

Policy & Practice Brief

Knowledge for durable peace

ISSUE
017
August
2012

Preventing and Punishing Sexual Violence: The Work of the International Conference of the Great Lakes Region

By Angela Ndinga-Muvumba

Efforts to build lasting peace at regional level involve multiple strata of actors, institutions and processes. Regional organisations that are in search of shared peace and security must take cognisance of the various layers of political and social history of many sovereign states. These bodies must accommodate different economies, legal systems and security capacities, cultures and conflicting interests. Challenges such as these are particularly acute for new regional institutions, especially when they ambitiously set out to solve newly-defined problems. Sexual and gender-based violence (SGBV) is an example of this new terrain.

UN Photo/Christopher Herwig



Women participating in the '16 days of Activism' campaign to strengthen the rights of women and stop gender-based violence.

Introduction

The International Conference of the Great Lakes Region (ICGLR) seeks to coordinate the efforts of a regional security community while simultaneously addressing the difficult and deep-rooted problems of sexual and gender-based violence in its 11 member states. The ICGLR's 2011 Kampala Declaration on SGBV puts forward the right decisions, but with too many unrealistic timeframes. If the ICGLR tries to implement all 19 decisions from the summit simultaneously, it runs the risk of trying to implement too much, in too short a timeframe.

This Policy & Practice Brief makes the case that the ICGLR and its member states should focus on strengthening justice mechanisms at the national and local levels. Increased and enhanced national and local competencies to investigate, police, prosecute and punish perpetrators of SGBV can support other changes. Such efforts must be aligned with a second overall ambition of reducing stigma and assisting survivors. Justice and ending stigma are vital to future prevention and punishment efforts. It is impossible to visualise a world where SGBV could be stopped if these two elements were missing. This brief underscores that changes will have to start at a disaggregated level, and that the ICGLR must intensely focus on strengthening

This Policy & Practice Brief forms part of ACCORD's knowledge production work to inform peacemaking, peacekeeping and peacebuilding.

The ICGLR's Definition of Sexual and Gender-Based Violence

Article 5 of the ICGLR's November 2006 Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children defines sexual violence as "any act which violates the sexual autonomy and bodily integrity of women and children under international criminal law, including, but not limited to:

- a. Rape.
- b. Sexual assault.
- c. Grievous bodily harm.
- d. Assault or mutilation of female reproductive organs.
- e. Sexual slavery.
- f. Enforced prostitution.
- g. Forced pregnancy.
- h. Enforced sterilisation.
- i. Harmful practices, inclusive of all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and children, such as their right to life, health, dignity, education and physical integrity, as defined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.
- j. Sexual exploitation or the coercion of women and children to perform domestic chores or to provide sexual comfort.
- k. Trafficking in, and smuggling of, women and children for sexual slavery or exploitation.
- l. Enslavement by the exercise of any or all of the powers attaching to the right of ownership over women and includes the exercise of such power in the course of trafficking in women and children.
- m. Forced abortions or forced pregnancies of women and girl children arising from the unlawful confinement of a woman or girl child forcibly made pregnant, with the intent of affecting the composition of the identity any population or carrying out other grave violations of international law, and as a syndrome of physical, social, and psychological humiliation, pain and suffering and subjugation of women and girls.
- n. Infection of women and children with sexually transmitted diseases, including HIV/AIDS.
- o. Any other act or form of sexual violence of comparable gravity".¹

The ICGLR also notes that "sexual violence also includes gender-based 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, as defined by the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, in General Recommendation 19".² The 2011 Kampala Declaration recognises men as victims of sexual and gender-based violence.³

the independent competencies of member states so that they can gain interdependent capabilities. The challenge of SGBV presents an opportunity to develop regional values that could turn the Great Lakes region into a realm without rape and other forms of sexual violence.

Three areas would produce observable outcomes for member states while preventing and punishing sexual and gender-based violence:

1. Equipping the ICGLR's national coordination mechanisms and national coordinators to work effectively and efficiently on the SGBV mandate.
2. Focusing on the justice sector as the key driver of change in SGBV prevention and punishment.
3. Reducing stigma and empowering current and future survivors to speak out and seek justice.

SGBV and challenges for a new regional security community

Karl Deutsch's 1968 presentation of regional organisations is still relevant today. His study of political integration drew conclusions on "four main tasks of integration: 1) maintaining peace; 2) attaining greater multipurpose capabilities; 3) accomplishing some specific task; and 4) gaining a new self-image and role identity".⁴ The problem of SGBV in the Great Lakes region offers an important test. Solving this problem is certainly different from addressing a 'hard' security threat, but it is a task which merits serious attention for its human security value and as an important opportunity for the region to acquire a new self-image.

