

THE FIGHT FOR EQUALITY IN EAST AFRICA 2018

An analysis of sexual gender-based violence
in Central African Republic, Democratic Republic of
Congo, and Uganda



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This policy brief was created by Akina Mama wa Afrika in order to highlight the atrocities of gender based sexual violence in central-east Africa.

The report should be revised in a manner that allows for systemic growth in this area.

Executive Summary

This policy brief will contain a summarized analysis on how effective the implementation of the Kampala Declaration on SGBV, the Goma Declaration on eradicating Sexual Violence and Ending Impunity in the Great Lakes, and UN Resolution 1325 have been in Central African Republic, Democratic Republic of Congo, and Uganda. These three policy frameworks are key for completely eradicating sexual gender-based violence and should be the basis for the continued fight for gender equity in Sub-Saharan Africa.



INTRODUCTION

Sexual gender-based violence has been detrimentally affecting women and girls both physically and mentally for centuries. As an important asset to societies in both rural and urban communities, women and girls should be given the full potential to succeed. With sexual violence at such high rates, this potential is hindered due to the consequences imposed upon women and girls that are subject to SGBV. Central African Republic, Democratic Republic of Congo, and Uganda have all implemented different aspects and recommendations from the Kampala Declaration, Goma Declaration, and UN Resolution 1325 and their effectiveness of doing so will be analyzed in this report briefing. These three policy frameworks aim at advancing the goals of equality, development, and peace for women and girls.

Kampala Declaration: Adopted by the Heads of State and Governments of the Member States of the International Conference on the Great Lakes Region on the 15th and 16th of December, 2011, the declaration is articulated around three pillars of implementation: prevention of sexual gender-based violence, ending impunity, and providing support to victims/survivors.

Goma Declaration: A formal statement created between the 16th and 18th of June, 2008 that was made by the different government ministries and departments of the Member States of the International Conference on the Great Lakes Region along with civil society organizations, religious and traditional leaders, international non-governmental organizations, development partners, and United Nations agencies in order to eradicate sexual violence and impunity in the Great Lakes Region.

UN Resolution 1325: A resolution that was adopted by the Security Council on the 31st of October, 2000 to reaffirm the important role of women in the prevention and resolution of conflicts and in peace-building and their equal participation and full involvement in all efforts for maintenance and promotion of peace and security. The resolution is articulated around four pillars of implementation: prevention of relapse into conflict and all forms of physical and structural violence, participation of women and girls in decision making processes, protection of women and girls, and relief and recovery.

This policy brief overlooks the legal frameworks, policy frameworks, institutional frameworks (specifically ministries, police force, judiciary, medical, and media), support given to sexual violence survivors, and female participation in decision making in order to see how effective it has been.

OBJECTIVES & METHODS AND APPROACH

OBJECTIVES

This report has objectives in three main areas:

- a) Assessing the progress made by the three countries in the implementing the the Kampala Declaration, the Goma Declaration, and the UN Resolution 1325 in Central African Republic, Democratic Republic of Congo, and Uganda.
- b) Identify the existing gaps and opportunity for accelerated growth of the commitments laid out in the declarations
- c) Highlight key policy recommendations for the implementation of the Goma Declaration, the Kampala Declaration, and UN Resolution 1325.

METHODS & APPRAOCH

The overall approach to the evaluation was qualitative and participatory. A case study research design was adopted. This allowed an extensive exploration of each country in regard to implementing the recommendations from each declaration or resolution. Data was collected through legislative document review and personal interviews. As a result the study team was able to assess the progress made in implementation, and also identify the existing gaps and opportunities for accelerated growth of the commitments laid out in the declarations and resolutions.

KEY FINDINGS

Central African Republic

Legal Framework

CAR has made important progress in developing and establishing legal framework. Many laws that have been implemented address SGBV instances such as rape, sexual slavery, enforced prostitution, forced pregnancy, and forced sterilization. These are all considered crimes against humanity and are punishable. Genital mutilation is also criminalized. These forms of SGBV cannot be subject to the statute of limitations as well as amnesties or pardons.

