Protecting the Rights of Women and Girls in Post-Conflict Humanitarian Contexts in the D.R. Congo

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Abstract
Current conflicts, the development of new forms of combat and strategies adopted by the parties to a conflict, are increasingly affecting women and girls. Thus, far from being spared, women and girls are now placed at the heart of conflicts and become one of the main victims, not only because they constitute a large part of the civilian population but also because of their vulnerability. In DR Congo, a country that has been experiencing intermittent armed conflict for more than a decade and whose human cost would be the highest in a state after the Second World War, women and girls are among the civilians whose rights are most violated. During the period under review, January to December 2017 the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) verified 804 cases of conflict-related sexual violence, affecting 507 women, 265 girls, 30 men, and 2 boys, representing an increase from the previous reporting period. During the same period, the United Nations Population Fund (UNFPA) reported 5,783 cases of sexual violence in conflict-affected provinces, more than twice as many as in 2016. Approximately 72 percent of cases were attributed to non-State armed groups, notably Two militia in Tanganika and the ‘Force de résistance patriotique de l’Ituri’ (FRPI) operating in Irumu territory in Ituri. More than half of the sexual assaults by FRPI involved multiple attackers, and 40 percent of incidents were perpetrated in conjunction with looting, pillage, and theft. There was an increase in the number of incidents attributed to both FARDC (28 percent) and the Congolese National Police (109 percent) in 2017. Over one third of those sexually assaulted by members of the national police were being detained in police custody at the time.

Keywords: Rights Protection, Women and Girls, Conflict, Humanitarian, D.R. Congo.

Introduction

There are certain situations that benefit people in danger, whether armed conflicts, wars, internal or international.1 They destroy the economic and social fabric on which human beings depend and cause serious violations of their rights. In definitive terms, they cause inestimable and irreparable damage. However, through its realism, international humanitarian law seeks to restore to the human being (the human being) the hope lost through the protection of the rights he is trying to ensure in the midst of armed conflict. And to better fulfill its mission, international humanitarian law establishes conventional rules and mechanisms to ensure their implementation. To this end, special protection is reserved for the most vulnerable people, including women and girls.2

Indeed, in times of armed conflict, as it is, women and girls should generally benefit from the protection afforded by international humanitarian law to civilians who are not parties to hostilities. Given that the particular vulnerability of girls and women, the Geneva Conventions and their additional protocols provide a special protection regime for them. Although, in practice, on the battlefield, children and girls are now targeted and women are used as weapons of war by belligerents and remain largely victims of numerous

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In most cases, they are recruited for numerous human rights violations. They are often cases taken hostage by armed groups to fight against the opposing side. In this case, IHL rules are completely disregarded.

In the Democratic Republic of Congo, a country that has experienced more than a decade of intermittent armed conflict of all kinds with harmful consequences, women, girls, and children are among the civilians whose rights are most violated. The number of child soldiers estimated at more than 3000 child soldiers and, women and girls raped is no less than that, Congolese women, girls, and children are subjected to deportations, genocides, massacres, killings, rapes and other unprecedented heinous crimes. All this means that the Congolese child soldier is going through traumatic experiences for his still immature psychology, coldly killing an adversary or comrade suspected of collaborating with the enemy, setting fire to villages, watching impavidly as a comrade dies or finishing him off if necessary to alleviate his suffering. From a conflict, he comes out heartless and remorseless. In short, the special or particular protection that children should enjoy in situations of armed conflict is more theoretical than practical or better still a hollow slogan. The prevention, control and sanction mechanisms provided by IHL to this end do not fully play their role. The question is, what is special about the protection of women, girls, and children during armed conflict? Yet the belligerents do not generally fulfill their obligations.

1. Protection of women and girls during armed conflicts

Conflicts affect women, girls, men, and boys differently. It is widely recognized that fragility most negatively affects the poorest and most vulnerable groups in society, including women and children. These may include the poverty, lack of access to justice and physical insecurity that often characterize fragile states such as the Democratic Republic of Congo. While state-society relations are weak in most fragile states, they are particularly pronounced for women citizens who have very limited access to public institutions. It is also widely recognized that violent conflicts affect men and women in different ways. The negative impact of conflict on gender relations and on women, in particular, has been well documented. Women and girls suffer disproportionately from violent conflict. They not only suffer from the by-products of war but are also targeted as a war strategy. Rape and sexual violence have been recognized as instruments of war designed to weaken families and break the social fabric of communities and societies. Women are also victims of displacement, disrupted livelihoods, disrupted access to public services, additional workloads inside and outside the home and domestic violence.