A very young regional actor, the ICGLR emerged in the late 1990s out of the great war in the Democratic Republic of the Congo (DRC). The war involved or affected most of the states in the Great Lakes region. The DRC continues to grapple with major deficits in its capacity to maintain security within its borders and protect civilians from armed violence. The conference, originally established to forge a common security platform for the region, has developed into a formal institutional structure, with meetings held at the heads of state and government level every two years; a forum for regional ministers who take executive decisions; national coordinators and national-level coordination mechanisms; and an executive secretariat headquartered in Burundi. These elements are meant to support the effective implementation of the decisions from the ICGLR summit, but most importantly to follow-up and advance the 2006 ICGLR Pact on Security, Stability and Development in the Great Lakes Region.

The International Conference of the Great Lakes Region (ICGLR)

The ICGLR is an inter-governmental organisation working in Africa's Great Lakes region. Its 11 member states are Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of the Congo, Kenya, Uganda, Rwanda, Sudan, Tanzania and Zambia.

The organisation evolved out of chronic armed violence which engulfed the region from 1994 with the Rwandan genocide; included civil war in the DRC and continues as low-intensity conflict in some of the region's countries. These conflicts have affected the region's states through massive population movements of refugees and internally displaced persons (IDPs), humanitarian crises, organised banditry, armed rebellion and deaths of hundreds of thousands of civilians. In 2000, the United Nations (UN) Security Council called for an international conference on peace, security, democracy and development in the region. A secretariat for the conference was established in Nairobi by the UN and the African Union (AU).

The conference was formalised by its members in the 2004 Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region. In 2006, these same governments adopted the Pact on Security, Stability and Development in the Great Lakes Region, which was ratified by all its members (except for Angola, as of this writing) and came into force in June 2008. The Pact includes 10 protocols and four programmes of action with 33 priority projects.

Source: Adapted from ICGLR, 2010. Background, ICGLR Website [Internet], 25 November. Available from: <<https://icglr.org/spip.php?article1>> [Accessed 11 June 2012].

In December 2011, at its fourth ordinary summit held in Kampala, Uganda, the ICGLR held a special session on sexual and gender-based violence.

The special session on sexual and gender-based violence resulted in the adoption of the Declaration of the Heads of State and Government of the Member States of the International Conference on the Great Lakes Region at the Fourth Ordinary Summit and Special Session on Sexual and Gender Based Violence (SGBV) (Kampala Declaration of the ICGLR on SGBV). The declaration affirms the ICGLR's pre-existing political commitments made under the Pact on Security, Stability and Development in the Great Lakes Region (2006) and the Protocol on Prevention and Suppression of Sexual Violence Against Women and Children (2006).

The Kampala Declaration establishes time-bound operative clauses dealing with prevention, ending impunity and establishing support for survivors of SGBV. In total there are 19 decisions. Six cover prevention of SGBV, three address ending impunity, three focus on providing assistance to survivors and seven decisions deal with "general issues".⁵

Out of these, the ICGLR Executive Secretariat has decided to focus on eight decisions that outline clear deadlines and which involve implementation at regional level, where the "ICGLR Secretariat has control".⁶ The decisions call for significant and wide-ranging judicial and legislative changes, advocacy and awareness, and institution-building:

1. Decision 3: Increasing financial and technical support to the judicial and technical sector (in 12 months)
2. Decision 4: Establishing national structures (in 12 months)
3. Decision 6: Establishing gender desks in the next financial year (one month)
4. Decision 7: Zero tolerance campaign (in 12 months)
5. Decision 8: Establishing special courts, special procedures and special sessions (in 12 months)
6. Decision 11: Recovery centre "for free medical, psychological, forensic, judicial/prosecution services" (in two years)
7. Decision 14: Budgeting for a training facility (in four months)
8. Decision 17: Unemployment and youth: a policy brief (by the next summit)

These decisions do in fact involve national actors and will take considerable resources to implement in these short, or even longer, timeframes. Realistically, coordination between the regional and national level as well as re-adjusting these timeframes will be integral to the successful implementation of these decisions. Moreover, the secretariat in Bujumbura will have to implement other Kampala decisions at the same time.

Launching a major advocacy campaign, drafting new or revised legislation, domesticating that legislation, appointing gender officers, establishing a recovery centre or centres, building and equipping a training facility and other activities are long-term projects, rather than short-term outputs. They require meaningful investment from countries in the Great Lakes, including sustainable financial resources, awareness-raising and advocacy within each country, and significant and unified political will and support.

Objectives which do not seem feasible can frustrate the most well-meaning bureaucrats, and with frustration, the ICGLR will face hazardous increases in the risks of non-implementation. Finally, if these decisions are not implemented, the region will lose valuable opportunities: no implementation means no shared common values, mutual responsiveness and perceived joint rewards. Thus implementing the ICGLR's SGBV framework is not just a matter of solving the problem but is also a means to the creation and maintenance of a stronger Great Lakes security community.

