

## Concept Note and Plan of Action Combating Impunity for Cases of Sexual Violence

### Concept Note

This proposed strategy paper on combating impunity for cases of sexual violence (SV) is one of four components of the Comprehensive Strategy on Sexual Violence. It includes a contextual analysis and a plan of action with timelines, proposed activities and actors to implement the Plan. It aims to draw together existing initiatives by all involved (Government, dedicated UN agencies or sections, INGOs and national partners). This draft is the result of an intensive consultation process. It relies on comments and inputs by members of the UN-led SV task Force, the MONUC Rule of Law Working Group, the government-led Thematic Sub-Group on Sexual Violence and the Ministry of Justice.

### Rationale

The basis for developing a strategy on sexual violence and in particular to address impunity for sexual violence is contained in international and national legal instruments and directives, namely:

- UN Security Council Resolutions 1820<sup>1</sup>, 1756<sup>2</sup> and 1794<sup>3</sup>. These call on the international community, MONUC in particular, and the DRC Government to take steps towards fulfilling their obligations, and for the establishment and implementation of a legal framework to bring perpetrators to justice and allow victims' access to justice.
- Existing international criminal and human rights legislation, such as the ICC Statute, International Human Rights Conventions: ICCPR, ICESCR, CEDAW and the CRC and Additional Protocols etc.
- The DRC Law on Sexual Violence (enacted in 2006), the Laws 06/018 and 06/019, amendments to the DRC Penal (30.10.1940) and Procedural Code (06.08.1959) Code on combating sexual violence, and the DRC Constitution.

### Overall Objectives

The proposed overall objectives of this component are:

1. **To strengthen the capacities of the judicial institutions and develop a criminal justice policy focused on sexual violence, (adopting a victim-centered approach).** This objective seeks to ensure that services are adapted to the needs of children, juvenile delinquents and victims; that the provision of information for victims is improved; that the collection and administration of evidence is strengthened; that specialized expertise is created in the judicial sector.<sup>4</sup>

---

<sup>1</sup> UN SC Resolution 1820 *para. 4*

<sup>2</sup> UN SC Resolution 1756 *para. 12*

<sup>3</sup> UN SC Resolution 1794 *para. 15, 16 and 18*

<sup>4</sup> It has been recommended that for crimes committed before July 2002, mixed national/international chambers should be established within the existing DRC judicial system. The chamber's remit should be on

2. **To improve access to justice for victims.** This will be achieved through several complementary actions: strengthening the capacity of those in first contact with victims to allow them to provide guidance to victims on their basic rights; facilitating movements of victims, witnesses and alleged perpetrators; supporting and expanding existing mobile investigation and prosecution teams and courts; encouraging the decentralization of rule of law institutions to rural areas; establishing a protection scheme for victims, witnesses and those assisting victims; exonerating victims from paying legal fees.
3. **To guarantee the effective application of the 2006 Law on Sexual Violence:** this includes: a comparative analysis of jurisprudence and cases on sexual violence; the establishment of an evaluation tool to monitor and follow-up on cases of sexual violence; ensuring follow-up of allegations against high ranking officials; and taking effective and punitive measures against those interfering with the proper conduct of justice on SV crimes.
4. **To ensure reparation for victims.** A successful reparation scheme will depend on effective victim protection. If this is inadequate, survivors seeking compensation could be at risk of further victimization. The provision of reparation includes: the application of a legal framework to provide indemnity for victims; simplifying procedures for obtaining compensation; establishing guarantees that crimes will not recur.

### **Scope of Application**

- A. The aim is to develop a **common framework**, broadly agreed to by all involved in justice reform and in addressing impunity, to be implemented incrementally. Most importantly, there needs to be synergy and complementarity with existing initiatives and strategies under development, such as:
  - The National Plan of Action of Justice Reform (*Comite Mixte de la Justice*),
  - The Round Table Recommendations on Security Sector Reform,
  - The Road Map (*Feuille de Route*) presented to the Justice Ministry
  - The Work plan of the *Sous Groupe Thematique SV*,
  - The Plan (*Plan de Suivi*) of the Executive Secretariat of the Police Reform Committee (*Comite de Suivi de la Reforme de la Police - C.S.R.P*)
- B. In terms of its legal application, the Plan of Action uses the definition of ‘sexual violence’ as outlined within Congolese Legislation 06/018.<sup>5</sup> To clarify terminology and in an effort to prioritize, the focus of this proposal is on combating impunity for sexual violence and **not** on Sexual and Gender-based Violence (SGBV) as a whole, given the magnitude of sexual violence crimes in the current DRC context.<sup>6</sup> Furthermore, this

---

the results of the Mapping of Grave Human Rights Violations between 1993–2003, currently underway by OHCHR, to be concluded in June 2009.

<sup>5</sup> See Law 06/018 of 20 July 2006, Amendment and Decree of 30 January 1940 of the Congolese Penal Code, including the definition of sexual assault, rape, and 14 other forms of sexual violence.

<sup>6</sup> The justification of focusing on sexual violence at this stage is based on the magnitude of the problem in DRC. According to UNFPA, between January and June 2008, 6693 new cases were reported through health centers, and 9758 cases for 2007. This indicates an increase of 25 % already in 2008 country-wide, despite slight improvements in the security situation.

- addresses crimes of sexual violence that fall under Congolese jurisdiction, independent of the nature of the circumstances or category of perpetrator (marital rape, incest, sexual exploitation of children or child prostitution).<sup>7</sup>
- C. The plan also addresses crimes of sexual violence that fall under the category of grave human rights abuses, as defined in Congolese law. This approach relies on close coordination amongst all actors involved in transitional justice: such as the International Criminal Court and the Office of the High Commissioner for Human Rights current Mapping Exercise of grave human rights violations committed from 1993-2003.
  - D. The strategy recognizes that **socio-cultural** factors play an important role and can pose obstacles to combating sexual violence. Priority needs to be given to applying legal and judicial tools that will impact on both cultural and behavioral attitudes. The strategy incorporates a number of cross-cutting activities that will address this issue.

