



# Sexual Violence in African Conflicts

**Alexis Arieff**

Analyst in African Affairs

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## Summary

Civilians in Africa's conflict zones—particularly women and children, but also men—are often vulnerable to sexual violence, including rape, mutilation, and sexual slavery, carried out by government security forces and non-state actors, including, rebel groups, militias, and criminal organizations. Some abuses appear to be opportunistic, or the product of a larger breakdown in the rule of law and social order that may occur amid conflict. However, sexual violence has also been employed by combatant groups as a tool of war, seemingly designed to wreak damage on entire communities. While such abuses are by no means limited to Africa, weak justice systems in many African states can mean that victims have little legal redress; survivors are also often shunned by their families and communities.

Sexual atrocities have been reported in many African conflicts over the past two decades, including in Burundi, Congo-Brazzaville (Republic of Congo), Central African Republic (CAR), Chad, Côte d'Ivoire, Democratic Republic of Congo (DRC), Ethiopia, Liberia, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, and Uganda. The issue has been particularly salient in eastern DRC, where security forces, rebel organizations, militias, and other armed groups have inflicted sexual violence upon the civilian population on a massive scale. This report provides a detailed case study of DRC and an index of active U.S. programs there.

Multiple U.S. government agencies and implementing partners contribute to efforts to prevent and respond to sexual violence in African conflicts. Agencies and departments include the Department of State, the U.S. Agency for International Development (USAID), the Department of Justice, and the Department of Defense, among others. Secretary of State Hillary Clinton has taken the lead on the Obama Administration's initiative to address the issue, through speeches, official travel, public remarks, writings, and actions at the United Nations. In August 2009, Clinton traveled to Goma, in eastern DRC, where she pledged \$17 million to support U.S. government efforts to prevent and respond to sexual and gender-based violence in that country. The pledge includes \$10 million in Economic Support Funds (ESF) for "programs and activities to assist victims of gender-based violence" in DRC provided by the Supplemental Appropriations Act of 2009 (P.L. 111-32).

The 111<sup>th</sup> Congress has repeatedly expressed interest in the issue of sexual violence in African conflicts and support for programs to address it through legislation, hearings, and other congressional actions. Potential issues for Congress include the authorization and appropriation of targeted assistance programs; oversight of Administration and multilateral policies; and oversight of coordination between U.S. government agencies and international donors.

For further background on international violence against women, see CRS Report RL34438, *International Violence Against Women: U.S. Response and Policy Issues*, coordinated by Luisa Blanchfield.

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## Overview and Scope

In recent years, Congress has demonstrated an interest in the humanitarian, health-related, socio-economic, and security implications of sexual violence in African conflicts, including through legislation, hearings, and other congressional activities. Sexual violence includes rape, sexual assault and molestation, mutilation, and sexual slavery.<sup>1</sup> Some abuses appear to be opportunistic, or the product of a larger breakdown in the rule of law and social order that may occur amid conflict. Sexual violence has also been employed by combatant groups as a tool of war, seemingly designed to wreak damage on entire communities. Perpetrators may include members of the state security forces, rebel movements, militias, or other non-state armed groups. In some cases, individuals at the highest levels of the state have been accused of ordering, condoning, or tolerating such violence. There have also been instances where humanitarian and peacekeeping workers have been accused of sexual abuse and exploitation.<sup>2</sup>

The perpetration of sexual violence against civilians in conflict zones is far from confined to Sub-Saharan Africa (henceforth, “Africa”), and it has not been a salient feature of all African conflicts.<sup>3</sup> Sexual violence by combatant groups in the former Yugoslavia in the 1990s, for example, drew widespread international attention. In addition, conflict settings are not necessarily those in which sexual abuse is most prevalent.<sup>4</sup> Sexual atrocities have nevertheless been a feature of many African conflicts over the past two decades, including in Burundi, Congo-Brazzaville (Republic of Congo), Central African Republic (CAR), Chad, Côte d’Ivoire, Democratic Republic of Congo (DRC), Ethiopia, Liberia, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, and Uganda. The issue has been particularly salient in eastern DRC, where security forces, rebel organizations, militias, and other armed groups have inflicted sexual violence upon the civilian population on a massive scale.

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<sup>1</sup> For the purposes of this report, “sexual violence” refers to the perpetration of an act or acts of a sexual nature via force, the threat of force, or coercion, or by taking advantage of a person’s incapacity to give genuine consent. Abuses do not exclusively affect women; men and boys are frequently targets. The broader term “gender-based violence” (GBV) describes violence perpetrated against an individual, regardless of sex, because of his or her gender. GBV is broader than “violence against women” (VAW) because it can include violence perpetrated against men and boys in addition to women and girls; it is also broader than “sexual violence,” as it may include other types of violence as well. This report does not focus on broader issues of violence against women or gender-based violence. For background on international violence against women, see CRS Report RL34438, *International Violence Against Women: U.S. Response and Policy Issues*, coordinated by Luisa Blanchfield; and CRS Report RL34518, *United Nations System Efforts to Address Violence Against Women*, by Luisa Blanchfield.

<sup>2</sup> These have included conflict and post-conflict settings in West and Central Africa. The humanitarian community and the Office of the United Nations Secretary-General have taken a number of steps to investigate and prevent such abuses, as have individual U.N. peacekeeping missions. See U.N. Office for the Coordination of Humanitarian Affairs (OCHA), “Protection from Sexual Exploitation and Abuse,” at <http://ochaonline.un.org/HumanitarianIssues/ProtectionfromSexualExploitationandAbuse/tabid/1204/language/en-US/Default.aspx>. For further background, see CRS Report RL33700, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne.

<sup>3</sup> See, e.g., Elisabeth Jean Wood, “Variation in Sexual Violence During War,” *Politics & Society* 34, 3 (September 2006).

<sup>4</sup> Sexual abuse may occur, for example, in humanitarian settings, in the workplace, at school, among intimate partners, and within families, among other settings. See, e.g., World Health Organization (WHO), Summary Report, *WHO Multi-country Study on Women’s Health and Domestic Violence against Women: Initial results on prevalence, health outcomes and women’s responses*, 2005.

This report focuses on current conflicts in Africa in which sexual violence is reported to be widespread or systematic.<sup>5</sup> It describes the context in which such violence takes place, selected cases where it is currently occurring, and U.S. policy responses. It concludes with a discussion of potential policy considerations for Congress, including the design and effectiveness of U.S. programs; coordination between agencies and between international donors; and the question of whether policy responses to sexual violence can be separated from the broader context in which such violence occurs. The report includes a detailed case study of DRC, which has drawn particular attention from the Obama Administration and the 111<sup>th</sup> Congress.

### **Measuring the Prevalence of Sexual Violence**

Accurate information on the prevalence of sexual violence is difficult to obtain in any circumstance, as victims often decline to report their experiences due to personal trauma, fear of reprisals, and societal stigma. These difficulties are exacerbated in conflict settings by general chaos and population displacements, safety fears, and a breakdown or lack of systems to collect and report information. In many African countries, law enforcement systems, state investigatory entities, and provisions for the protection of victims are near-absent, which inhibits accurate reporting. Due to these challenges, comprehensive population surveys are not generally available or feasible, let alone surveys on the prevalence of sexual abuses. Data from medical surveys and judicial investigations, information obtained through U.N. agencies and programs, humanitarian and human rights organizations, research studies, and press reports may nevertheless give a picture of where and in what context high levels of sexual violence are occurring.

## **Congressional Activities**

Recent congressional actions include the Omnibus Appropriations Act for 2009 (P.L. 111-8), which stated that Development Assistance (DA) and Economic Support Fund (ESF) funds “shall be made available for programs to address sexual and gender-based violence,” and that bilateral economic assistance and international security assistance programs that provide funding for foreign police, judicial, and military officials “shall address, where appropriate, gender-based violence.”<sup>6</sup> An explanatory statement directed the State Department and USAID to report to the Committees on Appropriations on “programs addressing sexual and gender-based violence and how these issues are being integrated into foreign police, judicial and military training programs.”<sup>7</sup>

The 111<sup>th</sup> Congress has held multiple hearings on the topic of sexual and gender-based violence, several of which have focused on African conflict settings. In May 2009, the Senate Foreign Relations Committee Subcommittee on International Operations and Organizations, Human Rights, Democracy and Global Women’s Issues; and the Subcommittee on African Affairs held a joint hearing on “Confronting Rape and Other Forms of Violence Against Women in Conflict

<sup>5</sup> The U.N. Secretary-General and various international tribunals have stated that “widespread” refers to the large-scale nature of the attack and the number of victims, while “systematic” refers to the organized nature of the acts of violence and the improbability of their random occurrence (United Nations, *Report of the Secretary-General Pursuant to Security Council Resolution 1820 (2008)*, U.N. document S/2009/362, July 15, 2009).

<sup>6</sup> P.L. 111-8, , Division H, Title VII, Section 7063, (a) and (b). The inclusion of content on gender-based violence in foreign police, judicial, and military training was required in the Foreign Operations, Export-Financing, and Related Programs Appropriations Act, 2006 (P.L. 109-102, Section 573), November 14, 2005; similar language was included in the Consolidated Appropriations Act, 2008 (P.L. 110-161, Division J, Section 660), December 26, 2007; and the Omnibus Appropriations Act, 2009 (P.L. 111-8, Division H, Section 7063), March 11, 2009.

<sup>7</sup> Explanatory statement submitted by Congressman David R. Obey, Chairman of the House Committee on Appropriations, “as if it were a joint explanatory statement of a committee of conference,” appearing on p. 4219 of the *Congressional Record*, February 23, 2009. A report was submitted by USAID and the State Department in early November 2009.

Zones—Spotlight: DRC and Sudan.” The House Foreign Affairs Committee and the Senate Foreign Relations Committee also held several hearings in 2009 on the broader topic of international violence against women.

In addition to legislation broadly focusing on international violence against women, several pieces of legislation pending before the 111<sup>th</sup> Congress directly reference sexual violence in ongoing African conflicts. These include S. 1067/H.R. 2478 (*Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act*); H.Res. 542 (*Condemning the Ongoing Attacks by the Lord’s Resistance Army...*); S. 891 (*Congo Conflict Minerals Act of 2009*); and H.Con.Res. 20 (*Expressing the sense of Congress that the global use of child soldiers is unacceptable...*).<sup>8</sup> Draft legislation introduced during the 110<sup>th</sup> Congress included H.Res. 726 (*Calling on the President of the United States and the international community to take immediate steps to respond to and prevent acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic*), passed by the House on October 29, 2007; and H.Res. 1227 (*Condemning sexual violence in the Democratic Republic of the Congo...*), passed by the House on September 23, 2008.

