

Strategy to better Support the Domestication of the Kampala Declaration on Addressing SGBV in the Great Lakes Region

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Introduction

- 1- What is known as the **Kampala Declaration (KD) on SGBV** is actually a short hand for the **Declaration of the Heads of State and Government of the Member States of the ICGLR at their 4th Ordinary Summit and Special Session on SGBV**, held on 15th December 2011 at Munyonyo, Commonwealth Resort, Kampala, Uganda
- 2- The KD has 19 resolutions divided into 5 sections namely:
 - a. The preamble
 - b. Resolutions on Prevention of SGBV (4 Resolutions)
 - c. Resolutions on Ending Impunity (--Resolutions)
 - d. Resolutions on providing support to victims/survivors of SGBV
 - e. General Resolutions
- 3- The **preamble** acknowledges, among others, that SGBV is alarmingly high in spite of institutional, policy and legal frameworks and that it is a threat to security and development;

Preventing SGBV

- 4- There are **Six resolutions** in the KD aimed at **preventing SGBV**- they are : (a) to eradicate existing armed groups; (b) to domesticate and implement three ICGLR protocols -non aggression and mutual defense; prevention and suppression of SGBV against women and children in the great lakes region ; and on judicial cooperation (c) increase financial and technical support for judicial and security sector reform on human and women rights and SGBV eradication (d) to establish national level structures for prevention, protection and support of women and children against SGBV-including early warning mechanisms, reporting , documentation and fast-tracking cases of SGBV ;(d) integrate SGBV in national planning and increase budget for specific ministries Gender Health, Defense, Security, Interior, Local Government, Justice, Education and Youth (e) to establish Gender desk (where they do not exist], strengthen them where they exist and allocate relevant budget to facilitate the fight against SGBV ;

Ending Impunity

- 5- A section on **Ending Impunity** has **three resolutions** including one on “**Zero tolerance now**”- campaign for zero tolerance on SGBV to include men in all member states. This section also includes a **resolution to establish appropriate mechanisms to investigate and prosecute** sexual violence crimes, including crimes that amount to genocide, war crimes or crimes against humanity committed in the region. The third and most crucial for ending impunity is the resolution that direct concerned ministries to **establish and strengthen special courts, sessions and procedures in order to fast track SGBV cases** in the Police and the Judiciary [with adequate financing, facilities and gender sensitive officers) **within 12 months after this Summit and Special Session on SGBV (2011) to improve access to justice** and protect SGBV victims/survivors in line with Article 6 (51 of ICGLR Protocol [2006] on Prevention and Suppression of Sexual Violence against Women and Children

Supporting Victims/survivors

- 6- The Section on **supporting Victims/survivors** also has three resolutions namely:
- a. Fast-track the contribution to ICGLR special fund for reconstruction and development so that assistance for victims/survivors of SGBV is provided in line with Article 6 [8] of the ICGLR Protocol (2006)
 - b. Fast track the establishment and scale up "Recovery Centres" that provide comprehensive services of free medical, psychosocial, forensic, judicial/prosecution services. Such centers were supposed to be user friendly particularly to women, youth, children, persons with disabilities and men;
 - c. Direct the relevant ministries and public agencies to establish and strengthen income generating programs and initiatives to support women especially those in cross-border trade SGB

General Resolutions of SGBV

- 7- The last section on “**General Resolutions**” has **six** resolutions which cover
- (i) Strengthening Levy Mwanawasa regional center to perform its work
 - (ii) Operationalizing the Regional Training facility on SGBV in Kampala in line with article 6(9) of the SGBV protocol;
 - (iii) Putting in place a regional media strategy that exposes SGBV atrocities and facilitate sensitization and fight against SGBV;
 - (iv) interlinking the regional initiative on Natural resources with the Initiative against SGBV
 - (v) discuss youth unemployment
 - (vi) empower professional civil society organizations (e.g. Fida) to better support victims of SGBV
 - (vii) the Conference secretariat to follow up on the implementation of the 18 resolutions

