and crisis in the DRC is a criminal, humanitarian and human rights issue of the utmost importance. The international community, including neighbouring states, regional organizations, UN institutions and agencies, as well as donor countries and countries that contribute troops and other personnel to MONUSCO, must no longer minimize, overlook, tolerate or excuse sexual violence, forced marriage and sexual slavery.

The short and long-term effects of conflict-related sexual violence discussed by witnesses demonstrate that such acts can prevent survivors — most of whom are women and girls — from benefitting from the full range of their internationally protected human rights, including the following economic, social and cultural rights:

- the right to the opportunity to gain a living;
- the right to a decent standard of living;
- the right to the highest attainable standard of health;
- the right to access education; and
- the right to contribute to cultural and public life.<sup>116</sup>

Conflict-related sexual violence also has a negative impact on the ability of women and girls, men and boys to fully enjoy their civil and political rights. Victims who die as a result of conflict-related sexual violence suffer an arbitrary deprivation of life, contrary to the guarantees provided by international law.<sup>117</sup> In addition, the physical and mental harm and suffering caused by conflict-related sexual violence negates the right of victims to security of the person and, in some cases, can violate their right to freedom from torture and from cruel, inhuman or degrading treatment or punishment.<sup>118</sup> As the Subcommittee has stressed above, acts of sexual violence, murder, violence to the person and torture may also amount to crimes under international law.<sup>119</sup>

The evidence before the Subcommittee also clearly demonstrated the tragic effects that armed conflict has on children. The Subcommittee notes that international humanitarian law<sup>120</sup> attempts to mitigate the worst of these effects by requiring parties to a

---

116 ICESCR, arts. 2, 3, 6, 11, 12, 13, 15; CEDAW, arts. 2, 7, 8, 10, 11, 12, 14.

117 ICCPR, arts. 2, 6(1).

118 ICCPR, arts. 2, 7, 9; CAT, arts. 1, 2, 16; CEDAW Committee, General Recommendation 19, paras 6, 7, 9, 24(a).

119 Rome Statute, arts. 7(1)(a), (f), (g), (k) and 8(2)(c)(i),(ii), 8(2)(e)(vi).

120 International humanitarian law, also known as the law of armed conflict or the law of war, attempts to limit the effects of armed conflict for humanitarian purposes (International Committee of the Red Cross, "[War and international humanitarian law](#)").

conflict to take all feasible measures to ensure the protection and care of children, including by protecting them from sexual violence and ensuring their continued access to education.<sup>121</sup> Similarly, the use of children as soldiers or militia fighters is banned unequivocally in international law and also may constitute an international crime.<sup>122</sup> Under international human rights law, the government of the DRC also has additional protective obligations towards children and a duty to protect and assist families.<sup>123</sup> In particular, it must take steps to combat discrimination against children affected by sexual violence; to protect their physical safety and human dignity; and to ensure that they have equal access to education, health care and development.<sup>124</sup>

Finally, the Subcommittee wishes to point out that it is the responsibility of the DRC government, and any other governments in the region where perpetrators may be found, to ensure that those responsible for crimes of sexual violence are brought to justice.<sup>125</sup> The Subcommittee recalls that, under international law, military commanders and civilian leaders can be criminally prosecuted if they plan, encourage, overlook or turn a blind eye to crimes of sexual violence committed by their troops or fighters under their control.<sup>126</sup> Survivors, families and communities have a right to see their attackers held to account.

The Subcommittee emphasises that the Government of the DRC's obligation to protect the dignity and rights of its people does not cease in periods of armed conflict or emergencies resulting from violence, political events or natural disasters.<sup>127</sup>

### C. Congolese and international responses to conflict-related sexual violence

In the following sections of the case study, the Subcommittee considers the evidence it received regarding positive steps the DRC has taken to address the problem of conflict-related sexual violence and then outlines its concerns regarding Congolese and international responses to this important issue.

---

121 CRC art. 38(4); Common Article 3 to the Geneva Conventions of 1949; AP II, art. 4.

122 CRC, arts. 4, 38(2)-(3); OP-CRC-AC, art. 6(3); Rome Statute, arts. 8(2)(e)(vii).

123 See, e.g.: CRC, arts. 2, 3(2), 4, 6(2), 19, 20, 27, 34, 36, 39; ICESCR, art. 10(1), (3); UN Committee on the Rights of the Child, [General Comment No. 13, The right of the child to freedom from all forms of violence](#), 18 April 2011, UN Doc. CRC/C/GC/13, paras. 5, 41(f). This general comment provides an expert interpretation of the obligations contained in art. 19 of the CRC, but is not legally binding.

124 CRC arts. 2; 3(2), 4, 6, 19, 24, 37, 38; ICCPR, art. 2(2), 3, 4; ICESCR, arts. 2(2), 3.

125 ICCPR, art. 2(3); ICESCR, art. 2; Basic Principles on the Right to a Remedy, paras. 3–4; Human Rights Committee, General Comment No. 31, paras. 15, 18.

126 Rome Statute, art. 28.

127 International Court of Justice (ICJ), [Armed activities on the territory of the Congo \(Democratic Republic of the Congo v. Uganda\)](#), Judgment of 19 December 2005, I.C.J. Reports, 2005, para. 206; ICJ, Advisory Opinion, 9 July 2004, [Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory](#), ICJ Reports, 2004, para. 106 and separate "Declaration" of Judge Buergenthal, para. 2; ICCPR, art. 4; Human Rights Committee, [General Comment No. 29: States of Emergency \(article 4\)](#), 31 August 2000, UN Doc. CCPR/C/21/Rev.1/Add.11 (General Comment No. 29); Committee on the Elimination of All Forms of Discrimination Against Women, [General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations](#), 18 October 2013, UN Doc. CEDAW/C/GC/30. The ICJ is the principle judicial organ of the United Nations. Its judgments provide persuasive interpretations of international law.

## 1. Positive Developments in the Fight against Conflict-related Sexual Violence in the DRC

### a. Constitutional and Legal Reforms

Several witnesses who appeared before the Subcommittee stressed that in recent years, the Government of the DRC has gained a better understanding of the scale and complexity of conflict-related sexual violence in its eastern regions. As a result, the government has taken some steps to counteract the problem and to improve respect for human rights in the country.

The Subcommittee was pleased to learn that the Constitution of the DRC makes the government responsible for ensuring the elimination of all forms of discrimination against women and the elimination of sexual violence. The DRC government is also constitutionally required to combat all forms of violence against women in the public and private spheres.<sup>128</sup> In addition, the Government of the DRC has strengthened its criminal law to prevent and address sexual violence by adopting, in July 2006, two laws on sexual violence amending the Congolese *Penal Code* and the *Code of Penal Procedure*. Professor Breton-Le Goff told the Subcommittee that these reforms have introduced new criminal offences and clarified the definition of the crime of rape under Congolese law by criminalizing for the first time acts such as object rape, marital rape, forced marriage, forced pregnancy, sexual mutilation and sexual slavery. Criminal procedure reforms have also provided fairer treatment for victims of sexual offences.<sup>129</sup>

The Subcommittee recalls that criminalizing and effectively prosecuting the full range of crimes of sexual violence is vital to ensuring the right of women and girls to live free from discrimination and to enjoy equality before the law, as well as to protecting individuals' rights to life, security of the person, freedom from torture and other rights. The criminal law reforms discussed above provide the DRC with key tools with which to hold perpetrators of sexual violence to account.

---

128 DRC, [Constitution de la République Démocratique du Congo, 2011](#), arts. 14, 15 [available in French only]; SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff).

129 Ibid. (Breton-Le Goff); DRC, [Loi n° 06/018 du 20 juillet 2006 modifiant et complétant le décret du 30 janvier 1940 portant Code pénal congolais](#), 2006 and DRC, [Loi n° 06/019 du 20 juillet 2006 modifiant et complétant le Décret du 06 août 1959 portant Code de Procédure Pénale Congolais](#), 2006 [available in French only].



According to an official from DFATD, Marie Gervais-Vidricaire, Director General of the Stabilization and Reconstruction Task Force, one of the most positive trends with respect to the fight against sexual violence in the DRC has been the government's greater capacity and will to prosecute perpetrators of sexual violence.<sup>130</sup> Other witnesses echoed this point.<sup>131</sup>

In 2004, the Government of the DRC requested assistance from the ICC to investigate and prosecute those individuals suspected of bearing the greatest responsibility for the commission of international crimes (e.g., war crimes and crimes against humanity).<sup>132</sup> The Subcommittee is pleased that the DRC has recognized the ICC's ability to complement the country's domestic efforts to bring some of the world's worst perpetrators of sexual violence to justice. The Subcommittee notes, however, that the ICC is a court of last resort and therefore, at the national level, efforts should continue to be made to strengthen the Congolese justice system's capacity to investigate and prosecute crimes of sexual violence.<sup>133</sup> The reinforcement of the Congolese justice system is particularly important in light of the fact that crimes against humanity, war crimes and genocide, including sexual violence and "other massive violations of human rights," are excluded from the amnesty extended to M23 rebels as part of the commitments made to end their mutiny in December 2013.<sup>134</sup>

## **b. National Policies**

The Subcommittee was also told that in recent years the Government of the DRC has put in place "national plans and policies to fight sexual violence."<sup>135</sup> Julia Hill, then the Acting Senior Vice-President, Geographic Programs Branch, DFATD, informed the Subcommittee that the DRC has developed a National Strategy against Gender-Based Violence (*Stratégie nationale de lutte contre les violences basées sur le genre*) and a

---

130 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Marie Gervais-Vidricaire, Director General, Stabilization and Reconstruction Task Force, DFATD).