## Selected Cases of Sexual Violence in African Conflicts

Sexual violence has been reported as a significant feature of several active conflicts in Africa, including in Central African Republic (CAR), Chad, eastern DRC, the Ogaden region of Ethiopia, the Niger Delta region of Nigeria, Somalia, and the Darfur region of Sudan. In eastern DRC, eastern CAR, and Sudan, sexual violence has been carried out not only by domestic armed groups, but also by members of the Lord’s Resistance Army (LRA), an insurgent group that originated in northern Uganda over 20 years ago. LRA fighters have reportedly raped and mutilated civilians and abducted boys and girls for sexual slavery.<sup>9</sup>

**Table 1** briefly describes situations of active conflict in Africa in which human rights organizations, humanitarian groups, U.N. agencies, U.S. government agencies, or other reputable sources have reported that sexual violence is widespread or systematic.<sup>10</sup> In most cases, evidence

<sup>8</sup> S. 1067 was introduced by Senator Russ Feingold on May 19, 2009, and is before the Committee on Foreign Relations. H.R. 2478 was introduced by Congressman James P. McGovern on May 19, 2009, and was referred to the Committee on Foreign Affairs. H.Res. 542 was introduced on June 12, 2009 by Congressman Scott Garrett, and was referred to the Committee on Foreign Affairs. S. 891 was introduced by Senator Sam Brownback on April 23, 2009, and was referred to the Committee on Banking, Housing, and Urban Affairs. H.Con.Res. 20 was introduced by Congresswoman Eddie Bernice Johnson, and was referred to the Committee on Foreign Affairs.

<sup>9</sup> See, e.g., HRW, *The Christmas Massacres: LRA attacks on Civilians in Northern Congo*, February 2009; IRIN, “Central African Republic: The LRA - Not Finished Yet,” October 1, 2009.

<sup>10</sup> Sources for Table 1 include, among others: U.N. News, “Thousands Fall Victim to Sexual Violence in Central African Republic – UN,” February 22, 2008; State Department, “2008 Human Rights Report: Central African Republic”; HRW, *State of Anarchy: Rebellion and Abuses against Civilians [CAR]*, September 2007; State Department, “2008 Human Rights Report: Chad”; Amnesty International (AI), *‘No Place For Us Here’: Violence Against Refugee Women in Eastern Chad*, September 2009; Stephen Lewis, “Congo-Kinshasa: End Sexual Violence in Eastern Region,” *AllAfrica.com*, September 13, 2007; U.N. News, “Sexual Violence Against Women in DR Congo Amounts to War Crime: UN Expert,” October 26, 2007; UNSG 2009; Harvard Humanitarian Initiative, *Characterizing Sexual Violence in the Democratic Republic of the Congo*, August 2009; HRW, *Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Region*, June 2008; AI, *Rape—The Silent Weapon [Nigeria]*, November 28, 2006; Emily Lenning and Sara Brightman, “Oil, Rape and State Crime in Nigeria,” (continued...)

collected by these monitors does not carry legal weight. In each of these countries, human rights monitors have reported that prosecutions of rape and other sexual crimes are extremely rare.

**Table I. Selected Active Conflicts in Africa During Which Combatant Groups Have Allegedly Committed Widespread or Systematic Sexual Violence**

Country	Conflict	Alleged Perpetrators	Description
Central African Republic (CAR)	Multiple armed rebellions against the government of President François Bozizé, with rebel groups controlling territory in the north. Armed groups also include community defense militias and organized criminal gangs.	CAR security forces, including the army, presidential guard, and police; Chadian troops; rebel groups; LRA fighters.	According to the U.N. Office for the Coordination of Humanitarian Affairs (2008), over 15% of women and girls in CAR's violence-ridden north have been victims of sexual violence.
Chad	Multiple armed factions challenging the government of President Idriss Déby, based mainly in eastern Chad near the Sudanese border. Armed groups also include ethnic militias, militias and rebel groups connected to the spillover of conflict in neighboring Darfur, and bandits.	Chadian security forces, including the army, police, and gendarmerie; Chadian rebel and militia groups, Sudanese <i>janjaweed</i> ; bandits.	Cases of sexual violence in conflict areas in eastern Chad have been documented by human rights groups, U.N. agencies, and U.S. government sources, but indications of scale are not available. Rape and other forms of violence are reportedly pervasive in and around Darfuri refugee camps.
Democratic Republic of Congo (DRC) (See case study.)	Fighting in eastern regions, especially North and South Kivu, between the Congolese military (FARDC); the Forces Démocratiques pour la Libération du Rwanda (FDLR); Mai Mai militias; and other armed groups.	FARDC troops (including former rebel combat units that have been integrated into the military as part of successive peace deals); Congolese police; FDLR; militias; LRA fighters.	Sexual violence in eastern DRC is thought to be the worst in the world. The United Nations has recorded over 200,000 cases of rape in eastern Congo since 1996. Reports have characterized sexual abuse in DRC as a “weapon of terror” and a war crime.

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*Critical Criminology* (2009); AI, *Routinely Targeted: Attacks on Civilians in Somalia*, May 2008; HRW, ‘*So Much to Fear*’: *War Crimes and the Devastation of Somalia*, December 2008; State Department, “2008 Human Rights Reports: Somalia”; IRIN, “Somalia: Instead of a safe haven, fear and rape in Galkayo,” September 23, 2009; Reuters, “UN Says Rape is Systematic Weapon of War in Darfur,” June 21, 2005; State Department, “2008 Human Rights Report: Sudan”; Physicians for Human Rights, *Nowhere To Turn: Failure to Protect, Support, and Assure Justice for Darfuri Women*, May 2009; United Nations, *Report of the Panel of Experts... Concerning the Sudan*, October 29, 2009, S/2009/562.

Country	Conflict	Alleged Perpetrators	Description
Ethiopia	In addition to other long-running, low-level ethnically based insurgencies, active conflict is ongoing between Ethiopian security forces and the Ogaden National Liberation Front (ONLF), a largely ethnic Somali insurgent group in eastern Ethiopia.	Ethiopian armed forces (ENDF). (Reliable information on ONLF activities is sparse.)	According to Human Rights Watch, "systematic" rape has been a feature of the Ethiopian government's counter-insurgency strategy in the Ogaden region since 2007, potentially amounting to a war crime or crime against humanity. Women were reportedly frequently raped while in military detention on accusations of aiding the ONLF.
Nigeria	Sporadic combat between government security forces and ethno-regional militant groups in the oil-producing Niger Delta. The Delta also hosts criminal gangs and various militias, which may overlap with militants.	State security forces, particularly the police and members of the military's Joint Task Force (JTF), which is deployed in the Delta region. Occasional, though rare, reports of rape by militant groups.	State security forces deployed in the Delta have reportedly used rape as a tool to intimidate the local population and retaliate for attacks on oil installations by militant groups.
Somalia	Conflict between the Transitional Federal Government (TFG) and allied forces, Islamist insurgents such as Al Shabaab, clan militias, and other armed groups. Parts of south-central Somalia were occupied by Ethiopian troops between 2006 and early 2009.	TFG security forces and allied forces, militias.	In 2007, TFG-allied forces, Ethiopian troops, and various allied armed groups and clan militias were accused by human rights groups of perpetrating sexual violence. Information on current levels of sexual violence in conflict-affected areas is unavailable. IDPs have also been targeted for sexual assault.
Sudan	Conflict in Darfur between Sudanese security forces, government-allied militias known as <i>janjaweed</i> , and rebel groups. Armed groups also include militias and bandits. Sporadic inter-ethnic violence in post-conflict setting in South Sudan.	Sudanese security forces, including the Sudanese Armed Forces (SAF) and other security agents and paramilitary forces; <i>janjaweed</i> militias; rebel groups; LRA fighters.	Multiple multilateral, NGO, and news reports state that rape has been used in Darfur by government and government-allied forces as a weapon of war. IDPs also reportedly face high levels of sexual violence.

**Sources:** Compiled by CRS from human rights and humanitarian organizations; U.N. documents; U.S. government documents; private sector analyses; international news reports.

**Note:** For further background, see the following CRS reports: CRS Report RS22798, *Instability in Chad*, by Lauren Ploch; CRS Report R40108, *The Democratic Republic of Congo: Background and Current Developments*, by Ted Dagne; CRS Report RL33964, *Nigeria*, by Lauren Ploch; CRS Report RL33911, *Somalia: Current Conditions and Prospects for a Lasting Peace*, by Ted Dagne; CRS Report RL33574, *Sudan: The Crisis in Darfur and Status of the North-South Peace Agreement*, by Ted Dagne; and CRS Report RL33701, *Uganda: Current Conditions and the Crisis in North Uganda*, by Ted Dagne.

In addition to active conflicts, countries transitioning from conflicts in which sexual violence was prevalent often continue to experience high levels of sexual violence. This is potentially due to shifts in social norms and the weakening of rule of law during conflict, as well as the reintegration of former combatants into society, though causal dynamics may require further study.<sup>11</sup> In Africa, high levels of sexual violence are reported in post-conflict situations in Burundi, Côte d'Ivoire, Liberia, and Sierra Leone, among others.<sup>12</sup>

Sexual violence has also been perpetrated by security forces in non-conflict situations in several African countries in recent years. For example, in Guinea, which is under military rule, members of the presidential guard, police, and gendarmerie reportedly committed dozens of rapes and other sexual crimes against women during a crackdown on anti-military demonstrators in late September 2009.<sup>13</sup> In Kenya, sexual violence—including rape, gang rape, and mutilation—was a feature of the violence that erupted in early 2008 following disputed presidential elections. Various investigations into the violence in Kenya suggest that such violence was carried out by members of the government security forces as well as non-state militias, humanitarian workers, and other individuals, often on the basis of perceived ethnic or political affiliation, but also opportunistically.<sup>14</sup> In Zimbabwe, members of the military, police, and pro-government militias have been accused of perpetrating sexual violence for the purpose of political intimidation.<sup>15</sup> There are many other such examples.

## Context

Sexual violence has long been referred to by many as the “collateral damage” of fighting, or as the product of an increase in internal conflicts carried out in whole or in part by irregular forces.<sup>16</sup>

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<sup>11</sup> Amnesty International, *Women in Post-Conflict Situations: A Fact Sheet*, July 20, 2005; U.N. document S/2009/362.

<sup>12</sup> Whether these countries should be classified as “post-conflict” is a matter of interpretation. In Burundi and Côte d'Ivoire formerly warring parties have agreed to peace deals, though they have not completely disarmed, and international peacekeepers continue to be deployed, as they are in Liberia as well. Sources on sexual violence in these countries include Nona Zicherman, “Addressing Sexual Violence in Post-Conflict Burundi,” *Forced Migration Review*, No. 27, January 2007; Amnesty International, “Widespread Tolerance for Sexual Violence and Rape in Burundi,” October 9, 2007; United Nations, *Twenty-Second Progress Report of the Secretary-General on the United Nations Operation in Côte d'Ivoire*, S/2009/495, September 29, 2009; ActionAid, *UNMIL: International Engagement in Addressing Violence against Women*, March 2007; United Nations, *Nineteenth Progress Report of the Secretary-General on the United Nations Mission in Liberia*, S/2009/411, August 10, 2009; Johannes John-Langba, *HIV, Sexual Violence and Exploitation During Post-Conflict Transitions: The Case of Sierra Leone*, Social Science Research Council working paper, 2008; IRIN, “Sierra Leone: Sexual violence defies new law,” July 30, 2009.

<sup>13</sup> E.g., U.N. Office for the Coordination of Humanitarian Affairs (OCHA), “Guinea Victims of Security Forces Crackdown: Situation Report No. 3,” October 18, 2009; HRW, “Guinea: September 28 Massacre Was Premeditated,” October 27, 2009.

