

Regional Training Facility on Prevention and  
Suppression of Sexual and Gender Based  
Violence in the Great Lakes Region



Centre Régional de Formation sur la Prévention et  
Suppression des Violences Sexuelles Basées sur le  
Genre dans la Région Des Grands Lacs



## A SITUATION STATUS OF SEXUAL AND GENDER-BASED VIOLENCE IN THE 12 MEMBER STATES OF THE ICGLR

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# Introduction

- Different forms of Sexual and Gender-Based Violence, such as rape, sexual slavery, female genital mutilation (FGM), forced pregnancy, forced prostitution, and child marriage are committed against children, women, and men in peace time, during conflict, and post-conflict in the 12 Member States of the ICGLR.
- Major driving factors of SGBV in the ICGLR Member States, include conflict; poverty; lack of access to education and economic opportunities; forced displacement; patriarchal traditional norms and stereotypes that perpetuate gender inequality; poor implementation of international, regional, and international legal framework; and lack of awareness of rights protected under domestic legislation.
- **10 out of 12** countries in the Great Lakes Region are either currently in conflict or are recovering from conflict. Only two countries, Tanzania and Zambia have not experienced conflict.

- Conflict-related sexual violence continues to be widespread in Member States and is used as weapon of war against the civilian population. The different acts of SGBV committed in conflict can amount to genocide, crimes against humanity, and war crimes.
- In peace time, during conflict, post-conflict, and humanitarian settings, girls and women are disproportionately affected by different acts of SGBV. Reports have and continue to show that boys and men are also subjected to different forms of SGBV.
- Major perpetrators of SGBV in ICGLR Member States, include husbands, armed groups; and peacekeepers deployed in some ICGLR Member States to protect civilians.

- The impact of SGBV extends beyond the victim/survivor to their families and communities. Impacts can be physical and psychological harm, and socio-economic, including PTSD and STDs.
- The true extent of the commission of SGBV, especially during armed conflict remains unclear because of the stigma associated with it that undermines reporting of these crimes and gathering concrete data.

# ANGOLA



## Angola Multiple Indicator and Health Survey: Key Findings, 2015-2016

- **32 percent** of women age 15-49 have experienced physical violence since age 15.
- 34 percent of ever-married women age 15-49 experienced spousal violence, whether physical or sexual.
- Among ever-married women who have experienced physical violence since age 15, 73 percent reported that their current husband/partner committed the violence.
- 30 percent of women and 7 percent of men age 25- 49 were married before age 18.

- According to **UNHCR, 172 cases of SGBV**, including forced marriage, rape, and sexual assault were recorded between July 2017 and January 2018 with 90 percent of the survivors being females and children in the refugee settlements of Lovua settlement and Cacanda Reception Centre.
- During the armed conflict in Angola, children, girls, and women were subjected to different forms of SGBV, including rape and forced marriage. It is estimated that the number of underage wives married to The National Union for the Total Independence of Angola (UNITA) rests somewhere **between 5,000 and 8,000** according to Human Rights Watch.

# Responses Taken to Address SGBV by the Angolan Government

## **Enactment of Progressive Legislation Prohibiting SGBV:**

- The Constitution of Angola, 2010 recognizes respect of fundamental human rights, including those recognized under international and regional human rights law.
- The Law on Domestic Violence, Lei No. 25 of 2011 that seeks to protect citizens from domestic violence, including sexual violence and guarantees support to victims, through safe houses, medical treatment and financial and legal help.
- The Angola Family Code in Section 24 sets the marriage age at 18 for boys and girls.
- The Anti-Terrorism and Money Laundering Law, Lei No. 3 of 2014 criminalizes trafficking of adults and children for purposes, such as sex trafficking, sexual exploitation, and forced labor.

- Ratification of International and Regional Instruments on SGBV: SGBV Protocol, 2006; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol); the African Charter on Human and Peoples' Rights on 2 March 1990; CEDAW; CRC.
- Creation of special units at the police stations: To specifically handle cases of SGBV
- Launch of Free Helplines/Hotlines to Report SGBV Cases, including trafficking in persons.



# BURUNDI



## **Troisième Enquête Démographique et de Santé, Burundi, 2016-2017:**

- 36 percent of women and 12 percent of men were subjected to violence
- Child marriage of women aged under 18 years: estimated at 20 percent of women.

## **Vision Burundi 2025 recognizes that:**

- SGBV in Burundi, mainly perpetrated against women and children persists due to different factors, such as conflict and cultural norms that marginalize women and perpetuate violence against women and children. Both African Union and the United Nations have also reported and documented the commission of different acts of sexual violence, such as rape against women, children, and men with the most recent acts taking place in 2017.
- Estimated that between 500 and 3,000 young women, including Burundian refugees have become trafficking victims in the Middle East between 2015 and 2016 for exploitation in prostitution.

# Responses undertaken by Burundian Government to Address SGBV

## **Legislative and policy reform:**

- Article 19 of the Constitution of Burundi, 2005 recognizes different international and regional instruments as integral to the Constitution of Burundi. Article 19 provides that, the rights and duties recognized by the Universal Declaration of Human Rights, the International Pacts related to human rights, the African Charter of human and community rights, the Convention on the elimination of all forms of discrimination against women and the Convention related to children's rights are an integral part of the Constitution of the Republic of Burundi. The Arusha Peace and Reconciliation Agreement for Burundi provides that for the protection of both women and men from all forms of violence and torture.