### **Strategic approach**

The overall approach is based on the premise that effective mechanisms for short and long-term protection from sexual violence have to be put in place at two levels to ensure that structural and operational needs are addressed, in line with the overall strategy.<sup>8</sup> These levels are:

- a. **Structural/macro level:** to strengthen the Rule of Law, to establish an integrated and coherent framework for combating sexual violence (a criminal justice policy, access to justice, reparation for victims, establishing a vetting mechanisms at the core of public administration for the security forces (Objectives 1, 2 and 4).
- b. **Operational/micro level:** to monitor the setting of priorities and the direction of the existing policy and strategy. Examples of this include: the effective implementation of the National Laws on Sexual Violence (2006), fight against corruption and abuse of authority by agents of state institutions, etc.

---

<sup>7</sup> The justification is that between January and to June 2008, some 65.5% of alleged perpetrators were civilians and 32.7% are uniformed men (UNFPA). Hence, sexual violence is not only conflict related, but widely committed as an ordinary crime, that falls under the Congolese Penal Code (Law 06/018).

## ANNEX A

### Contextual analysis – Obstacles to prosecuting crimes of sexual violence

#### a) Reluctance to prosecute high-ranking officials

There appears to be an unwillingness to prosecute high-level military and other officials against whom there are allegations of acts of serious crimes including acts of sexual violence. Moreover, some alleged perpetrators of serious crimes and human rights abuses, including rape and other forms of sexual violence that belonged to armed groups are integrated into the FARDC despite charges having been levied against them in the military courts. Some alleged perpetrators of rape that belong to armed groups are promoted and/or integrated into the FARDC despite charges having been levied against them in military courts.

#### b) Lack of capacity within the DRC justice system

Apart from the well-documented overall lack of human and financial capacity within the Congolese judicial system, there is a complete void of judicial personnel with expertise in dealing with crimes of sexual violence. The inability to deliver effective criminal justice has led to an increase in the number of out-of court settlements of cases, to the detriment of a victims' right to due process. This is in direct violation of the Constitution and the 2006 Laws on sexual violence.

The United Nations Human Rights Office (MONUC/OHCHR)<sup>9</sup> reported that during the period 2005-2007, 287 cases were recorded by judicial authorities in South Kivu province (186 within civilian jurisdictions and 101 military). Of these cases, 60 % have been under investigation for over a year. Some 80 % of the alleged perpetrators have been granted bail and have never appeared again before a court. Furthermore, 80 % of cases have waited for over two years for court hearings<sup>10</sup>

#### c) Limited access to justice

Victims' access to justice is curtailed for a number of reasons: geographic distance, the absence of effective judicial assistance and the legal costs involved in filing a case. As, for example, highlighted by the preliminary report of the first six months of 2008 by the *Initiative Conjointe* on the situation in Nord Kivu on sexual violence: of 3028 cases referred for medical treatment and 2861 cases received psychological follow-up, only 152 case were referred to judicial system.<sup>11</sup>

---

<sup>9</sup> MONUC/OHCHR biannual report (January–June 2007)

<sup>10</sup> *Ibid*

<sup>11</sup> *Situation des violences sexuelles au Nord Kivu, Période: Premier Semestre 2008, Rapport Préliminaire, Initiative conjointe de prévention des violences sexuelles et de réponses aux droits et besoins des victimes/survivant(e)s.*

d) Weak administration of justice and implementation of a legal framework

Victims of sexual violence or witnesses have no confidence in the justice system.<sup>12</sup> This is due in large part to the following:

- Lack of any protection mechanism for victims and witnesses;
- Lack of independence and impartiality of the justice system ;
- Most alleged perpetrators are provisionally released;
- Sentences for sexual violence are either minimum sentences or not implemented;
- Perpetrators escape from prisons
- No provision of reparation for victims of sexual violence.

For example, reports indicate that in Mbandaka, since January 2007, in five out of thirteen cases (38.5%), the victims have not taken legal action against perpetrators, and of eleven members of the security forces arrested on charges of sexual violence, three (27.27%) escaped.<sup>13</sup>

The courts ability and willingness to deal with evidence in SV crimes is weak, inefficient and often delays judicial proceeding extensively or leads to acquittal. These limitations are related to the lack of medical and psychological expertise, the weak referral system for victims especially from health centers to courts, the absence of appropriate police investigations and interrogation techniques, and the absence of witness protection schemes that dissuades the majority from taking recourse to justice.

e) Absence of reparation

The most severe sentence passed to-date is 20 years imprisonment and payments between 2,000-10,000 USD as reparation to victims.<sup>14</sup> For example, on 22 March 2008, the *Gemena* Military Tribunal sentenced a FARDC Sergeant and a Lieutenant charged with the rape of two minors to a mere five years in prison. They were also ordered to pay \$5,000 and \$1,500 respectively in damages to the victims.<sup>15</sup> However, no actual reparation payment has been made to-date, even though reparations are recognized under Congolese Law. The majority of victims are from poor, rural areas and do not have sufficient funds to afford the legal fees required by law to enact the procedure for the execution of judgments.