<sup>14</sup> E.g., Kenya Human Rights Commission, *Violating the Vote: A report of the 2007 general elections*, September 15, 2008; *Final Report from Kenya's Commission of Inquiry into Post-Election Violence* (“The Waki Commission”), October 15, 2008, esp. pp. 252-260; U.N. Population Fund (UNFPA), “Sexual Violence Threatens Women and Girls in Kenya's Post-Election Crisis,” March 5, 2009.

<sup>15</sup> E.g., IRIN, “Zimbabwe: Focus on Rape as a Political Weapon,” April 8, 2003; HRW, *Diamonds in the Rough: Human Rights Abuses in the Marange Diamond Fields of Zimbabwe*, June 2009; Alex Bell, “Zimbabwe: Soldiers Involved in Rape and Other Sexual Violence on Farms,” SW Radio Africa (London), October 8, 2009.

<sup>16</sup> E.g., Médecins Sans Frontières/Doctors Without Borders (MSF), *Shattered Lives: Immediate Medical Care Vital for Sexual Violence Victims*, March 2009 (henceforth, MSF March 2009); Jeanne Ward and Mendy Marsh/U.N. Population Fund (UNFPA), *Sexual Violence Against Women and Girls in War and Its Aftermath: Realities, Responses, and Required Resources*, Briefing Paper prepared for Symposium on Sexual Violence in Conflict and Beyond, June 21-23, 2006, Belgium. The U.N. Development Fund for Women (UNIFEM) reports that “some 70 percent of the casualties in (continued...)”

However, while sexual violence may appear in some cases to be random, it is sometimes used to further the strategic aims of conflict actors, meaning that it is “systematically employed for a variety of purposes, including intimidation, humiliation, political terror, extracting information, rewarding soldiers, and ‘ethnic cleansing.’”<sup>17</sup> In 2008, the U.N. Security Council affirmed that widespread and/or systematic sexual violence can constitute a war crime, a crime against humanity, or a constitutive act of genocide.<sup>18</sup> Perpetrators’ motivation is thought to vary significantly between situations and groups; in many situations, sexual violence may be carried out by multiple actors and for multiple reasons simultaneously.<sup>19</sup>

## Opportunistic Violence

In conflict settings, sexual violence often occurs amid a general breakdown in the rule of law, social systems, and discipline within combatant groups. Violence may be more or less opportunistic and indiscriminate, as combatants experience a sense of impunity for their actions. This is reportedly the case in many African conflicts, such as those in DRC, Chad, and CAR.<sup>20</sup> Rape and other forms of sexual assault may also be encouraged or tolerated among combatant groups and military corps without an effective chain of command or disciplinary mechanisms. Combatants who are not regularly paid may view rape—like the looting of food and other goods from local populations—as “justified” as part of their upkeep. Some rebel groups, notably the LRA, have abducted civilians to serve as sexual slaves for their fighters.<sup>21</sup> Situations, including those in Africa, in which sexual violence is widely perpetrated by combatant groups often see a concurrent increase in sexual assault by civilians.<sup>22</sup>

## Sexual Violence as a Weapon of War

In several conflicts in Africa, notably those in DRC, Darfur, and Ethiopia’s Ogaden region, sexual violence has reportedly been used by one or more conflict parties as a tool of war. For example, systematic violence may be used as a strategy to destroy or humiliate those thought to harbor or support an opposing armed group. This has been the case in eastern DRC, where both the military and insurgent groups have been accused of employing this tactic, or in the Ogaden, where it has reportedly been employed by the military.<sup>23</sup> Sexual violence is also sometimes carried out as “revenge” for an armed assault carried out by opposing forces; instances of this have been reported in the Niger Delta region of Nigeria as well as in the other conflicts cited.<sup>24</sup> As a tool of

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recent conflicts have been non-combatants—most of them women and children” (“Facts & Figures on VAW,” at [http://www.unifem.org/gender\\_issues/violence\\_against\\_women/facts\\_figures.php?page=7](http://www.unifem.org/gender_issues/violence_against_women/facts_figures.php?page=7)).

<sup>17</sup> Amnesty International, *Rape as a Tool of War: A Factsheet*, August 25, 2005.

<sup>18</sup> U.N. document S/RES/1820 (2008), June 19, 2008.

<sup>19</sup> Wood 2006.

<sup>20</sup> E.g., HRW, *Renewed Crisis in North Kivu*, October 2007; State Department, “2008 Human Rights Report: Chad”; HRW, *State of Anarchy: Rebellion and Abuses against Civilians [CAR]*, September 2007.

<sup>21</sup> E.g., HRW, *The Christmas Massacres: LRA attacks on Civilians in Northern Congo*, February 2009.

<sup>22</sup> *Report of the Secretary-General Pursuant to Security Council Resolution 1820 (2008)*, U.N. document S/2009/362.

<sup>23</sup> HRW, *Renewed Crisis in North Kivu*, October 2007; HRW, *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, July 2009; Harvard Humanitarian Initiative, *Characterizing Sexual Violence in the Democratic Republic of the Congo*, August 2009; HRW, *Collective Punishment: War Crimes and Crimes against Humanity in the Ogaden area of Ethiopia’s Somali Region*, June 2008.

<sup>24</sup> E.g., AI, *Rape—The Silent Weapon* [Nigeria], November 28, 2006; Emily Lenning and Sara Brightman, “Oil, Rape (continued...)”

ethnic cleansing or genocide, sexual violence may be used to spread terror among a targeted group, disrupt its social structures, drive the group off its land, or preclude its members from reproducing; sexual violence also sometimes precedes murder. In Darfur, state security forces and pro-government militia have repeatedly been accused of employing this tactic.<sup>25</sup> In such circumstances, sexual violence has been interpreted as “a step in the process of group destruction.”<sup>26</sup>

## Humanitarian Settings

Sexual violence is often most prevalent where active combat is taking place. Violence also often spikes in and around displaced persons and refugee camps, which may be located relatively near conflict zones. This may be because women and girls are particularly vulnerable while fleeing: they are often unaccompanied by male relatives or community members, and protection en route to or within refugee and internally displaced person (IDP) camps may be limited. Displaced women and children are often vulnerable to being targeted by human traffickers; this has reportedly been the case, for example, in Somalia.<sup>27</sup> Displaced populations, such as Darfuris in eastern Chad, often rely on women and children foraging for firewood or other fuel, which can put them at high risk of sexual assault by nearby armed groups.<sup>28</sup>

## Impact on Victims and Communities

Survivors of sexual violence often suffer from short-term and long-term consequences with regard to their health, psychological well-being, and social integration. In addition to physical injuries, potential health consequences include sexually transmitted diseases (including HIV/AIDS), miscarriages, forced pregnancy, and traumatic fistula—debilitating tears in the tissue of the vagina, bladder, and rectum.<sup>29</sup> Access to treatment and follow-up care is particularly challenging in conflict settings, where facilities and trained staff are often insufficient, located in places that are difficult for rural inhabitants to reach, or under threat from armed groups. Government-operated health clinics may not guarantee safety or confidentiality, further reducing the likelihood that victims will seek care.

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(...continued)

and State Crime in Nigeria,” *Critical Criminology* (2009). For further background on this tactic, see Elisabeth Rehn and Ellen Johnson Sirleaf/UNIFEM, *Women, War, Peace: The Independent Experts’ Assessment on the Impact of Armed Conflict on Women and Women’s Role in Peace-Building*, 2002.

<sup>25</sup> E.g. AI, *Sudan, Darfur, Rape as a Weapon of War: Sexual violence and its consequences*, 2004; Harvard Program on Humanitarian Crises and Human Rights, *The Use of Rape as a Weapon of War in the Conflict in Darfur, Sudan*, Prepared for USAID/OTI with the assistance of Physicians for Human Rights, October 2004; see also Darfur-related cases opened by the International Criminal Court prosecutor, at <http://www.icc-cpi.int/>.

<sup>26</sup> *Report of the Secretary-General Pursuant to Security Council Resolution 1820 (2008)*, U.N. document S/2009/362.

<sup>27</sup> See U.N. Office for the Coordination of Humanitarian Affairs, *Human Smuggling and Human Trafficking in Somalia*, May 2, 2007.

<sup>28</sup> E.g., Amnesty International (AI), ‘No Place For Us Here’: *Violence Against Refugee Women in Eastern Chad*, September 2009.

<sup>29</sup> United Nations, *In-Depth Study on All Forms of Violence Against Women: Report of the Secretary-General*, U.N. document A/61/122/Add.1, July 6, 2006, esp. pp. 47-49. For background on fistula, see CRS Report RS21773, *Reproductive Health Problems in the World: Obstetric Fistula: Background Information and Responses*, by Tiaji Salaam-Blyther.

The lingering health and reproductive effects of sexual assault can contribute to, and entrench, victims' social isolation. Researchers and advocates have reported extensively on family rejections of, and societal stigma against, rape victims in African conflict settings.<sup>30</sup> Survivors of sexual violence are often shunned by spouses, their families, and their communities. They may also fear reprisals by the perpetrator(s) of abuse, who are rarely prosecuted.<sup>31</sup> Individuals who attempt to report assaults may also face reprisals from police or military forces; in some countries, a woman who has been sexually assaulted can be prosecuted for adultery.<sup>32</sup> In post-conflict settings, societal upheaval and impunity for perpetrators may reinforce norms in which rape and other forms of sexual abuse are tolerated. Indeed, high levels of sexual violence often persist long after a conflict has ended.<sup>33</sup>

Reports by humanitarian organizations suggest that male victims of sexual violence face particular challenges. While men and boys are thought to make up a minority of sexual violence victims in African conflicts, in many cases they have nonetheless been targeted for rape, sexual torture, sexual slavery, sexual humiliation, and forced incest.<sup>34</sup> Just as in cases affecting women, societal stigma and legal impediments can act as barriers to assistance and medical treatment; according to the World Health Organization, men and boys may be even less likely to report sexual abuse than women.<sup>35</sup>

## **Prosecution of Sexual Violence in Africa: Challenges**

In conflict settings, human rights advocates argue, there is often insufficient will on the part of all parties to reduce abuses.<sup>36</sup> In addition, advocates consider that many African countries lack sufficient legal frameworks for the criminal prosecution of sexual violence.<sup>37</sup> For example, with regard to Darfur, according to Physicians for Human Rights,

Sudan's laws concerning rape effectively prevent access to justice for rape victims. The law as written defines rape as the Shari'a crime of adultery (zina)... If a woman who claims she was raped is unable to prove that she did not consent to intercourse, she may be charged with the crime of zina, which entails corporal punishment, because she has confessed to sexual penetration outside of marriage. In addition to these serious evidentiary hurdles, members of the military, security services, police, and border guards enjoy broad immunity for their actions and permission to file a legal complaint against an alleged rapist in any of these

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<sup>30</sup> See, for example, LaShawn R. Jefferson, "In War as in Peace: Sexual Violence and Women's Status," in Human Rights Watch (HRW), *World Report 2004*; MSF March 2009; multiple country-specific reports by human rights and humanitarian organizations.