- Amendment of the Criminal Code, Law No. 1/05 of 22 April 2009 to criminalize domestic violence, sexual harassment, and rape and includes severe punishments for perpetrators of rape.
- In 2014, the government of Burundi passed a specific law on trafficking in persons, The Law No. 1/28 of 29 October 2014 on the Prevention and the Punishment of trafficking in Persons and the Protection of victims of Trafficking, Law No. 1/28 of 29 October 2014 aimed at implementing the Palermo Protocol and preventing and combating trafficking of persons in Burundi.

- In 2016, the government of Burundi passed the law on the Prevention, Protection of Survivors and Repression of Violence.
- The government also formulated a national strategy on gender-based violence and its plan of action aimed at eradication of all forms of violence, including training school teachers, leaders and students on preventing and combating SGBV and providing medical, psychological and social care for survivors of SGBV.

- The Government created a special unit in the Burundian National Police called the Unit for the Protection of Minors and Morals to investigate and handle cases of SGBV, including rape and trafficking in children, girls, and women.
- Establishment of Centres to Care for Victims of SGBV: The government of Burundi established the Humura Centre in Gitega to provide comprehensive care to all victims of SGBV, including men, women, and children in Burundi. Services provided at the centre include, counselling, HIV screening, prevention, and treatment, legal, and accommodation to victims in need of protection.

- Truth and Reconciliation Commission: In 2014, the government of Burundi through Law No. 1/18 of 15 May 2014 established the Truth and Reconciliation Commission mandated to investigate and hear cases of human rights violations.
- Ratification and domestication of regional and international human rights instruments to combat SGBV: Kampala Declaration aimed at promoting accountability and ending SGBV in the Great Lakes Region; SGBV Protocol, 2006; African Charter on Humana and People's Rights; CEDAW; CAT

# Central African Republic



- Child marriage: 68 percent of girls being married before 18.
- Female genital mutilation (FGM): 24 percent of girls subjected to FGM.
- estimated that 308 cases of sexual violence in the CAR conflict were committed against women and girls in 2017. perpetrated by armed groups, such as ex-Séléka, anti-balaka, Retour réclamation et rehabilitation, the Lord's Resistance Army (LRA). Allegations against peacekeepers have also been reported.
- Trafficking in persons: 39 child trafficking victims identified by the government in 2017.

# Responses taken to Address SGBV by the Government of CAR

## Enacting Progressive Laws and policies on SGBV:

- The Constitution of the Central African Republic, 2015 promulgated on 27 March 2016. Article 3 provides that no one shall be subjected to torture, rape or other forms of cruel, inhumane, degrading, and humiliating treatment.
- The Penal Code Act, Law No. 10.001 of 6 January 2010 criminalizes different forms of sexual and gender-based violence, such as rape, child molestation, sex and labour trafficking, forced labour and harmful traditional practises, such as FGM. The Penal Code Act goes further to **incorporate international crimes of genocide, war crimes, and crimes against humanity which provides a legal basis for the prosecution of SGBV cases as international crimes.**



- Developed a national action plan on the implementation of the United Nations Security Council Resolution 1325/2000 and related resolutions on women, peace and security to prevent and eliminate all forms of violence against women, including in refugee camps.
- Revised the Child Protection National Policy and the National Strategy to End Child Marriage aimed at reinforcing upstream interventions to child protection.
- Developed the National Plan of Action on Human Rights, the National Action Plan to combat Domestic Violence.
- The National Plan of Action on Women's rights.

- In November 2014, the Transitional Government developed a National Reconciliation Strategy, outlining a broad-based plan of action to achieve an immediate reduction of conflict, build foundations for long-term reconciliation, and establish a Truth, Justice, Reparation and Reconciliation Commission, tasked with identifying the underlying causes of the recurrent political conflicts in the Central African Republic.
- Ratifying regional and international human rights instruments: Rome Statute; SGBV Protocol 2006; Maputo Protocol; CAT; CEDAW; ICCPR; ICESCR; the four Geneva Conventions of 1949 and the two additional protocols (Additional Protocol I to the Geneva Convention of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflict of 8 June 1977 and Additional Protocol II to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, 8 June 1977).

- Domesticated the Rome Statute of the ICC: To effectively prosecute human rights violations, such as sexual and gender-based violence committed in the armed conflict in CAR, the government domesticated the Rome Statute. This means that different acts of sexual and gender-based violence committed in the armed conflict of CAR can be prosecuted as crimes amounting to genocide, war crimes, and crimes against humanity. This also means that different modes of liability under international criminal law, such as command responsibility can be used to attribute criminal liability of subordinates to military commanders or civilian superiors for crimes of sexual violence.
- Case referral to the International Criminal Court: After ratifying the Rome Statute of the International Criminal Court in 2011, the government of CAR referred the case of Jean Pierre Bemba to the ICC.

- Creation of the Special Criminal Court: The government in 2015 passed a law establishing the hybrid Special Criminal Court mandated to investigate and prosecute humanitarian and human rights violations, including SGBV committed in the conflict in CAR.
- Establishing **Rapid Response Units** in different police stations and gendarmerie in CAR. These units are mandated to prevent; investigate; prosecute; refer victims of sexual violence to other service providers to get help; and document all forms of sexual violence.

- The government also established the Mixed Unit for Rapid Intervention and Repression of Sexual Violence to Women and Children (UMIRR) in Bangui.
- Establishment of the Commission Nationale des Droits de l'Homme et de Libertés Fondamentales: to strengthen the observation of human rights, including the prevention of sexual and gender-based rights violations in CAR.