However, women are not only victims in situations of armed conflict. Women and men can be combatants, victims, civilians, leaders, and guards. Women can actively participate in violence, either directly as combatants, or indirectly, by facilitating violence through fundraising or by encouraging their male relatives to commit acts of violence. Women also often become heads of households during wartime; women and girls acquire new skills and contribute to the restoration of peace and the reconstruction of local economies and communities. However, these changes in gender relations are generally short-lived and societies often revert to the traditional roles of men and women in post-conflict situations. Reducing women to passive victims denies their role and perpetuates gender stereotypes that reinforce inequalities in fragile and post-conflict contexts. It has also marginalized women in peace talks and reconstruction processes, and as agents of change.

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In recent years, there has been increasing recognition of the different roles that women can play during and after violent conflicts. It is also recognized that disruptions related to conflict and fragility can offer new opportunities to transform gender relations and promote more inclusive and equitable social, economic and political structures and conditions. In practice, however, issues related to women's rights, participation and relations with the state and society are often neglected or inadequately addressed in state-building and peacebuilding processes. This is due to a lack of political will and, in some cases, insufficient knowledge among politicians on how to integrate gender issues into state and peacebuilding strategies. It is also due to the perception that gender is not a priority issue to be addressed during and after conflict.

2. International Commitment to Fragile and Conflict-affected States such as DR Congo

Several international agreements recognize the importance of protecting women in situations of conflict and fragility, and the role they can and should play in conflict resolution and state building to ensure lasting peace. In particular, the United Nations Security Council resolution 1325 (2000) on women, peace, and security addresses the impact of war on women. It calls for the protection of women and girls during and after conflict and for greater participation of women in conflict resolution, peacekeeping, and peacebuilding. United Nations Security Council resolution 1820 (2008) extends resolution 1325 to explicitly recognize sexual violence as a security issue and a tactic of war, to call on parties to armed conflict to adopt concrete prevention and protection measures and to affirm the importance of women's participation in peace processes. These resolutions were an important step towards placing women's rights and gender equality on the peace and security agenda. More than a decade after the adoption of Resolution 1325, the importance of women’s participation and leadership in conflict-affected countries is increasingly recognized by the international community. Thus, the resolution was successful in terms of developing standards and not in terms of its implementation. However, the results were much less conclusive in terms of implementation and impact on the ground. In most societies and regions, women remain disproportionately affected by armed conflict. In addition, they remain significantly under-represented in peace processes, one of the least well implemented elements of the agenda for women, peace, and security.

With regard to guidelines for situations of fragility, the DAC Principles for Effective International Engagement in the Fragile States and Situations call for the promotion of non-discrimination, in particular, gender equality. The Accra Agenda for Action (2008) also commits donors and partners to “contribute to ensuring the protection and participation of women” in post-conflict countries and situations of fragility. However, the 2010 OECD Reports note that the focus on gender equality in fragile situations is limited. While donors have developed various tools to promote gender equality in other areas, they have not yet developed strategies to systematically integrate gender equality considerations in fragile contexts. Gender equality initiatives that donors have implemented in fragile and conflict-affected contexts often involve separate gender projects, rather than genuine integration. These have been technically rather than politically oriented and have not been linked to the broader state-building agenda.

In order to improve international commitment to gender equality in fragile and conflict-affected contexts, donors must understand gender equality as a political issue and integrate it into the political analysis, conflict, security and the economy. Existing gender equality programming tools in other areas could also be reviewed and used to develop strategies and tools in these contexts.

What role do women play in state-building? How do state-building processes affect women's participation? Support for state building has become the dominant model for international engagement in post-conflict situations, but donor approaches are not thoroughly analysed and lack opportunities to promote gender equality. This article also examines the impact of post-conflict state building on women's citizenship. He


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argues that gender inequalities are linked to the underlying political settlement and that decision-makers must, therefore, consider gender equality as a fundamentally political issue.

3. Congolese Women, Violent Conflicts and Gender Inequality

It has been shown that gender inequality is linked to violent armed conflict. Caprioli’s study found that extreme and systematic gender inequality is correlated with political violence, while higher levels of gender equality are associated with lower risks of intra-state conflict. A subsequent Melander study supports this conclusion by demonstrating that gender equality as measured by the percentage of women in parliament and the ratio of women to men with higher education is associated with lower levels of armed conflict in a country. These studies provide a strong argument that addressing gender inequality could help to make societies more stable. Another consequence of these studies is that various aspects of gender inequality and gender relations in a country can serve as an early warning of potential violent conflict. For example, the reduction of the status of women, increased discrimination against women, violations of their human rights and virulent attacks against women can be direct precursors to increased repression and violent conflict.

