

**CONFLICT-RELATED SEXUAL VIOLENCE MULTI-PARTNER TRUST FUND**

**UN TEAM OF EXPERTS ON THE RULE OF LAW AND SEXUAL VIOLENCE IN  
CONFLICT**

**INTERIM NARRATIVE REPORTCOVER PAGE**

<b>Participating UN Organization(s):</b> UNDP	<b>Project<sup>1</sup> Title:</b> Programme conjoint des Nations Unies d'appui à la réforme de la Justice 2020-2024  <b>Project Number:</b>
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<sup>1</sup> The term “project” is used for projects, programmes and joint programmes

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<p><b>UN Action pillar of activity:</b></p> <p><input type="checkbox"/> Advocacy  <input type="checkbox"/> Knowledge building  <input checked="" type="checkbox"/> Support to UN system at country level</p>	<p><b>Reporting Period:</b> 1 January– 31 December 2022</p>
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<sup>2</sup> Team of Experts project contribution total and breakdown: \$976,294.97 (December 2020, UNDP – \$454,545; February 2022, UNDP – 387,577.54; May 2022, UNDP – \$134,172.43).

## **Interim Narrative Report Democratic Republic of the Congo**

### **I. Background**

#### **A. Normative Framework**

For more than 20 years, the Democratic Republic of the Congo (DRC) has experienced armed conflicts, mainly in the eastern provinces of the country. In particular, the country has been shaken by two conflicts (1996-1997 and 1998-2003). These periods were characterized by the commission of massive human rights violations, resulting in the death of more than two million civilians and it is estimated that more than one million women were raped.<sup>3</sup>

On 30 March 2013, the Government of the DRC signed a Joint Communiqué with the UN on conflict-related sexual violence (CRSV), which included a request for technical assistance from the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict (ToE) to support the Government's efforts to combat impunity for CRSV.<sup>4</sup> This commitment was renewed in December 2019<sup>5</sup>, when the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) and the Government of the DRC co-signed an addendum to the joint communiqué in which the Government specifically committed to several justice and accountability outcomes, including:

- Fighting against impunity by bringing the perpetrators of sexual violence to justice and ensuring access to justice for victims;
- Allocating sufficient resources to the military and civil judicial institutions, as well as the Special Police for the Protection of Children and the Prevention of Sexual Violence<sup>6</sup>;
- Ensuring that victims and their family members have effective access to justice, remedies and just redress;
- Excluding perpetrators of sexual violence from the recruitment and integration process into the army and the police, as well as from any possibility of continuity of service; and
- Accelerating the process of adopting a law creating a reparation fund for victims of CRSV.

In July 2022, the Prime Minister approved the creation of an interagency task force designed to work on the definition of the implementation plan for the Joint Communiqué, including through

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<sup>3</sup> UN Women Africa, Democratic Republic of Congo. Online: <https://africa.unwomen.org/en/where-we-are/west-and-central-africa/democratic-republic-of-congo>.

<sup>4</sup> Joint Communiqué between the Government of the Democratic Republic of Congo and the United Nations on Combating Sexual Violence in Conflict, 30 March 2013, available at [https://www.un.org/sexualviolenceinconflict/wp-content/uploads/joint-communique/with-the-government-of-the-democratic-republic-of-the-congo-30-march-2013/Joint\\_Communique\\_DRC\\_UN.pdf](https://www.un.org/sexualviolenceinconflict/wp-content/uploads/joint-communique/with-the-government-of-the-democratic-republic-of-the-congo-30-march-2013/Joint_Communique_DRC_UN.pdf).

<sup>5</sup> Addendum to the Joint Communiqué on Conflict-Related Sexual Violence between the Democratic Republic of Congo and the United Nations, available 3 December 2019, at <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/12/joint-communique/addendum-au-communique-conjoint-sur-les-violences-sexuelles-liees-au-conflict-entre-la-republique-democratique-du-congo-et-lorganisation-des-nations-unies/RDC.pdf>

<sup>6</sup> Police spéciale de Protection de l'Enfant et de Prévention des Violences Sexuelles.

the adoption of legislation on the protection of victims and witnesses and the establishment of a reparations fund for victims. This law, No. 22/065 was promulgated on 26 December 2022<sup>7</sup>.