# The Republic of Congo (Congo Brazzaville)



- Child Marriage of girls below 18 years estimated at 33 percent.
- In 2017, sixty-six (66) girls were subjected to rape, physical aggression and child marriage were identified in the refugee communities. The UNHCR in 2017 documented 20 cases of rape, 16 of them involving minors between January and October at a refugee camp in Betou. (UNICEF Annual Report)
- Trafficking in persons: Congo is a source and destination country for children, men, and women subjected to sex trafficking. Both adults and children are victims of sex trafficking in the Congo, with most between the ages of 9 and 11.

- To Note: Republic of Congo military and police peacekeepers deployed to the UN Multidimensional Integrated Stabilization Mission in the CAR (MINUSCA) allegedly committed acts of sexual exploitation and abuse against civilians in the Central African Republic.

# Responses taken to Address SGBV by the Congo Government

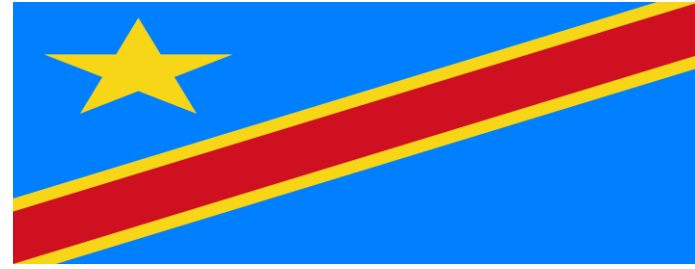
## **Enacting Legislation Prohibiting SGBV**

- The Child Protection Code 2010 prohibits different forms of SGBV against children, such as child and sex trafficking and child marriage.
- The Penal Code also criminalizes different forms of SGBV, such as rape and forced prostitution.
- Ratifying regional and international human rights instruments: 2011 Kampala Declaration; SGBV Protocol, 2006; Maputo Protocol; ACHPR; CEDAW; CRC; Geneva Protocol and its Additional Protocols



- Government developed a National Gender Policy and 2009-2019 Plan of Action. These aim to address sexual and gender-based violence and ensure gender equality is achieved.
- Withdrawal of 650 Peacekeeping Troops aimed at preventing further commission of sexual abuse against civilians in the Central African Republic.

# The Democratic Republic of Congo (DRC)



## Ministère du Plan et Suivi de la Mise en œuvre de la Révolution de la Modernité (government DHS):

- More than half of women 52 percent have ever experienced physical violence since the age of 15; and 27 percent of women have ever experienced sexual violence.
- 57 percent have ever experienced spousal violence (emotional, physical or sexual) committed by their current or former husband/partner.
- Child marriage: 37 percent of women age 20-24 were married before age 18, compared to 6 percent of men in the same age group.

## Conflict Related-Sexual Violence (United Nations Reports):

- Parties to the conflict in DRC continue to use rape as a weapon of war. In conflict related sexual violence,
- The United Nations Population Fund (UNFPA) reported 5,783 cases of sexual violence in conflict-affected provinces in 2017, more than twice as many as in 2016.
- In 2017, several armed groups continued to abduct and forcibly recruit Congolese men, women, and children as combatants, porters, and women and girls were forced to marry or serve as sex slaves for members of armed groups.

# Responses Taken by the DRC Government to Address SGBV

## **Adoption and amendment of legislation and policies to address SGBV:**

- The 2006 Constitution of the Republic of Congo; Article 15 provides that any violence committed against any person that is meant to destabilize the family or bring about the destruction of an entire people amounts to a crime against humanity.
- The Congolese Criminal Code Act amended in 2006, that is applicable to both civilian and military courts criminalizes sexual violence with a penalty of 5 to 20 years imprisonment and defines sexual relations with any person under 18 as statutory rape.
- The 2006 Sexual Violence Law 06/018 criminalized sexual slavery, child sex trafficking, and forced prostitution of adults and provided for punishments for perpetrators.

- The Child Protection Law of 2009 imposes a penalty of seven to 20 years of imprisonment for the rape of a child. The Child Protection Law also criminalizes the prostitution of children, pornography, trafficking, neglect, abuse, child labor, and child sexual slavery and provides punishment for perpetrators.
- Based on legislation prohibiting SGBV in DRC, the government reportedly prosecuted 547 cases of sexual violence in military court in 2017.
- Developed a National Action Plan on the on the implementation of the United Nations Security Council Resolution 1325/2000 and related resolutions on women, peace and security to prevent and eliminate all forms of violence against women, including in refugee camps.

- Developed a 2018 roadmap for ending child recruitment to implement the UN National Action Plan to end child recruitment. The government's Joint Technical Working Group (JTWG) developed it.
- National Comprehensive Strategy on Sexual and Gender-Based Violence that aims to combat different forms of SGBV in the DRC and promote a zero tolerance for SGBV.
- Creation of military courts to prosecute perpetrators of sexual violence to prosecute perpetrators of sexual violence, confirm reparations for victims, and bring an end to impunity for sexual and gender-based crimes.

- Under the Military Judicial Code and the Military Criminal Code, the military justice system has exclusive jurisdiction over all acts of sexual violence committed by the army, the police and armed groups. This law created a basis for the creation of a military court deployed as a “mobile court” in the 2017 Kavumu landmark case in South Kivu. This mobile court convicted 11 Congolese militia for rape as a crime against humanity.
- Establishment of Special Units (**Police Spéciale pour la Protection de l’Enfant et de la Femme, PSPEF**) to handle cases of SGBV throughout the country.