Beyond sexual violence, what are the gender-specific impacts of conflict? The authors suggest that a broader set of gender issues should be considered. This paper organizes the emerging evidence according to both the differential impacts of violent conflict on men and women (first round impacts) and the role of gender inequality in developing adaptive responses to conflict (second round impacts). The burden of war-related mortality is disproportionately borne by men, while women and children constitute the majority of refugees and displaced persons. The indirect health effects of war are more evenly distributed between the sexes. Conflict creates widow-headed households that may be particularly vulnerable to intergenerational poverty. Second round impacts can provide opportunities for women in the world of work and politics due to the absence of men. Households adapt to conflicts with changes in marriage and fertility, migration, investments in children’s health and schooling, and the gender division of labour.

Based on empirical research among women’s anti-war organizations around the world, the article derives a feminist opposition perspective on militarization and war. From this perspective, patriarchal gender relations are seen as at the crossroads of economic and ethno-national power relations by perpetuating a trend towards the armed conflict in human societies. The feminism generated by anti-war activism tends to be holistic and understands gender in patriarchy as a power relationship supported by coercion and violence. The cultural characteristics of militarization and war that are easily perceived by women in or near armed conflict, and their sense of war as a system and continuum, make its sexual nature visible. This perspective has implications for anti-war movements. While gender relations are one of the root causes of war, a feminist agenda for gender transformation is a necessary component of the search for peace.

What is the link between gender equality and civil war? This point reflects a study measuring gender inequality in relation to the emergence of intra-state conflict. By applying a number of theories on gender inequality and violence, the study tested the hypothesis that the higher the fertility rate, the greater the probability that a state will experience intra-state conflict. The results indicate that States with high fertility rates are twice as likely to experience internal conflict as States with low fertility rates. Gender equality is associated with lower levels of intra-state armed conflict. This statement is based on three indicators: (1) a dichotomous indicator indicating whether the most senior leader of a state is a woman; (2) the percentage of women in parliament; and (3) the ratio of women to men with higher education. It concludes that gender equality, measured as the percentage of women in parliament and as the percentage of

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women compared to men in higher education, is associated with lower levels of armed conflict in a country. Achieving equality between men and women would therefore mean addressing a serious social injustice and directly improving the lives of most women and girls.\textsuperscript{16} Although gender equality issues are increasingly being taken into account in most aspects of conflict processes, they remain largely absent in the pre-conflict context. The limited speculative research that exists suggests that modelling and analysis of early warning practices in conflict situations would be improved if gender perspectives were taken into account.\textsuperscript{17}

4. Conflict Analysis and Gender Impact of Violent Conflicts

How can conflict monitoring and evaluation frameworks integrate the consideration of gender relations and gender inequality as triggers or dynamics of conflicts? The answer to this question implies the treatment in two sub-items including:

4.1 Women and Conflict Analysis

Conflict analysis is an essential but extremely difficult process. The objective is to acquire a global and shared understanding of potential or ongoing violent conflicts. This generally involves assessing the main factors of conflict (sources of tension and root causes of conflict, including links and synergies), actors (interests, potential troublemakers, capacities for violence and peace, incentives necessary to promote peace) and dynamics (factors triggering violence, local capacities for peaceful and constructive conflict management, likely future scenarios). The analysis is undertaken at the local, national, regional and international levels.

Integrating a gender perspective into conflict analysis can lead to a more nuanced and effective understanding of conflict factors, actors and dynamics. In particular, it can identify the gendered nature of the causes of conflicts, the gender impact of conflicts and the gender dimensions of peacebuilding. However, gender variables are often absent from conflict analysis and conflict assessment frameworks.

How can the use of gender-based analysis contribute to improving post-conflict peace processes? This article examines the research methodology and results of the 2005 UNIFEM gender analysis on peace and conflict in the Solomon Islands. The use of gender-based analysis to shape peace processes would contribute to consolidating the improvement of the status of women and contribute to economic and societal development.\textsuperscript{18} Participatory exercises show that men (e.g. unemployment among young men) and women (e.g. sexual violence) focus on different conflict-related indicators. It is essential that national authorities engage positively in monitoring gender-sensitive conflicts to ensure that the data collected influence policies and practices.\textsuperscript{19}