<sup>31</sup> HRW, "US: Act to Prevent Rape in War," May 13, 2009.

<sup>32</sup> This is notably the case in Sudan; see e.g. Physicians for Human Rights in partnership with the Harvard Humanitarian Initiative, *Nowhere to Turn: Failure to Protect, Support, and Assure Justice for Darfuri Women*, May 2009.

<sup>33</sup> United Nations, *Women, Peace and Security: Report of the Secretary-General*, S/2009/465, September 16, 2009.

<sup>34</sup> Wynne Russell, "Sexual Violence Against Men and Boys," *Forced Migration Review*, No. 27, January 2007.

<sup>35</sup> World Health Organization (WHO), *World Report on Violence and Health*, 2002.

<sup>36</sup> E.g., HRW, *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, July 2009.

<sup>37</sup> E.g., UNIFEM, *Not a Minute More: Ending Violence Against Women*, Appendix 1, 2003.

categories must be granted by the individual's superior officer. Janjaweed are integrated into the Popular Defense Forces, which is also exempt from prosecution.<sup>38</sup>

Furthermore, some countries do not include male victims in their legal definitions of sexual violence.<sup>39</sup>

While several African governments, under pressure from donors and local civil society groups, have recently passed new legislation specifically addressing sexual violence—such as Kenya, Liberia, and DRC in 2006, and Sierra Leone in 2007—prosecutions are rare even in countries with appropriate laws in place. Many African law enforcement systems lack financial resources for investigations, judicial personnel with sufficient legal training, access to existing legislation, and expertise in handling sexual violence cases. Obtaining medical documentation of rape is often challenging in African countries, where healthcare systems are often nonexistent in many areas or severely overstretched. Moreover, judicial corruption and political influence are common phenomena throughout the continent.<sup>40</sup>

In addition to perceived gaps in criminal and procedural laws, in many cases the military code of justice either does not contain provisions prohibiting sexual assault, or is not strictly enforced by commanders or military leaders. Military courts, like civilian courts, may lack resources or sufficient trained personnel, and may operate on an ad-hoc basis. Insufficient or dysfunctional military justice systems can have an impact beyond military institutions: in some countries, such as DRC, military courts have jurisdiction over certain types of crimes that may be committed by civilians, including certain forms of armed assault.<sup>41</sup>

### Legal Status of Women

As in other regions, many African constitutions and statutes do not accord women equal rights under the law, which can negatively affect women's ability to inherit property, retain control of assets following divorce, or bring legal suits against men. For example, DRC's Family Code restricts management of family property to male heads of household and prohibits married women from initiating legal actions without their husbands' authorization.<sup>42</sup> In many cases, women's inferior legal status reflects wider phenomena of societal discrimination.<sup>43</sup> While many African countries have ratified international human rights treaties, African domestic courts often do not take these agreements into consideration in their rulings.<sup>44</sup>

<sup>38</sup> Physicians for Human Rights in partnership with the Harvard Humanitarian Initiative, *Nowhere to Turn: Failure to Protect, Support, and Assure Justice for Darfuri Women*, May 2009, Appendix E.

<sup>39</sup> MSF March 2009.

<sup>40</sup> See, e.g., Freedom House "Freedom in the World" database of political and civil liberties, specifically "Rule of Law" subscore, available at <http://www.freedomhouse.org/template.cfm?page=1>.

<sup>41</sup> CRS interviews with experts on the DRC legal system, October-November 2009.

<sup>42</sup> African Association for the Defense of Human Rights/World Organization Against Torture, *Violence Against Women in the Democratic Republic of Congo (DRC): Alternative report prepared for the Committee on the Elimination of Discrimination Against Women*, August 7-25, 2006.

<sup>43</sup> WHO, "Violence Against Women" factsheet, at <http://www.who.int/mediacentre/factsheets/fs239/en/>.

<sup>44</sup> E.g., African Association for the Defence of Human Rights and World Organization Against Torture, *Violence Against Women in the Democratic Republic of Congo (DRC)*, Alternative report prepared for the Committee on the Elimination of Discrimination Against Women, August 7-25, 2006.

## International Mechanisms

The international community has sought to address sexual violence in African conflicts through a variety of mechanisms. The issue has been taken up at various times by the U.N. Security Council, both in sessions focusing on the issue of women, peace, and security, and in connection with specific African countries on the Council's agenda. U.N. agencies regularly report on sexual violence; they also oversee and implement a wide variety of efforts on a global, national, or local level to address the issue.<sup>45</sup> Other international actors and inter-governmental bodies engaged in efforts to combat sexual violence in African conflicts include NGOs, the International Organization for Migration (IOM), the World Bank, and the European Union. Separately, international courts and tribunals have been used to try combatants accused of perpetrating sexual violence in some African conflicts.

### Selected U.N. Activities

The U.N. Security Council has adopted at least three resolutions focused uniquely on sexual violence in conflict.<sup>46</sup> Most recently, Security Council Resolution 1888, adopted on September 30, 2009, requests that the U.N. Secretary-General appoint a Special Representative on sexual violence in conflict and constitute a team of experts to work with governments to prevent and address the problem.<sup>47</sup> Following the resolution's adoption, the Secretary-General called on the Security Council to set up an independent commission of inquiry into sexual violence in the conflicts in Chad, Sudan and the Democratic Republic of the Congo (DRC).<sup>48</sup> Resolution 1888 was adopted after Security Council Resolution 1325, which addresses the impact of war and conflict on women and highlights the need for protection of women and girls from human rights abuses; and Security Council Resolution 1820, which demands "the immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians with immediate effect."<sup>49</sup>

The Security Council has also included provisions on the protection of civilians and the promotion of human rights, including references to sexual and gender-based violence, in the mandates of various peacekeeping missions in Africa, including those in DRC (MONUC), Burundi (BINUB), Chad and CAR (MINURCAT), Côte d'Ivoire (UNOCI), Darfur (UNAMID), and Liberia (UNMIL).<sup>50</sup> Reports to the U.N. Security Council by the U.N. Secretary-General on African conflict situations often include a discussion of sexual and gender-based violence.

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<sup>45</sup> E.g., United Nations, *Inventory of United Nations System Activities to Prevent and Eliminate Violence Against Women*, September 2009. See CRS Report RL34518, *United Nations System Efforts to Address Violence Against Women*, by Luisa Blanchfield.

<sup>46</sup> For further discussion, see Security Council Report, *Protection of Civilians in Armed Conflict*, October 30, 2009.

<sup>47</sup> U.N. document S/RES/1888 (2009); see, e.g., HRW, "New Post Will Focus UN Efforts on Halting Sexual Violence," September 30, 2009.

<sup>48</sup> UN News, "Security Council Demands End to Conflict-Related Sexual Violence," September 30, 2009.

<sup>49</sup> U.N. document S/RES/1325 (2000), October 31, 2000; and U.N. document, S/RES/1820 (2008), June 19, 2008.

<sup>50</sup> Most recently, in U.N. documents S/RES/1856 (2008), adopted on December 22, 2008; S/RES/1858 (2008), adopted on December 22, 2008; S/RES/1861 (2009), adopted on January 14, 2009 (MINURCAT); S/RES/1880 (2009), adopted on July 30, 2009; S/RES/1881 (2009), adopted on July 30, 2009 (UNAMID); and S/RES/1885 (2009), adopted on September 15, 2009, respectively.

Members of the U.N. Human Rights Council support the work of the U.N. Special Rapporteur on Violence Against Women, its Causes and Consequences, who has undertaken a number of missions to African conflict settings, including DRC and Darfur; in November 2008, the Council held a special session on the situation of human rights in eastern DRC.<sup>51</sup> In addition, 46 African states are parties to the U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).<sup>52</sup>

## International Prosecutions

The recognition that sexual violence committed in wartime can be prosecuted under international law is relatively recent.<sup>53</sup> This legal interpretation has evolved along with international norms prohibiting the abuse of civilians by parties to armed conflict—notably, the Geneva Conventions of 1949, which classify sexual assault as a violation of the law of war and place primary responsibility for preventing abuses on combatant groups.<sup>54</sup> A number of individuals have faced international prosecution for sexual violence committed during African conflicts. Prosecutions have taken place before country-specific special tribunals and before the International Criminal Court, which came into existence in 2002. The conflicts on which international judicial forums have focused, to date, are the Rwandan genocide (1994), the civil war in Sierra Leone (1992-2002), the 2002-2003 conflict in CAR, the LRA insurgency in northern Uganda and neighboring countries (1986 onward), and ongoing conflicts in the Darfur region of Sudan and eastern DRC.

The Statutes of both the International Criminal Tribunal for Rwanda (ICTR), established by the U.N. Security Council in 1994, and the Special Court for Sierra Leone (SCSL), established in 2000 by agreement between the United Nations and the Government of Sierra Leone, qualify rape and other forms of sexual violence as a potential war crime and crime against humanity.<sup>55</sup> The ICTR has prosecuted over 60 suspects on charges of sexual violence committed during the 1994 Rwandan genocide,<sup>56</sup> while crimes of sexual violence have been a component of all but one SCSL

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<sup>51</sup> Statements, reports, and other documents from this session are available at <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/8/index.htm>. Reports of the Special Rapporteur are available at <http://www2.ohchr.org/english/issues/women/rapporteur/visits.htm>.

<sup>52</sup> States parties to CEDAW, available at <http://www.un.org/womenwatch/daw/cedaw/states.htm>.

<sup>53</sup> Theodor Meron, “Rape as a Crime Under International Humanitarian Law,” *American Journal of International Law*, 87, 3 (July 1993).

<sup>54</sup> The 1949 Conventions state that “women shall be especially protected against any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault.” Convention (IV) Relative to the Protection of Civilian Persons in Time of War, Geneva, August 12, 1949. The Additional Protocols to the Geneva Conventions Relating to the Protection of Victims in International Armed Conflicts (1977) contain similar prohibitions. The Geneva Conventions and Additional Protocols do not expressly designate sexual violence as a “grave breach” of the law of armed conflict, however. Some scholars view 1992 as a turning point in which international attention to widespread sexual atrocities in the former Yugoslavia led to greater willingness to view rape as a prosecutable crime under international humanitarian and human rights law (e.g. United Nations Division for the Advancement of Women, Department of Economic and Social Affairs, *Sexual Violence and Armed Conflict: United Nations Response*, April 1998.)

<sup>55</sup> Statute of the ICTR, pursuant to U.N. Security Council Resolution 955 (1994) of November 8, 1994, Articles 3 and 4; Statute of the Special Court for Sierra Leone, established pursuant to Security Council resolution 1315 (2000) of 14 August 2000, Articles 2 and 3. The ICTR has jurisdiction over crimes of sexual violence committed between January 1, 1994 and December 31, 1994 by persons in Rwandan territory or by Rwandan citizens in the territory of neighboring states. The SCSL is mandated to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.