---

<sup>12</sup> MONUC/OHCHR report (March 2008) para 32–36

<sup>13</sup> MONUC/OHCHR biannual report (January–June 2007)

<sup>14</sup> *Ibid*

<sup>15</sup> MONUC/OHCHR report (March 2008)

## Reference Tools

### International Legal Instruments

- International Covenant on Civil and Political Rights (ICCPR) (1966),
- International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966),
- International Convention for the Protection of all Persons from Enforced Disappearances (2007)
- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) (1979)
- Convention on the Rights of the Child (CRC)(1989);
- The four Geneva Conventions of 1949 and their two additional Protocols 1977;
- The Convention against Torture and other Cruel Inhuman and Degrading Treatment or Punishment (CAT) (1984);
- The International Criminal Court's, Rome Statute (1998); Elements of Crime (2002); and Rule of Procedure and Evidence (2002);
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplement the United Nations Convention against Transnational Organized Crime (2000)

### Basic Principles and Guidelines

- The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005;
- Istanbul Protocol: International Guidelines for the Investigation and Documentation of Torture, 2004, Reference Materials; International Rehabilitation Council for Torture Victims;
- The Actualized Principles for Human Rights Protection and Promotion on the Fights against Impunity E/CN.4/2005/102/Add.1 8 of February 2005 proclaimed by the Economic and Social Council;
- The General Assembly A/HRC/7/3 Chapter II on Strengthening the Protection of Women from Torture, the Economic and Social Council Resolution 2005/20;
- Guidelines on Justice Matters involving Child Victims and Witnesses on Crime, International Bureau for Children Rights 2003.
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") Adopted by General Assembly resolution 40/33 of 29 November 1985;
- Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985;
- 

### National

- The DRC Laws on Sexual Violence (enacted in 2006), 06/018 and 06/019, amendments and modifications to the DRC Penal (30.10.1940) and Procedural Code (06.08.1959) Code on combating sexual violence;
- The DRC Constitution

## ANNEX B

### Plan of Action

**A:** To strengthen the capacities of the judicial institutions and develop a criminal justice policy focused on sexual violence,(adopting a victim-centered approach)

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<b>A: To strengthen the capacities of the judicial institutions and develop a criminal justice policy focused on sexual violence, (adopting a victim-centered approach)</b>	<b>A.1:</b> Child centered approach: Ensure that judicial institutions provide SV services adapted to children's needs.	<b>A: 1.1.</b> Ensure the implementation of international standards in the administration of juvenile justice (Beijing Rules)  Ensure compliance with "Guidelines on justice for child victims and witnesses of Crime," completed by the International Office for Children's Rights 2003  Ensure that adapted services take into consideration juvenile delinquents	Appropriate Guideliens adopted	Assistance adapted to child victims and witnesses	Ministry of Justice, Gender <i>Magistrature Superieure, REJUSCO CP/MONUC &amp; UNICEF &amp; NGOs</i>	One year	Follow –up with the need to increase specialized juvenile justice personnel  Highlight good examples of Juvenile justice procedures  Examine the gaps, lessons learned and adapt further approach
		<b>A: 1.2.</b> Training of social workers ,assistants, or psychologists on how to interview and assist a child victims' <ul style="list-style-type: none"> <li>• Child victims orientation services</li> <li>• Adapt interview by age and sex of the child</li> </ul>	Nbr of specialized personnel assisting children	Avoiding trauma recurring for child victims	Main coordinating entity CP MONUC/UN ICEF		
		<b>A: 1.3.</b> Improve capacity building to existing or upcoming juvenile judicial personnel on child centered approach <ul style="list-style-type: none"> <li>• Protection</li> <li>• Act in the best interest of the child</li> <li>• Views and Concerns of the child to be heard</li> <li>• Avoid trauma recurring</li> <li>• Distribute field adapted and standardized materials on norms and standards</li> </ul>	Nbr of child Police, inspectors Judges & prosecutors appointed by court or tribunal	Protection from justice process hardship			
		<b>A: 1.4.</b> Provide infrastructure for child centered proceedings and hearings: Video or audio recording	Infrastructure given to X Nbr of Courts and Tribunals				

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
		<b>A.1.5.</b> Reinforce system of court appointed guardians for minors perpetrators and/or victims	Nbr of guardians of minors				
<b>A: To strengthen the capacities of the judicial institutions and develop a criminal justice policy focused on sexual violence, (adopting a victim-centered approach)</b>	<b>A. 2:</b> Create specialized judicial expertise for sexual violence and implement the “fast-track” procedure to prosecute and judge sexual violence cases	<b>A.2.1:</b> Collaborate with the Ministry of Justice and the judicial authorities concerned to develop standardized national Terms of Reference for the specialization investigation (PNC), prosecution (prosecutor’s office) and judgment (courts and tribunals) mechanisms: <ul style="list-style-type: none"> <li>Establishment of three independent communication chains within the criminal justice system</li> <li>Specialized units within the judicial police</li> <li>A specialized judge to work with the prosecutors office</li> </ul>	Specialized judicial expertise for sexual violence is in place	Better services for victims of SV within judicial criminal procedure	UNFPA, MONUC/OH CHR, UNICEF, UNDP, Ministries of Interior and Justice, & <i>Superior Magistrature REJUSCO</i> , NGOs	Six months	Evaluation of the functioning of specialized judicial expertise and, identify the gaps
		<b>A.2.2</b> Define the role of each entity in the procedural framework and improved coordination among them.					
		<b>A.2.3</b> Ensure the consideration of minimum standards for code of conduct					
		<b>A.2.4.</b> Study the possibility of delegating police officers for the needs of protection and prevention					
		<b>A.2.6.</b> Develop a centralized system of registering cases of sexual violence among Police, prosecution, courts and tribunals.					
		<b>A.2.7</b> Enlist and train more women amongst judicial personnel (registrars, magistrates etc) and lawyers.					
<b>A: To strengthen the capacities of the judicial institutions</b>	<b>A. 3:</b> In accordance with step A.2: Create	<b>A: 3.1.</b> Coordinate and harmonize different initiatives such as CERF& UNSSS and the working plan of the police reform <i>.S.E. C.S.R.P</i> into common approach	Adapt existing initiatives	Better services provided to victims in initial criminal proceedings	UNPOL, UNFPA, MONUC/OH CHR,	Six months	Evaluation of specialized units  Identify gaps



Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<b>and develop a criminal justice policy focused on sexual violence, (adopting a victim-centered approach)</b>	Specialized Police Units for Sexual Violence  (Links with the Road Map and the Work Plan for Police Reform (CSRP))	<b>A:3.2.</b> Conduct an evaluation of existing human resources and infrastructure in the police (linking with the Justice Reform Agenda) and encourage the representation of police women	Evaluate and implement the results		UNDP MONUC RoL EUPOL Ministry of Justice and Interior & <i>Superior Magistrature REJUSCO</i> Main coordinating entity: EUPOL /UNPOL/UNDP. <i>S.E. C.S.R.P</i>		not covered by the specialized units
		<b>A: 3.3.</b> Adopt standardized training materials for Police Judiciaries' OPJs and Inspectors IPJs	Training material adopted	Strengthen the capacities of specialized judicial police officers			
		<b>A: 3.4.</b> Liaise and coordinate with other specialized police units such as child protection and (eventually) Victim and Witness Units	Xxx No of cases referred	No duplication of initiatives			
<b>A: To strengthen the capacities of the judicial institutions and develop a criminal justice policy focused on sexual violence, (adopting a victim-centered approach)</b>	<b>A. 4:</b> In accordance with step A.2 Appoint focal points in courts and tribunals  (Link with Road Map)	<b>A: 4.1.</b> Adopt standardized training modules for the judicial military and civilian personnel	Coordinated approach of capacity building	Efficacy of judicial personnel when addressing victims	ROLU/MONUC,  MONUC/OHCHR, UNDP, EUPOL Ministries of Justice and Interior <i>Superior Magistrature REJUSCO</i> Main coordinating entity: MONUC/OHCHR/UNDP	Six months	Evaluation of efficacy of SV focal points for justice personnel
		<b>A: 4.2.</b> Improve infrastructure of Prosecutors' Offices, Courts and Tribunals to allow for more appropriate and sensitive reception and orientation of victims and witnesses, such as separate rooms, audio materials, etc.	Infrastructure in place	Victims' properly informed of their rights			
		<b>A:4. 3.</b> Apply UN Declaration on Basic Principles of justice for Victims of Crime and Abuse of Power, such as: <ul style="list-style-type: none"> <li>Victims informed of their rights</li> <li>Victims' right to confidentiality&amp; protection</li> <li>Victims' right to psycho-social and medical assistance etc.</li> </ul>					
		<b>A: 4.4.</b> Magistrates to conduct days of open consultation <i>cabinet ouvert</i> for victims and lawyers	Days of open consultation				
		<b>A: 4.5.</b> Provide standardized materials to secretaries and registry (registry models) by liaising with the plan of action of Justice reform	Xx No of Registries and secretariat reinforced Centralize data				

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
			based				
<b>A: To strengthen the capacities of the judicial institutions and develop a criminal justice policy focused on sexual violence, (adopting a victim-centered approach)</b>	<b>A. 5:</b> Adoption, distribution and use of standardized medical certificate.  (Link with Strategic component on Multi-Sectoral Response for SV Survivors)	<b>A: 5.1.</b> Adoption of the standardized medical certificate and the <i>circulaire</i> defining respective roles of medical and legal institutions. Obstacles to be addressed: <ul style="list-style-type: none"> <li>• <i>Requisition de medecin</i></li> <li>• Fees levied for issuance of medical certificates</li> <li>• Immediate access by victims to medical certificates</li> <li>• Standard indicators to be developed for medico-legal examination</li> </ul>	<i>Circulaire</i> agreed upon by Ministers of Justice and Health	Better standards of evidence adopted	Ministry of Justice , Gender and Health WHO, MONUC/OH CHR NGOs Superior Magistrature REJUSCO  Main coordinating entity MONUC/OH CHR/WHO	Six months	Invest in further capacity building for medical and legal personnel  Follow up the positive/negative impact of trained medical and judicial personnel
		<b>A: 5.2.</b> Clear Instructions and training medico-legal on to be given to doctors of each health zones, judges and prosecutors by the respective jurisdictions	Nbr of trainings	Amelioration of quality of medico-legal examination			Study the impact of the application of the medical certificate on the administration of justice
		<b>A: 5.3.</b> Apply stronger medico-legal referrals and clear instructions to personnel and clear directives on the respective personnel (see multi-sectoral assistance)	Nbr of referrals made	Functional referral system			
<b>A: To strengthen the capacities of the judicial institutions and develop a criminal justice policy focused on sexual violence, (adopting a victim-centered approach)</b>	<b>A. 6:</b> Directives on psycho-legal expertise  (Link with Strategic component on Multi-Sectoral Response for SV Survivors)	<b>A: 6.1.</b> Treatment of trauma (counseling) adoption of directives with the Ministry of Justice and Health and the national directors of mental health according to “ <i>IASC Guidelines on Mental and Psychological Support.</i> ”	Minimum directives to be established	Psychological assistance to victims. avoid trauma recurring of victims within the criminal proceedings	Ministry of Justice, Gender and Health follow up by WHO, UNFPA, UNICEF MONUC/OH CHR Superior Magistrature REJUSCON GOS	One year	Review the status of adoption of minimum directives  Invest in further capacity building and university centers for clinicians
		<b>A: 6.2.</b> Administration of proof: Identification and selection of qualified personnel with training in clinical psychology and psycho-legal expertise. Deployment of qualified personnel in every province.	Nbr of trained personnel	Ensure the consideration of evidence of physical violence. Ensure the consideration of gravity of psychological trauma and its role in determining the penalty and compensation according to the 06/019 law			
		<b>A: 6.3.</b> Create permanent roles for social workers and psychologist within the judicial actors.	Nbr of psychologists to be attached to judicial institutions by province				
		<b>A: 6.4.</b> Improve referral systems for mental health and justice. Increase referrals from mental health to justice and define clear	Nbr of referrals				