- Ratifying regional and international human rights instruments: 2011 Kampala Declaration; SGBV Protocol, 2006; Maputo Protocol; ACHPR; CEDAW; CRC; Geneva Protocol and its Additional Protocols, Rome Statute
- Domestication of the Rome Statute of the International Criminal Court: The Rome Statute has been incorporated into Congolese law which calls for the adoption of necessary protection measures, such as voice altering and use of codes as opposed to actual names for victims and witnesses of sexual violence during trial.
- Appointment of a Presidential Adviser on Sexual Violence and the Recruitment and Use of Children. This government created this position to accelerate national action on the issue and engage with the international community.



- Creation of a National Database on Sexual and Gender-Based Violence: The Ministry of Gender, Family and Children in the DRC created a national database on sexual and gender-based violence. This database helps the government record, monitor and follow up on different forms of SGBV committed in the country to adopt effective responses to address the problem.
- Reparations to victims of sexual violence: The government has paid out reparations to some victims of sexual violence. For example, victims raped in Songo Mboyo and Equateur Provinces received individual financial compensation.

- Creation of a toll-free number that victims, witnesses and families can call to denounce sexual violence and request assistance. Awareness text messages on sexual violence are also sent to citizens.
- Referrals to the International Criminal Court: The DRC ratified the ICC Statute and in April 2004, the DRC referred situations in its territory to the ICC that led to charges, such as rape and sexual slavery against accused person Bosco Ntaganda and Germain Katanga.

# KENYA



## **Kenya Demographic and Health Survey 2014:**

- 39 percent of ever-married women and 9 percent of men age 15-49 have experienced spousal physical or sexual violence.
- 45 percent of women and 44 percent of men age 15-49 have experienced physical violence since age 15. The main perpetrators of physical violence against women are husbands; whereas, the main perpetrators against men, include parents and teachers.
- 29 percent of women were married by age 18.
- 1 percent of women age 15-49 have been circumcised with 28 percent of circumcised women age 20-24 having been circumcised at between age 5-9.

- Kenya National Commission on Human Rights (KNCHR), there was widespread sexual violence against girls, women and men committed by both civilians and police resulting from the 2017 election violence.
- The Truth, Justice, and Reconciliation Commission (TJRC) also found that sexual violence, such as gang rapes, sodomy, defilement, sexual slavery, sexual assault and torture, and forced circumcision and other mutilation of sexual organs were committed against girls, women, and men in the post-election violence of 2007-2008.

- Trafficking in persons: Kenya is a source, transit, and destination country for men, women, and children subjected to sex trafficking. Reports indicate that men, women, and children are subjected to trafficking in Kenya and are often forced into prostitution.
- Some refugee children in Dadaab and Kakuma refugee camps may be subjected to sex trafficking.

# Response taken to Address SGBV by the Kenyan Government

## **Passing Progressive Laws and policies aimed at Eliminating SGBV:**

- The Constitution of the Republic of Kenya guarantees the right to equality for both men and women and the right not to be subjected to any form of violence.
- The Protection against Domestic Violence Act of 2015 that aims to provide protection to spouses, any children, or other dependent persons from domestic violence.
- The Sexual Offenses Act of 2006 prohibits different forms of sexual and gender-based violence, including rape, sexual assault, child trafficking, child prostitution, sexual harassment, and defilement.
- The Marriage Act of 2014 in Section 4 prohibits child marriage in Kenya by setting the minimum marriage age for both boys and girls at 18.

- The Children Act cap 141 of 2001 in Sections 14 and 15 criminalize female genital mutilation, child marriage, and sexual exploitation of children.
- The Counter-Trafficking in Persons Act of 2010 which came into force in 2012 prohibits all forms of trafficking and provides a minimum punishment of 15 years imprisonment for perpetrators.
- The Prohibition of Female Genital Mutilation Act of 2011 also criminalizes all forms of female genital mutilation.
- The Witness Protection, chap 79 was enacted and for the protection of witnesses in criminal cases and other proceedings to establish a Witness Protection Agency and provide for its powers, functions, management and administration, and for connected purposes. Gives confidence to witnesses to report and testify during SGBV cases.

- The 2017 County Government Policy on Sexual and Gender-Based Violence that aims to provide coordinated mechanisms to responding to SGBV;
- Developed an action plan on the on the implementation of the United Nations Security Council Resolution 1325/2000 and related resolutions on women, peace and security to prevent and eliminate all forms of violence against women, including in refugee camps.
- The 2014 National Guidelines on the Management of SGBV aimed at providing guidance on the effective management of victims of sexual violence.



- The National Education Sector Plan and the Education Gender Policy, 2007 that seeks to combat learning institutions related gender-based violence; The National Gender Policy, 2011 provides that women's rights are human rights and gender fairness and justice guides interventions.
- The National Gender Policy, 2011 provides that women's rights are human rights and gender fairness and justice guides interventions. It reinforces the need to promote interventions for the reduction of SGBV, the generation of sex disaggregated data to guide interventions develop a sexual harassment and gender-based violence policy to provide a safe work environment that protects and promotes the human dignity of all members of the staff.