Policy Framework

CAR has created policy framework with principles of action aimed at responding to SGBV within the country. This includes, but is not limited to, the National Policy for the Advancement of Women, National Policy for the Promotion of Equality and Equity, and the National Policy on Reproductive Health.

Institutional Framework

Ministries: CAR has in place a ministry responsible for developing the legal and institutional framework on women's participation in development, their representation at all levels, and mainstreaming of policies and programs. There are different directorates within the ministry with a prime responsibility for women affairs.

Police Force: There have been efforts aimed towards strengthening the responses to SGBV cases by the police force in CAR. The UN has assisted in this heavily in order to train a unit of police members in handling instances of SGBV that are reported. This unit is well trained in International Humanitarian Law, Human Rights Law, and prevention of conflict-related sexual

violence. They are also responsible for ensuring safe spaces for interviewing of survivors.

Judiciary: The government and other development actors are working towards reviving the judicial system. They created a novel, hybrid domestic and international court embedded within the national justice system. It is supposed to investigate and bring to court serious human rights violations. Judicial officers have been recipients of different specialized trainings related to SGBV cases.

Medical Care: SGBV services in CAR are free. Health facilities in the capital are able to provide essential services including, but not limited to, HIV counselling and testing, presumptive testing & treatment of STIs, and emergency contraception.

Media: Only 15 radio stations operate in CAR. There is a local association called Journalists for Human Rights where members have been trained on how to cover SGBV. They produce daily news distributed by email and social media.

Support to Survivors

Free investigations service, medical and psychosocial service, and legal assistance services are available for SGBV survivors through the government and CSO's.

Female Participation in Decision Making

After President Catherine Samba Panza led the transitional government, CAR has had a quota of 3 women out of 9 members of the Constitutional Court and 4 women out of 9 members of the High Council for Communication. Within this transitional government, 35% of members were women as well.

KEY FINDINGS

Democratic Republic of Congo

Legal Framework

DRC has made important progress in establishing a strong legal framework for the prevention and response to SGBV. Crimes against humanity, including forms of SGBV, do not fall under the statute of limitations. Sexual violence against children, including child marriage, are criminalized and more legal protections against victims have been put in place.

Policy Framework

The government has continued to strengthen the policy framework on SGBV in the DRC. Numerous policies have been put in place including, but not limited to, the National Gender Policy, National Reproductive Health Policy, and the National Strategy on the Fight Against Gender Based Violence.

Institutional Framework

Ministry: DRC has a ministry in charge of developing the legal & institutional framework on women's participation, their representation, and mainstreaming policies and programs. There is also an Office of the Personal Representative in Charge of the Fight against Sexual Violence and Child Recruitment which guides the actions of government on SGBV and child recruitment in armed forces.

Police Force: There are efforts aimed towards strengthening of the capacity of police officers to effectively handle SGBV cases. Government with support from other partners established a Special Police Unit for the protection of women and children that specializes in SGBV cases. Police officials

have gone through different specialized trainings on SGBV provided by the ICGLR.

Judiciary: The government in partnership with other actors is working towards strengthening the judicial system. They established mobile courts in order to decentralize judicial services. Full access to legal services for SGBV cases are available in urban areas.

Medical Care: DRC is strengthening their medical services for SGBV victims. Medical care for victims for free. There have been efforts to build the capacity of medical officers on SGBV. The Gender Based Violence Initiative supported a protocol for the medical management of SGBV survivors and the Kinshasa School of Public Health to develop a curriculum on it.

Media: DRC has women's media organizations Association des Femmes de Medias du Sud Kivu and Union Congolese des Femmes de Medias that report on sexual and gender based violence. It is also reporting on the work of local associations to prevent sexual violence.