<sup>56</sup> Some have been accused of personally committing sexual violence; others, of encouraging or allowing the (continued...)

prosecution, including the cases against leaders of the Armed Forces Revolutionary Council (AFRC) junta, against the Revolutionary United Front (RUF) rebel group, and against former Liberian President Charles Taylor, who is being tried by the SCSL in the Hague on charges linking him to crimes committed by the RUF.<sup>57</sup>

### **The International Criminal Court (ICC)<sup>58</sup>**

To date, ICC prosecutions have focused on CAR, the situation of the Lord's Resistance Army (LRA), and conflicts in Darfur and eastern DRC. The Statute of the ICC codifies crimes of sexual and gender-based violence, and the Court has also worked to establish procedures for the proper treatment of victims and witnesses in such cases.<sup>59</sup> The ICC Prosecutor has opened 11 cases in which he has sought to bring charges related to sexual violence. Individuals sought by the Prosecutor for sexual crimes (among other alleged offenses) are: Sudanese President Omar Hassan al-Bashir; Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb"), a former Minister of State for the Interior of the Government of Sudan and an alleged leader of the Janjaweed militia in Darfur; Joseph Kony and four other commanders of the Lord's Resistance Army (LRA), for crimes allegedly committed in northern Uganda; Jean-Pierre Bemba Gombo, a former DRC rebel leader, Vice President, and Senator, for crimes allegedly committed in neighboring Central African Republic; and Germain Katanga and Mathieu Ngudjolo, for alleged crimes in Ituri province, eastern DRC. None of these cases have yet come to trial. Bemba, Katanga, and Ngudjolo are in ICC custody; the others remain at large.

## **Obama Administration Policy**

The Obama Administration has sought to emphasize international women's issues as a key foreign policy initiative.<sup>60</sup> As part of these efforts, the Administration has highlighted the issue of sexual violence in conflict, at times with an emphasis on Africa. State Department officials have repeatedly referred to sexual violence as a "weapon of war" and an issue that requires U.S.

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perpetration of sexual violence by individuals under their command. The first suspect to be prosecuted for sexual violence before the ICTR was a former mayor, Jean Paul Akayesu, who was tried in 1997 on accusations that he failed to prevent sexual violence against displaced women who had sought refuge in the commune over which he held authority, among other charges. The Akayesu prosecution, now considered to be a landmark case, was amended to include sexual violence following efforts by non-governmental organizations (NGOs) to publicize the systematic perpetration of rape during the genocide. Gaëlle Breton-Le Goff, "Analysis of Trends in Sexual Violence Prosecutions in Indictments by the International Criminal Tribunal for Rwanda (ICTR) From November 1995 to November 2002," A Study of the McGill Doctoral Affiliates Working Group on International Justice, Rwanda Section, On Behalf of the NGO Coalition for Women's Human Rights in Conflict Situations, November 28, 2002; The Prosecutor Vs. Jean-Paul Akayesu, Case No. ICTR-96-4-T, Decision of 2 September 1998.

<sup>57</sup> Indictments available on the website of the SCSL, <http://www.sc-sl.org>.

<sup>58</sup> See CRS Report RL34665, *International Criminal Court Cases in Africa: Status and Policy Issues*, by Alexis Arieff, Rhoda Margesson, and Marjorie Ann Browne.

<sup>59</sup> "Elements of Crimes" of the International Criminal Court, adopted by the Assembly of States Parties and entered into force on September 9, 2002, available at <http://www.icc-cpi.int/>.

<sup>60</sup> In March 2009, the Obama Administration established the Office of Global Women's Issues (GWI), which consolidated the Office of the Senior Advisor to the Secretary for Women's Empowerment and the Office of International Women's Issues, both of which reported to the Undersecretary for Democracy and Global Affairs. GWI is led by an Ambassador-at-Large, Melanne Verveer, who reports directly to the Secretary of State.

attention.<sup>61</sup> However, the full extent and effectiveness of the Administration's policies addressing sexual violence, and the extent to which they will focus on Africa and on conflict situations, remains to be seen.

Secretary of State Hillary Clinton has spearheaded Administration efforts in multiple public statements, official travel, writings, and actions at the United Nations. The Secretary's efforts have particularly focused on sexual violence in DRC: in August, Clinton visited Goma, in eastern DRC, as part of efforts to draw attention to widespread sexual violence in the region. On September 30, 2009, Clinton chaired a U.N. Security Council session on women, peace and security in armed conflict; the session resulted in the unanimous passage of Security Council Resolution 1888, which pertains to sexual violence in conflict situations. President Obama applauded the resolution's approval and stated that it reinforced the importance his Administration places on issues of violence against women and children.<sup>62</sup>

## **Agency and Department Roles**

Most U.S. agencies and departments do not consistently disaggregate efforts to address sexual violence in African conflict settings from broader violence against women, refugee protection, or security assistance efforts.<sup>63</sup> It is therefore unclear how much money the U.S. government, or any individual agency, spends annually on such programs. This report's case study on DRC and index of USAID and DOS programs focusing on sexual violence there (see **Appendix**) provide examples of the context and types of programs designed to address the issue; the situation in DRC has, in recent years, drawn a large share of the resources and attention paid to sexual violence in African conflicts.

USAID and the Department of State (DOS) are the primary U.S. government entities engaged in programs responding to international sexual and gender-based violence. Within each, functional and regional bureaus, as well as Embassy personnel and field staff, contribute to such programs. At DOS, these include the Bureaus of African Affairs; the Bureau of Democracy, Human Rights, and Labor (DRL); the Bureau of International Narcotics and Law Enforcement Affairs (INL); the Bureau of Political-Military Affairs; the Bureau of Population, Refugees, and Migration (PRM); the Office of the U.S. Global AIDS Coordinator; and the Office of Global Women's Issues (GWI). At USAID, these include the Sub-Saharan Africa Bureau as well as the Bureau of Global Health and the Bureau of Democracy, Conflict, and Humanitarian Assistance (DCHA). Other agencies and departments that support related programs include the Department of Defense (DOD) and the Department of Justice (DOJ).

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<sup>61</sup> E.g., State Department news briefing by Ambassador-at-Large for Global Women's Issues Melanne Verveer and Ambassador-at-Large for War Crimes Issues Stephen Rapp, October 2, 2009.

<sup>62</sup> Rachel Vogelstein/The White House, "Stopping Conflict-Related Sexual Violence Against Women and Children," October 2, 2009.

<sup>63</sup> A report submitted to Congress in November 2009 in line with a directive contained in the Omnibus Appropriations Act for 2009 (P.L. 111-8) includes narrative description of the role of various DOS and USAID entities in addressing sexual and gender-based violence worldwide and in various settings. However, the report does not contain detailed information on individual programs or cost (budgeting or outlays). DOS and USAID, *Report on Sexual and Gender-Based Violence Programs and the Integration of Sexual and Gender-Based Violence Issues into Foreign Police, Judicial and Military Training Programs*, submitted to the Committees on Appropriations on November 9, 2009 (henceforth, DOS and USAID Report 2009).

## Selected Programs<sup>64</sup>

Programs aimed at preventing sexual violence have included, for example, training for enhanced media capacity to report on the issue; educational programs focused on girls' scholarization or general attitudes toward sexual violence; refugee protection assistance, and capacity-building programs for legal professionals and advocates.<sup>65</sup> For example, DRL funds a project in Chad to enhance citizens' access to locally-developed and broadcasted news and information on gender-based violence and women's rights issues in remote communities. PRM supports the work of the U.N. High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) to protect women and other vulnerable community-members displaced by conflict. In addition, DCHA funds an International Rescue Committee program promoting a coordinated strategy aimed at protecting displaced women displaced by conflict or disasters from sexual violence by addressing their need for cooking and heating fuel. Some programs focus on longer-term economic empowerment as a means to address women's societal status and change attitudes toward sexual violence.<sup>66</sup>

Programs aimed at responding to sexual violence often include the provision of medical and psychological treatment or other forms of assistance to survivors, the prevention or treatment of sexually transmitted diseases such as HIV/AIDS and medical conditions such as fistula, or the funding or training of health and socio-economic service providers. For example, PRM has funded programs to provide medical and/or psychological assistance to sexual violence survivors in Ethiopia, Liberia, and Sudan. USAID's Economic Growth and Trade (EGAT) activities support an initiative aimed at increasing awareness of gender-based violence response and prevention programs among conflict-affected populations in Liberia, Rwanda, southern Sudan, and Uganda through the use of community media. USAID has also, for example, supported health teams in rural areas of Liberia. Anti-trafficking programs have also, in some cases, focused on African conflict settings.<sup>67</sup> Some U.S. programs and projects support multilateral programs and initiatives focused on sexual violence in African conflicts.

In addition, content on sexual and gender-based violence is a component of U.S. foreign police, judicial, and military training programs, in accordance with congressional directives. These programs include International Military Education and Training (IMET), INL police training programs, and the Africa Contingency Operations Training and Assistance Program (ACOTA), which, as part of the U.S. Global Peace Operations Initiative (GPOI), aims to upgrade the peace-enforcement capabilities of African militaries.<sup>68</sup>

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<sup>64</sup> Examples of programs are drawn from the DOS and USAID report to Congress, 2009.

<sup>65</sup> The Women's Justice and Empowerment Initiative (WJEL), a program initiated in 2005, attempts to raise awareness of gender-based violence, strengthen the capacity of the legal system to prosecute perpetrators, and assist victims in four African countries (Benin, Kenya, South Africa, and Zambia), but none that are directly affected by conflict.

<sup>66</sup> CRS interview with USAID officials, October 2009.

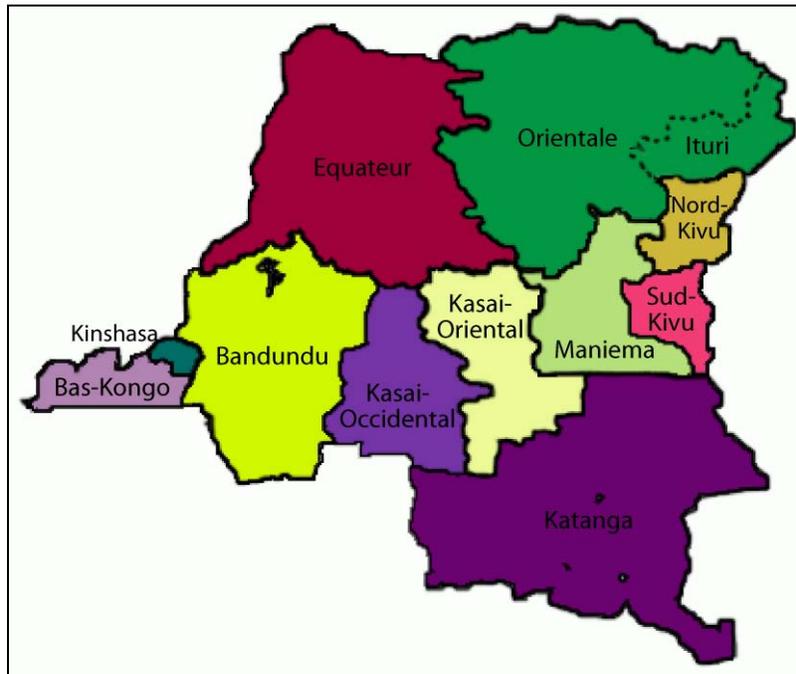
<sup>67</sup> A least one active program, run by PRM, aims to provide protection, return, and reintegration assistance to former Congolese IDPs who were trafficked by Ugandan military forces stationed within DRC during conflict from 1998-2003. DOS and USAID Report 2009.