131 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Denis Tougas, Coordinator, Table de concertation sur la région des Grands Lacs africains, Entraide missionnaire); SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante). For more detailed information on prosecutions and convictions, see: Secretary General of the United Nations, [Sexual Violence in Conflict: Report of the Secretary General](#), General Assembly & Security Council, 14 March 2013, UN Doc. A/67/792-S/2013/149, paras. 47–48.

132 Such requests are made under art. 14 of the Rome Statute.

133 Rome Statute, Preamble and arts. 1, 17; ICC, Situation in the Democratic Republic of the Congo, *Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, ICC-01/04-01/07 OA 8, [Judgment on the Appeal of Mr. Germain Katanga against the Oral Decision of Trial Chamber II of 12 June 2009 on the Admissibility of the Case](#), Appeals Chamber, 25 September 2009, para. 85.

134 [Declaration of the Government of the Democratic Republic of the Congo at the End of the Kampala Talks](#), Nairobi, 12 December 2013, para. 1.1; [Declaration of Commitments by the Movement of March 23 at the Conclusion of the Kampala Dialogue](#), Nairobi, 12 December 2013, para. 8.2.

135 SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Patricia Malikail).

National Policy on Gender (Politique Nationale Genre).<sup>136</sup> The Subcommittee also notes that the UN peacekeeping mission in the DRC (MONUSCO) developed a “Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of the Congo” which has been integrated into the National Strategy against Gender-Based Violence.<sup>137</sup>

Mr. Tougas told the Subcommittee that the Government of the DRC and the UN have implemented several other initiatives with the goal of improving the coordination of initiatives against sexual violence. He added that among the most important of these measures is the Stabilization and Reconstruction Plan for War-Affected Areas (Le Programme de stabilisation et de reconstruction des zones sortant des conflits armées [STAREC]). It was developed by the Congolese government in 2009 in connection with the UN’s strategy to coordinate international action in the DRC<sup>138</sup> in order to implement [UN Security Council Resolution 1925 \(2010\)](#) on the DRC, which set out MONUSCO’s original mandate.<sup>139</sup> The Subcommittee also observes that in January 2010, the DRC unveiled its National Action Plan for the implementation of UN Security Council Resolution 1325 on women, peace and security.<sup>140</sup>

Given the scale and the gravity of conflict-related sexual violence in the eastern DRC, the Subcommittee is pleased that the Government of the DRC has demonstrated awareness of the problem of sexual violence and of the need to take action. Nevertheless, stronger state and international action is needed.

## **2. The Subcommittee’s Concerns Regarding Responses to Widespread and Systematic Sexual Violence in Conflict Zones of the DRC**

The Subcommittee is concerned that, while the DRC now has several policies and initiatives formally in place, sexual violence and impunity remain a day-to-day reality in the country’s conflict-affected areas. In the course of this study, witnesses identified a number of underlying human rights concerns that contribute to its continued prevalence. Significant gender inequality, weak democratic governance and institutions, failures of military command and control, the involvement of the security forces in human rights violations and a climate of impunity have had a devastating impact on human security, particularly in the eastern part of the country. The Subcommittee is also aware that local conflicts and

---

136 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Julia Hill); Democratic Republic of the Congo, Ministry of Gender, Family and Children, [Stratégie nationale de lutte contre les violences basées sur le genre](#), November 2009 [available in French only].

137 MONUSCO, [Comprehensive Strategy](#).

138 [International Security and Stabilization Support Strategy](#) (ISSSS) [*Stratégie internationale de soutien à la sécurité et la stabilisation* (SISSS)].

139 Denis Tougas, written submission, p. 2; MONUSCO, “[The ISSSS](#)”.

140 DRC, [Plan d’action du Gouvernement de la République démocratique du Congo pour l’application de la Résolution 1325 du Conseil de Sécurité des Nations Unies, Ministère du Genre, de la Famille et de l’Enfant](#), January 2010 [available in French only]; CEDAW Committee, “[Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo](#)”, 30 July 2013, UN Doc. CEDAW/C/COD/CO/6-7, para. 5.

land issues contribute to violence and instability in the DRC. However, the Subcommittee did not hear sufficient evidence on these matters to reach any conclusions.

### **a. The Prevalence of Discriminatory Attitudes towards Women**

The Subcommittee was told that discriminatory attitudes towards women and deep-rooted gender inequality were critical underlying factors contributing to the prevalence of sexual violence used as a weapon of war in the DRC.<sup>141</sup> The DRC ranked 144<sup>th</sup> of 148 countries in the United Nations Development Program's 2012 Gender Inequality Index (GII), based on 5 indicators of gender inequality: maternal mortality, adolescent fertility, parliamentary representation of women, educational attainment of women at the secondary level and above, and women's participation in the labour force.<sup>142</sup> Ms. Coutu testified that in the DRC "[w]omen have no social status [...]. Without men, they are nothing. Their access to material or basic needs is completely reduced."<sup>143</sup>

Witnesses informed the Subcommittee that widely accepted social attitudes in the DRC also excuse or justify interpersonal violence against women and girls, including sexual violence.<sup>144</sup> Indeed, conflict-related sexual violence occurs within a national social context where rates of domestic violence, including sexual violence, are already high.<sup>145</sup> Ms. Kelly's research provides an interesting example. She told the Subcommittee that fighters in one militia tended to distinguish between "evil rape" (e.g., rape of the very young or very old and forced incest) and "okay rape" as a way of justifying certain types of abuse. Ms. Kelly highlighted the need to reinforce the message that "all rape is rape" and to work toward changing the attitudes of fighters and government soldiers towards women.<sup>146</sup>

The Subcommittee was disturbed to learn from witnesses that survivors of sexual violence in the DRC often are seen as a source of shame or dishonour. Survivors may find themselves rejected by spouses, family and friends and stigmatized in their communities. Some survivors have been forced to leave their families or communities and may in turn be pushed into transactional sex work to survive and to support their children. The Subcommittee was told that deeply held discriminatory beliefs have, in extreme

---

141 SDIR, [Evidence](#), Meeting No. 36, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 2 December 2010 (Ms. Elissa Goldberg, Director General, Stabilization and Reconstruction Task Force Secretariat, DFATD); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu).

142 UNDP, [Congo \(Democratic Republic of the\) – HDI values and rank changes in the 2013 Human Development Report](#), Human Development Report 2013.

143 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu).

144 Ibid. (Coutu); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff).

145 SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour).

146 SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly).

cases, resulted in victims of sexual violence being murdered by family or community members.<sup>147</sup>

As an illustration of the practical problems that can arise when addressing the legacy of conflict and sexual violence in such a context, witnesses pointed to gaps in the Government of the DRC's disarmament, demobilization and reintegration (DDR) program available to women and girls. Despite the fact that about 30% of child soldiers in the DRC are female, the Congolese DDR program had failed to consider the different needs of boys and girls, leading to a situation where girls have not benefitted equally from rehabilitation assistance. In addition, disarmament, demobilization and reintegration programs in the DRC have provided inadequate support to women who are the primary providers for children at the time they demobilize. More work is needed, both by the Congolese government and by international actors and donors, to ensure that DDR programs are gender sensitive and that they address the needs of women and girls who were formerly associated with armed actors.<sup>148</sup>

Witnesses before the Subcommittee argued convincingly that developing and effectively implementing policies that empower women are crucial components of efforts to address sexual violence in armed conflict.<sup>149</sup> As the Subcommittee noted above, the Government of the DRC has taken positive steps towards elaborating such policies. However, given that discriminatory practices remain deeply entrenched in Congolese society, the effective implementation of gender equality policies requires significant political will.<sup>150</sup> Ms. Stirk, from DFATD, informed the Subcommittee that “unfortunately, the Congolese state's capacity to enforce laws against sexual violence as well as gender inequity is limited.” The Subcommittee was told that, despite the hard work of some DRC ministries, as a whole, the government had failed to prioritize gender equality initiatives. It had also been reluctant, overall, to address the problem of sexual violence as a form of discrimination against women and as an extreme consequence of underlying gender inequality.<sup>151</sup>

The Subcommittee observes that international human rights law requires that the DRC effectively protect women and girls from acts of discrimination, including acts of sexual violence. The DRC must also establish legal protections for women and girls on an equal basis with men and boys and take steps to ensure that men and women enjoy substantive equality.<sup>152</sup> In particular, as a state party to the *Convention on the Elimination*

---

147 SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla); SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Julia Hill); SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly).