In addition, the Government of the DRC and UN partners<sup>8</sup> have adopted a Joint Justice Program (2020-2024), which aims to mobilize funds and expertise to further support the strengthening of the rule of law and the fight against impunity, including the judicial response to crimes of CRSV. It also aims to contribute to the implementation of the transition plan detailing the joint MONUSCO drawdown strategy. This plan, endorsed by the Government of the DRC following the adoption of Security Council resolution 2556 (2020) and welcomed in resolution 2612 (2021), contains specific indicators reflecting the minimum conditions in the fight against impunity for CRSV to enable MONUSCO's withdrawal.<sup>9</sup>

## **B. Political and security context**

During 2022, the political environment in the DRC was generally stable with the Government and parliament that came in early 2021 putting in place a large reform agenda including economic, social and legal reforms, conflict prevention mechanisms and stabilization.

However, tensions between DRC and Rwanda over alleged support of more than 120 armed groups<sup>10</sup> in eastern DRC (North Kivu, South Kivu, and Ituri) remained a concern. Although there were indications that the Government remained open to negotiations during spring 2022, the situation in the East continued to deteriorate and the security situation continued to be volatile. On 10 and 14 November 2022, respectively, the National Assembly and the Senate extended the state of siege in North Kivu and Ituri for the 36th time since May 2021.<sup>11</sup>

Despite the stabilization measures put in place by the Government in the eastern regions, there were numerous human rights violations and deadly attacks by armed groups targeting civilians. In this regard, the security situation was marked by persistent violence perpetrated mostly by the *Coopérative pour le développement du Congo* (CODECO), the Allied Democratic Forces (ADF) and M23 in Ituri and North Kivu, notwithstanding the continued extension of the state of siege in the two provinces. In South Kivu, Mai-Mai groups continued to attack civilians.<sup>12</sup>

Due to these regular clashes between the armed groups and the Armed Forces of the Democratic Republic of the Congo (FARDC), the increase in displaced population continued throughout the

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<sup>7</sup> Loi n°22/065 du 26 décembre 2022 fixant les principes fondamentaux relatifs à la protection et à la réparation des victimes de violences sexuelles liées au conflit et des victimes des crimes contre la paix et la sécurité.

<sup>8</sup> Implementing partners include: MONUSCO, UNJHRO, UNDP, the Expert Team, the Ministry of Justice, the Superior Council of the Magistracy, the Ministry of the Interior, the Ministry of Defense, and other public institutions.

<sup>9</sup> Report of the Secretary-General, S/2021/807, September 21, 2021.

<sup>10</sup> According to <https://www.globalr2p.org/countries/democratic-republic-of-the-congo>; according to there are <https://reliefweb.int/report/democratic-republic-congo/alarming-uptick-armed-groups-violence-eastern-democratic-republic-congo-threatening-stability-mission-head-tells-security-council>

<sup>11</sup> Report of the Secretary-General, 30 November 2022, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, [N2271573.pdf \(un.org\)](#) and Report of the Secretary-General, 21 June 2021, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, [N2115149.pdf \(un.org\)](#).

<sup>12</sup> Report of the Secretary-General, 30 November 2022, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, [N2271573.pdf \(un.org\)](#)

year contributing to the insecurity<sup>13</sup>. This combined political and security situation, in addition to the anti-MONUSCO sentiments and demonstrations marked by attacks against MONUSCO personnel and installations continued to impact North Kivu.

### **C. Team of Experts' Engagement in DRC**

Within the framework of the Joint Communiqué and as part of the successive Joint Justice Program (2020-2024) in DRC, the ToE has identified and supported the implementation of several activities aimed at strengthening the security and judicial response to CRSV in DRC since 2013.

In the last ten years, the ToE and UNDP supported the establishment and functioning of special police units focusing on sexual violence, as well as the training and general improvement of the military justice response to CRSV, notably through the implementation of provincial prosecution strategies. The ToE's engagement was the subject of evaluation by an independent consultant in 2022 who produced a report that provides specific recommendations to guide, improve, and optimize the provision and impact of the technical assistance offered by the ToE.<sup>14</sup>

#### **Programmatic engagement**

The ToE is an implementing partner of the ongoing Joint Justice Program (2020-2024)<sup>15</sup> and is an active partner of the *Programme Conjoint d'Appui à la Réforme de la Police en République Démocratique du Congo 2022-2025*. In this context, in 2022, the ToE continued to provide technical and financial support to the special police units focusing on sexual violence, in close cooperation with UNDP, the MONUSCO Justice and UNPOL Special Police Team, and UNJHRO. Additionally, in close cooperation with MONUSCO, the ToE continued its engagement with the Congolese authorities providing support to ongoing cases and the preparation of the new law on reparations.