Support to Survivors

The Ministry of Gender, Family, and Children has a fund for the empowerment and protection of Women and Children that provides survivors with funds to start up income generating activities. The fund also caters for legal fees for their cases.

Female Participation in Decision Making

The Women's Platform for Peace, Security, & Cooperation Framework is operational within DRC. The Women's Platform gives grants to women to implement local activities on peace, livelihoods, and rights. Women have also been involved in conflict resolution processes.

KEY FINDINGS

Uganda

Legal Framework

Uganda has made good progress in establishing a legal framework on prevention/response to SGBV. Bail is refused if certain SGBV crimes are committed including rape. Domestic violence and female genital mutilation are criminalized. Defilement of someone underage requires sentencing and payment of compensation to victims is given. Uganda has no statutory limitations for sexual violence.

Policy Framework

Uganda has continued to strengthen its policy framework on SGBV. It has policies addressing this that include, but are not limited to, the Second National Development Plan, The National Gender Policy, and The National Action Plan on Women.

Institutional Framework

Ministry: The Ministry of Gender, Labour, and Social Development carries out policy development, service planning, coordination, and oversight of SGBV interventions. It has been able to develop numerous policies and action plans to support gender-related programming. It has also developed standard operating procedures and guidelines for effective response to SGBV.

Police Force: There are efforts towards strengthening investigation of SGBV crimes. There is a Child and Family Protection Unit that investigates all cases of abuse of children and women's rights, raise awareness on the rights them, and counsel victims of abuse. Members of the unit are obliged to take a compulsory induction course on SGBV and child abuse. Members of the police force have also gone through specialized training on SGBV.

Judiciary: The government has decentralized judicial services. It has Local Council Courts at every level which provide supportive counselling to victims, record cases, and orders: caution and apology to victim, community service, compensation, reconciliation, declaration, restitution, and make a referral to police and court. SGBV victims can receive free legal services.

Medical Care: SGBV services can be accessed at different public health system levels. Clinical officers are expected to record evidence of SGBV cases using a police form.

Media: Women in media formed a Uganda Media Women's Association to ensure that women make informed decisions by having access to the right information on rights. They also own a radio station called MAMA FM that amplifies women's voices.

Support to Survivors

The government introduced Uganda Women Entrepreneurship Program whose target is SGBV survivors. Uganda has SGBV shelters who are largely run by CSO's and provide survivors with medical, legal, and psychosocial support. The ICC Trust Fund for Victims is operational within Uganda. The Parliament of Uganda adopted a resolution to establish a reparation fund and issued a report that provided recommendations on how to best provide reparation to victims.

Female Participation in Decision Making

The government/CSO's have put strategies in place that support women's peace initiatives. A Women's Situation Room for conflict mitigation engaged women/youths to play roles in preventing electoral violence. CSO's also provided a platform for Burundi women from the diaspora and those living there to develop a strategy for a movement that would contribute to the peace process.

CONCLUSIONS

Although Central African Republic, Democratic Republic of Congo, and Uganda have all put in a significant effort in implementing the Kampala Declaration, Goma Declaration, and UN Resolution 1325, there is still major improvements to be made. All three states have many gaps in the implementation and enforcement of their policies on the prevention and response to SGBV.

In CAR, for example, there is only a definition of rape under the penal code when listing crimes against humanity. There are also contradictory instructions on abortion in separate Articles on reproductive health and the penal code. Another issue that is present in CAR is the government's continuation in developing and updating policy rather than funding and enforcing the one's already in place. This allows for limited implementation of the primary policies that are necessary in the fight and prevention against SGBV. That being said, the required resources to have these policies and programs running effectively are not present therefore making them difficult to enact.

In DRC, similar efforts have been made in order to eliminate SGBV, however, there are still gaps present in implementation. An example of this is SGBV survivors in the country only being able to receive recovery services and treatment if in an urban areas. In other areas these are inaccessible, insufficient, or absent. Because of this, rural communities may turn to other solutions including marriage to the perpetrator. Another issue is to do with gaps in the police force. There is no screening mechanism for officers who have had past human rights abuses including SGBV therefore allowing them to be candidates for top level positions.