148 Ibid. (Kalla); Ibid. (Kelly).

149 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Melanie Coutu); SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour).

150 Ibid. (Arbour).

151 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Denis Tougas); SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla).

152 CEDAW, arts. 2, 3, 5; ICCPR, art. 3, 26; CEDAW Committee, General Recommendation No. 19, para. 9.

of *All Forms of Discrimination Against Women*, the DRC needs to take steps to work towards modifying and eliminating social and cultural patterns of behaviour and discriminatory stereotypes that regard women as subordinate or inferior to men. The UN Committee on the Elimination of All Forms of Discrimination Against Women has observed that such stereotypes and behavioural patterns “may justify gender-based violence as a form of protection or control of women.”<sup>153</sup>

The Subcommittee wishes to take this opportunity to emphasize that women’s rights are human rights. As such, the Subcommittee believes that the Government of the DRC urgently needs to prioritize the implementation of measures designed to combat gender-based discrimination — measures required by its own Constitution. The Subcommittee urges the Government of the DRC to live up to the international commitments that it has made and to ensure the substantive equality and equal protection of men and women, girls and boys in its country.

### **b. A Pressing Need for Security-Sector Reform**

Witnesses stressed the urgent need for reform of the Congolese security forces, particularly the FARDC, so that they are able to effectively protect the DRC’s civilian population against internal and external threats. The Subcommittee notes that under international human rights and humanitarian law and related standards, security forces are expected to be disciplined, professional and accountable.<sup>154</sup>

The Subcommittee was told that a lack of professionalism and cohesion inside the Congolese security forces, notably the FARDC, has hindered them from effectively neutralizing non-state armed groups that operate in the eastern regions of the country. Moreover, it has led to a situation where members of the Congolese army are reported to have committed serious violations of international law themselves, including crimes of sexual violence. Ms. Vaugrante said:

The army is heterogeneous, composed of untrained and completely unscreened soldiers, including some former members of armed groups who have often retained their own chain of command. It commits human rights violations on a virtually daily basis. As a

---

153 General Recommendation No. 19, *ibid.*, para. 11. In paragraph 6 of the same General Recommendation, the CEDAW Committee defines gender-based violence as “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”

154 The four Geneva Conventions of 1949; API and APII; [Code of Conduct for Law Enforcement Officials](#), Adopted by General Assembly resolution 34/169 of 17 December 1979; [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#), Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990; Michael R. Gibson, “[International Human Rights Law and the Administration of Justice through Military Tribunals: Preserving Utility while Precluding Impunity](#)”, *Journal of International Law and International Relations*, vol. 4, 2008. The Code of Conduct and the Basic Principles on the Use of Force set out standards agreed by the UN General Assembly, but are not formally binding under international law.



result, it has neither the support nor the trust of the local population it is supposed to protect.<sup>155</sup>

Witnesses placed particular emphasis on the incomplete and problematic integration of rebel fighters into the national army. Ms. Stirk said that this integration process has led to “a lack of discipline and unity” inside the army which has, in turn, “meant that members of the Congolese armed forces are frequent violators of human rights.”<sup>156</sup> Ms. Vaugrante testified that Amnesty International continued “to receive information describing homicide, rape, kidnapping, forced labour, illegal detention and cruel and inhuman treatment, all attributable to [elements of] the government forces” that were previously part of non-state armed groups.<sup>157</sup> Following their integration into the army, certain rebel forces have continued “to pursue their own objectives”, which do “not include the protection of civilians as a priority”.<sup>158</sup> In Ms. Vaugrante’s view,

The integration of armed groups into the army is a total failure, particularly in North and South Kivu. Those armed groups seek economic control of the region. Each wants its share of the pie, in terms of mining operations, and will do anything to get it. Consequently, this [the violence] will continue as long as the region is not safe and secure and those armed groups can do what they want, whether or not they are part of the army.<sup>159</sup>

The Subcommittee believes that further efforts to improve the command structure of the Congolese army are vital. Reform of the FARDC is an essential step in the fight against sexual violence. Moreover, the maintenance of a democratic society requires a disciplined and professional military that is subordinate to civil authority and constrained by the rule of law. Security-sector reform, particularly the training and reform of the armed forces, should therefore be a priority for the Government of the DRC and the international community.

### **c. A Persistent Failure to Uphold the Rule of Law and Pervasive Impunity**

The weakness of the rule of law in the eastern DRC has further complicated efforts to address the problem of conflict-related sexual violence. Professor Breton-Le Goff, for

---

155 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante). See also: SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Nicole Mwaka).

156 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Jillian Stirk); SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Patricia Malikail). See also: UN Women Evaluation Office, [Evaluation of Gender Mainstreaming in United Nations Peacekeeping Activities \(MONUC/MONUSCO\) in the Democratic Republic of the Congo](#), UN Women, 2012, pp. 17–18.

157 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante). See also: Secretary General of the United Nations, [Sexual Violence in Conflict: Report of the Secretary General](#), General Assembly & Security Council, 14 March 2013, UN Doc. A/67/792-S/2013/149, paras. 7, 40, 49, noting that approximately half of all documented cases of sexual violence between December 2011 and November 2012 were attributed to FARDC elements.

158 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante).

159 Ibid.

example, argued that there is virtually “a national regime of impunity for both civilians and the military hierarchy”.<sup>160</sup>

### (i) Inappropriate Amnesties

The Subcommittee notes that the Congolese legislature adopted laws granting amnesties to former rebels for crimes committed under national law following peace talks in 2002 and 2008.<sup>161</sup> Ms. Mwaka argued that these amnesties, which allowed former rebel leaders to gain positions of power within the Congolese state, have undermined confidence in the DRC government’s commitment to combating impunity or seeking truth and justice for victims and survivors. She said:

Today, we know that rebel forces come and rape women, but we also know that, right after the talks in Sun City [that took place in 2002],<sup>162</sup> forces associated with the rebels joined with the forces in power and set up a government. These are the same rebel forces who committed the crimes in the east of the DRC before coming to the table for peace talks. They have to answer for their crimes, but they now hold the power. How can we get justice from people who hold the power?<sup>163</sup>

Victims and survivors have a right to see their attackers brought to justice.<sup>164</sup> In particular, the Subcommittee recalls UN Security Council Resolution 1820, which explicitly recognizes sexual violence as a tactic of war. This resolution stresses the need for “the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes,” and calls upon member states to comply with their obligations to prosecute those responsible for such crimes, emphasizing “the importance of ending impunity for such acts”.<sup>165</sup> The past practice of effectively extending amnesties under national law to persons who are allegedly responsible for committing international crimes is gravely concerning. In light of this practice, the Subcommittee welcomes the fact that the DRC government and the M23 rebels have agreed that no amnesty should be extended to those who committed international crimes in the context of the recent M23 mutiny.<sup>166</sup> Nevertheless, it considers that a meaningful truth and accountability process for

---

160 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff). See also: SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante).

161 [UN Mapping Exercise Report, 2010](#), para. 969; See also, Committee on the Rights of the Child, [Concluding Observations: Democratic Republic of the Congo](#), 59<sup>th</sup> Session of the Committee on the Rights of the Child, 7 March 2012, UN Doc. CRC/C/OPAC/COD/CO/1, para. 38(d).

162 Peace talks took place in Sun City, South Africa in 2002 between representatives from the DRC government, rebel groups, the political opposition and Congolese local defense militias (i.e., Mayi-Mayi groups) in order to end the war in the DRC. The talks led to the signing of an all-inclusive agreement on 17 December 2002, which opened the path to the establishment of a transitional government and the reunification of the DRC.

163 SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Nicole Mwaka).

164 ICCPR, art. 2(3); UN Human Rights Committee, General Comment No. 31, paras. 15, 18; Basic Principles on the Right to a Remedy, paras. 3, 4.

165 UNSCR [1820 \(2008\)](#).

166 [Declaration of the Government of the Democratic Republic of the Congo at the End of the Kampala Talks](#), Nairobi, 12 December 2013, para. 1.1; [Declaration of Commitments by the Movement of March 23 at the Conclusion of the Kampala Dialogue](#), Nairobi, 12 December 2013, para. 8.2.

past crimes is also necessary to ensure that the human rights of all Congolese people are respected and protected in the future.

Moreover, the alleged perpetrators of international crimes and those responsible for gross human rights violations and abuses must be prevented from working in Congolese state institutions, particularly the army, security sector and justice system. In the Subcommittee's view, the Government of the DRC needs to implement a credible vetting process in order to establish credible transitional justice mechanisms and end impunity.