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
		instructions for personnel			CHR		

**B: To improve access to justice for victims**

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<b>B: To improve access to justice for victims</b>	<b>B.1:</b> Capacity building and logistical support for those in first contact with victims  (Note: not exclusively applicable to SV - links with broader judicial reform process)	<b>B: 1.1.</b> Provide logistical support (bicycles, telephone units etc) to para-legals, recruited in rural areas.	Nbr of paralegals supported in rural areas	Paralegal support logistically more efficient	UNFPA, MONUC/OH CHR, UNICEF, UNDP, Ministries of Interior and Justice, & <i>Superior Magistrate REJUSCO</i> , NGOs  Main coordination: MONUC/OH CHR/UNDP	Six months	Apply lessons learned and examine if better guidance has been given to victims.  Examine the quality of the complaint referred to justice
		<b>B: 1.2.</b> Capacity building and ongoing coaching to those in first contact with victims Establish a common methodology as follows: <ul style="list-style-type: none"> <li>The reporting forms that enables filing of cases and deposit of complaint</li> <li>Develop a practical guide for standardized training.</li> </ul>	Standardized materials to be adopted	Practical, field-based approach adopted to provide legal assistance to victims.			
		<b>B: 1.3.</b> Establish a network of paralegals and lawyers. Refer complaint and judicial files and victims consent form to lawyers specifically identified. Follow up by designated lawyers.	Nbr of complaints from paralegals to lawyers.	Criminal proceedings less time consuming and easier for victims			
		<b>B: 1.4.</b> Consider the mechanisms of <i>citation direct</i> . After having collected a significant amount of evidence and with knowledge of the alleged perpetrators, victims may, with the help of their lawyers, bring their case directly to the court or tribunal,	Nbr of <i>citations directs</i> .				
		<b>B: 1.5.</b> Information on the stage of the criminal proceedings to be given on regular basis by lawyer to paralegals or directly to victims	Judicial follow up				
<b>B: To improve access to justice for victims</b>	<b>B.2:</b> Provide guidance to victims on their basic rights and obligations for filing complaints	<b>B: 2.1.</b> Public information campaign on victims rights and obligations Messages should explain: <ul style="list-style-type: none"> <li>Basic concepts (domestic rape, prostitution)</li> <li>Basic procedural principles applicable to SV.</li> </ul>	Nbr of clear and explicit messages	Provide information to victims and draw attention to domestic sexual violence cases	UNFPA, MONUC/OH CHR, UNICEF, UNDP, Mi of Interior, Gender and Justice & <i>Superior Magistrature REJUSCO</i> , NGOs	Six months	Conduct study on views of the population before and after a public campaign. Apply lessons learned
		<b>B: 2.2.</b> Explain the basis principles of the legal procedure, applicable to sexual violence Ensure that no fees are paid when a complaint is lodged.	Nbr of materials adapted	Encourage victims to file complaints			
		<b>B: 2.3.</b> Information campaign on how to file a complaint, who to contact and how to preserve evidence.					

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
		(e.g. nearest police station, telephone numbers of prosecutors and <i>auditeur</i> , lawyers etc. ) <b>B: 2.4</b> Establish and disseminate at provincial level a Protocol of Intervention and amongst judicial partners; Disseminate a complete list of all concerned actors, including: contacts, hours of services, and function of police services, NGOs, and Bar Associations. <b>B: 2.5</b> Raise awareness and organize sensitization session among traditional leaders and families, involved setting amicable arrangement, on stigma reducing and their right to seek justice.			Main coordinating entity: UNFPA, MONUC/OH CHR, UNICEF		
<b>B: To improve access to justice for victims</b>	<b>B.3:</b> Provide logistical support to facilitate the movement of victims, witnesses and alleged perpetrators  (Note: not exclusively applicable to SV, liaise with other initiatives)	<b>B: 3.1.</b> Ensure the appointment of judicial police officers and inspectors in rural areas.	Nbr of police appointed	Intensify the investigation process	MONUC/OH CHR, CP RoL UNPOL, EUPOL, UNDP&M of Interior and justice S.E./C.S.R.P <i>Superior Magistrature REJUSCO</i> , NGOs Main coordinating entity Ministry of justice UNDP	One year	Review good functioning of services in place
		<b>B: 3.2.</b> Take appropriate logistics measures to facilitate the movement of victims' witnesses' and those who assist them from rural areas to courts or tribunals	Nbr of victims testified	Resolve obstacles to bring alleged perpetrators to justice			Encourage decentralization of judicial institutions
		<b>B: 3.3.</b> Facilitate the arrest process of alleged perpetrators and transfer to prisons- including all relevant logistical issues (cars, fuel, personnel, paper of MAP and transfer ordnance)	Nbr of arrests made				
<b>B: To improve access to justice for victims</b>	<b>B. 4:</b> Promote support and facilitate the deployment of existing mobile investigation teams by strengthening local police units and the organization of	<b>B: 4.1.</b> Ensure the presence of specialized police units for the police judiciaries deployed in the territory. Where a high concentration of victims appear in the same locality, preliminary investigations should be organized, through the immediate dispatch of prosecutors and judicial inspectors.	Nbr of mobile investigation teams	Links created with mobile investigation teams and mobile courts	Ministry of Interior, and justice & <i>Superior Magistrature REJUSCO</i> , NGOs	Six months	Follow up and assess the impact of mobile investigation teams and courts on the population
		<b>B: 4.2.</b> Ensure provisions of logistics kits to inspectors and prosecutors for investigation, and methodology adapted for sexual violence crimes.	Nbr of investigation kits & training conducted	Ensure quality of case files prior to court proceedings			