Uganda has also made significant steps towards eliminating SGBV, however, gaps still exist as well. This includes the penal code and domestic violence act not defining domestic violence. These two laws also do not criminalize marital rape. The police force also has major corruption issues in Uganda as it is cited that officers are well-known for mismanaging crime scenes. Money will also be asked in exchange for distorting evidence.

Policy Recommendations

CENTRAL AFRICAN REPUBLIC

WHO

WHAT

THE CAR GOVERNMENT

- ENTER DEFINITIONS OF THE DIFFERENT CRIMES AGAINST HUMANITY LISTED WITHIN THE PENAL CODE INTO NATIONAL LEGAL ORDER.
- HARMONIZE CONTRADICTORY PROVISIONS ON ABORTION FOLLOWING RAPE OR INCEST WITHIN THE LAW ON REPRODUCTIVE HEALTH AND THE PENAL CODE.
- REVIEW EXISTING LEGAL FRAMEWORK TO ENSURE THAT SGBV CRIMES THAT ARE NOT CLASSIFIED AS GENOCIDE, CRIMES AGAINST HUMANITY, OR WAR CRIMES DO NOT FALL UNDER ANY STATUTORY LIMITATIONS.
- PRIORITIZE POPULARIZATION OF LAWS, REVISIONS OF LAWS, AND THEIR HARMONIZATION OVER CREATION OF NEW LAWS.
- PRIORITIZE FUNDING OF EXISTING IMPLEMENTATION FRAMEWORKS ON SGBV OVER FORMULATION OF FRAMEWORKS.

ICGLR SECRETARIAT

- SUPPORT THE GOVERNMENT OF CAR TO DEVELOP GUIDELINES ON ENGAGEMENT OF WOMEN AND ON ADVANCEMENT OF A WOMEN'S AGENDA DURING NATIONAL DECISION MAKING PROCESSES NAMELY: CONFLICT RESOLUTION, NATIONAL DIALOGUES, TRANSITIONAL GOVERNANCE
- SUPPORT THE GOVERNMENT OF CAR TO DEVELOP A FRAMEWORK FOR ENSURING GENDER RESPONSIVE BUDGETING
- SUPPORT THE GOVERNMENT OF CAR TO DEVELOP A FRAMEWORK FOR THE IMPLEMENTATION OF A GENDER-SENSITIVE TRANSITIONAL JUSTICE MEASURES THAT RECOGNIZE WOMEN'S EXPERIENCES IN CONFLICT AND THEIR JUSTICE AND ACCOUNTABILITY NEEDS
- SUPPORT THE GOVERNMENT OF CAR TO DEVELOP A NATIONAL MEDIA STRATEGY FOR SUSTAINABLE USE OF ELECTRONIC AND PRINT MEDIA AND COMMUNITY BASED MEANS OF EXPOSING THE ATROCITIES OF SGBV

ICGLR CIVIL SOCIETY FORUM MEMBERS

- STRENGTHEN ITS AWARENESS RAISING EFFORTS ON SGBV SO AS TO ERADICATE NEGATIVE CULTURAL ATTITUDES AND PRACTICES THAT STOP SGBV VICTIMS/SURVIVORS FROM SEEKING SGBV SERVICES.
- STRENGTHEN EXISTING EFFORTS DIRECTED TOWARDS BUILDING THE CAPACITY OF WOMEN TO EFFECTIVELY ENGAGE IN POLITICS & TAKE UP LEADERSHIP POSITIONS.