## (ii) Barriers to Access to Justice

In addition to past amnesties, witnesses indicated that significant deficiencies in all parts of the Congolese criminal justice system contribute to maintaining the overall climate of impunity. These include a lack of capacity and financial and human resources throughout the justice system, nearly insurmountable barriers to access to justice for many victims, as well as a lack of independence and impartiality in the administration of justice.<sup>167</sup> Mr. Tougas informed the Subcommittee that "large areas of Congo have no judges or police services."<sup>168</sup> Even where such services do exist, Professor Breton-Le Goff from the University of Montreal explained that

[A] prosecutor may be in one city and the court in another. In a country where travel and means of communication are difficult, this raises a problem for judicial activity. In addition, neither the police nor the prosecution have the logistical means to travel to investigate on site and to question witnesses.<sup>169</sup>

According to Mr. Tougas, this lack of resources is directly linked to the portion of the DRC's budget dedicated to the justice system. He argued that the DRC has access to considerable resources that could be used to strengthen the justice system, but a lack of political will creates a critical impediment to addressing this resource gap.<sup>170</sup>

The low socio-economic status of many survivors compounds institutional under-resourcing, further diminishing access to justice. Ms. Breton-Le Goff said that some victims cannot even "afford to pay for medical consultations or a doctor's certificate, which will serve as evidence at trial."<sup>171</sup> Mr. Tougas explained that for survivors of sexual violence, who must travel long distances to attend court hearings under difficult conditions, "it can cost somewhere between \$700 and \$800 per case to conduct a trial from start to finish, and that can take a year or a year and a half. Those are exorbitant amounts for people

---

167 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante); SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Denis Tougas); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff). See also: UN Women Evaluation Office, [Evaluation of Gender Mainstreaming in United Nations Peacekeeping Activities \(MONUC/MONUSCO\) in the Democratic Republic of the Congo](#), UN Women, 2012, pp. 19–20.

168 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Denis Tougas).

169 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff).

170 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Denis Tougas).

171 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff).



who live on \$1 a day.”<sup>172</sup> In addition, the Congolese state has typically been unable or unwilling to enforce court decisions and has generally failed to pay the financial compensation to victims that it has been judicially ordered to provide.<sup>173</sup>

Witnesses also informed the Subcommittee that perpetrators often threaten and intimidate complainants and witnesses in sexual violence cases because the DRC lacks any effective mechanism to protect them. Individuals and organizations that advocate on behalf of victims of sexual violence are also at risk.<sup>174</sup> Finally, the Subcommittee was told that the prisons are so poorly run that, of the few perpetrators of sexual violence who have actually been convicted, several have been able to escape.<sup>175</sup>

The Subcommittee notes that international human rights law and standards require that remedies for human rights violations, including access to justice, be accessible in practice and properly enforced.<sup>176</sup> Therefore, witnesses, survivors and those who provide assistance and support to these individuals, as well as human rights defenders who advocate on their behalf, need to be protected.<sup>177</sup> The Subcommittee also observes that the Government of the DRC has committed itself, under the *Protocol on the Rights of Women in Africa*, to providing adequate budgetary and other resources for actions aimed at preventing and eradicating violence against women.<sup>178</sup>

### (iii) Lack of Judicial Independence and Impartiality

Witnesses also informed the Subcommittee that endemic corruption and a lack of judicial independence were key factors contributing to impunity in the DRC. The Subcommittee was told that this problem is particularly acute in the military courts, which take jurisdiction over most cases of conflict-related sexual violence. Interference by the chain of command in military court proceedings was identified as a particular obstacle in the fight against impunity. Mr. Tougas informed the Subcommittee that the lack of judicial independence in military courts can be highly problematic if high-ranking military or

---

172 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Denis Tougas).

173 Written submission of Beatrice Vaugrante, 12 December 2011, p. 7. See also: [UN Mapping Exercise Report](#), 2010, para. 1093.

174 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante).

175 Ibid. See also: Secretary General of the United Nations, [Sexual Violence in Conflict: Report of the Secretary General](#), General Assembly & Security Council, 14 March 2013, UN Doc. A/67/792-S/2013/149, para. 48.

176 ICCPR, art. 2(3)(a); Basic Principles on the Right to a Remedy, paras. 11-14, 17; Human Rights Committee, General Comment No. 31, paras. 15, 17, 18.

177 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante); ICCPR, art. 2(3); [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms \(Declaration on Human Rights Defenders\)](#), adopted by the UN General Assembly in Resolution 53/144 of 8 March 1999, arts. 9, 12; Basic Principles on the Right to a Remedy, paras. 5, 12(b), 19; CEDAW Committee, General Recommendation 19, para. 24(t)(iii). Like the Basic Principles on the Right to a Remedy, the Declaration on Human Rights Defenders contains international standards agreed by the UN General Assembly, but is not legally binding.

178 African Protocol on Women's Rights, arts. 4(2)(i), 8(d).

civilian officials have an interest in ensuring that certain soldiers or civilians are not successfully prosecuted.<sup>179</sup>

In addition, under the Congolese military justice system, “a judge cannot try an individual whose rank is higher than his own.”<sup>180</sup> In the Congolese context, rather than reinforcing command responsibility by ensuring that commanders discharge their duty to prevent and punish unlawful behaviour by subordinates, this rule is distorted so that, in the words of one witness, “people are obviously appointed generals just before a trial, and so it is impossible to try them.”<sup>181</sup> One of the most direct consequences of this situation has been that “individuals who are in a situation of power and who commit sexual assault in the DRC have de facto immunity, and the justice system ultimately prosecutes the ‘small fry’.”<sup>182</sup>

The Subcommittee notes that both international law and the Congolese constitution guarantee the independence and impartiality of the judiciary.<sup>183</sup> In legal proceedings, the *International Covenant on Civil and Political Rights* provides that everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal.<sup>184</sup> Even during situations of armed conflict, international law requires that minimum judicial guarantees be met.<sup>185</sup> The Subcommittee observes that judicial independence and impartiality are necessary to ensure the right to equality before the law, the right to judicial review of the legality of detention, and the fair trial rights of defendants in criminal cases such as the presumption of innocence and the right to make full answer and defence. Furthermore, effective access to competent, independent and impartial justice is necessary to ensure that those whose rights have been violated receive redress.<sup>186</sup>

The Subcommittee considers that dysfunction in the DRC’s justice system contributes significantly to a culture of impunity for perpetrators, violates the human rights of victims and survivors of sexual violence, and undermines the rule of law.

---

179 SDIR, [Evidence](#), Meeting No. 4, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 27 October 2011 (Nicole Mwaka); SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Denis Tougas). Mr. Tougas referred the Subcommittee to the UN Mapping Exercise Report, 2010, for more information, which can be found at para. 946. According to this report, the Congolese Code of Military Justice has been interpreted to give military courts exclusive jurisdiction over international crimes, including crimes of sexual violence.

180 SDIR, [Evidence](#), Meeting 15, 41<sup>st</sup> Parliament, 1<sup>st</sup> Session, 12 December 2011 (Béatrice Vaugrante).

181 Ibid.

182 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff).

183 *Constitution of the Democratic Republic of the Congo*, 2011, arts. 149, 151; Geneva Conventions of 1949, Common Article 3(d); AP II, art. 6(2); ICCPR, art. 14(1); CRC, arts. 37(d), 40(2)(iii), (v); [Basic Principles on the Independence of the Judiciary](#), adopted by the Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders in 1985 and endorsed by General Assembly Resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

184 ICCPR, art. 14(1).

185 Article 3(d) common to the Geneva Conventions of 1949; AP II, art. 6(2); CRC, arts. 37, 40. See also the non-binding expert opinion of the Human Rights Committee, General Comment No. 29, paras. 11, 16.

186 ICCPR, arts. 2(3)(a); Basic Principles on the Right to a Remedy, para. 12; Human Rights Committee, General Comment No. 31, para. 15.

The Subcommittee hopes that the Government of the DRC, at the highest levels, will work to address these deficiencies as a matter of priority. It observes that, given Canada's bilingual and bi-juridical legal traditions and strong military justice system, justice sector reform in the DRC is one area where Canada and Canadians could continue to contribute useful skills and expertise, in coordination with Congolese civil society organizations, other donor countries, relevant and appropriate parts of the government of the DRC, and international organizations.

#### **d. The Need to Prevent Natural Resource Exploitation from Fuelling Conflict and Sexual Violence**

The Subcommittee heard evidence that the existence of significant natural resources in the eastern part of the DRC has been a central factor in prolonging the armed conflict. Local and foreign armed groups, as well as factions of the FARDC, have fought each other in order to gain access to and control over areas rich in natural resources. According to a representative from DFATD, armed groups benefit from the surrounding instability to “illegally control mining areas, tax miners, and traffic in minerals. These revenues are used as a source of funding to gain further control of territory.”<sup>187</sup> Ms. Vaugrante told the Subcommittee that many armed groups are determined to gain, maintain and extend their control over mines, airports and access routes in the eastern part of the DRC because it serves the economic interests of their leaders and others in positions of power and influence. In her view, competition over the control of income from natural resource exploitation is a key driver of the shifting alliances among the various armed groups.<sup>188</sup>

A number of witnesses testified that, in the eastern DRC, the illegal exploitation of and trade in natural resources also contributes to the prevalence of human rights abuses, including sexual violence.<sup>189</sup> Ms. Joanne Lebert, formerly of Progress and Opportunities for Women's Equality Rights (POWER)/Africa–Canada, at the Human Rights Research and Education Centre University of Ottawa, explained the link:

In the Great Lakes region, protracted chaos is anchored in licit and illicit global markets. Local natural resources are highly lucrative. Easy access to these materials relies on fractured communities and the desperation of local residents who, for example, are willing to become diggers to survive—and this includes children. Revenues are, in large part, used to purchase and fuel the market and trade in small arms and light weapons.