<sup>68</sup> ACOTA provides Peace Support Operations training, including light infantry and small unit tactics, and focuses on training African troops who can in turn train other African units. For further background, see CRS Report RL34003, *Africa Command: U.S. Strategic Interests and the Role of the U.S. Military in Africa*, by Lauren Ploch.

## Case Study: Democratic Republic of Congo (DRC)

The following case study is included in this report due to the relative gravity of sexual abuse perpetrated in DRC, and due to high levels of attention in recent months from U.S. policy-makers, including within the Obama Administration and the 111<sup>th</sup> Congress. Active U.S. programs aimed at addressing sexual violence in DRC (see **Appendix**) constitute a large share, in funding and number, of all U.S. policy efforts focusing on sexual violence in African conflicts.

**Figure 1. Map of the Democratic Republic of Congo**  
Provinces and Ituri District



Source: CRS.

Rape and other forms of sexual violence have been a feature of conflict in DRC going back to at least the 1998-2003 nationwide civil war and its immediate aftermath.<sup>69</sup> In the context of recurring conflict, state security forces, rebel groups, militias, and combatants from neighboring countries have inflicted sexual violence upon DRC's civilian population on a massive scale.<sup>70</sup> In 2007, United Nations Under-Secretary-General for Humanitarian Affairs John Holmes characterized sexual violence in DRC as the worst in the world; U.N. officials have also characterized sexual abuse in DRC as a "weapon of terror" and a war crime.<sup>71</sup> The brutality of

<sup>69</sup> See HRW, *The War Within the War: Sexual Violence Against Women and Girls in Eastern Congo*, June 2002, which reported on widespread sexual violence committed in the Kivus region by all parties to DRC's 1998-2003 civil war.

<sup>70</sup> For further background on DRC, see CRS Report R40108, *The Democratic Republic of Congo: Background and Current Developments*, by Ted Dagne.

<sup>71</sup> Stephanie McCrummen, "Prevalence of Rape in E. Congo Described as Worst in World," *The Washington Post*, September 9, 2007; Stephen Lewis, "Congo-Kinshasa: End Sexual Violence in Eastern Region," *AllAfrica.com*, September 13, 2007; U.N. News, "Sexual Violence Against Women in DR Congo Amounts to War Crime: UN Expert," October 26, 2007.

sexual violence is reportedly extreme: a recent study by the Harvard Humanitarian Initiative noted that sexual violence in DRC “has features rarely seen in peace-time, or indeed most wartime, settings including: forced incest; gang rape; rape in public; rape with foreign objects, and urogenital mutilation.”<sup>72</sup>

Reports suggest that sexual violence has spiraled in recent years in both scale and brutality. While precise statistics are lacking, UNICEF estimated in 2008 that “hundreds of thousands” of women and girls had been raped in DRC since the mid-1990s, with over 1,000 raped each month.<sup>73</sup> The Obama Administration’s Ambassador-at-Large for Women’s Issues, Melanne Verveer, recently stated that “some 1,100 rapes are being reported each month in the DRC’s eastern provinces.”<sup>74</sup> Sexual violence has been reported in many regions of DRC, but it is particularly prevalent in the conflict-ridden east, and especially in North and South Kivu, where there is a long-running pattern of armed groups and state security forces committing brutal human rights abuses—including the burning of villages, deliberate killings, looting, rape, and sexual mutilation—against civilian populations.<sup>75</sup> Congolese security forces have also been accused of committing widespread sexual violence in regions such as Equateur, in the northwest.<sup>76</sup>

The Congolese military, known as the FARDC (*Forces Armées de la République Démocratique du Congo*), has largely failed to protect civilians in conflict zones, and indeed recent human rights reports suggest Congolese troops are among the largest perpetrators of violence against civilians, including sexual violence, in conflict areas.<sup>77</sup> The Congolese national police force (PNC) has also been accused of committing widespread rape.<sup>78</sup> Foreign combatants accused of perpetrating sexual violence against civilians include members of the Lord’s Resistance Army (LRA), which originated in northern Uganda, and Rwandan-born members of the FDLR (*Forces Démocratiques pour la Libération du Rwanda*), a group led by former participants in Rwanda’s 1994 genocide which has been based in DRC for over a decade.<sup>79</sup> Sexual assault is sometimes reportedly carried out as part of a coordinated armed attack in which the intent appears to be “to terrorize communities into accepting their control or to punish them for real or supposed links to opposing

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<sup>72</sup> Harvard Humanitarian Initiative, *Characterizing Sexual Violence in the Democratic Republic of the Congo*, August 2009: 4.

<sup>73</sup> UNICEF, “As DR Congo Crisis Persists, UN Classifies Rape as Weapon of War,” June 24, 2008. The U.N. Secretary-General reported in July 2009 that UNICEF had documented over 200,000 rapes since 1996 (U.N. document S/2009/362).

<sup>74</sup> Department of State, “Ambassador-At-Large For Global Women’s Issues Melanne Verveer And Ambassador-At-Large for War Crimes Issues Rapp Holds State Department News Briefing,” October 2, 2009.

<sup>75</sup> Doctors without Borders recently reported that sexual violence in the Kivu provinces is “a problem of catastrophic proportions, and it happens everywhere” (MSF, *Shattered Lives: Immediate medical care vital for sexual violence victims*, March 2009: 27). While the Kivus are seen as the epicenter of conflict in DRC, continuing high levels of sexual violence have also been reported in other eastern regions, such as Ituri District, where the disarmament of militias has been relatively successful (ICG, *Congo: Four Priorities For Sustainable Peace In Ituri*, May 13, 2008; United Nations, *Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo*, November 10, 2008).

<sup>76</sup> United Nations, *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk*, February 28, 2008, U.N. document A/HRC/7/6/Add.4.

<sup>77</sup> E.g., HRW, “DR Congo: Brutal Rapes by Rebels and Army,” April 8, 2009; HRW, *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, July 2009.

<sup>78</sup> E.g., Department of State, “2008 Human Rights Reports: Democratic Republic of Congo.”

<sup>79</sup> HRW, *The Christmas Massacres: LRA attacks on Civilians in Northern Congo*, February 2009; International Crisis Group (ICG), *Congo: Une Stratégie Globale pour Désarmer les FDLR*, July 2009.

forces.”<sup>80</sup> Individual fighters and groups of combatants have also reportedly frequently engaged in opportunistic rape of women and girls.<sup>81</sup> While women and girls are the primary targets of sexual violence, men and boys have also been victims.<sup>82</sup> Displaced persons have also been frequently targeted.<sup>83</sup>

The prevalence of sexual violence has been attributed to the eroded status of women over years of conflict, weak state authority, a weak justice system, and a breakdown in community protection mechanisms. Sexual violence by the military has also been linked to waves of integration of rebel organizations into the military through successive peace accords, with little accompanying attention to military discipline or the chain of command.<sup>84</sup> Military troops are poorly paid, and troops deployed in conflict areas are not provided adequate food or supplies, which some observers believe encourages looting and other abuses. Reports suggest that while most sexual crimes are carried out by members of armed groups in conflict zones, incidents of rape by civilians are also increasing.<sup>85</sup> One report expressed concern that rape may have “become trivialized and has been increasingly perpetrated in zones of relative stability.”<sup>86</sup>

In March 2009, the FARDC launched the second phase of a military campaign aimed at forcibly disarming the FDLR in eastern DRC. This operation, known as Kimia II, has received logistical and tactical support from the U.N. Mission in DRC (MONUC), authorized under the terms of MONUC’s mandate renewal in December 2008.<sup>87</sup> According to human rights and humanitarian groups, the operation has resulted in a spike in violence against civilians, including at least 7,000 rapes: abuses have reportedly been carried out both by FARDC troops and by FDLR fighters “who are deliberately targeting civilians to punish them for their government’s decision to launch military operations against the group.”<sup>88</sup> Some abuses by FARDC troops have reportedly been carried out in part by former combatants of the CNDP (*Congrès National pour la Défense du Peuple*) rebel group, which were integrated into the national military starting in early 2009.<sup>89</sup> Advocacy groups report that sexual violence, including mutilation and torture, have grown more brutal in areas affected by the operation.<sup>90</sup>

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<sup>80</sup> HRW, *Renewed Crisis in North Kivu*, October 2007: 25.

<sup>81</sup> Human Rights Watch reported in 2007 that in North Kivu, “in some cases soldiers raped women as part of the punishment meted out to communities believed hostile to their control... In other cases, soldiers raped women in the course of a theft or looting property.” HRW, *Renewed Crisis in North Kivu*, October 2007: 36.

<sup>82</sup> E.g., Médecins Sans Frontières (MSF), *Ituri: Civilians Still the First Victims*, October 2007.

<sup>83</sup> E.g., United Nations, *Twenty-sixth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*, July 3, 2008.

<sup>84</sup> HRW, *Renewed Crisis in North Kivu*, October 2007; HRW, *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, July 2009; CRS interviews. For example, units of the Congès National pour la Défense du Peuple (CNDP), a largely ethnic Tutsi rebel group originating in North Kivu that reportedly received support from the Rwandan government, were reportedly integrated into the FARDC, following a March 2009 peace deal, with little disruption of their internal command structure.

<sup>85</sup> E.g., United Nations, *Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo*, November 10, 2008.

<sup>86</sup> Fédération Internationale des Droits de l’Homme (FIDH), *Democratic Republic of Congo (DRC): Breaking The Cycle Of Impunity*, March 26, 2008.

<sup>87</sup> U.N. document S/RES/1856 (2008).

<sup>88</sup> Congo Advocacy Coalition, “DR Congo: Civilian Cost of Military Operation is Unacceptable,” October 12, 2009.

<sup>89</sup> HRW, *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, July 2009; CRS interviews.

<sup>90</sup> Congo Advocacy Coalition, “DR Congo: Civilian Cost of Military Operation is Unacceptable,” October 12, 2009.

## DRC Government Responses

Observers report that impunity is the norm for perpetrators of sexual crimes in DRC.<sup>91</sup> At the same time, the Congolese government has taken several steps to combat sexual violence in recent years. In 2006, the government passed new laws modifying the penal and procedural codes, both aimed at protecting victims and facilitating the prosecution of sexual crimes.<sup>92</sup> In mid-2009, the Congolese military announced a “zero-tolerance” policy toward rape, and has reportedly initiated several prosecutions, some of which have resulted in convictions.<sup>93</sup> According to the United Nations, the national police force (PNC) is “leading the establishment of sexual violence special units within PNC and is assisting to coordinate... the training of those units.”<sup>94</sup> The Ministry of Justice has also reportedly adopted a road map developed with the support of the United Nations, which, among other efforts, establishes a standard medical certificate for victims of sexual violence.<sup>95</sup> Reports suggest that these efforts, however, have been limited and insufficiently implemented overall: prosecutions remain the exception, there are no provisions for victim or witness protection, and sentences are generally minimal and are rarely enforced.<sup>96</sup> According to the U.N. Secretary-General, “there appears to be a lack of will to investigate and prosecute high-level military and other officials who have allegedly committed sexual violence.”<sup>97</sup>

## U.N. Peacekeeping Activities

The U.N. peacekeeping mission in DRC, MONUC, which has been in DRC since 1999, includes some 18,600 total uniformed personnel, of which the majority are in North and South Kivu.<sup>98</sup> MONUC’s most recent mandate renewal, in December 2008, places the highest “priority” on the protection of civilians. The peacekeeping mission is also mandated to “assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons,” and provides training in human rights to Congolese security forces.<sup>99</sup> MONUC and the U.N. country team have developed a “comprehensive strategy” to combat sexual violence in DRC, which, the United Nations states, was endorsed by the DRC government on April 1, 2009.<sup>100</sup> It structures U.N. agencies’ responses to sexual violence around four pillars: (a)

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<sup>91</sup> E.g., Department of State, “2008 Human Rights Reports: Democratic Republic of Congo”; AI, “Democratic Republic Of The Congo - Amnesty International Report 2008.”