Policy Recommendations

DEMOCRATIC REPUBLIC OF CONGO

WHO	WHAT
THE DRC GOVERNMENT	<ul style="list-style-type: none">• ENTER PROVISIONS ON INTIMIDATION AND THREATENING OF WITNESSES AND VICTIMS IN THE NATIONAL LEGAL ORDER.• REVISE PROVISIONS ON THE LAW ON SEXUAL VIOLENCE THAT DENY WITNESSES LEGAL COUNSEL.• REVISE THE FOLLOWING PROVISIONS WITHIN THE CRIMINAL PROCEDURE CODE; ONE THAT PROVIDES THAT A VICTIM THAT BECOMES A CIVIL PARTY TO THE PROCEEDINGS MUST INCUR THE RISK OF HAVING TO PAY COSTS, COURT FEES FOR BOTH PARTIES IF THE ACCUSED IS NOT CONVICTED; THE OTHER ONE THAT PROVIDES THAT A VICTIM THAT BRINGS A CASE DIRECTLY TO COURT (IF NOT DECLARED INDIGENT) MUST PAY APPROXIMATELY USD 39 FOR THE CASE TO BE HEARD.• REVISE ARTICLE 24 OF THE CRIMINAL CODE THAT INTRODUCES STATUTORY LIMITATIONS ON SGBV CRIMES.• ENACT A LAW ON PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS• PRIORITIZE IMPLEMENTATION OF LAWS AND PRINCIPLE ACTIONS WITHIN POLICIES OVER CREATION OF NEW LAWS.• THROUGH THE MINISTRY OF GENDER, FAMILY, & CHILDREN HARMONIZE THE DIFFERENT DATA COLLECTION TOOLS ON SGBV.• THROUGH THE MINISTRY OF JUSTICE SHOULD SIMPLIFY PROCEDURES FOR AWARDED COMPENSATION TO SGBV SURVIVORS.
ICGLR SECRETARIAT	<ul style="list-style-type: none">• SUPPORT THE GOVERNMENT OF DRC TO DEVELOP A NATIONAL STRATEGY ON MOBILE COURTS THAT SHALL ENSURE SUSTAINABILITY OF THE COURTS.• SUPPORT THE GOVERNMENT OF DRC TO DEVELOP GUIDELINES ON ENGAGEMENT OF WOMEN AND ON ADVANCEMENT OF A WOMEN'S AGENDA DURING NATIONAL DECISION MAKING PROCESSES NAMELY; CONFLICT RESOLUTION, NATIONAL DIALOGUES, TRANSITIONAL GOVERNANCE.• SUPPORT THE GOVERNMENT OF DRC TO DEVELOP A FRAMEWORK FOR ENSURING GENDER RESPONSIVE BUDGETING.• SUPPORT THE GOVERNMENT OF DRC TO DEVELOP A FRAMEWORK FOR THE IMPLEMENTATION OF A GENDER-SENSITIVE TRANSITIONAL JUSTICE MEASURES THAT RECOGNIZE WOMEN'S EXPERIENCES IN CONFLICT AND THEIR JUSTICE AND ACCOUNTABILITY NEEDS.• SUPPORT THE GOVERNMENT OF DRC TO DEVELOP A NATIONAL MEDIA STRATEGY FOR SUSTAINABLE USE OF ELECTRONIC AND PRINT MEDIA AND COMMUNITY BASED MEANS OF EXPOSING THE ATROCITIES OF SGBV
ICGLR CIVIL SOCIETY FORUM MEMBERS	<ul style="list-style-type: none">• STRENGTHEN ITS AWARENESS RAISING EFFORTS ON SGBV SO AS TO ERADICATE NEGATIVE CULTURAL ATTITUDES AND PRACTICES THAT STOP SGBV VICTIMS/SURVIVORS FROM SEEKING SGBV SERVICES.• STRENGTHEN EXISTING EFFORTS DIRECTED TOWARDS BUILDING THE CAPACITY OF WOMEN TO EFFECTIVELY ENGAGE IN POLITICS & TAKE UP LEADERSHIP POSITIONS.