- Ratifying regional and international human rights instruments: 2011 Kampala Declaration; SGBV Protocol, 2006; Maputo Protocol; ACHPR; CEDAW; CRC; Geneva Protocol and its Additional Protocols; and Rome Statute
- Establishment of the Truth, Justice, and Reconciliation Commission (TJRC): The government of Kenya established the TJRC through the Truth, Justice and Reconciliation Act (TJR Act). The mandate of the TJRC to investigate gross human rights violations committed between 12 December 1963 and the 28 February 2008 and make political, legal, and administrative recommendations, such as reparations for victims.

- Creation of Gender Desks within Police Stations: The Kenyan government established Gender Desks in all police stations in 2004 dedicated to effectively handling cases of SGBV.
- Creation of Sexual and Gender-Based Offenses Division: The Office of the Director of Public Prosecutions (ODPP) established the Sexual and Gender-Based Offenses Division comprised of staff competent in SGBV to specifically handle cases of SGBV reported.
- Public awareness programs: The government has undertaken measures, such as radio broadcast and public education forums to raise awareness about the impact of different forms of SGBV, such as female genital mutilation, child marriage, rape, trafficking, sexual harassment, and domestic violence.

- Establishment of the Restorative Justice fund: President Uhuru Kenyatta in 2015 announced established of a 10 billion Kenya Shillings fund to provide relief and reparations to victims, including victims of SGBV for abuse inflicted. However, the fund has not been operationalized as per the time of writing this report.

# Rwanda



## Rwanda Demographic and Health Survey 2014-2015:

- 35 percent of women and 39 percent of men age 15-49 have ever experienced physical violence at least once since age 15;
- 22 percent of women and 5 percent of men age 15-49 report having experienced sexual violence at least once in their lifetime.
- 14 percent of men and women were married by age 18 and only 2 percent of women reported being married by age 15. **Lowest in the region.**

- UN reports indicate that between 100,000 and 250,000 women were victims of different forms of sexual violence during the genocide in 1994.

# Steps taken to Address SGBV by the Rwandan Government

## Enacting Progressive Legislation and Policies on SGBV:

- The Constitution of Rwanda of 4 June 2003: provides for equality for all, non-discrimination, and gender equality, prohibits torture or physical abuse, or cruel, inhuman or degrading treatment, and provides that women should occupy at least thirty percent (30 percent) of decision-making organs and the Senate respectively.
- The Prevention and Punishment of Gender-Based Violence, 2008 criminalizes different forms of gender-based violence, including marital rape and provides for legal sanctions against SGBV perpetrators.
- The Rwandan Penal Code of 1980 (**In June 2018, the Rwandan Parliament passed a new Penal Code that is awaiting the President's signature**) criminalizes different forms of SGBV, including human trafficking and rape.
- The Prevention, Suppression, and Punishment of Trafficking-in Persons and Exploitation of Others was passed by the Rwandan Parliament in 2018 and is pending the President's signature.

- The National Legal Aid Policy aimed at providing legal aid services for comprehensive access to justice, including victims of SGBV.
- Developed an action plan on the on the implementation of the United Nations Security Council Resolution 1325/2000 and related resolutions on women, peace and security to prevent and eliminate all forms of violence against women, including in refugee camps. The action plan on 1325/2000 provided various strategies aimed at restoring unity, reconciliation in Rwanda and providing psychological, legal, economic and medical support to women survivors of rape during the 1994 Genocide against Tutsi.
- Adopted a National Policy against Gender-based Violence in 2011 that aims to establish measures to prevent SGBV, provide comprehensive services to victims of SGBV, and improve accountability for SGBV cases to eliminate impunity.



- Created Special Units on SGBV: The government of Rwanda established Anti-Gender-Based Violence Directorate in the Rwandan National Police (RNP) and the National Public Prosecution Authority (NPPA) to respond to cases of SGBV and the rights of the victims.
- Set up One-Stop Centres and Shelters: A multi-service center commonly known as Isange One Stop Centre (OSC) was created in 2009 within the National Police Hospital to receive and assist GBV survivors with all the relevant services needed including medical, legal, psychological and social assistance.
- Created Free Helplines/Hotlines to Report SGBV Cases to facilitate emergency reporting of SGBV cases and accessing information on SGBV.

# SOUTH SUDAN



The conflict in South Sudan has resulted in the commission of different forms of sexual and gender-based violence, including rape, mutilation of sexual organs and sexual slavery continue to be committed mainly against girls and women by warring parties to the conflict. The conflict has also created a humanitarian crisis which has increased the vulnerability of civilians, including refugees to different forms of SGBV and human trafficking.

- 196 cases of conflict-related sexual violence affecting 128 women and 68 girls documented by UNMISS in 2017.
- 575 incidents of GBV, with 96 of those incidents against children recorded by UNFPA between October to December 2016.
- In 2016, girls as young as five years old were allegedly raped; girls and women seeking refuge in churches, mosques and hospitals were also victims of sexual violence.
- 72 percent of women living in four civilian camps in Juba have reported being raped since the conflict broke out in 2013, mostly by police and soldiers, according to 2015 UNFPA Survey.

- Child marriage: 52 percent of girls are married before their eighteenth birthday.

# Steps taken to Address SGBV by the South Sudan Government

## **Enacting progressive legislation and policies to tackle SGBV:**

- The Transitional Constitution of South Sudan, 2011: calls on the government to enact laws to combat harmful customs and traditions which undermine the dignity and status of women; prohibits negative and harmful cultural practices, abduction, slavery, servitude, and trafficking committed against children; and provides for equality before the law without discrimination.
- The Child Act of 2008 in Article 22 puts obligations on the government to take concrete measures to protect children from abuse
- The Penal Code Act in Chapter XVIII establishes a legal framework for the prosecution of sexual and gender-based violence by setting the age of consent to sex at 18 and prohibiting rape, female genital mutilation (FGM), and abduction.