4.2 Gender Impact of Violent Conflicts

Violent conflicts affect men and women in different ways. As men constitute the majority of combatants, they suffer more from direct violence, injuries, and killings in combat. Many of them are subjected to random arrests and forced recruitment into militias or state armies. However, women suffer disproportionately from conflict in a variety of ways: systematic rape and sexual violence; more frequent travel and presence in refugee camps where mortality rates are generally higher; and social and economic vulnerability, due in large part to the loss of access to sources of income (especially agricultural systems) and basic services. A study by Plümper and Neumayer (2005) also reveals that armed conflict has a more


harmful effect on women in terms of male life expectancy than female life expectancy. Women tend to live longer than men in peacetime, but conflict reduces the gap in life expectancy.\textsuperscript{20}

Do conflicts reduce the gap between the life expectancy of men and women? Most direct victims of armed conflict are usually men, as most combatants are men. However, there is a range of indirect effects of the conflict that can affect women more than men. This point analyses the impact of armed conflict on the life expectancy of men compared to women. Women tend to live longer than men in peacetime, but we find that conflict reduces the gap in life expectancy, suggesting that women are more affected by armed conflict than men.\textsuperscript{21}

Why do large numbers of displaced women and girls continue to be abused, raped and exploited? Women and girls must participate in their own protection and defend their rights. Their communities, including men, must engage in the same way. Yet only individual assessment can adequately address women's particular protection concerns. Women and girls are not only victims but also survivors, caregivers, leaders, peacemakers, and caregivers.\textsuperscript{22} Natural disasters and displacement destroy livelihoods and force people to adopt new strategies to support themselves. Displaced women are adopting new strategies to support themselves and their families. These new strategies often put them at risk of gender-based violence.\textsuperscript{23}

5. Sexual Violence Against Women and Girls

The United Nations Convention on the Elimination of All Forms of Discrimination and Violence against Women and Girls, analyses the human rights violations suffered by women and girls in situations of armed conflict and makes recommendations on how to prevent and respond to such damage. It provides an overview of current trends, existing international initiatives and reviews the most relevant international legal standards relating to these violations.\textsuperscript{24}

The literature on sexual violence in armed conflict in the DRC indicates that rape and violence against women and girls before, during and after conflicts have a considerable scope and scale worldwide. Sexual violence is defined by the Inter-Agency Standing Committee (IASC) Working Group on Gender and Humanitarian Assistance as "any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts of trafficking in a person's sexuality, using coercion, threat of harm or physical force, by any person regardless of their relationship to the victim, in any setting, including home or work. Sexual violence, particularly rape, is often used as a weapon of war to destabilize families, groups, and communities; to carry out ethnic cleansing and genocide; to inspire fear in populations in order to reduce resistance and/or incite flight; as a form of punishment and torture; and to affirm their aggression." Sexual exploitation, trafficking, and sexual slavery tend to increase in armed conflicts. Women and girls who are recruited, often by abduction, in combat are in many cases forced to provide sexual services and/or are subjected to forced marriages. Refugee and internally displaced women and girls, separated from family members and traditional support mechanisms, are also particularly vulnerable. Government officials, civilian authorities, peacekeepers and humanitarian workers reportedly demanded sexual favours in exchange for basic necessities - safe passage, food, and shelter. Limited security surveillance in the camps also makes women and girls vulnerable to sexual violence and forced fighting, which is how armed groups working in eastern DRC operate.\textsuperscript{26}

\textsuperscript{20} Plümper T. and Neumayer E., "The Unequal Burden of War: The Effect of Armed Conflict on the Gender Gap in Life Expectancy", Government Department, University of Essex, 2005.
\textsuperscript{21} Idem.
What is the extent and impact of gender-based violence during and after the war? Statistics show that sexual violations and torture of women and girls have become commonplace in conflict situations. The data also show that gender-based violence (GBV) does not disappear after conflict; some types of GBV can even increase. This article argues that while international prevention and response efforts have intensified in recent years, much remains to be done. A multisectoral model that requires holistic inter-organizational and inter-agency efforts in the health, social services, legal and safety sectors offers the best approach to GBV prevention.27

In Africa in general and in DR Congo in particular, sexual violence is most often indiscriminate; it is committed only by certain actors in the conflict; it is often committed by state armies; it is often committed in years when the number of homicides is low; and it is often committed before, during and after a conflict.28

Despite the abundant literature on sexual violence by combatants, most interventions have focused on opportunistic forms of sexual violence committed in post-conflict situations.29 The actual implementation of the initiatives seems to be limited, as is the quality of the outcome studies. The apparent increase in risk results from the lack of protection, stigmatization, and retaliation associated with interventions. Multi-component interventions and sensitive community engagement seemed to contribute to positive outcomes. There are significant obstacles preventing Congolese women and girls from seeking help following sexual violence, highlighting the need to protect anonymity and prevention strategies.