Strategy to support the domestication KD and addressing SGBV in the Region

- (i) **Acknowledge the progress** made in Member states and then support in addressing challenges. For example:
 - (a) Most ICGLR member states have progressively strengthened their legal and policy frameworks to fight SGBV
 - (b) All countries have set up national structures including gender focal points across ministries working with NGOs to combat SGBV;
 - (c) Most countries have specific or combined laws on punishing SGBV and other legislation to enforce gender equality and non-discrimination;
 - (d) Most Member states have some form of facilities (e.g. recovery centers, / one stop centers to support survivors-though not equally effective
 - (e) However, **None of the MS have developed data base** which collects SGBV data and makes it easily available
 - (f) Negative forces are generally contained but still a threat -but also SGBV is increasing in peace times;

What needs to be done:

- (i) What needs to be done is to ensure that there is **full competence** at all level of criminal justice system -i.e. at police level, at investigation and court/tribunal level (whether ordinary court or military tribunal);
- (ii) To ensure that victims are confident to report
- (iii) To ensure that **suspects are followed up** and arrested, extradited () and successfully prosecuted;
- (iv) Penalties must be effective (or supported to be); and
- (v) Impunity not allowed

Specific Strategies to support domestication

- (1) **Advocate for an Omnibus law to domesticate the entire ICGLR Pact** : As a declaration , the KD domestication has to be done in the context of a binding instrument specifically the Pact on security Stability and Development in the Great lakes Region (Art 11) and the Protocol on Prevention and Suppression of Sexual Violence Against Women and Children (2006)- **Uganda for example now has an omnibus law domesticating the ICGLR Pact and its related 10 protocols including the protocol on SGBV)- so where it has not happened , this best practice can be shared with the rest of the ICGLR member states**
- (2) **Advocate for specialized courts /court sessions to reduce case backlog and have successful prosecution to ending impunity** -Identify and share more best practices – such as fast track courts (in Zambia and now south Sudan), special court sessions (in Uganda) , Mobile courts (in DRC), Special criminal tribunal/court (in CAR and DRC); special chamber in Burundi, One stop centers in Rwanda, law allowing third parties reporting on behalf victims (such as in DRC, Angola and Rwanda); and gender responsive budgets (Rwanda, Kenya and Zambia)-all according to the recent ICGLR study on implementation of the KD

- (3) Convene Sectoral meetings for sensitization and Implement post- KD decisions targeting High level policy makers** for example the Kinshasa communique (of 28th July 2012) - where ministers of justices and gender agreed to key strategies within their jurisdiction to
- (a) Establish national coordination committees
 - (b) Work with telecom companies to disseminate sharp ant-SGBV messages,
 - (c) Have caravans where voluntary contributions of one-dollar equivalent towards victims of SGBV can be collected
 - (d) Simplify relevant protocols and disseminate them widely
 - (e) Have a focal point to facilitate domestication
 - (f) Adopt common procedures on prosecution and investigation
 - (g) Provide free legal representation to facilitate access to justice for SGBV survivors

Similar meetings can be held with key stakeholders e.g. with ministers of Health, ministers in charge of police, Army, prisons, communication/journalist etc.) to identify and commit to their own ministries contribution to ending SGBV. The ICGLR and its relevant organs such as the RTF, Levy Mwanawasa Centre can be supported to convene these meetings

- (4) Support existing institutions working on combating SGBV** at national and regional levels both in government and non-governmental organizations- the RTF for example aspires to be a center of excellence in training professionals who handle cases of SGBV to effectively do their work for prevention, ending impunity and supporting survivors and also rehabilitating offenders
- (5) Prioritize sensitizing parliamentarians to enact law on SGBV**-where it does not exist. For criminalization of SGBV-parliamentarians should be specifically targeted because they make laws. The ICGLR parliamentary forum and the RTF had been asked by parliamentarians to organize sensitization workshops for them;
- (6) Take a holistic approach to prevent SGBV**- individuals, families, communities, institutions, the civil and political society has to be engaged in the fight that includes women, girls, boys and men as champions in the struggle to end SGBV
- (7) Advocate for the member states and development partners to pledge and contribute** more to the Special Fund for Reconstruction and Development (**SFRD**) from where, according to the ICGLR protocol on SGBV, a certain percentage should be drawn to support victims of SGBV. The recent US\$ 50000 commitment by Member states is not sufficient. In addition, the UN Trust Fund and Group of friends can be contributing to the fund as was the original idea of the SFRD