- Developed a national action plan on the on the implementation of the United Nations Security Council Resolution 1325/2000 and related resolutions on women, peace and security to prevent and eliminate all forms of violence against women, including in refugee camps.
- Created the National Standard Operating Procedures (SOP) for Prevention, protection and Response to Gender Based Violence, 2014.
- Establishing Special Protection Units (SPUs) in every police station specialize in investigating and addressing sexual and gender-based violence cases, including providing medical and psychological treatment to victims.

- Use of Military Courts to Prosecute SGBV to ensure accountability for different forms of SGBV committed in South Sudan. In September 2018, a military court in South Sudan found ten (10) soldiers guilty for perpetrating acts, including rape and sexual harassment committed against foreign aid workers in the Terrain Hotel in Juba in 2016. The military court also ordered the government of South Sudan to pay each rape survivor \$4,000 in compensation.
- Created a Compensation and Reparations Authority (CRA) and a Commission on Truth, Reconciliation and Healing (CTRH) to provide reparations and compensation, including financial and material support for the full enjoyment by victims of the right to a remedy. This is based on the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) was signed by stakeholders including the Intergovernmental Authority on Development (IGAD) and parties to the conflict signed in 2015.

- Creation of a Task Force to End Child Marriage in February 2017 by the Ministry of Gender, in collaboration with UNFPA East and Southern Africa.
- Proposed Hybrid Court for South Sudan (HCSS) proposed by the African Union to investigate and prosecute perpetrators of human rights abuses committed during the conflict in South Sudan between 15 December 2013 to the end of the transitional period. If established, the HCSS through its investigations and prosecutions that meet international standards will increase the likelihood of ensuring that perpetrators of sexual and gender-based violence in South Sudan's conflict are held accountable.



# Sudan



- Sexual and gender-based violence in Sudan is prevalent. Civilians in the conflict affected areas of Sudan, including North Darfur are subjected to different forms of sexual and gender-based violence, including rape by warring parties, such as the Sudanese armed forces and opposition armed groups.
- Child marriage: **37 percent** with one in three girls being married before their eighteenth birthday. (Girls Not Brides)
- Female genital mutilation (FGM): Nearly **nine out of 10** Sudanese women aged 15 to 49 have been cut. (UNICEF)
- Human Trafficking: **213 criminal cases** of human trafficking in the eastern provinces of the Sudan and 26 in Khartoum province between 2014-2015.

# Steps taken to Address SGBV by the Government of Sudan

## **Enacting Progressive Legislation and Polices on SGBV:**

- The Anti-Trafficking law 2014 that criminalizes some forms of trafficking, such as sex trafficking and provides for punishment of perpetrators.
- The Child Act, 2010 aims to protect children from different forms of violence, including rape.
- The Criminal Code as amended in 2015 criminalizes different forms of SGBV, including rape and sexual harassment.
- The national strategy 2008-2018 to prevent female genital mutilation in the Sudan that aims to push for the enactment of legislation to prohibit and criminalize female genital mutilation.

- The National Plan to Promote and Protect Human Rights in the Sudan (2013-2023) that seeks to ensure human rights principles and goals are taken into consideration in all policies and action plans.
- Finalized the National Action Plan on Women, Peace and Security (NAP) costing and budgeting in 2018 aimed at providing funding to protect women and girls from sexual and gender-based violence in armed conflict, women's post-conflict needs, and supporting women's participation in peace negotiations.
- National Strategy on ending child marriage that focuses on tackling the harmful practice of child marriage in Sudan. Launched by the government of Sudan in 2015.

- Creation of the National Committee for Combating Human Trafficking in 30 April 2014 pursuant to Ministerial Decree No. 187 of 2014 and in accordance with the Anti-Human Trafficking Act of 2014.
- Creation of the National Human Rights Commission to investigate and address issues of sexual and gender-based violence committed against women and children, including sexual violence, human trafficking, harmful practices, and discrimination in the Sudan.
- Established a National Commission on Violence against Women and Children within the Ministry of Justice to spearhead prevention and addressing issues of SGBV.

- Creation of the Office of Special Prosecutor for Darfur: In 2003, the government of Sudan created the Office of the Special Prosecutor for Darfur to show its commitment to investigating and promoting accountability for different international humanitarian and human rights violations, such as sexual and gender-based violence committed during the conflict in Darfur.
- Creation of Special Units in Police Stations: The government of Sudan has created special units in all national police stations in Sudan specifically charged with investigating and addressing crimes, including sexual and gender-based crimes committed against women and children. The government through the Ministry of Interior in 2017 launched the Trafficking Unit under the Organized Crime Directorate, and trained 100 detectives across eight states (Kassala, Gedaref, Red Sea, Blue Nile, Khartoum, Gezira, Nile River, and Northern State) on investigation procedures for trafficking cases.

# UGANDA



## **Uganda Demographic and Health Survey 2016:**

- Twenty-two percent of women and 8% of men have ever experienced sexual violence
- 51 percent of women and 52 percent of men age 15-49 have experienced physical violence since age 15;
- Fifty-six percent of ever-married women and 44% of ever-married men have experienced physical, sexual, or emotional violence by their current or most recent spouse/partner.