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	mobile courts in rural areas  (Note: not exclusively applicable to SV, liaise with other initiatives)	<b>B: 4.3.</b> Defense and prosecution teams commit to cases in advance	Nbr of defense lawyers appointed to mobile courts	Ensure the rights of victims and defenders are respected	UNPOL, EUPOL, UNDP&NGOs		
		<b>B: 4.4.</b> Judges prepared on cases content prior to the establishment of the mobile court.	Nbr of mobile courts	Judges prepared to address the case	Main coordinating entity: Min of Justice,		
		<b>B: 4.5.</b> Ensure a harmonized approach amongst different actors on remuneration of judges, prosecutors, and lawyers ( <i>per diem</i> , etc)	Apply harmonized approach	Blockages by judicial authorities avoided	MONUC/OH CHR/RoL/MONUC		
<b>B: To improve access to justice for victims</b>	<b>B: 5:</b> Encourage decentralization of rule of law institutions to rural areas  (Note; not exclusively applicable to SV, links with broader judicial reform process)	<b>B: 5.1.</b> Ensure that cases of SV are referred from the <i>Tribunaux de Paix</i> to competent judicial authorities	Nbr of cases referred	Work in line with the Judicial Reform Plan of Action	M of Interior, and Justice & Superior Magistrature REJUSCO, NGOs	Up to two years	Encourage decentralization of justice institutions
		<b>B: 5.2.</b> Conduct an evaluation study on human resources and infrastructure in prosecutions (parquets) jurisdictions (courts and tribunals) (links with Justice Reform).	Results based analysis		MONUC/OH CHR, CP, RoL, UNPOL, EUPOL, UNDP&NGOs		
		<b>B: 5.3.</b> Strengthen logistical capacity of polices offices, CIAT, registries, secretariat, and prosecutors' offices (parquets) in rural areas	Nbr of registries, <i>secrétariat</i> and prosecutors' offices rehabilitated		Main coordinating entity UNDP/RoL/MONUC		
<b>B: To improve access to justice for victims</b>	<b>B:6:</b> Establish a protection scheme for victims, witnesses, judicial actors and those assisting victims who may be an object of threats or intimidation	<b>B: 6.1.</b> Define provincial plans of protection for victims, witnesses, and those who assist them (operational responsibility of police units, and judicial police.) Put in place a system of escorts and residential safeguards, identification of safe temporary houses, etc	Logistics in place	Preparedness to address protection cases	M of Interior, and Justice & Superior Magistrature REJUSCO, NGOs	One year	Study durability of protection schemes, with the creation of protection units in departments of police, courts and tribunals.
		<b>B: 6.2.</b> Introduce procedures and practices for the protection of victims and witnesses. E.g., at procedural level: delayed disclosure of the identity for persons being threatened, separate registries, consideration of risks when provisional liberty is granted. On a practical	Systems in place to protect confidentiality	Codes to be incorporated in the internal database (viz Objective A)	MONUC/OH CHR, CP, RoL, UNPOL, EUPOL,		Study the law and the project proposal for the

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	(Note: not exclusively applicable to SV, links with judicial reform)	level, establish physical distance between victims and aggressors by using audio visual means - especially for minors			UNDP&NGOs		protection of victims and witnesses.
		<b>B: 6.3.</b> Ensure systems of confidentiality and that victims are kept in safe and secure conditions during judicial proceedings	Indicators of safe and secure conditions	Ensure targeted actions as protection response	Main coordinating entity Min of Justice, MONUC/OH CHR.		
		<b>B: 6.4.</b> Apply follow up and gather best practices of safety and security during investigation or trial proceeding. <i>(E.g. Avoid unnecessary risks. Balance the benefit: realize the balance of the advantages of a confrontation between victims and alleged perpetrators and potential risks)</i>	Indicators of safe and secure conditions	Ensure targeted actions as protection response			
		<b>B: 6.5.</b> Develop standardized training materials for protection, prevention and response measures (analyze sources of threats, proximity etc)	Materials adopted	Guidelines exist for the protection and response for police and judicial authorities and those assisting victims			
		<b>B: 6.6.</b> Sensitize the public that threats to life constitute a crime under Congolese law and those who are allegedly involved could be held accountable	Nbr of cases and jurisprudence on life threats related to cases of SV	Publicize examples			
<b>B: To improve access to justice for victims</b>	<b>B.7:</b> Exonerate victims from paying legal fees (in line with the <i>Road Map</i> )	<b>B: 7.1.</b> Promote the promulgation of a Directive on the exoneration of legal fees for victims of sexual violence	<i>Circulaire</i> to be adopted	Encourage victims to file a complaint and gradually encourage confidence in justice institutions	Min of Interior, and justice & NGOs  MONUC/OH CHR, CP, <i>Superior Magistrature REJUSCO</i> , RoL , UNPOL, EUPOL, UNDP&NGOs Main coordinating entity: Min of Justice	Six months	Follow-up on the implementation of the circular waiving of legal fees
		<b>B: 7.2.</b> Ensure the effectiveness of judicial offices in the provinces, (following, the Directive) in being able to apply punitive measures on personnel that do not apply this ordinance;	Posters about the content of the Directive on legal fees, placed in key locations and awareness campaigns in on the field				
		<b>B: 7.3.</b> To ensure promotion of the Directive, emphasize the poverty of most victims and establish standard procedures for the provision of appropriate social services	Dissemination of legislation				
		<b>B: 7.4.</b> Increase funding of the Bar Association or Legal Clinics to ensure legal fees are covered	Nbr of Bar associations or other services being funded				