---

187 SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Patricia Malikail).

188 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante).

189 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Marie Gervais-Vidricaire); SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström); SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante); SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Denis Tougas). See also: Secretary General of the United Nations, [Sexual Violence in Conflict: Report of the Secretary General](#), General Assembly & Security Council, 14 March 2013, UN Doc. A/67/792-S/2013/149, para. 9.

So in this context, criminality, violence, and the struggle for survival are normalized, rendering women, girls, and children particularly vulnerable.<sup>190</sup>

Ms. Lebert argued, therefore, that the international community has to “stop seeing rape as a natural occurrence in conflict or as naturally characteristic of some societies.” Rather, she said, “rape and extreme gender-based violence emerge out of specific political and economic contexts and serve the interests of those who benefit from protracted instability.”<sup>191</sup> Indeed, witnesses told the Subcommittee that some armed groups and factions of the FARDC see sexual violence as a way to consolidate power and control over a territory. Ms. Vaugrante explained, “It’s a monstrous and radical way for certain individuals to affirm that they are the chief and that all that belongs to them.”<sup>192</sup>

To illustrate the connection between natural resource exploitation and sexual violence, witnesses highlighted a well-documented series of mass rapes that occurred in August 2010.<sup>193</sup> The Subcommittee was told that the rapes occurred after FARDC commanders re-deployed their units to ensure continuing control over natural resources, rather than fulfilling their duty to protect the civilian population from attack by militia fighters.<sup>194</sup> The Subcommittee notes that, since this incident in 2010, UN bodies have continued to report the use of sexual violence by militias as a tactic to gain control of mining areas.<sup>195</sup>

The Subcommittee also noted with interest Ms. Kelly’s submission that women often migrate to artisanal mining towns to seek economic opportunities. Once there, however, many women “face horrific outcomes, and are often marginalized into undertaking sex work instead of fulfilling their right to undertake fair-paying work.” Ms. Kelley argued that artisanal mining activities should be supported in a sustainable way, with the goal of harnessing the economic potential of conflict-affected areas for the benefit of both women and men.<sup>196</sup> The Subcommittee believes that there is a need to target mining towns in conflict-affected areas as part of efforts to push for greater respect

---

190 SDIR, [Evidence](#), Meeting No. 33, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 23 November 2010 (Joanne Lebert).

191 Ibid.

192 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante);

193 See: UNJHRO, [Preliminary report of the fact-finding mission of the United Nations Joint Human Rights Office into mass rapes and other human rights violations by a coalition of armed groups along the Kibua-Mpofi road in Walikale, North Kivu, from 30 July to 2 August 2010](#), MONUSCO & OHCHR, 24 September 2010 [Translation]; Group of Experts on the Democratic Republic of the Congo, [Final report](#), Security Council, 29 November 2010, UN Doc. S/2010/596, paras 144–146.

194 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante); SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Patricia Malikail).

195 See, e.g.: UN Secretary General, [Sexual Violence in Conflict, Report of the Secretary General](#), General Assembly and Security Council, 14 March 2013, UN Doc. A/67/792-S/2013/149, para. 41. Group of Experts on the Democratic Republic of the Congo, “Box 4, FARDC deployment and mass rape in Walikale”, [Final report](#), Security Council, 29 November 2010, UN Doc. S/2010/596, p. 54.

196 SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly).

for women's human rights, including the right to gain a living under just and favourable conditions.<sup>197</sup>

The Subcommittee was told that it appears that armed groups focus principally on the exploitation of artisanal mining, as opposed to large-scale mining operations conducted by global firms.<sup>198</sup> As Ms. Wallström observed, however, it is important for the global mining industry to be able to trace the origins of conflict minerals in order to ensure that they are not sourced from mines controlled by the FARDC or other armed groups.<sup>199</sup>

Conflict minerals are one of many interrelated factors that contribute to the DRC's continued state of fragility. In this context, finding workable solutions that prioritize respect for human rights and ensure human security will not be easy. The Subcommittee stresses, however, that preventing armed actors from appropriating the natural resource wealth that should benefit the Congolese people needs to be a key part of any solution. Indeed, the failure of the Government of the DRC to govern the extraction of its vast natural resources and manage responsibly the wealth they generate has prevented the country from accessing significant revenues. This fact is particularly significant in light of the paucity of resources in the justice sector, which plays a significant role in perpetuating impunity for crimes of sexual violence. If the DRC is serious about combating sexual violence in conflict, improving its human rights record and ensuring peace and stability in the country, it cannot continue to allow its natural resources to be appropriated by those intent on terrorizing the civilian population in order to increase their personal wealth and power.

---

197 ICESCR, arts. 2(1), 3, 6, 7; CEDAW, art. 11(1).

198 SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Denis Tougas).

199 Ibid. (Tougas); SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström).



## CHAPTER 3: COMBATting SEXUAL VIOLENCE IN TIMES OF CONFLICT AND CRISIS

---

### A. International responses

Witnesses emphasized that the short- and long-term effects of conflict-related sexual violence are so profound, destabilizing and debilitating for individuals and communities that the phenomenon is now a key issue on the agenda of the UN Security Council.<sup>200</sup>

The Security Council first recognized that sexual violence has implications for international peace and security in Resolution 1325, passed in 2000, and subsequently in six follow-up resolutions.<sup>201</sup> Elissa Goldberg, formerly the Director General of the Stabilization and Reconstruction Task Force Secretariat at DFATD, explained to the Subcommittee that the Security Council's resolutions on women, peace and security

[...] ask us to consider the fact that women, girls, men and boys each experience war differently. ... [They] commit member states and the UN system to strengthen efforts to prevent violence, including sexual violence; advocate for the active and meaningful participation and representation of women and local women's groups in peace and security activity; promote and protect the security and rights of women and girls; and work to ensure women's equal access to humanitarian and development assistance, as well as justice.<sup>202</sup>

Resolution 1325 serves as the foundation of the UN's efforts to combat conflict-related sexual violence and also frames the policy responses of many UN member states.<sup>203</sup> Resolution 1820 of 2008, discussed above, stressed that sexual violence used to target civilians as a tactic of war or as a crime against humanity can significantly exacerbate armed conflict and potentially impede the restoration of international peace and security.<sup>204</sup>

Nevertheless, Ms. Goldberg told the Subcommittee that the full implementation of the UN Security Council Resolutions on Women, Peace and Security remained a work in progress internationally.<sup>205</sup> The Security Council has attempted to address this implementation gap by taking a stronger and more action-oriented approach to combatting

---

200 Ibid. (Wallström); SDIR, [Evidence](#), Meeting No. 33, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 23 November 2010 (Joanne Lebert); SDIR, [Evidence](#), Meeting No. 87, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 11 June 2013 (Jocelyn Kelly).

201 See: UNSCRs [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#), [1889 \(2009\)](#), [1960 \(2010\)](#), [2106 \(2013\)](#) and [2122 \(2013\)](#).

202 SDIR, [Evidence](#), Meeting No. 36, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 2 December 2010 (Elissa Goldberg).

203 Ibid. (Goldberg); SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour).

204 Ibid. (Goldberg); UNSCR [1820 \(2008\)](#), para. 1.

205 Ibid. (Goldberg).



sexual violence as time has progressed. For example, in its Resolution 1960 of 2011, the Security Council set out specific steps to prevent sexual violence and created institutional mechanisms within the UN to combat the phenomenon. In her appearance before the Subcommittee, Ms. Wallström emphasized the importance of the new listing mechanism created under this resolution, used for the first time in January 2012. The mechanism permits the UN Secretary-General to “name and shame” individuals, non-state armed groups and state armed forces that have committed crimes of conflict-related sexual violence, thereby enhancing accountability.<sup>206</sup>

In keeping with the trend toward more specific and concrete resolutions, the Security Council stressed, in 2013, the importance of national-level efforts to combat sexual violence, including through law reform, investigations and prosecutions. It emphasized the need for increased capacity to address and redress sexual violence in the context of UN peace missions and peace negotiations and set out specific measures to be taken in this regard. Finally, the Security Council requested relevant UN personnel and agencies to monitor and report on the implementation of previous resolutions in the context of UN conflict resolution, peacekeeping, protection and peace-building activities.<sup>207</sup>

Several witnesses highlighted the important role that the ICC can play in fighting impunity for crimes of sexual violence.<sup>208</sup> Nevertheless, Kristin Kalla, of the Trust Fund for Victims (TFV) at the ICC, expressed the view that “international criminal law is not victim oriented.”<sup>209</sup> She explained that, even though the needs and rights of victims have begun to attract more attention under international human rights and humanitarian law, the remedies available to them at international tribunals have so far been “inadequate and inconsistent.” To begin to address this problem, the treaty creating the ICC also created the TFV to administer reparations awards to victims, which are ordered by judges following ICC trials. The TFV also has a mandate to provide other forms of general assistance to populations affected by crimes with which the court is dealing, such as physical and psychosocial rehabilitation. A significant part of the TFV’s work to date has been directed at assisting survivors of sexual violence and their families.<sup>210</sup>

The common thread weaving through the evidence heard by the Subcommittee is the need to recognize women as active agents of change — and not simply as victims or bystanders — in situations of conflict and crisis. Women play many roles in conflicts: they may be rebel fighters and supporters, community leaders, members of civil society, human rights defenders or peace-builders; they need to be empowered to contribute to all aspects of peace processes. Witnesses argued that the international community should work to

---

206 SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström).

207 See UNSCR [2106 \(2013\)](#) and [2122 \(2013\)](#).

208 SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström); SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour); SDIR, [Evidence](#), Meeting No. 51, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 22 March 2011 (Rachel Gouin); SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla).