#### **Assessment report**

Following a visit of the SMSG-SVC in 2021, the ToE, with the support of Justice and Correction Standing Capacity (JCSC) and in close collaboration with MONUSCO JSS, conducted a technical visit to the DRC between 15 October and 19 November 2022. The visit led to the preparation of a *comprehensive assessment report on the judicial response to CRSV in the eastern DRC between 2015-2020*. The assessment report will be discussed by the UNCT and the national authorities, to inform the next steps regarding accountability for CRSV, in line with the addendum to the Joint Communiqué signed in 2019.

### **D. The impacts on the implementation of the ToE activities**

As mentioned above, the volatile security situation in eastern DRC, the lack of mobility due to the fuel crisis, the cancellation or lack of regular domestic flights, the remaining restrictions related to

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<sup>13</sup>According to UNHCR, during the spring more than 72 000 have been displaced only in March, adding to the IDP Population at 5.6 million people (figures available as of 31 March 2022),

<sup>14</sup> Evaluation de l'impact des projets de l'équipe d'experts mis en œuvre conjointement avec le PNUD en RDC

<sup>15</sup> Implementing partners include: MONUSCO, UNJHRO, UNDP, the Expert Team, the Ministry of Justice, the Superior Council of the Magistracy, the Ministry of the Interior, the Ministry of Defense, and other public institutions.

the COVID-19, and the lack of road accessibility to bring participants and UN staff to the planned activities, particularly from remote areas, impacted some planned CRSV<sup>16</sup> interventions.

## **II. Implementation of the ToE's contribution to the UN Joint Justice Programme**

### **A. Context of the engagement**

The current Joint Justice Programme (2020 – 2024) is jointly implemented by UNDP, MONUSCO, UNJHRO and the ToE, and includes the fight against impunity for CRSV crimes. It builds on the previous project that ended in December 2020 (*Support to Criminal Justice Authorities to Address Impunity for Conflict-Related Sexual Violence in the Democratic Republic of the Congo 2019-2020*).

The Joint Justice Programme (2020-2024) continued to address and implement much needed activities in North and South Kivu, Ituri, and Tanganyika focusing on rehabilitating the rule of law and supporting an efficient criminal penal chain and access to justice, in particular for vulnerable and at-risk populations, to strengthen the capacity of the national authorities to investigate, prosecute and adjudicate CRSV cases. It is also engaged in preparations for the withdrawal of MONUSCO in Kasai Central and Tanganyika to ensure a smooth transition to the national counterparts.

Despite challenges, UNDP together with MONUSCO's UNPOL SPT-SGBV and justice section, UNJHRO and ToE organized and delivered trainings for senior judiciary police and special protection police units, prosecutors, and judges, from both civil and military jurisdictions. The trainings focused on investigating and prosecuting CRSV cases, including compliance with protection measures for victims and witnesses in the fight against impunity for CRSV crimes with the objective of bringing perpetrators to justice. Due to mobility and security challenges most of the trainings were held in Goma, Bukavu and Kalemie and Kinshasa.<sup>17</sup>

### **B. Outputs and expected results of activities on CRSV**

#### **Capacity building activities**

Based on discussions with national partners, UNDP design and implemented need-based trainings focused on strengthening the skills and capacities of the DRC investigative and judicial authorities and special judicial police units to protect, prevent, investigate, and prosecute CRSV crimes based on a victim centred-approach.

The main results of the capacity building interventions were to provide the participants with tools to better prevent and respond to CRSV with a stronger focus on a victim centred approach. It also

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<sup>16</sup> As a reminder, the term “conflict-related sexual violence (CRSV)”, refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict (SG report 2022/272 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2022/04/auto-draft/SG-Report2021for-web.pdf>)

<sup>17</sup> The Interim Report is based on a funding that required to be spent during between February and June 2022.

aimed to improve accountability to better address CRSV both on the provincial level and national levels and respect for protection measures for victims and witnesses and to support their access to justice.