6. Humanitarian Interventions during and after conflicts

When violent conflict or disaster strikes, humanitarian actors act quickly to save lives, meet basic needs and protect survivors. In such emergency contexts, attention to gender issues and gender mainstreaming is often considered a "luxury" and unnecessary. However, ignoring the different impact of crises on women, men, boys and girls - and their different needs and capacities - can have serious consequences for the protection and survival of people in humanitarian crises. Understanding differences, gender relations, and inequalities can help to identify needs, target support and ensure that the needs of vulnerable people are met. It can also highlight opportunities to use women and men as resources according to their particular capacities. This can improve the effectiveness of humanitarian aid. The adoption of a gender perspective in humanitarian assistance can also establish a link between humanitarian assistance and long-term development objectives.30

In times of emergency, weakened community structures, disruptions to public order, economic hardship, migration and overcrowded living conditions in refugee/displacement camps all increase the risk of sexual and gender-based violence. In addition, women are often separated from male family members, increasing their risk of being victims of violence. This includes the risk not only of rape but also of early/forced marriage, forced prostitution, and trafficking. Sexual and gender-based violence remains the most widespread and serious protection issue facing displaced and repatriated women and girls.31 Increasingly long stays in refugee/displacement camps, which are often located in insecure areas and can be subject to cross-border attacks, lack of privacy and livelihood opportunities, and reduced international attention and resources, pose various protection risks for women and girls. In addition, many women are reported to have been attacked after leaving the camps to collect

firewood and water. It is therefore essential to ensure the adequate delivery of firewood, water, and food on site.

Refugee, displaced and asylum-seeking women in urban areas often live in squalid conditions and lack access to basic services, such as education and health care. Without money to pay their rent, women are at risk of sexual exploitation by landlords. 32 Women and girls employed as domestic workers are often victims of violence and exploitation by their employers. There is an urgent need to improve methods of data collection on sexual and gender-based violence in emergencies. The main challenges to be addressed include the lack of coordination between service providers, which leads to double counting of cases, and the multiple classification systems for forms of violence. 33 It is also important that humanitarian actors involved in protection activities focus not only on working with women but also on the active participation of men.

UNHCR Handbook on the Protection of Women and Girls describes some of the protection challenges faced by women and girls and presents various strategies to address these challenges. It sets out the legal norms and principles that guide UNHCR's work on the protection of women and girls and describes the different roles and responsibilities of States and other actors. Suggestions for action by UNHCR and its partners to help women and girls enjoy their rights are also included. Examples of innovative practices in the field illustrate how these principles can be applied. 34

Reports of the involvement of peacekeepers in the sexual exploitation and abuse of local populations appeared in the 1990s. As a result, a policy of zero tolerance has been adopted in United Nations peacekeeping operations. It also confirmed the need for a greater female presence in peacekeeping forces, which was recognized as desirable for several reasons. In the DRC, for example, UN peacekeepers have committed several sexual cases of abuse against women and girls in conflict areas (Ituri, Goma, Bukavu, Beni...). Studies have shown that, in addition to combating exploitation and abuse, the presence of women in peacekeeping missions broadens the range of skills and styles available within missions and improves access and support for local Congolese women. Women in conflict or post-conflict situations feel more comfortable approaching police officers to report and discuss incidents of sexual assault. Given the high levels of sexual violence in conflict, this access and support are essential. In addition, in more conservative societies such as Afghanistan and Sudan, the presence of female peacekeepers is imperative, as women may be reluctant to talk to male officers. The presence of female police officers can also serve as role models and incentives for other women to seek leadership positions. 35

Conclusion
Post-conflict conditions can create opportunities for transforming gender relations. This article deals with the participation of women in post-conflict organizations to ensure that their rights are respected. A comparison of the impact of women in peacekeeping missions in the Democratic Republic of the Congo shows that women contribute to defusing post-conflict tensions and increasing gender awareness. Women’s participation in peace processes is a sign of progress, but more transformative measures are needed to achieve gender equality. Does the policy of zero tolerance for sexual exploitation and abuse and therefore a violation of the rights of women and girls have a positive impact on armed groups and United Nations peacekeeping missions? This article reviews the results of the missions to the DRC and concludes that the policy is producing mixed results. I argue that the policy difficulties stem from implementation problems and contextual challenges that would be mitigated by better communication and clarity about the objectives of the zero tolerance approach.

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