209 Ibid. (Kalla).

210 Ibid. (Kalla).



ensure that women affected by conflict have both the opportunity to identify their own priorities for change and the power to enforce their rights.<sup>211</sup> The Subcommittee believes that Canada is well placed to press international organizations and others to place a greater emphasis on women's empowerment in the context of diplomacy and programming aimed at combatting sexual violence in times of conflict and crisis.

## **B. Canada's role**

Canada has demonstrated a sustained commitment to international efforts aimed at addressing conflict and crisis-related sexual violence. The Subcommittee notes that John Baird, Minister of Foreign Affairs, has emphasized that “[s]exual violence is not only a grave human rights violation but a huge barrier to peace, security and development.” The Subcommittee welcomes the fact that Canada has made it a priority to advocate for women's rights around the world and for women's active participation in all aspects of society on an equal basis with men, which includes ending all forms of violence against women and girls.<sup>212</sup> The Subcommittee believes that the promotion and protection of women's human rights are integral to the development of peaceful and stable societies that respect the rule of law.

---

211 SDIR, [Evidence](#), Meeting No. 44, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 10 February 2011 (Louise Arbour); SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Mélanie Coutu); SDIR, [Evidence](#), Meeting No. 51, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 22 March 2011 (Rachel Gouin). See also the non-legally binding expert opinion of the Committee on the Elimination of All Forms of Discrimination Against Women, [General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations](#), 2013, UN Doc. CEDAW/C/GC/30, para. 6.

212 DFATD, [“Address by Minister Baird at Montreal Council on Foreign Relations Luncheon”](#), 14 September 2012.

## 1. Continue to be a Leader in International and Bilateral Diplomacy

The Government of Canada has a strong track record of speaking out on the international stage to condemn gender-based violence and to defend the human rights of women and girls.<sup>213</sup> The Subcommittee encourages the Government of Canada to continue this valuable work and to use all of the tools at its disposal to urge foreign governments and multilateral institutions to meet their international obligations in this regard. The Subcommittee notes with approval that, in April 2013, Canada, along with other Group of Eight (G8) nations, adopted a *Declaration on Preventing Sexual Violence in Conflict*, which emphasized the need to ensure continued focus on the issue of sexual violence.<sup>214</sup> Canada's commitments in this Declaration are being followed up with a \$5 million contribution in 2013 to help prevent conflict-related sexual violence and respond to the needs of victims.<sup>215</sup>

At the United Nations in New York City, Canada chairs the group of "Friends of Women, Peace and Security", which is a coalition of like-minded states and NGOs that work to promote the implementation of Resolution 1325. Canada also chairs the Group of Friends of Children and Armed Conflict, which aims to improve international efforts to protect conflict-affected children.<sup>216</sup> Using the Beijing Declaration and Platform for Action<sup>217</sup> and Resolution 1325 as key points of reference, Canada continues to work to ensure that peacekeeping, peacebuilding and humanitarian efforts within different UN and

---

213 For examples of recent Canadian statements and action on violence against women and girls as an international human rights issue, see:

- UN General Assembly, *Child, early and forced marriage*, 18 December 2013, UN Doc. A/Res/68/148 (Canada introduced and was a co-sponsor of this draft resolution, [UN Doc. A/C.3/68/L.29](#)).
- UN Human Rights Council, *Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps*, 2013, UN Doc. A/HRC/Res/24/23 (Canada was a co-sponsor of the draft resolution: [UN Doc. A/HRC/24/L.34/Rev.1](#));
- UN Human Rights Council Resolution on *Accelerating efforts to eliminate all forms of violence against women: preventing and responding to rape and other forms of sexual violence*, 25 June 2013, UN Doc. A/HRC/Res/23/25 (Canada submitted the resolution);
- *Statement by Susan Truppe, M.P., Canada's Parliamentary Secretary for Status of Women*, United Nations Commission on the Status of Women 57<sup>th</sup> Session, New York, 6 March 2013;
- DFATD, "[Canada Working to End Violence Against Women](#)," Press Release, 8 March 2013;
- UN Human Rights Council (UNHRC) Resolution, *Accelerating efforts to eliminate all forms of violence against women: ensuring due diligence in prevention*, 2010, UN Doc. A/HRC/Res/14/12 (Canada was the principal sponsor of the draft resolution, UN Doc. [A/HRC/14/L.9/Rev.1](#));
- UN General Assembly (UNGA) Resolution, *Intensification of efforts to eliminate all forms of violence against women*, 2012, UN Doc. A/Res/67/144 (Canada was a co-sponsor of the draft resolution: UNGA, *Advancement of Women, Report of the Third Committee*, 7 December 2012, UN Doc. A/67/450, para. 8).

See also: DFATD, "[Elimination of Violence against Women](#)" and "[Equality Between Women and Men](#)".

214 G8, *Declaration on Preventing Sexual Violence in Conflict*, London, 11 April 2013.

215 DFATD, "[Standing up for Victims of Sexual Violence in Conflict Areas](#)".

216 DFATD, "[Children and Armed Conflict](#)".

217 Fourth World Conference on Women, *Platform for Action*, Beijing, China, September 1995.

international bodies, organizations and agencies are gender-sensitive. For example, Canadian-funded programs have attempted, with some success, to encourage the participation of women in African peacekeeping operations.<sup>218</sup> In addition, Canada has deployed female police officers as part of its contribution to UN peacekeeping efforts in the eastern DRC.<sup>219</sup> Canada has also been a consistent supporter of UN Women, the UN agency responsible for the promotion of gender equality and the empowerment of women.<sup>220</sup>

These diplomatic efforts have not gone unnoticed. As Ms. Wallström told the Subcommittee,

I have felt the support and the backing of Canada in everything I do. Also in the Security Council setting and around New York and through my political contacts, I must say that I have felt the support of Canada and your government. That has been very important.<sup>221</sup>

The Subcommittee believes that Canada could also play a useful role in pushing to improve the gender sensitivity of international humanitarian responses, including in the areas of camp design for refugees and internally displaced persons, as well as improving training and strengthening accountability mechanisms for international peace-keepers and humanitarian workers. The Subcommittee also believes that Canada is well placed to push UN agencies to take greater account of the knowledge and experience of women affected by conflict or crisis-related sexual violence in order to improve the success of international interventions and empower women to protect themselves.

## **2. Continue to Take Real Action in Conflict-Affected Countries like the DRC**

In October 2012, Prime Minister Harper attended the Summit of La Francophonie in Kinshasa, the capital of the DRC, where he voiced Canada's concerns regarding the prevalence of human rights violations, the increasingly poor security situation in the east of the country and the need to improve respect for democracy. In the DRC, Canada works with Canadian, international and local organizations to strengthen the capacity of the Government of the DRC to prevent and punish sexual violence and to provide support to victims of this type of violence. Canada does not provide financial support directly to the government, but rather implements its programming in the DRC in partnership with international organizations, such as the World Bank and the United Nations Population Fund, and with Canadian non-governmental organizations.

---

218 SDIR, [Evidence](#), Meeting No. 37, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 7 December 2010 (Peter Miller).

219 SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Marie Gervais-Vidricaire).

220 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Jillian Stirk); SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Marie Gervais-Vidricaire); DFATD, "[Project profile for United Nations Entity for Gender Equality and the Empowerment of Women – Institutional Support 2013](#)", DFATD Project Browser; DFATD, "[Women, Peace and Security](#)"; DFATD, "[Children and Armed Conflict](#)".

221 SDIR, [Evidence](#), Meeting No. 52, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 24 March 2011 (Margot Wallström).