In this respect, UNDP conducted the following activities:

- From 22 March to 4 April, UNPOL (SPT – SGBV) and UNDP held a training in Kalemie for 28 (three women) with participants from Kalemie, Kabalo, Kongolo, Manono, Nyunzu, Moba, Province du Haut Katanga and Haute Louami provinces and national authorities. The training focused on investigation, prosecution, and adjudication of CRSV cases as crimes under international criminal law and was based on lessons learned from provinces in eastern DRC (Ituri, North Kivu, South Kivu, and Tanganyika). As a result, the training strengthened the participants capacities in the above-mentioned areas.
- On 20 and 30 April, a training was conducted for 32 participants (eight women) of the judicial police/Special Units for the Protection of Women and Children (*Police Spéciale de Protection de l'Enfant et de la Femme*, hereinafter PSPEF), from Bunia, Ituri provinces (Mambasa, Irumu, Djugu, Mahagi, Aru), provinces de Tshopo and Haute-Uele<sup>18</sup>. The training aimed at strengthening their capacity on interviewing and taking statements, reporting, investigating CRSV cases, documenting and corroborating CRSV crimes. The training was conducted in line with the “do no harm” principle and the victim centered approach. Recommendations were issued at the end of the training, including the continuation of regular capacity building, the updating of on training modules (e.g., law on reparation), the improvement of a holistic view on a victim centered approach including improved coordination with medical/psychosocial social and medical follow up on ongoing CRSV cases.
- From 17 to 22 March, a training was conducted for 26 participants (four women) from the PSPEF from Rutshuru and Goma. It focused on improving their interviewing and statement taking skills, reporting, and investigating CRSV cases. Among the recommendations made at the end of the training were to continue regular capacity building, update training modules (e.g., law on reparation), improve the holistic view of a victim centered approach including improved coordination with medical/psychosocial social and medical follow up on ongoing CRSV case.
- A seminar of trainers was held by UNPOL (SPT-SGBV), UNDP, ToE in Goma and Bukavu with 13 participants (three women) following the above-mentioned recommendations to harmonize and implement new training modules on CRSV.

### **Technical support** (*activities 6-8*)

*Update of the training modules according to the newly passed law on the protection and reparation for victims of sexual violence*

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<sup>18</sup> The training was planned to be held in Ituri however due to security issues it was held in Goma.

Following the adoption of the law on protection and reparation for victims of sexual violence in conflict on the 26 December 2022<sup>19</sup>, there will be a review and an update of training curricula and modules for CRSV that will be used for training and capacity building activities in 2023. There are validated modules since 2013/2014 used in the training activities implemented by UNDP with relevant actors. Such modules are regularly updated and because of the adoption of the law on reparation, they will be reviewed to include new provisions.

### *Investigation and prosecution of CRSV crimes*

Due to the security context in the eastern part of the DRC, which made it difficult to access military jurisdictions in three remote regions, the planned mission to follow up on the status of emblematic priority cases was postponed. However, through outreach to magistrates in those regions, UNDP was able to update the status of the priority cases.

Technical and financial support to organize the investigation mission with high level military magistrates in order to facilitate the implementation of the prosecution strategies/prioritization of serious crimes/international criminal law including CRSV was planned. This support included the payment of per diem, the transport costs (hiring cars drivers for instance) to enable senior military magistrates normally from Goma or Kinshasa to carry out investigations and update caseloads. However, it was postponed due to the security issues in the East and will be re-activated in 2023 pending budget (c.f. activities 7 and 8 below).

Nevertheless, some technical and financial support to the evaluation mission to update the situation on priority cases<sup>20</sup> of the high military judiciary (Tanganyika (Kalemie), Nord-Kivu (Goma), Sud-Kivu (Bukavu) et Ituri (Bunia) was provided. In this sense, the mission aimed at assessing whether priority cases moved forward (for instance if the case is still at the prosecution level, if there was a condemnation of suspected perpetrators, if court orders to pay reparations to victims were issued). Thus, by updating the status of priority cases in these jurisdictions, appropriate support can be assessed and provided to address the specific needs and challenges to enable these cases to move forward. This mission also reinforced capacities with respect to protection measures for victims and witnesses including follow up on the draft law on reparations measures. The support to judicial proceedings enables the tracking of CRSV priority cases as they move forward towards final court decision and to monitor judicial aspects such as fair trials and impartiality of prosecution and judges, legal aid provisions, capacities of defense lawyers.

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<sup>19</sup> Loi n 22/065 du 26 décembre 2022 fixant les principes fondamentaux relatifs à la protection et à la réparation des victimes de violences sexuelles liées aux conflits armés et des victimes des crimes contre la paix et la sécurité de l'humanité.