Table 1: Important ICGLR Protocols and Declarations

Date	Document
November 2004	Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region
December 2006	ICGLR Pact on Security, Stability and Development in the Great Lakes Region
December 2006	ICGLR Protocol on Judicial Cooperation
November 2006	ICGLR Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region
November 2006	ICGLR Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children
November 2006	ICGLR Protocol for the Prevention and Punishment of Genocide, War Crimes and Crimes Against Humanity and All Forms of Discrimination
December 2006	ICGLR Protocol on Democracy and Good Governance
November 2006	ICGLR Protocol on the Protection and Assistance to Internally Displaced Persons
June 2008	Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region
December 2011	Kampala Declaration of the Fourth Ordinary Summit and Special Session on Sexual and Gender Based Violence (SGBV)

The Great Lakes framework for SGBV can be interpreted as an opportunity or a challenge to upgrade the region from one where SGBV is chronic and unmitigated to one that provides equal security for all of its citizens. It is hoped that the governments of the region, because of their own limits and constraints within the international system, would prefer to see their capacity to punish and prevent sexual and gender-based violence increased, rather than stymied. If so, finding a sustainable and realistic way to achieve the provisions of the Kampala Declaration is crucial to advancing ICGLR member states' independent competencies and interdependent capabilities.

Sexual and gender-based violence variation, values and attitudes

Sexual and gender-based violence is varied – as diverse in terms of victim, perpetrator, timing and location as any other form of violence. Commentary on sexual violence has often been confined to definitions encompassing domestic violence or war-time rape. Sexual violence is perpetrated by state security officers in prisons and detention centres, by family members against children, is inflicted on servants, forms part of recruitment strategies in armed conflicts and is used to harass on the street, in the fields, in offices or classrooms.⁷ This variation makes this form of violence difficult to prevent and

punish because entire societies must be mobilised. The ICGLR and other international actors address sexual violence as it is defined by the International Criminal Court (ICC) as rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilisation.⁸ Conflict-related sexual violence is sexual violence which takes place in the context of, or is associated with, armed conflict. In war and peace gender-based and sexual violence have had “significant and long lasting negative consequences for girl’s and women’s physical, sexual and mental health, as well as negative implications for economic development and social progress in member countries and across the Great Lakes region”.⁹

Objectives which do not seem feasible can frustrate the most well-meaning bureaucrats; and with frustration, the ICGLR will face hazardous increases in the risks of non-implementation.

Given this variation, and the resource constraints of the ICGLR, what should the regional institution do to achieve the provisions of the Kampala Declaration? How can it prioritise its course of action? First, a central worry is time. Notwithstanding future activities and initiatives, the current timeframes are

too brief, and a longer-term workplan should be authorised by the governments of the region. Secondly, out of the eight decisions chosen by the Executive Secretariat, five deal directly and in an inter-related manner with justice and with ending stigma, highlighting the importance of national competencies in investigating, policing, prosecuting and punishing SGBV, as well as in providing citizens with a stigma-free and enabling environment to sue for justice.

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Legal, security, judicial and punitive practices are critical to stopping sexual and gender-based violence. In many Great Lakes contexts, these practices are under-developed. As part of a project to understand former combatants' attitudes to sexual violence and impunity, focus group discussions were held in Burundi in 2011.¹⁰ A total of 26 individuals (eight female and 18 male) participated in the focus groups. The groups met in the capital city, Bujumbura. Meetings were arranged through purposive snow-ball sampling techniques. Fieldwork included interviews with individuals and representatives of civil society organisations in Bujumbura. While the project is still in progress, early results indicate that the quality of justice for survivors of sexual violence was the most pressing concern for citizens of this post-conflict state. Although the government's recent legal reforms were widely known, these former fighters were convinced that perpetrators of SGBV could remain free. Furthermore, despite the positive response to new and increased efforts by the Burundian state and civil society to combat SGBV, corruption within the security sector and judiciary was identified by participants as the reason for continued impunity:

If a perpetrator is caught, they bring him to jail, but if he has money, corruption helps in his release. It is the rapist who corrupts judges and police; you keep yourself waiting and can be infected with disease resulting from sexual violence and the hospital fees are not paid. The perpetrator is released and your process is over without indemnity. It happens a lot. It happens so much that you have to plan how to deal with it.¹¹

Overwhelmingly, the problem of justice recurred as a concern during the discussions. In interviews with representatives of civil society organisations it was found that survivors do not have access to medical care, that forensic facilities are almost non-existent, and that the country's justice system is perceived as embryonic when it comes to prosecuting cases of SGBV.¹² Indeed, the ICGLR's own background documents

confirm that this is a problem throughout the Great Lakes region, citing weak legal and policy frameworks as secondary causes of SGBV and norms that justify violence against women, weak community sanctions and high levels of crime as primary causes of the phenomenon.