Canada also maintains an arms embargo on the DRC and targeted sanctions (including asset freezes and travel bans) against designated individuals, in accordance with the sanctions regime imposed by the UN Security Council.<sup>222</sup> Canada's targeted sanctions apply to individuals designated by a UN Sanctions Committee on the basis of their alleged responsibility for serious violations of international law involving the targeting of children or women for sexual violence in situations of armed conflict.<sup>223</sup>

In 2011–2012, Canada provided \$14.2 million in humanitarian assistance to the DRC, in addition to tens of millions more in development assistance.<sup>224</sup> The Government of Canada has committed \$18.5 million over 5 years to support the “Fight against Impunity and Support to Survivors of Sexual Violence” program run by the United Nations Development Program in the DRC, building on a previous commitment of \$18 million to combat sexual violence between 2006 and 2013. Canadian activities include programmes aimed at the prevention of sexual and gender-based violence against children, support and training for the Congolese police, support for the judiciary and correctional institutions in the eastern DRC, as well as support for criminal prosecutions of cases of sexual violence.<sup>225</sup>

Ms. Hill, from DFATD, explained that Canada supported the proceedings of the South Kivu military court, resulting in the trial and conviction of 11 army officers accused of crimes of sexual violence. Ms. Vaugrante commended “the good practices” linked to this intervention and underlined that the financial support had helped some women see their attackers face justice.<sup>226</sup> The Subcommittee observes that Canada's support for these prosecutions is one way to push the DRC to comply with the full range of its obligations under international law, including its duty to prosecute international crimes of sexual violence in national courts.

The Subcommittee was pleased to learn that Canada actively supports a number of initiatives aimed at tackling the problematic link between conflict minerals and sexual violence in the DRC. Canada has provided support to the International Conference on the Great Lakes Region, which is implementing regional mineral certification mechanisms, and the Organization for Economic Cooperation and Development's [OECD Due Diligence](#)

---

222 Canada, [United Nations Democratic Republic of the Congo Regulations](#), SOR/2004-22; UN Security Council Resolutions [1533 \(2004\)](#), [1596 \(2005\)](#), [1807 \(2008\)](#) and [2078 \(2012\)](#).

223 Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, “[List of Individuals and Entities Subject to the Measures Imposed by Paragraph 13 and 15 of Security Council Resolution 1596 \(2005\), as Renewed by Paragraph 3 of Resolution 2078 \(2012\)](#)”, last updated 12 April 2013.

224 DFATD, [Statistical Report on International Assistance 2011-2012](#), [Table B2](#), [Table D2](#), and [Table D3](#).

225 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Julia Hill); SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Marie Gervais-Vidricaire); DFATD, “[Canada-Democratic Republic of the Congo Relations](#)”; DFATD, “[Project profile for Fight against Impunity and Support to Survivors of Sexual Violence](#)”, DFATD Project Browser; DFATD, “[Project profile for Fight Against Sexual Violence](#)”, DFATD Project Browser.

226 Ibid. (Hill); SDIR, [Evidence](#), Meeting No. 15, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 12 December 2011 (Béatrice Vaugrante).

[Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas](#). In addition, Canada has funded initiatives aimed at increasing national control and taxation of resource extraction, including the registration of artisanal miners and the building of supervised trading centres.<sup>227</sup> The Subcommittee observes that there also may be a useful role for Canada and Canadians to play in providing capacity-building assistance to improve women's access to economic opportunities in artisanal mining towns, as well as improve respect for their human rights in these areas.

Witnesses from DFATD stressed that Canada works closely to coordinate its programs in the DRC with other donor countries and UN agencies in order to ensure that Canadian resources will be deployed effectively.<sup>228</sup> Ms. Kalla, from the ICC's Trust Fund for Victims also noted, however, that there is "oftentimes a disconnect between what's happening at a policy level internationally and globally and actual assistance and support reaching grassroots women in the most rural parts of Congo."<sup>229</sup> She recommended that donors consider ways in which they can improve the inclusion of grass-roots organizations in international coordination efforts. Other witnesses who appeared before the Subcommittee pointed out that UN agencies are sometimes unable to work effectively with the grass-roots organizations that are best placed to understand local needs and to identify priorities for intervention. For various reasons, including resource and capacity constraints, small, local organizations often cannot meet the strict accountability criteria of international organizations. The Subcommittee was told that, as a result, a number of local Congolese women's groups felt marginalized by UN and international NGO programming. Some of this programming has, in the past, been supported by Canada.<sup>230</sup>

The Subcommittee was therefore pleased to learn that Canada has provided support directly to "women's collective groups involved in combatting violence against women and girls in Burundi, the DRC, and Rwanda."<sup>231</sup> In addition, Mr. Tougas described Canadian efforts aimed at "the strengthening of local medical clinics and the creation of mobile clinics — a Canadian invention" as "very successful."<sup>232</sup>

In the Subcommittee's view, Canada should continue to support the fight against sexual violence at all levels — internationally, through national institutions in conflict-affected states, and through support to and coordination with grass-roots organizations and local human rights defenders. The Subcommittee is also of the view that UN-led programming in the DRC could benefit from improved communication and coordination with local organizations. It notes that Canada can lead by example in this respect.

---

227 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Jillian Stirk).

228 SDIR, [Evidence](#), Meeting No. 25, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 1 March 2012 (Marie Gervais-Vidricaire).

229 SDIR, [Evidence](#), Meeting No. 39, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 17 May 2012 (Kristin Kalla).

230 SDIR, [Evidence](#), Meeting No. 32, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 18 November 2010 (Gaëlle Breton-Le Goff).; [Evidence](#), Meeting No. 33, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 23 November 2010 (Joanne Lebert); SDIR, [Evidence](#), Meeting No. 37, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 7 December 2010 (Denis Tougas).

231 SDIR, [Evidence](#), Meeting No. 3, 1<sup>st</sup> Session, 41<sup>st</sup> Parliament, 25 October 2011 (Jillian Stirk).

232 SDIR, [Evidence](#), Meeting No. 37, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 7 December 2010 (Denis Tougas).

### 3. Effectively Implement the National Action Plan on Women, Peace and Security and Report Regularly on Objectives Achieved

Canada's commitment to the fight against sexual violence is reflected in its "National Action Plan for the implementation of the UN Security Council resolutions on Women, Peace and Security" (National Action Plan), which was published in 2010.<sup>233</sup> The Subcommittee was told that the development of the action plan involved a "fairly extensive" consultative process<sup>234</sup> in which "the views of civil society were welcomed by government."<sup>235</sup>

The National Action Plan aims to guide the government's implementation of UN Security Council resolutions on women, peace and security. The National Action Plan is intended to influence all activities of Canadian departments and agencies that are related to women, peace and security.<sup>236</sup> The action plan has four pillars:

- prevention of armed conflict and of violence including sexual violence, in peace operations, fragile states and conflict-affected areas;
- participation and representation of local women and women's groups in activities related to building peace and security, including peace processes;
- protection of the human rights of women and girls;
- relief and recovery, including ensuring that women have equal access to and receive equal benefit from humanitarian and development assistance.<sup>237</sup>

The Subcommittee is pleased to note that, on 31 January 2014 and 7 March 2014, progress reports on the implementation of the Action Plan were tabled in Parliament.<sup>238</sup> The Subcommittee looks forward to learning the results of the Action Plan's 2014 mid-term review.

---

233 DFATD, "[Canada's Action Plan for the implementation of United Nations Security Council Resolutions on Women, Peace and Security](#)".

234 SDIR, [Evidence](#), Meeting No. 36, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 2 December 2010 (Elissa Goldberg).

235 SDIR, [Evidence](#), Meeting No. 33, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 23 November 2010 (Kristine St-Pierre).

236 SDIR, [Evidence](#), Meeting No. 36, 3<sup>rd</sup> Session, 40<sup>th</sup> Parliament, 2 December 2010 (Elissa Goldberg).

237 DFATD, "[Building Peace and Security for All: Canada's Action Plan for the Implementation of United Nations Security Council Resolutions on Women, Peace and Security](#)".

238 House of Commons, Journals No. 39, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 31 January 2014, [Canada's Action Plan for the Implementation of United Nations Security Council Resolutions on Women, Peace and Security](#), Sessional Paper No. 8525-412-14; House of Commons, Journals No. 59, 2<sup>nd</sup> Session, 41<sup>st</sup> Parliament, 7 March 2014, [Canada's Action Plan for the Implementation of United Nations Security Council Resolutions on Women, Peace and Security – 2012-2013 Progress Report](#), Sessional Paper No. 8525-412-17.

## CHAPTER 4: RECOMMENDATIONS

---

Sexual violence is not just one of many scourges of war. It ruins lives, destroys livelihoods destabilizes communities, and can threaten the restoration of peace and security. The Subcommittee is convinced that non-state armed groups and some national armed forces employ sexual violence deliberately to target, terrorize and displace populations in order to gain military or other advantage. In other situations of crisis, sexual violence is used as a tool of repression and control by state security forces and non-state actors. The Subcommittee, therefore, believes that it is important for the Government of Canada to further enhance Canada's leadership role in the global fight against sexual violence in situations of conflict and crisis.