- 3 in 4 young adults experienced some form of violence during childhood
- 1 in 3 young adults experienced at least two forms of violence – of either sexual, physical and emotional violence - during childhood
- 1 in 3 females (35 percent) and one in six males (17 percent) experienced sexual abuse during their childhood.
- Child marriage: 43 percent of women aged 25-49 compared to only 10 percent of men aged 25-49 were married before 18.
- Female genital mutilation (FGM): estimated at 0.3 percent.

- **276 people** were victims of trafficking in 2017 compared to 270 in 2016. Of the 276 trafficking victims, **two children and 38 adults were victims of sex trafficking.**
- Conflict-related SGBV: the Lord's Resistance Army (LRA) committed different acts of sexual and gender-based violence against children, women, and men in Northern Uganda during the armed conflict. Girls abducted were subjected to rape, forced pregnancy, and forced into sexual slavery as wives of LRA commanders.
- **Lack of accurate data on the estimates of SGBV in refugee settings** and there is need to investigate and document the occurrence and impact of SGBV among refugees in Uganda.



# Steps taken to Address SGBV by the Ugandan Government

## **Passing Progressive Legislation and Policies prohibiting different forms of SGBV:**

- The Constitution of Uganda, 1995 that guarantees the right to be free from torture or cruel, inhuman or degrading treatment or punishment.
- The Domestic Violence Act, 2010 that prohibits different forms of domestic violence, seeks to protect victims from domestic violence, and provides for punishment of perpetrators of domestic violence
- The Prohibition of Female Genital Mutilation Act, 2010 that makes FGM an offense and puts obligations on persons to report cases of FGM to the police

- The Penal Code Act, cap 120 that prohibits different forms of sexual and gender-based violence, such as rape, defilement, assault, and detention with sexual assault
- The Prevention of Trafficking in Persons Act, 2009 that prohibits trafficking in persons for purposes of sexual exploitation and sex tourism among others
- The Children Act as amended by the Children (Amendment Act) 2016 prohibits different forms of SGBV, including defilement, FGM, child marriage, and child trafficking.

- The National Strategy to End Child Marriage and Teenage Pregnancy, 2015-2020 seeks to ensure the government of Uganda combats child marriage and teenage pregnancy in Uganda.
- The National Strategic Plan on Violence against Children in Schools, 2015 seeks to provide guidelines on effective responses to eradicating all forms of violence in schools.
- The Second National Development Plan II (NDPII) recognizes that gender-based violence in all its manifestations (physical, sexual, FGM/C, emotional and psychological) remains a critical human right, public health and economic concern.

- The Standard Operating Procedures (SOP) for the National Gender Based Violence Database (NGBVD), 2015 developed with the aim of improving collection of SGBV data, facilitate evidence-based decision making, and encourage victims or survivors of SGBV to report incidents.

- Establishment of the department on Gender, Children, and Sexual Offences in the Office of the Directorate of Public Prosecutions (ODPP): To improve efficiency and ensure that staff members attain specialized knowledge in the field of prosecuting SGBV cases under criminal law.
- Creation of SGBV Special Court Sessions to guarantee timely and efficient handling of SGBV cases; and ensure that court officers assigned have specialized training, the judiciary of Uganda has established SGBV Special Court Sessions. Began in November 2018.
- Creation of the Uganda Human Rights Commission (UHRC) mandated to promote and protect human rights in the country. UHRC spearheads interventions to curb Sexual Gender Based Violence in Uganda.

- Domestication of International Instruments on SGBV: Uganda ratified the Rome Statute of the International Criminal Court in June 2002 and domesticated the Statute by passing the International Criminal Court Act, 2011 that gives effect to the Rome Statute and gives Ugandan Courts jurisdiction to prosecute different forms of SGBV as genocide, war crimes, and crimes against humanity.
- Establishment of the International Crimes Division (ICD) formed under Legal Notice No. 10 of 2010, issued on May 17, 2011, under Article 133(1)(a) and (b) of the 1995 Constitution of Uganda.
- Case referral of LRA commanders to the International Criminal Court (ICC): Dominic Ongwen for atrocities committed in Northern Uganda including, rape, sexual slavery, and forced marriage where women and girls were abducted in Northern Uganda and were raped, forced to be wives, and sex slaves.

# United Republic of Tanzania



## **Demographic and Health Survey and Malaria Indicator Survey, 2015-2016:**

- 40 percent of women age 15-49 have ever experienced physical violence
- 17 percent have ever experienced sexual violence.
- 16 percent of never-married women have also ever experienced physical violence and 9 percent have ever experienced sexual violence.
- Child marriage: 36 percent of women age 25-49 marry before their 18th birthday compared to only 5 percent among men age 25-49.
- FGM: 10 percent of women age 15-49 — a decline from 18 percent in the 1996. Practiced among the Maasai and Gogo ethnic groups.

- Refugees: 99 females compared to six (6) males reported incidents of sexual and gender-based violence in 2016 at the Nyarugusu refugee camp located in North West Tanzania.