Recommendations

Based on the above, the case can be made that three areas could be prioritised to produce observable outcomes for member states while preventing and punishing sexual and gender-based violence:

- 1. Equipping the ICGLR's national coordination mechanisms and national coordinators to work effectively and efficiently on the SGBV mandate.** The national level is important in many ways: as the intersection between local needs and regional expectations and as the route to widespread national legislation, support to civil society and national ownership. But actors at the national level need human and financial resources – in all eleven member states. Without them, the regional project would flounder at the 'top'.
- 2. Focusing on the justice sector as the key driver of change in SGBV prevention and punishment.** Reforms within this sector are not limited to conflict-affected states. The justice sector includes traditional leaders, national judiciaries, police officers, lawyers, forensic service providers, and survivor advocacy groups. These actors must become accountable to survivors and their communities and pursue perpetrators consistently and systematically. In order for that to happen, member states must have new officers and cadets, zero tolerance for corruption, technical expertise and equipment, and knowledge of and appreciation for the rights of survivors.
- 3. Reducing stigma and empowering current and future survivors to speak out and seek justice.** The ICGLR and others often recount the negative social and psychological toll on survivors, but this is usually understated – in most regions survivors are ignored, caricatured, silenced or punished. If it is unusual to report an act of SGBV, or if there is shame or forced marriage to face as a consequence of disclosure then the rate of reporting will remain consistently low. The advocacy campaign outlined in the Kampala Declaration should focus on utilising radio, television, newspapers, mobile phones and social media that reach as many people as possible, with the aim of eradicating stigma.

A focus on building the justice delivery capacity of ICGLR member states, while simultaneously empowering citizens, will go a long way towards preventing and punishing sexual and gender-based violence in the Great Lakes region.

Endnotes

- 1 As reproduced in Oosthuizen, Gabriël. 2011. Using the Great Lakes Conference to Combat Sexual and Gender Based Violence: A Primer. The International Refugee Rights Initiative, pp. 20.
- 2 Ibid, pp. 20.
- 3 International Conference on the Great Lakes Region (ICGLR). 2011. Declaration of the Heads of State and Government of the Member States of the International Conference on the Great Lakes Region at The Fourth Ordinary Summit and Special Session on Sexual and Gender Based Violence (SGBV), 15-16 December, Kampala, Uganda. For example operating paragraph 7.
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- 5 Deutsch, Karl W. 1968. *The Analysis of International Relations*. Englewood Cliffs: Prentice Hall. p. 192.
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- 8 Wood, Elizabeth Jean. 2009. Armed Groups and Sexual Violence: When Is Wartime Rape Rare? *Politics and Society*, 37 (1), March, pp. 131-162. and Wood, Elizabeth Jean. 2006. Variations in Sexual Violence during War, *Politics and Society*, 34 (3), September, pp. 307-341.
- 9 Rome Statute of the International Criminal Court, art. 7(1)(g), July 17, 1998, 2187 U.N.T.S. 3.
- 10 ICGLR. 2011. *Towards Eradicating Sexual and Gender Based Violence in the Great Lakes Region*, ICGLR Magazine, 15 and 16 December 2011. See also Hansen, Lene and Olsson, Louise. 2004. Special Issue on Gender and Security: Guest Editors' Introduction, *Security Dialogue*, 35 (4) pp. 405-409 and Hudson, Valerie M., Caprioli, Mary, Ballif-Spanvill, Bonnie., McDermott, Rose. and Emmett, Chad, F. 2008/09. The Heart of the Matter: The Security of Women and the Security of States, *International Security*, 33 (3) Winter, pp. 7- 45.
- 11 Ndinga-Muvumba, Angela. 2012. Explaining Impunity: Burundi's Rebels and Conflict-Related Sexual Violence, Preliminary Introduction to a Pilot Focus Group Study. Unpublished Paper.
- 12 Ibid, p. 11 (Focus Group G4, Participant P4).

The Author Angela Ndinga-Muvumba is a Senior Research Fellow at the African Centre for the Constructive Resolution of Disputes (ACCORD) and a doctoral candidate at the University of Uppsala's Department of Peace and Conflict Research. She is co-editor of the volumes *The African Union and Its Institutions* (March 2008) and *HIV/AIDS and Society in South Africa* (June 2008).

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Private Bag X018 Umhlanga Rocks 4320 South Africa, Tel: +27 (0)31 502 3908, Fax: +27 (0)31 502 4160, Email: info@accord.org.za
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