



East Africa: Sex and Gender Based Violence in the Great Lakes Region

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Opinion

Let me first and foremost start by emphasizing that the theme: Ending Impunity on Sexual and Gender Based Violence is a befitting one. This conference could not have come at a more opportune moment. The high prevalence of SGBV in our continent and the Great Lakes region in particular has heightened resolve to work together for action, to turn rhetoric to practice.

There have been countless initiatives at international and regional level aimed at putting to an end to Sexual and Gender Based Violence, culture of impunity and other forms of related crime. However, we have not done enough to eradicate these types of crimes and those who have perpetuated these crimes have gotten away with impunity. Therefore this is an opportunity to join forces to address the gaps in our actions and accelerate the implementation of the urgent responses to this pandemic problem, ensure prevention, protection, access to care and justice to the victims.

THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION AND THE FIGHT AGAINST SEXUAL VIOLENCE

The International Conference on the Great Lakes region has been the incubator for the formulation of landmark protocol and model legislation for the region in the areas of Prevention and Suppression of Sexual Violence against Women and Children. The Protocol seeks to fill the legal void that prevails in most of the legal systems in the countries of the region as a response to the systemic rape of women and children in the Great Lakes Region.

The high prevalence of sexual violence against women and children in the Great Lakes Region, its crippling impact and the culture of shame and impunity that has surrounded these crimes has compelled the women of the region to break the silence and to tackle the issue at a regional level within the framework of the International Conference on the Great Lakes Region. Rape as a weapon of war has become a defining characteristic of the armed conflict in the Great Lakes Region and Democratic Republic of Congo in particular.

The seriousness of the matter has been given attention by the 11 Heads of State and Government of the Great Lakes Region namely: Angola, Burundi, CAR, Congo, DRC, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia. Under the milestone initiative of the International Conference for the Great Lakes Region (IC/GLR), the Heads of State and Government have committed themselves to set up regional mechanisms to protect women and children and provide legal and material assistance for victims and survivors of sexual violence. This commitment resulted in the adoption of the Protocol and accompanying Project that seeks to punish acts of sexual violence against women and children both during peace time and during armed conflict.

This legislation, the first in the area of protection against sexual violence in time of conflict and post conflict establishes international standards to address the crime of sexual violence in regions affected by conflicts. The legislation further defines the offence of sexual violence based on the definition provided under the Statutes of the international tribunal for Rwanda and Yugoslavia and the International Criminal Court. The legislation further establishes links between the crime of sexual violence and the offences of trafficking; slavery, genocide and war crimes. The protocol further incorporates preventive aspects as encapsulated in such statutes as CEDAW, the Africa Union and UN Convention on the Rights of the Child. Counseling procedures are also provided for as part of the rehabilitation of victims of sexual violence. The protocol also advocate for maximum sentencing as per the domestic legislation of individual states.

RESPONSE TO THE SYSTEMIC RAPE OF WOMEN AND CHILDREN IN THE GREAT LAKES REGION

As part of collaborative effort, the ICGLR in collaboration with UNIFEM and other UN Agencies and partners organized recently the High Level Regional Consultation on "Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region" from 15th - 18th June 2008 in Goma. The objective of the consultation was to come with practical approaches aimed at strategizing and seeking the best way to domesticate the ICGLR Protocol and implement the enabling project on the subject. During the four days in Goma, we discussed and debated on a number of pertinent issues regarding the pandemic of SGBV and continued violations of the human rights of prominently women and children, and pervasive impunity in the Great Lakes Region for cases related to sexual violence and exploitation.

We listened to the testimonies from the field by representatives of civil society organizations, traditional and religious leaders, the Medical Doctor of the famously

known Panzi hospital in Bukavu, South Kivu, for victims of sexual violence, as well as presentations from representatives of the UNFPA, UNIFEM, the Office of the United Nations High Commission for Human Rights (OHCHR), the DRC government, United Nations Mission in DRC (MONUC) as well as the Deputy Commander of the 8th Military Region of North Kivu. We also listened to the testimony of one of victims and viewed documentaries on the horrifying stories of sexual violence and exploitation of women and children in Eastern Congo. I would like to commend to you all to watch the documentary film, "The Greatest Silence: Rape in Congo" to appreciate the magnitude of this heinous crime perpetuated by the armed groups in eastern DRC with impunity. The High-level consultation concluded with the adoption of the action oriented Declaration known as the Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region. I would like to share this document with you; we have distributed some copies.

CHALLENGES

The challenges are enormous. The continued presence of rebels and illegal armed groups in the Great Lakes region and in the continent as a whole remains a recipe for rape and other forms of sexual violence. The abject poverty among our population has subjected the people to gross violation of their human rights and untold atrocities. It is undoubtedly that there are gaps in the administration of justice which need to be addressed. While we might be lacking to stop sexual violence or criminality we should never allow it to go unpunished. Should the problem be legal, the laws must be changed and new ones enacted where they don't exist; should it be political, advocacy programs to mobilize political will should start in earnest; should it be patriarchal and cultural, men and boys should be targeted for behavioral change and rehabilitation. Should it be systemic and structural then we need structural transformation with alternatives to protect and empower the vulnerable.