# Steps taken to Address SGBV by the Tanzanian Government

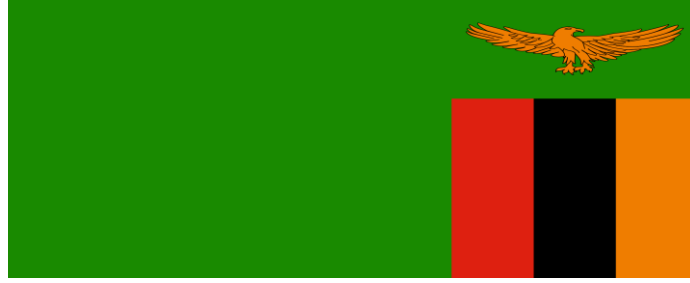
## **Passing Progressive legislation and policies to address SGBV:**

- The Constitution of the United Republic of Tanzania of 1977 guarantees the right to be free from torture, or inhuman or degrading punishment or treatment.
- The Penal Code Act, No. 21 of 1945, amended by the Sexual Offences Special Provisions Act (SOSPA), 1998 criminalizes rape, attempted rape, sexual exploitation of children, female genital mutilation, sex trafficking and defilement.
- The Anti-Trafficking in Persons Act, 2008 that criminalizes labor and sex trafficking and provides for punishment of perpetrators.

- Creation of The Tanzania Commission for Human Rights and Good Governance (CHRAGG) in 2001 to strengthen the protection and adherence to human rights standards, including investigating SGBV abuses.
- Creation of the Anti-Trafficking Secretariat (ATS) to specifically handle trafficking, cooperate with foreign law enforcement officials on trafficking investigations and launching a central data collection system for trafficking crimes.
- Creation of specialist Police Gender and Children's Desks: The government has established Police Gender and Children's Desk (PG&CD) in each police station to specifically address cases of sexual and gender-based violence and child abuse in a gender and child responsive manner.

- Progressive Court Decisions: The Constitutional Court of Tanzania in July 2016 declared child marriage unconstitutional and ordered the Tanzania government to set the minimum marriage age to 18. This order by the Constitutional Court arose from a strategic litigation petition filed by Msichana Initiative challenging the Marriage Act that sets discriminatory marriage ages for boys and girls.

# ZAMBIA



## **Demographic and Health Survey: Zambia,” 2013-2014:**

- Forty-three percent of women age 15-49 have experienced physical violence at least once since age 15.
- 47 percent of ever-married women age 15-49 report ever having experienced physical, sexual, and/or emotional violence from their current or most recent husband or partner.
- Child marriage: 45 percent of women age 25-49 marry by age 18 and only 2 percent of men age 20-24 were married by age 18, as compared with 31 percent of women in the same age group.

# Steps taken to Address SGBV by the Zambian Government

## **Enacting Progressive legislation on SGBV:**

- The Constitution of Zambia in Article 11 protects young people from exploitation and Article 15 protects citizens from torture, or to inhuman or degrading punishment or other like treatment.
- The Anti-Gender Based Violence Act of 2011 that seeks to provide for the protection of victims of gender-based violence; the Anti-Gender-Based Violence Committee; and establish the Anti-Gender-Based Violence Fund.
- The Penal Code Act Chapter 87 also criminalizes different forms of SGBV such as rape, defilement, abduction, and corporal punishment.

- The Anti-Human Trafficking Act, 2008 prohibits human trafficking, including sex trafficking and provides for the prevention and prosecution of human trafficking cases, including establishment of safe centers to provide temporary accommodation to victims.
- The Legal Aid Act was also enacted that created a legal aid department to assist litigants and accused persons who do not have sufficient funds to engage private lawyers.
- National Development Plan (2017-2021), which recognizes SGBV as a constraint to socio-economic transformation and national development and seeks to strengthen prosecution, access to justice, and protection for different forms of SGBV, including trafficking.

- Developed a national action plan to end child marriage in Zambia by 2030.
- Developed a National Action Plan on Gender-Based Violence (NAP-GBV) that aims to provide guidelines to aid in elimination of SGBV in a holistic, systematic, complementary and comprehensive manner through multi-sectoral, and multi-dimensional approach, and to provide appropriate care and services to survivors of GBV.
- Establishment of Special Units on SGBV in all police stations in Zambia aimed at leading the work on gender-based violence, providing victims with counseling and support (including administration of PEP and EC), in addition to dealing with perpetrators.

- Creation of the Zambian Human Rights Commission: mandated under the Constitution of Zambia to investigate and report on human rights violations, such as SGBV and take steps to secure appropriate redress for human rights violations.
- Establishment of One-Stop Centres and Shelters, for example, the Ministry of Community Development, Mother and Child Health operated a 40-person shelter for victims of trafficking and victims of sexual abuse.
- Launch of Free Helplines/Hotlines to Report SGBV cases and find information on SGBV. Launched by the Zambia Human Rights Commission has put in place a toll-free.



# Conclusion

- SGBV in the all the Member States of the ICGLR Great Lakes Region remains widespread despite positive steps taken by Member States to address SGBV.
- In Member States experiencing conflict, SGBV is still used as a weapon of war against the civilian population.
- The accurate and concrete data to reflect the reality of SGBV committed in the region is however undermined by: the stigma and trauma associated with reporting SGBV cases.

- To effectively address SGBV in conflict and post-conflict, there is need for Member States to strengthen **transitional justice mechanisms, including reparations, criminal prosecutions, and truth commissions** to address the impacts of SGBV, promote accountability, & end impunity for SGBV.
- To effectively address SGBV in strengthen their criminal justice system that undermines thorough investigation, prosecution, documentation, and monitoring of SGBV cases; conducting regular training for relevant stakeholders on how to effectively handle SGBV cases; strengthening implementation of laws and policies on SGBV; conducting public awareness campaigns to educate the populations about the dangers of SGBV; and allocating adequate financial resources to fighting SGBV.