<sup>92</sup> Loi n° 06/018 du 20 Juillet 2006 Modifiant et Complétant le Décret du 30 Janvier 1940 Portant Code Pénal Congolais, and Loi n° 06/019 du 20 Juillet 2006 Modifiant et Complétant le Décret du 06 Août 1959 Portant Code de Procédure Pénale Congolais, in *Le Journal Officiel de la République Démocratique du Congo*, August 1, 2006.

<sup>93</sup> HRW, “Congo-Kinshasa: Stopping Rape As a Weapon of War,” September 18, 2009.

<sup>94</sup> *Report of the Secretary-General Pursuant to Security Council Resolution 1820 (2008)*, U.N. document S/2009/362.

<sup>95</sup> United Nations, *Fourth Special Report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*, November 21, 2008.

<sup>96</sup> MONUC, *Briefing Materials*, Public Information Division, August 2009.

<sup>97</sup> *Report of the Secretary-General Pursuant to Security Council Resolution 1820 (2008)*, U.N. document S/2009/362.

<sup>98</sup> MONUC, “Facts and Figures,” at <http://www.un.org/en/peacekeeping/missions/monuc/facts.html>. The current mandate expires December 31, 2009.

<sup>99</sup> U.N. Security Council Resolution 1856 (2008). The mandate also authorizes MONUC to assist in the disarmament and demobilization of foreign and Congolese armed groups; support security sector reform of the FARDC; and promote the territorial security of DRC, among other provisions.

<sup>100</sup> *Report of the Secretary-General Pursuant to Security Council Resolution 1820 (2008)*, U.N. document S/2009/362.

combating impunity; (b) prevention and protection; (c) security sector reform; and (d) multisectoral response for survivors. Each pillar, in turn, has a designated U.N. lead agency.<sup>101</sup>

Despite these efforts, MONUC has come under criticism for allegedly failing to protect civilians, and for providing military and logistical support to Congolese military units that are said to have engaged in widespread abuses of civilians, including sexual violence. Some have argued that MONUC should cease support for FARDC operations in light of ongoing FARDC abuses; others have called for U.N. operations that would aim at directly interdicting FARDC attacks on civilians.<sup>102</sup> In early November 2009, MONUC announced it would withdraw support for FARDC units accused of deliberately killing 62 civilians in one publicized incident.<sup>103</sup> At the same time, while acknowledging “moral and practical dilemmas,” MONUC maintains that withdrawal of all U.N. support for the FARDC would lead to even greater civilian suffering.<sup>104</sup>

### **Abuses by U.N. Peacekeepers**

Starting in 2003, peacekeepers serving under the U.N. Mission in DRC (MONUC) have been periodically accused of sexual exploitation and abuse of women and children.<sup>105</sup> Such behavior is a violation of the U.N. code of conduct for peacekeeping troops; troop contributing countries hold the responsibility to prosecute their nationals for alleged abuse while serving under U.N. peacekeeping missions.<sup>106</sup> Despite various U.N. efforts to eliminate abuses by U.N. peacekeepers, including the declaration in 2005 of a “zero tolerance” policy toward sexual exploitation and abuse, investigations by outside groups and U.N. internal oversight entities indicate that abuses by peacekeeping personnel are ongoing.<sup>107</sup> Human Rights Watch contended in 2008 that “serious allegations of illegal behavior by UN peacekeepers in Congo have been ignored, minimized, or shelved, and that there is rarely accountability for the crimes that are acknowledged.”<sup>108</sup> MONUC has sought to prevent such abuses through awareness training for MONUC personnel, field assessment visits, monitoring, and investigations.<sup>109</sup>

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<sup>101</sup> Office of the Senior Sexual Violence Advisor and Coordinator, MONUC, *Comprehensive Strategy on Combating Sexual Violence in DRC*, March 18, 2009.

<sup>102</sup> E.g., HRW, “Eastern DR Congo: Surge in Army Atrocities, UN Peacekeeping Force Knowingly Supports Abusive Military Operations,” November 2, 2009; CRS interviews, October-November 2009.

<sup>103</sup> Stephanie McCrummen, “Congolese Army Units Lose U.N. Aid,” *The Washington Post*, November 3, 2009.

<sup>104</sup> Reuters, “U.N. Congo Head Says Must Back Army, Despite Abuse,” November 11, 2009.

<sup>105</sup> E.g., U.N. News, “Annan Vows to End Sex Abuse Committed by UN Mission Staff in DR of Congo,” November 19, 2004; Marc Lacey, “In Congo War, Even Peacekeepers Add to Horror,” *The New York Times*, December 18, 2004; UN News, “Peacekeepers’ Sexual Abuse of Local Girls Continuing in DR of Congo, UN Finds,” January 7, 2005.

<sup>106</sup> For further discussion, see CRS Report RL33700, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne.

<sup>107</sup> Louis Charbonneau, “Peacekeepers May Have Committed Sex Abuse in Congo – UN,” *Reuters*, August 12, 2008; MONUC, “MONUC Demands Urgent Investigations on Allegations of Bad Conduct,” December 24, 2008. According to the U.N. Office of Internal Oversight Services (OIOS), 32 allegations of sexual exploitation and abuse were reported against MONUC between January and July 2009.

<sup>108</sup> HRW, “UN: Tackle Wrongdoing by Peacekeepers,” April 30, 2008.

<sup>109</sup> MONUC, *Briefing Materials*, Public Information Division, August 2009.

## U.S. Policy Responses

In August 2009, Secretary of State Clinton traveled to the city of Goma in eastern DRC, where she met with rape survivors, medical providers, health care activists, and displaced Congolese. In a speech at the Heal Africa Hospital, which often treats rape victims, Clinton stated, “The United States condemns these attacks and all those who commit them and abet them. And we say to the world that those who attack civilian populations using systematic rape are guilty of crimes against humanity.”<sup>110</sup> The Secretary also announced \$17 million in “new funding” to assist women in areas including North and South Kivu. The \$17 million pledged is not an exact figure (**Table 2**). A State Department program to recruit and train some 400 women police officers in Ituri District, managed by the Bureau of International Narcotics and Law Enforcement Affairs (INL) and funded by \$2.9 million in DOD Section 1207 funds, was not initially included.<sup>111</sup> However, it was subsequently considered to be part of the pledge, which is now considered to total \$18.15 million.<sup>112</sup> This is in addition to the nearly \$100 million budgeted for other active USAID and State Department programs aimed in part or in whole at addressing sexual and gender-based violence in DRC (see **Appendix**).

**Table 2. Breakdown of Secretary Clinton’s Pledge**  
(as of October 2009)

Department/Agency	Project	Implementer	Budget
USAID	“ESPOIR: Ending Sexual Violence by Promoting Opportunities and Individual Rights,” North & South Kivu provinces.	International Rescue Committee (IRC)	\$7 million
USAID	ESF funding appropriated under P.L. 111-32; expected to be budgeted as “Governing Justly and Democratically” and “Investing in People.”	As yet un-contracted	\$8.25 million <sup>a</sup>
DOS	INL program to train police officers, particularly women officers, to investigate sexual and gender-based violence cases, Ituri district/Orientale Province.	Implementer not yet determined.	\$2.9 million in Section 1207 funds
TOTAL:			\$18.15 million

**Source:** CRS interviews with USAID, DOS/INL.

<sup>110</sup> Kelly Daniel, “United States Pledges \$17 Million to Aid Rape Survivors in DRC,” August 12, 2009.

<sup>111</sup> Department of State, “United States Pledges \$17 Million to Aid Rape Survivors in DRC – Clinton condemns rape attacks in the Democratic Republic of Congo,” August 12, 2009. Section 1207 refers to funds authorized to be transferred from DOD to DOS in defense articles, services, training or other support for reconstruction, stabilization, and security activities in foreign countries; see CRS Report RS22871, *Department of Defense “Section 1207” Security and Stabilization Assistance: Background and Congressional Concerns*, by Nina M. Serafino.

<sup>112</sup> CRS interviews, October 2009.

- a. Of the \$7 million budgeted for the IRC's ESPOIR project, \$5.25 million had already been budgeted at the time of the Secretary's pledge, while the remaining \$1.75 million came out of \$10 million in ESF funds provided in P.L. 111-32.

In addition to State Department and USAID programs in DRC, the Defense Department's Africa Command (AFRICOM) has conducted at least one training program on military justice, human rights law and the law of armed conflict, in June 2009. AFRICOM has been asked by the State Department to assist U.S. government efforts to prevent and respond to sexual and gender-based violence in DRC.<sup>113</sup> It has been suggested by some that AFRICOM could participate in health services provision efforts.<sup>114</sup> Separately, the Defense Institute of International Legal Studies (DIILS), a DOD joint military service activity under the Defense Department's Defense Security Cooperation Agency (DSCA), has since 2008 conducted a military justice assistance project in DRC. The project has included trainings for FARDC military justice professionals on the investigation and prosecution of sexual crimes, as well as trainings that incorporate content on sexual and gender-based violence for FARDC commanders, participants in MONUC's security sector reform training program, and FARDC personnel participating in other training programs sponsored by the U.S. government. In addition to significant logistical support from MONUC, the DIILS project has received about \$3.5 million in State Department funding since 2008.<sup>115</sup>

## **Congressional Actions**

The 111<sup>th</sup> Congress has generally been supportive of increased efforts to address sexual and gender-based violence in DRC. The Supplemental Appropriations Act of 2009 (P.L. 111-32) provided \$10 million in Economic Support Funds (ESF) for "programs and activities to assist victims of gender-based violence" in DRC.<sup>116</sup> Separately, the Act provided \$15 million in Peacekeeping Operations funds (PKO) for training and equipping a DRC "rapid reaction force" with a focus on training in "the protection of civilians with a focus on the prevention of rape and other sexual abuse."<sup>117</sup> This program, a State Department-funded, primarily DOD-implemented effort, is currently referred to a "light infantry battalion"; supplemental resources are expected to cover the costs of trainers, advisors, individual and unit equipment, and logistics support, as well as to refurbish infrastructure at the training site and to transport personnel and equipment.<sup>118</sup> In addition, several Members of Congress have urged increased U.S. responses to sexual violence in DRC. Following the Senate Foreign Relations Committee hearing on sexual violence in DRC and Sudan, in May 2009, for example, three Senators sent a letter to Secretary Clinton asking that the U.S. government create a plan to train and deploy sufficient numbers of Congolese surgeons to treat victims of sexual violence, and calling for a U.S. initiative to help recruit and train all-female police units to help protect and respond to victims of sexual violence.<sup>119</sup>

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<sup>113</sup> AFRICOM, "Africa Command Supporting U.S. Government Initiative in the Democratic Republic of the Congo," August 19, 2009.