At the local level concerted action is required to see to it that the victims are provided with legal and medical assistance and are fully reintegrated into society. The complicated legal procedures should be streamlined to facilitate access for the victims. Alternative traditional justice systems, other than the conventional and intimidating legal procedures, should be encouraged as long as they are in line with the rules of natural justice. The medical structures need to be strengthened so that it is easier to obtain medical certificates necessary and as required in courts of law. In courts we expect hearings to be confidential in matters related to sexual violence so that the victims who are mostly women are not traumatized twice. There is need to heighten advocacy and awareness targeting men, women, boys and girls and make it possible for the victims to seek redress, for the perpetrators to be apprehended and punished and for communities to protect the vulnerable.

PROSPECTS

With the entry into force of the Pact on Security, Stability and Development in the Great Lakes Region, the Protocol on Sexual Violence, which is an integral part of the Pact, has

now the force of law. In essence this means we have strong legal basis for full implementation of the Programme of Action for Eradicating Sexual Violence in tandem with the Peace and Security project on Disarmament and Repatriation of all armed groups still operating in Eastern DRC. In the framework of these ICGLR programmes of action, the Conference Secretariat has been consulting experts, the stakeholders and our partners on how to effectively implement the enabling project on SGBV. At the Workshop held here in Nairobi organized by the Conference Secretariat the experts and stakeholders agreed on a road map for implementation that was adopted by the Regional Inter-ministerial Committee of the Great Lakes region at their meeting in Brazzaville in May 2008. The project and road map will be shared with you by my Colleague, Mr. Nathan Byamukama in his presentation.

The adoption of the UNSC resolution 1820 (20080), which considers rape and other forms of sexual violence as a war crime, a crime against humanity or a constitutive act with respect to genocide is a welcome development. Other regional initiatives also provide opportunities in the search for a durable solution to the problem of armed group and sexual violence. These include; the Nairobi communiqué of 9 November 2007 signed between DRC and Rwanda; the Tripartite Plus Joint Commission (Burundi, DRC, Rwanda and Uganda) as well the Goma Accord (L'Act D'Engagement) of 21 January 2008 signed between the DRC and Congolese armed groups.

Finally, the ICGLR framework provides a comprehensive approach and follow up mechanism in support of all efforts and initiatives in the search for lasting solution to this longstanding crime of Sexual and Gender Based Violence in the Great Lakes region. For the Conference Secretariat our task is to coordinate, monitor and evaluate both policy and legislative initiatives in the region for prevention and eradication of sexual violence, exploitation, abuse and gender based violence. We do this in partnership with other stakeholders as ACORD, as well as in a participatory and inclusive manner.

We are determined to ensure that all forms of sexual violence are prevented, eradicated and punished. To succeed we as ICGLR count on everyone's commitment and determination to contribute in a number of areas to eradicate this vice. For the Civil society and NGOs(both national and international) there is need to heighten advocacy and awareness targeting men, women, boys and girls and make it possible for the victims to seek redress, the perpetrators to be apprehended and punished, and for the communities to protect the vulnerable.

This conference should renew our determination to act, to rout out sexual violence out of our continent, our region, our countries and our communities. Above all, we must stop the conditions that generate sexual violence namely war, poverty, instability, marginalization and impunity. In this regard, collective effort is much more needed in addressing these challenges. There is need for a multi-pronged and coordinated approach to tackling the problem whilst promoting synergies in action in preventing this heinous crime against humanity. We clearly need a joint communication strategy to achieve our common objective. It is important to strengthen our partnership in fighting this crime and assist the victims.

CONCLUSION

The Great Lakes Region of Africa has had the worst record of perpetrators of sexual violence, as well as biggest numbers of their victims, from the Eastern Congo, to Central Africa Republic, Northern Uganda and Darfur, to mention a few. The ICGLR Protocol is one of the major tools to fight sexual violence and impunity in the Great Lakes Region. It is a homegrown legal instrument responding to the grave realities of our time.

When the leaders and people of the Great Lakes Region prioritized the project and the legal framework to fight sexual violence, it was because the extent and gravity of the problem was well known. The question is why does the problem continue unabated? Why are the perpetrators not arrested? If they are arrested why they are not prosecuted? If they are prosecuted why the sentence is so lenient compared to the offence? Above all why are the cases not reported?

It is against this backdrop that the initiative taken by the Pan African Conference steering group on SGBV to gather all the stakeholders here in Nairobi in the search for common and effective strategies to address impunity in Africa is commendable. We are here as ICGLR because we believe in partnership and a coordinated approach in tackling this problem. The call for this conference is to move from establishing frameworks and norms on SGBV to Action, which ICGLR fully subscribes to. It can be done if we all play our part!

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