<sup>20</sup> The prioritization/selection criteria of judicial cases of international crimes, informing the action of military courts in the DRC, was initially adopted in 2015, by military judicial actors, in the context of the workshop co-organized by International Center for Transitional Justice and the UN. The prioritized cases, selected on application of the prioritization criteria adopted by military courts, were drawn from the comprehensive/exhaustive list of cases pending before the military courts of South Kivu, North Kivu and Ituri. This list of cases resulted from an assessment conducted in 2015 by ICTJ, in agreement with the Office of the Military Attorney General. In 2016, 2019 and 2021, in workshops supported by UNDP, MONUSCO and the TOE, the list of cases was updated. In February 2023, a total of 104 cases are considered as prioritized in the following jurisdictions: North-Kivu, South-Kivu, Ituri, Kasai, Tanganyika, Kananga, Kalemie.



Based on the assessment, it is possible to evaluate the existing gaps in management of the priority cases as well as to ensure that proper support is provided including advocacy or sensitization for instance.

### **Best practice and lessons learned report** (*activity 9*)

In 2022, an independent consultant was recruited to conduct an impact assessment of the ToE' projects jointly implemented with UNDP in the DRC<sup>21</sup>. The report aimed at assessing the activities that the ToE implemented with UNDP and to provide specific recommendations in order to guide, improve, and optimize the provision and impact of the technical assistance offered by the ToE for its future engagement. The report also serves as a “lesson learned” report to be used for further guidance for ToE engagement in other countries.

Discussions were held with national counterparts on lessons learned and best practices issued from the report. these discussions highlighted the need for regular trainings, development of digital tools<sup>22</sup> for the day-to-day management, improvement of working conditions of counterparts at the national and provincial level (police and justice actors, including military prosecutors, judges), the improvement of mobility and of working closer with legal aid, medical and psychosocial service providers.

### **Logistical support** (*activities 4, 10-13*)

UNDP provided support to programme staff to work in Goma and Kalemie, including by providing IT equipment and office furniture to ensure that CRSV interventions could be rapidly implemented.

In Kalemie, UNDP provided financial support for staff as well as office equipment. In addition, UNDP jointly with the MONUSCO assessed the previous achievements and the current need to continue CRSV related activities as MONUSCO was in its final transition phase from the area. UNDP also provided IT and office equipment and solar panels to PSPEF in Bukavu, in Goma<sup>23</sup> and in Kalemie.

All the logistical support has improved working conditions for the Special Police units and their day-to-day work management.

In addition, UNDP entirely funded the construction of a wall that separated the PSPEF in Bukavu and the Military Prosecutor's Office. In this respect, the hearing room for CRSV and SGBV was installed to ensure discretion of those victims.

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<sup>21</sup> « *Evaluation de l'impact des projets de l'équipe d'experts mis en œuvre conjointement avec le PNUD en RDC entre 2011 e 2021* », Ladislav de Coster, mars 2022

<sup>22</sup> Software, IT equipment to improve data collection and statistics on cases for both internal use and publications

<sup>23</sup> This support was engaged in 2021 however with lack of funding it was reported to 2022

### **III. CONCLUSION**

Despite the complex challenges on the ground, the Joint Justice Programme team, continued to provide much needed CRSV capacity building and material support in North and South Kivu, Ituri, Tanganyika. At this stage, this support has shown a positive result in addressing and responding to CRSV and the fight against impunity although much remains to be done to ensure continuation of CRSV intervention, both on prevention, access to justice, fight against impunity and the implementation and functioning of the law on reparation for CRSV.

The next step in 2023 is to continue the review and validation of the CRSV curricula (existing training modules to be updated, as mentioned above), to maintain the support to the implementation of prosecution strategies/prioritization of serious crimes including CRSV crimes, to follow up on the implementation of the law on reparation and to evaluate further CRSV interventions and budgetary allocations.

These next steps are particularly important to build on what has already been achieved, including by military courts and police actors, and to strengthen existing capacities. In addition, the recently passed reparations law demonstrates the political will of the Government to continue to engage in the fight against impunity for crimes of CRSV and this should be supported.

It should also be recalled that due to the ongoing conflict in the east, there is a lack of visibility on ongoing judicial proceedings as well as on recent allegations of crimes of CRSV committed by all parties in these areas. Technical and logistical support for the implementation of prosecution strategies allows cases to move along the criminal justice chain, encourages relevant practices by justice actors, and gradually builds the population confidence in the justice system. In this regard, it is crucial to continue and strengthen support for CRSV-related activities in the DRC.

The previous and current CRSV interventions constitute solid steps for the continuation of structural interventions to achieve transformational effects and it is of utmost importance that these interventions continue to capitalize on the rather remarkable achievements on CRSV response during the past decade. This requires both sufficient budget and human resource, and predictable and long-term donor funding.