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
		<b>B: 7.5</b> Disperse funds and ensure that evidence of payment is given by registrars to the clients	Nbr of direct citation of cases		MONUC/OH CHR RoL/MONU C		
		<b>B: 7.6.</b> Publicize examples to judicial personnel or police who are imposing illegal fees on victims.	Nbr of examples of corruption brought out				



**C: To guarantee the effective application of the 2006 Law on Sexual Violence**

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<b>C: To guarantee the effective application of the 2006 Law on Sexual Violence</b>	<p><b>C. 1:</b> Seek clarification on the 2006 law on criminal justice and procedural codes</p> <p>(Linked with <i>Road Map</i>)</p>	<p><b>C: 1.1.</b> Adoption of a <i>circulaire</i> for judicial staff (judges, prosecutors, secretary, registry, judicial police, police and lawyers)</p> <p>Issues to be clarified, inter alia:</p> <ul style="list-style-type: none"> <li>• The procedural delay</li> <li>• Assistance to victims and their family</li> <li>• The organization of closed hearings</li> <li>• Other forms of sexual violence within the 2006 law</li> </ul>	<i>Circulaire</i> to be agreed	Better comprehension and implementation of the 2006 laws	<p>Min of Justice. <i>Superior Magistrature REJUSCO</i></p> <p>MONUC/OH CHR, CP RoL , UNDP.&amp;NG Os</p> <p>Main coordinating entity: Ministry of justice MONUC/OH CHR</p>	Six months	Follow up on the implementation of the clarification linked to the 2006 laws
<b>C: To guarantee the effective application of the 2006 Law on Sexual Violence</b>	<p><b>C. 2:</b> Conduct an overview and analysis both of SV jurisprudence and pending cases</p>	<p><b>C: 2.1.</b>Conduct an evaluation over a two year period on the implementation of the 2006 laws, in terms of jurisprudence and pending cases, focused on</p> <ul style="list-style-type: none"> <li>• Application of the Penal Code (criminal justice, aggravating factors, etc)</li> <li>• Application of the Procedural Code (In close court proceedings, interdiction of payment of <i>amende transactionnel</i>, protection, victims' welfare, respect for procedural delay)</li> </ul>	Review of study on the application of penal and procedural law	Ability to implement by the lawyers, police and magistrates studied	<p>Min of Justice, <i>Superior Magistrature REJUSCO</i></p> <p>MONUC/OH CHR, CP RoL , UNDP, NGOs</p> <p>Main coordinating entity Ministry of justice / MONUC/OH CHR</p>	One year	Develop a policy for implementing the 2006 Laws
<b>C: To guarantee the effective application of the 2006 Law on Sexual Violence</b>	<p><b>C.3:</b> Implementation of policy of 2006 Laws</p>	<p><b>C: 3.1.</b> Define a system of quality control to evaluate the performance of the judicial system, including, the police, prosecution, courts and tribunals, and the legal system.</p>	Benchmarks set for implementation by Judicial authorities	Clarity among international actors and state authorities on the implementation	<p>Min of Justice, <i>Superior Magistrature REJUSCO</i></p>	One year	Review and adapt implementation policy plan of 2006 laws

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation	
		Publish results and institute a reward system for more competent personnel ( <i>Decret-loi N 017/2002 du 3 octobre 2002 portant code de conduite de l'agent public de l'etat</i> )		process	MONUC/OH CHR, CP RoL, UNDP, NGOs Main coordinating entity: Ministry of justice / MONUC/OH CHR			
<b>C: To guarantee the effective application of the 2006 Law on Sexual Violence</b>	C. 4: Strengthen existing monitoring systems of SV cases brought to justice	C: 4.1. Criminological analysis of ongoing and upcoming cases (Age of perpetrators, victims, ethnicity, trends, hot spots, <i>modus operandi</i> etc)	Set criminological indicators on data collection tools	Improve reporting mechanisms	Min of Justice <i>Superior Magistrature REJUSCO</i> MONUC/OH CHR, CP RoL, UNDP, NGOs  Main coordinating entity  MONUC/OH CHR,	One year	Address the lack of scientific criminological expertise  Centralized data systems gradually established	
		C: 4.2. Support existing mechanisms of monitoring administration of justice and cases brought to justice						
		C: 4.3. Harmonized indicators of judicial follow up among implicated actors (MONUC/OHCHR, UNFPA database)	Common reporting guidelines					
		C: 4.4. Centralized systems of data collection among actors, police, prosecutors, courts and tribunals, secretaries and registries, local international actors providing judicial assistance, Bar Association (liaise with database)	Common data collection indicators					
<b>C: To guarantee the effective application of the 2006 Law on Sexual Violence</b>	C. 5: Ensure prosecution of alleged high ranking officials both military and civilian and broadcast these as examples	C: 5.1. Respecting the independence of the DRC justice system, raise the need to investigate and prosecute high ranking public officials who may have committed SV crimes including celebrity cases such as Evoloko.	Nbr of high profile cases prosecutors by Congolese courts	Motivation and trust to victims to denounce cases. Apply Deterrence to other officials	Mi of Justice., defense <i>Superior Magistrature REJUSCO</i>  MONUC/OH CHR, CP RoL, UNDP, NGOs Main coordinating entity  MONUC/OH CHR,	One year	Examine the impact of high ranking officials prosecutions on the population	
		C: 5.2. Advocacy focus on 5 alleged high ranking officials in the East.						
		C: 5.3. Document and denounce cases of interference/obstruction to justice or unwillingness to prosecute						
		5.4. If applicable, highlight after trial victims' satisfaction						