Based on the evidence it heard, the Subcommittee puts forward the following recommendations to the Government of Canada:

### **RECOMMENDATION 1**

**That the Government of Canada continue to make the promotion and protection of women's human rights a foreign policy priority, and that it work to strengthen women's participation in securing, maintaining and consolidating international peace and security.**

### **RECOMMENDATION 2**

**That the Government of Canada continue to take a leadership role in international efforts to foster the effective implementation of the United Nations Security Council Resolutions on Women, Peace and Security in the context of United Nations operations and in United Nations member states.**

### **RECOMMENDATION 3**

**That the Government of Canada continue to speak out clearly and strongly, on a consistent basis, in support of survivors of sexual violence and against their stigmatization and marginalization in society.**

### **RECOMMENDATION 4**

**That the Government of Canada continue its important efforts to combat forced and early marriage around the world, and that, in connection with this work, Canada consider ways to generate international action to improve the situation of conflict-affected girls forced into marriage or sexual slavery by armed groups.**



## **RECOMMENDATION 5**

**That the Government of Canada continue to express its expectation to the Government of the Democratic Republic of the Congo that the latter take concrete action to halt the systematic use of sexual violence as a weapon of war. In particular, Canada should press the Congolese government to make progress in the following areas:**

- **reducing gender inequality by ensuring the full and equal participation of women in all aspects of society, including in peace and security-building activities and in economic activities;**
- **strengthening the justice system to hold perpetrators of sexual violence to account and to remove barriers to access to justice;**
- **improving disarmament, demobilization and reintegration programs to ensure they address and respond to the needs of women and girls formerly associated with armed groups;**
- **continuing work to reform the security sector, while ensuring that the Congolese armed forces act in compliance with international humanitarian law and cooperate fully with United Nations forces in the eastern Democratic Republic of the Congo; and,**
- **bringing natural resource extraction under the transparent and accountable regulation of the Government of the Democratic Republic of the Congo in a manner that respects the United Nations *Guiding Principles on Business and Human Rights* and which ensures that the Congolese people are the primary beneficiaries of the country's vast resource wealth.**

## **RECOMMENDATION 6**

**That the Government of Canada convey to the parties to the armed conflict in the eastern Democratic Republic of the Congo, through appropriate channels, the important role that survivors of sexual violence play in ensuring long-term security and justice; and that the Government of Canada continue to call for all parties to the conflict to ensure the active and equal participation of women in the resolution of the conflict.**



#### **RECOMMENDATION 7**

**That the Government of Canada encourage the Government of the Democratic Republic of the Congo to undertake a review of national law with a view to repealing or abolishing any legislation, regulation or other law that continues to discriminate against women or girls.**

#### **RECOMMENDATION 8**

**That, in its international assistance programming in the Democratic Republic of the Congo, the Government of Canada consider continuing to support initiatives aimed at providing medical and other forms of assistance to survivors of sexual violence; that the apportionment of Canadian assistance be reviewed with a view to considering the possibility of funding smaller, grass-roots programs – potentially in partnership with larger non-governmental organizations; and that the Government of Canada also consider continuing its support for security and justice sector reform initiatives, prosecutions of alleged perpetrators of sexual violence, and extractive resources governance and tracing regimes.**

#### **RECOMMENDATION 9**

**That, in its international assistance programming in the Democratic Republic of the Congo, the Government of Canada consider the possibility of supporting initiatives that provide training in fundraising, governance and accounting techniques to local non-governmental organizations in order to properly equip them to effectively lead local advocacy efforts.**

#### **RECOMMENDATION 10**

**That, in its international assistance programming, the Government of Canada consider ways to work with United Nations agencies and like-minded donor countries to strengthen partnerships with local organizations involved in addressing the problem of sexual violence in the Democratic Republic of the Congo and in other situations of conflict and crisis.**

#### **RECOMMENDATION 11**

**That the Government of Canada continue to take appropriate steps to protect and support those who work with survivors of sexual violence in particular, and human rights defenders more generally, in the Democratic Republic of the Congo and in other situations of conflict and crisis.**

## **RECOMMENDATION 12**

**That the Government of Canada continue working to ensure that Canada's National Action Plan on Women, Peace and Security is implemented in all relevant policies and programming; that, in order to provide timely and robust public progress reports, the Government of Canada continue to make efforts to address challenges associated with collecting data and reporting across government departments, which undertake their activities under diverse mandates, policies and processes; and that the Government of Canada consult with civil society organizations during evaluations and reviews of the National Action Plan.**

## APPENDIX A LIST OF WITNESSES

<b>41st Parliament – 1st Session</b>		
<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<p><b>Canadian International Development Agency</b></p> <p>Julia Hill, Acting Senior Vice President Geographic Programs Branch</p> <p>Jean-Bernard Parenteau, Director Central Africa and Great Lakes</p> <p><b>Department of Foreign Affairs and International Trade</b></p> <p>Marie Gervais-Vidricaire, Director General Stabilization and Reconstruction Task Force</p> <p>James Junke, Acting Director General International Organizations, Human Rights and Democracy Bureau</p> <p>Jillian Stirk, Assistant Deputy Minister Europe, Eurasia and Africa</p>	2011/10/25	3
<p><b>Congo Yetu Initiative</b></p> <p>Charmian Devi, Member Public Relations</p> <p>Desire Kilolwa, President and Founder Human Rights Division</p> <p>Nicole Mwaka, Member</p>	2011/10/27	4
<p><b>Amnesty International</b></p> <p>Béatrice Vaugrante, Executive Director Canada Francophone Section</p> <p><b>Entraide missionnaire</b></p> <p>Denis Tougas, Coordinator Table de concertation sur la région des Grands Lacs africains</p>	2011/12/12	15
<p><b>Canadian International Development Agency</b></p> <p>Julia Hill, Acting Senior Vice President Geographic Programs Branch</p> <p>Christopher MacLennan, Director General Thematic and Sectoral Policy, Strategic Policy and Performance</p> <p><b>Department of Foreign Affairs and International Trade</b></p> <p>Marie Gervais-Vidricaire, Director General Stabilization and Reconstruction Task Force</p> <p>Patricia Malikail, Director General Africa Bureau</p>	2012/03/01	25

---

**41st Parliament – 1st Session**

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>International Criminal Court</b> Kristin Kalla, Senior Programme Officer Trust Fund for Victims	2012/05/17	39
<b>As an individual</b> Jocelyn Kelly, Director Women in War Program, Harvard Humanitarian Initiative	2013/06/11	87

## APPENDIX B LIST OF WITNESSES

<b>40th Parliament – 3rd Session</b>		
<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<p><b>Raoul-Dandurand Chair of Strategic and Diplomatic Studies</b></p> <p>Mélanie Coutu, Research Fellow Center for Peace Missions and Humanitarian Studies</p> <p><b>Université du Québec à Montréal</b></p> <p>Gaëlle Breton-Le Goff, Associated Professor Department of Law</p>	2010/11/18	32
<p><b>Pearson Peacekeeping Centre</b></p> <p>Kristine St-Pierre, Research Analyst</p> <p><b>University of Ottawa</b></p> <p>Joanne Lebert, Coordinator, Progress and Opportunities for Women's Equality Rights (POWER)/Africa-Canada, Human Rights Research and Education Centre</p>	2010/11/23	33
<p><b>As an individual</b></p> <p>Jürgen Creutzmann, Member of the European Parliament</p> <p><b>Department of Foreign Affairs and International Trade</b></p> <p>Donald Bobiash, Director General Africa Bureau</p> <p>Elissa Golberg, Director General Stabilization and Reconstruction Task Force Secretariat</p> <p>James Junke, Director Human Rights Policy, Human Rights and Governance Policy Division</p> <p>Ken Macartney, Director General South, Southeast Asia and Oceania</p> <p>Adrian Norfolk, Director Policy and Advocacy Division, Afghanistan Task Force</p> <p>Neil Reeder, Director General Latin America and Caribbean Bureau</p>	2010/12/02	36
<p><b>Entraide missionnaire</b></p> <p>Denis Tougas, Coordinator, Table de concentration sur la région des Grands Lacs africains</p> <p><b>Pearson Peacekeeping Centre</b></p> <p>Peter Miller, Vice-President Programs</p> <p>Sophie Toupin, Project Officer</p>	2010/12/07	37

---

**40th Parliament – 3rd Session**

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>International Crisis Group</b> Louise Arbour, President and Chief Executive Officer	2011/02/10	44
<b>Inter Pares</b> Rachel Gouin, Africa Program Manager	2011/03/22	51
<b>United Nations</b> Margot Wallström, Special Representative of the Secretary-General on Sexual Violence in Conflict	2011/03/24	52

## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the Government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* of the Committee ([Meeting No. 24](#)) is tabled and a copy of the relevant *Minutes of Proceedings* of the Subcommittee on International Human Rights (from the 41st Parliament, 2nd Session: [Meetings Nos. 16-17](#), from the 41st Parliament, 1st Session: [Meetings Nos. 3, 4, 15, 25, 39, 87](#) and from the 40th Parliament, 3rd Session: [Meetings Nos. 32, 33, 36, 37, 44, 51, 52](#)) is tabled.

Respectfully submitted,

Dean Allison

Chair