<sup>114</sup> This form of participation is controversial among those who believe health programs are best left to civilian-led agencies (CRS interviews). According to AFRICOM officials, the Command continues to conduct its own assessment of how it can contribute to sexual and gender-based violence programs in DRC. CRS communications with AFRICOM, October-November 2009.

<sup>115</sup> Department of State fact-sheet; CRS interview with DIILS officials, November 2009.

<sup>116</sup> H.Rept. 111-151.

<sup>117</sup> H.Rept. 111-151.

<sup>118</sup> USAID Congressional Notification on P.L. 111-32 supplemental funding.

<sup>119</sup> Office of U.S. Senator Barbara Boxer, "Boxer Praises Secretary Clinton's Efforts to Help End Sexual Violence in Congo," August 12, 2009.

## Outlook and Issues for Congress<sup>120</sup>

Many observers have praised the Obama Administration for its attention to the issue of sexual violence in African conflicts. Secretary of State Clinton's visit to Goma, for example, was lauded by human rights and humanitarian organizations as the first visit by a high-level U.S. official uniquely focused on the issue of sexual violence in DRC. At the same time, a number of concerns have been raised regarding the coordination, scale, and timing of U.S. programs aimed at addressing the problem. Some have also questioned whether post-conflict (or even "peaceful") settings, where sexual violence levels are often similar to those during conflict, receive sufficient international attention and funding as active conflict situations.

## Measurements and Evaluation

Few reliable statistics exist on sexual violence in most African conflicts, and data collection is not a component of most U.S. programs. Little is known, additionally, about the effectiveness of individual programs in reducing the scale of violence. Given necessarily limited resources, it is a matter of debate whether sexual violence programs should budget funding for data collection or monitoring and evaluation efforts. Some argue that better information is needed on the prevalence and context of sexual assault in order to inform policy decisions, and that better evaluation would allow for the establishment of best practices. Others counter that funds for data collection reduce the amount of money available for programs themselves.

## Prioritization and Strategic Design

Some have questioned whether responding to sexual violence deserves prioritization over broader conflict resolution efforts and programs aimed at improving women's status and economic power in African societies. While U.S. support for assistance to the victims of sexual violence in African conflict settings has won praise from many humanitarian advocates, many observers nevertheless maintain that sexual violence in conflict zones cannot be disaggregated from wider security trends, and that policy efforts to prevent violence should therefore be primarily aimed at providing security on the ground for all civilians.<sup>121</sup> These observers have faulted Administration programs—such as those in DRC—for ostensibly being insufficiently informed by a coordinated, overarching strategy.<sup>122</sup> Some critics contend that policies should be focused primarily on ending civil conflicts in Africa. Others argue that politics should emphasize long-range attempts to address the societal underpinnings of sexual violence, such as economic freedom and the status of women.<sup>123</sup> Some further argue that policies are, at times, designed with little input from local

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<sup>120</sup> This section draws on CRS interviews with DRC experts, human rights and humanitarian advocates, and policy professionals, October-November 2009.

<sup>121</sup> For example, Africa advocate John Prendergast testified before the Senate Foreign Relations Committee in May 2009 that "measures to deal with rape as a weapon of war in isolation will fail and fail miserably. If we truly want to end this scourge we must move from managing conflict symptoms to ending the conflicts themselves." Testimony of John Prendergast, Enough! Project, before the Senate Committee on Foreign Relations, May 13, 2009.

<sup>122</sup> CRS interview with DRC expert, November 2009.

<sup>123</sup> Speaking of DRC, the U.N. Special Rapporteur on violence against women argued in 2008 that "if the sexual violence associated with war is addressed in isolation, gender-based discrimination and violence endured by women in 'peace' will be grossly neglected." United Nations, *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk*, February 28, 2008, U.N. document A/HRC/7/6/Add.4: 2.

communities, and may emphasize, for example, technologically advanced solutions that may not be feasible in impoverished, conflict-affected regions of Africa.

## **Training Programs**

Some concerns have additionally been raised with regard to programs aimed at building foreign capacity to prosecute sexual violence. In some cases, insufficient infrastructure and expertise on the part of partner agencies and individual recipients of training may inhibit their ability to implement new practices. For example, training programs for foreign military and law enforcement personnel often last only a few days or weeks, and may not address underlying problems such as massive gaps in capacity and expertise, insufficient salaries and resources, or an inept or non-existent chain of command. Many conflict-torn African countries lack sufficient numbers of courtrooms and personnel, including judges, prosecutors, and investigators, to staff them; many additionally lack prisons or military barracks in which to intern those convicted of sexual crimes. Moreover, partner governments may not view sexual violence as a policy priority.

## **Coordination of Resources**

Many critics allege that U.S. policy responses to address sexual and gender-based violence lack continuity and long-term focus. Some attribute this to the fact that there is no foreign operations budgetary line item for sexual and gender-based violence programs; such programs are generally funded through accounts such as Economic Support Funds (ESF), Peacekeeping Operations (PKO), International Narcotics Control and Law Enforcement (INCLE), Section 1207 authority, earmarked funds, and other sources, which may inhibit long-term planning. Some humanitarian advocates maintain that U.S. resources would be most effective if channeled into multi-lateral efforts, such as those led by U.N. agencies and programs, which may have broad expertise in Africa and the ability to coordinate assistance from various sources. Opponents emphasize that U.N. agencies may not act with the same efficiency as other potential implementers, and that U.N. activities may not always align with U.S. priorities.

## Appendix. State Department and USAID Programs in DRC

This table was compiled due to heightened international interest in sexual violence in DRC, and to give an overview of the types and scale of programs to address sexual violence in African conflicts. Active U.S. programs aimed at addressing sexual violence in DRC constitute a large share, in funding and number, of all U.S. policy efforts focusing on sexual violence in African conflicts.

**Table A-1. Selected Active Programs Targeting Sexual and Gender-Based Violence (SGBV) in DRC**  
(as of October 2009)

Department/Agency	Program Title	Location	Implementer	Funding
USAID/Social Protection	Psychosocial support and reintegration of survivors of SGBV in eastern DRC	Ituri District/ Orientale Province; Maniema Province	Cooperazione Internazionale (COOPI)	\$4,945,045 (December 2008-December 2011)
USAID/Social Protection	ESPOIR: Ending sexual violence by promoting opportunities and individual rights	North and South Kivu Provinces	International Rescue Committee (IRC)	\$7 million (September 2009-September 2012)
USAID/Social Protection	Assistance and reintegration of abducted girls and boys and other GBV survivors	Ituri District/ Orientale Province	UNICEF (with COOPI)	\$1,511,644 (July 2006-December 2009)
USAID/Democracy and Governance	Increasing access to equitable justice and ending sexual violence in Congo	South Kivu; national-level policy and advocacy	Global Rights	\$1,254,145 (April 2008-March 2010)
USAID/Democracy and Governance	Increasing access to justice for vulnerable populations	South Kivu, Maniema, Equateur Provinces	Avocats Sans Frontières	\$1,111,402 (September 2008-September 2010)
USAID/Democracy and Governance	Promoting and strengthening justice	Kinshasa; South Kivu, Katanga, Bandundu, Maniema Provinces	DPK Consulting	\$13,495,528 (September 2008-September 2011)
USAID/Democracy and Governance	Using media outreach to support democracy and governance	Nationwide	Search for Common Ground	\$3,344,958 (September 2007-September 2010)

Department/Agency	Program Title	Location	Implementer	Funding
USAID/Health	Fistula Care—Support to Panzi Hospital and Health Africa Hospital	North and South Kivu	Engender Health	\$1,720,000 (FY2009-2010)
USAID/Health	Project AXxes	Kasai Orientale, Kasai Occidentale, South Kivu, Katanga	Interchurch Medical Assistance (with Catholic Relief Services and World Vision)	\$900,000 (FY2008-2009)
USAID/Health	Primary health care program	Kasai Occidentale and Orientale	Leadership, Management and Sustainability Program, Management Sciences for Health (MSH)	\$10.7 million (FY2009-2010)
USAID/Foreign Disaster Assistance	Emergency health projects for IDPs and SGBV survivors	North Kivu	IRC	\$3,308,206, of which \$721,135 is focused on SGBV (November 2007-December 2009)
USAID/Foreign Disaster Assistance	Emergency health projects for IDPs and SGBV survivors	North and South Kivu	International Medical Corps	\$5,926,500, of which \$558,819 for SGBV (February 2008-December 2009)
USAID/Foreign Disaster Assistance	Emergency health projects for IDPs and SGBV survivors	North Kivu	Merlin	\$5,417,223, of which \$366,202 for SGBV (January 2008-July 2010)
DOS/DRL	Stem GBV and end impunity in DRC	North Kivu	American Bar Association	\$555,000 (October 2007-March 2009); additional \$1 million funded by DOS/INL (September 2009-September 2011)
DOS/DRL	Promoting human rights, media, and governance in the DRC	Kinshasa	Journalists for Human Rights	\$837,718 (October 2007-September 2010)
DOS/PRM	Mental health assistance and GBV response and referral programs	Northern Katanga Province	Center for Victims of Torture	\$897,285 in FY2008; \$1.1 million in FY2009
DOS/PRM	Refugee repatriation and IDP protection and assistance	Countrywide	U.N. High Commissioner for Refugees (UNHCR)	\$23.1 million in FY2009, of which a portion is for SGBV prevention and response

Department/Agency	Program Title	Location	Implementer	Funding
DOS/PRM	Refugee assistance	Countrywide	International Committee of the Red Cross (ICRC)	\$12.4 million in FY2009, a portion of which is SGBV prevention and response
DOS/PRM	Preventative and curative health services and GBV program	South Kivu	International Medical Corps	\$1.5 million in FY2008; \$1,268,490 in FY2009
DOS/PRM	Media and community outreach for prevention and response to GBV	South Kivu	Search for Common Ground	\$470,563 in FY2009
DOS/PRM	Life skills and vocational training for GBV victims and men's leadership training	South Kivu	Women for Women International	\$391,764 in FY2009
DOS/African Affairs	Sex crimes investigation training for judicial police inspectors and prosecuting magistrates of the armed forces of the DRC	Kinshasa and provincial capitals	Defense Institute of International Legal Studies (DIILS)	\$3.5 million (2008-September 2011)
DOS/INL	Police training on protection issues	Ituri District/ Orientale Province	In planning phase	\$2.9 million in Section 1207 funds

**Source:** USAID, DOS, DIILS.

**Note:** Does not include programs listed in **Table 2**.

## Author Contact Information

Alexis Arieff  
Analyst in African Affairs  
aarieff@crs.loc.gov, 7-2459