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
					ODSRSG		
<b>C: To guarantee the effective application of the 2006 Law on Sexual Violence</b>	<b>C. 6:</b> Take punitive measures against those interfering with the proper conduct of justice on SV crimes	<b>C: 6.1.</b> In line with <i>Decret-loi N 017/2002</i> : Report and refer to justice cases, eg, who: <ul style="list-style-type: none"> <li>Cases of corruptions, such as imposing illegal fees</li> <li>Extortion, participation in illegal transactions, and arrangement for provisional release or arrest breaching the legal framework</li> </ul>	Nbr of punitive measures effectively investigated and judicially follow up	Increase trust towards judicial institutions	Mi of Justice., defense <i>Superior Magistrature</i> <i>REJUSCO</i> MONUC/OH CHR, CP RoL , UNDP.&NG Os  Main coordinating entity Ministry of justice MONUC/OH CHR, ODSRSG	One year	Examine the possibility of public officials vetting mechanisms

**D: To ensure reparation for victims**

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<b>D: Ensure reparation for victims</b>	<b>D.1:</b> Examine a case study	<b>D.1.1</b> Examine the example of Songo Mboyo, on how victims had access to justice and the willingness of the state to create reparation for victims	Lessons learned from the case study of Songo Mboyo.	Apply recommendations and define a methodology for reparations	Ministry of Justice, <i>Superior Magistrature</i> <i>REJUSCO</i> MONUC/OHCHR, Rule of Law, UNDP	One year	Highlight possible examples
<b>D: Ensure reparation for victims</b>	<b>D. 2:</b> Ensure effective compensation to third parties	<p><b>D.2.1</b> Evaluate the economic status of the defendant in the pre-trial phase</p> <p><b>D.2.2.</b> Proceed to the systematic seizure of assets and guarantee the eventual payment of compensations</p> <p><b>D.2.3.</b> Simplify the procedure for compensation:</p> <ul style="list-style-type: none"> <li>• Related to the state (in <i>solidum</i>)</li> <li>• Related to the defendant</li> </ul> <p><b>D.2.4.</b> Increase the capacities of victims claiming compensation:</p> <ul style="list-style-type: none"> <li>• Fees for judgments to be typed and published</li> <li>• Lawyers should follow up on procedures on the execution of reparations</li> <li>• Execution of proceedings with the state</li> <li>• Remind the prosecutor and the registrar of their responsibility to provide retroactive compensation for victims.</li> </ul>	Compensation given to victims	The obligation is imposed on the state to ensure that action is taken for the reparation of victims	Main coordinating entity Ministry of justice MONUC/OHCHR for reparation and UNDP for the guarantees of non recurrence		

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
<b>D: Ensure reparation for victims</b>	D. 3: Apply other forms of reparations	<b>D:3.1</b> State-sanctioned provision of obligations to provide reparation:. <ul style="list-style-type: none"> <li>Update set of principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, Commission of Human Rights</li> <li>E/CN.4/2005/102/Add1 and the Resolution 60/147 by the General Assembly (Fundamental Principles and Directives concerning the right to justice and reparation of victims of grave human rights and International Humanitarian law.)</li> </ul>	Nbr of jurisprudence that are referring these principles	Enlarge reparation application on the benefit of the victims	Ministry of Justice, Superior Magistrature REJUSCO MONUC/OH CHR, Rule of Law UNDP  Main coordinating entity: Ministry of justice MONUC/OH CHR	One year	Monitor the State's ability to deal with high profile cases
		<b>D.3.2.</b> For third party civilians <ul style="list-style-type: none"> <li>The defendants are seeking the pardon/apologies for victims and their families</li> <li>Research the profiles of victims and accused and ensure mediation (pre-judgment and post-judgment)</li> <li>Systematic removal of the accused from public administration and/or security services</li> </ul>					
		<b>D.3.3.</b> Create a fund reparation mechanism: <ol style="list-style-type: none"> <li>For the victims of unidentified accuser</li> <li>For the victims when their perpetrator is at large</li> </ol> The objective will be : <ol style="list-style-type: none"> <li>Compensation</li> <li>Symbolic reparation of victims</li> </ol>					
<b>D: Ensure reparation for victims</b>	D.4: Ensure victims satisfaction and guarantees of non –recurrence (Note: not exclusively applicable to SV, links with justice reform,	<b>D: 4.1.</b> Ensure victims satisfaction and guarantees of non –recurrence by applying the following in line with “Updated Set of Principles”  <b>D: 4.2. For perpetrators:</b> Analyze the profile of the perpetrator and establish a mechanism of evaluation that links the level of individual criminal responsibility to the reintegration services : <ul style="list-style-type: none"> <li>Identify those state agents who were</li> </ul>	Nbr of perpetrators and victims received appropriate services	Link justice reparation to more sustainable services	Ministry of Justice, Superior Magistrature REJUSCO MONUC/OH CHR, Rule of Law UNDP  Main	2 years	Evaluate a the feasibility of such activities

Objective	Steps	Activities	Indicators	Outcome	Actors	Time Frame	Monitoring & Evaluation
	and strategic component on SSR)	<p>investigated but have since returned</p> <ul style="list-style-type: none"> <li>For militias: referral to services of demobilization and reintegration</li> <li>Apply vetting mechanisms (links with security sector reform)</li> </ul> <p><b>D: 4.3. For victims:</b> referral to service of economic empowerment and reintegration.</p> <ul style="list-style-type: none"> <li>Links with services for restoration of social cohesion and reconciliation</li> <li>Perpetrator to formally seek forgiveness from victims and families.</li> </ul> <p><b>D: 4.4. For the society:</b> Judicial decisions published to communities, with the consent of the victim through religious and traditional leaders</p> <ul style="list-style-type: none"> <li>Make these examples widely known with the consent of the victim, with full respect for confidentiality</li> </ul>			coordinating entity Ministry of justice UNDP		