Policy Recommendations

UGANDA

WHO

WHAT

THE UGANDAN GOVERNMENT

- ENTER THE DEFINITION OF SEXUAL VIOLENCE WITHIN THE NATIONAL LEGAL ORDER.
- ENACT A LAW ON WITNESS PROTECTION.
- UPDATE PROVISIONS IN DOMESTIC VIOLENCE ACT THAT PRESCRIBE POTENTIAL VICTIMS OF DOMESTIC VIOLENCE TO INCLUDE PERSONS THAT ARE COHABITING.
- UPDATE PROVISIONS WITHIN THE LAND ACT TO RECOGNIZE CO-OWNERSHIP OF LAND BETWEEN SPOUSES.
- UPDATE PROVISIONS WITHIN THE EMPLOYMENT ACT TO RECOGNIZE PHYSICAL, SEXUAL, AND VERBAL ABUSE BY CO-WORKERS.
- PRIORITIZE IMPLEMENTATION OF LAWS AND PRINCIPLE ACTIONS WITHIN POLICIES OVER CREATION OF NEW LAWS.
- PRIORITIZE TRANSLATION OF LAWS, POLICIES, GUIDELINES ON SGBV INTO LOCAL LANGUAGES OVER CREATION OF NEW LAWS, POLICIES, GUIDELINES ON SGBV.
- SPEED UP ESSENTIAL LAW REFORM PROCESSES PARTICULARLY LAWS ON SEXUAL OFFENCES AND LEGISLATION THAT WILL GUIDE THE INSTITUTION OF MARRIAGE.

ICGLR SECRETARIAT

- SUPPORT THE GOVERNMENT OF UGANDA TO DEVELOP A NATIONAL MEDIA STRATEGY FOR SUSTAINABLE USE OF ELECTRONIC AND PRINT MEDIA AND COMMUNITY BASED MEANS OF EXPOSING THE ATROCITIES OF SGBV

ICGLR CIVIL SOCIETY FORUM MEMBERS

- STRENGTHEN ITS AWARENESS RAISING EFFORTS ON SGBV SO AS TO ERADICATE NEGATIVE CULTURAL ATTITUDES AND PRACTICES THAT STOP SGBV VICTIMS/SURVIVORS FROM SEEKING SGBV SERVICES.
- STRENGTHEN EXISTING EFFORTS DIRECTED TOWARDS BUILDING THE CAPACITY OF WOMEN TO EFFECTIVELY ENGAGE IN DECISION MAKING PROCESSES.
- SUPPORT GOVERNMENT EFFORTS DIRECTED TOWARDS THE ESTABLISHMENT OF SPECIALIZED PROCESSES FOR SGBV IN THE NATIONAL JUDICIAL SYSTEM.
- SUPPORT THE UGANDA PRISONS SERVICE PROGRAM FOR BEHAVIOURAL CHANGE AND REHABILITATION OF IMPRISONED PERPETRATORS OF SEXUAL VIOLENCE.
- EXPAND EFFORTS BY CENTRE FOR WOMEN IN GOVERNANCE (CEWIGO) AIMED AT TRANSLATING NATIONAL PLANS INTO LOCALIZED PLANS AT DISTRICT LEVEL.
- SUPPORT EFFORTS AIMED AT SHIFTING THE ROLE OF THE MEDIA IN SGBV PROGRAMMING FROM THAT THAT GIVES COVERAGE ON SGBV ISSUES TO A SECTOR THAT ACTS AS A MONITORING TOOL ON COMMITMENTS MADE BY GOVERNMENT, A SOCIAL MOBILIZATION TOOL TO AWAKEN THE COMMUNITIES ON THE SEVERITY OF SGBV.
- PARTNER WITH THE CIVIL SERVICE COLLEGE TO DEVELOP A TRAINING PROGRAM ON GENDER EQUITY RESPONSIVE FINANCING FOR PUBLIC SERVANTS.