

GOMA FORUM STATEMENT ON THE RIGHTS OF VICTIMS OF SEXUAL VIOLENCE:

MOBILISATION TOWARDS A COMMON STRATEGY

17 December 2009

The participants at the Goma Forum on the rights of victims of sexual violence, organized by Rights & Democracy, REDRESS, SOFEPADI and the Congolese Coalition for Transitional Justice, actors of civil society organizations who work with victims of sexual violence in the East of the DRC: Goma, Uvira, Fizi, Aru, Bunia, Mahagi, Bukavu, Kalémie, Beni, Butembo, Kirumba, Kisangani, Lubumbashi, and of Kinshasa,

DECLARE:

Considering the *crimes* of sexual violence carried out systematically against women and girls in Eastern DRC;

Acknowledging the overwhelming physical and mental consequences with which victims of sexual violence live;

Taking into account the insecurity of the situation persisting in Eastern DRC, which contributes to and continues to endanger victims and which paralyses their efforts to restore their dignity;

Considering the limited capacity of the national judicial system to address in an adequate manner the needs of victims, to undertake enough investigations of sufficient quality, to pronounce judgments, and to ensure the implementation of judgments, including compensation to the victims as foreseen by the Law repressing sexual violence;

Considering the state of insecurity that hangs over victims whose protection is not ensured in a context where penitentiaries are inexistent or dysfunctional;

Taking into account the lack of a strategy for the prosecution of crimes of sexual violence at the level of the Office of the Prosecutor of the ICC and the lack of support and assistance to victims recognized by the ICC to enable them to participate actively in the trials and to obtain fair and full reparation;

In view of the impunity that prevails and which contributes to perpetuate the cycle of sexual violence;

Recognizing that victims of sexual violence are amongst the most marginalized in society, excluded by their families and without a voice in their communities;

Considering that social and communal structures continue to repress the rights of women and girls who are victims of sexual violence;

Observing that decisions taken in favour of victims, at the national and international level, fail to take into account the needs and the expectations of victims;

Recognizing that the range of actions and plans carried out and proposed by humanitarian and UN agencies, governments and NGOs in DRC to assist victims of sexual violence urgently require a common strategy;

Referring to the various international treaties that DRC ratified and to international standards, including the Rome Statute, CEDAW, the additional protocol to the African Charter of Human and People's Rights related to women's rights, the Pact on Security, Stability and Development for the Great Lakes, and the Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation,

THE PARTICIPANTS THEREFORE RECOMMEND THAT:

1. Victims of sexual violence participate in the establishment of assistance programs to fully address their specific needs, at all stages of the process, from conception to implementation and until monitoring and evaluation.

2. The Congolese government demonstrates political will in the fight against impunity and corruption, and proceeds as quickly as possible with reform of the judicial system to allow the Law repressing crimes of sexual violence to be fully applied in a firm and systematic manner.
3. Recruitment of female personnel in the judicial system be reinforced in order to allow the better management of cases involving victims of sexual violence.
4. The government takes adequate measures for the construction of detention centers and the renovation of existing centers so that those convicted of crimes of sexual violence serve their sentences in conditions which meet international norms and standards.
5. The government urgently adopts and fully implements the Law on protection to victims of crimes of sexual violence, to witnesses and intermediaries.
6. Special protection units for victims of sexual violence, as well as women's rights activists and human rights defenders who accompany them, be formed and operationalised in the country, particularly in rural environments in the provinces which are most severely affected by conflict.
7. The DRC government urgently and immediately proceeds with the creation of a compensation Fund to address the joint and separate obligations of the State and those convicted of crimes of sexual violence to compensate victims of sexual violence.
8. The magistracy, as stipulated in the Congolese constitution, systematically and automatically complies with and gives effect to treaties and conventions ratified by the DRC in its judgments and procedures.
9. State and non state actors, after consultation with direct and indirect victims of sexual violence, campaign for the creation of transitional justice mechanisms, in particular mixed Chambers and a Truth and Reconciliation Commission, and for the integration as a priority of a gender-specific perspective and crimes of sexual violence into their mandates.

10. The Parliament passes the law implementing the Rome Statute in DRC as quickly as possible.

11. The State of DRC fulfills its obligations towards the ICC by restarting cooperation and implementing arrest warrants that remain pending.

12. The office of the Prosecutor of the ICC develops and immediately applies a strategy in relation to the prosecution of crimes of sexual violence, and establishes a specialized cell on gender-specific issues.

13. The ICC protects intermediaries who collaborate in investigations and those who liaise between victims and the ICC, and that the ICC ensures the protection of and holistic support to women and girls who are victims of sexual violence before, during and after trial.

14. The DRC government incorporates the issue of children born as a result of rape into the national Strategy on fighting gender-based violence, which was launched on 25 November 2009 by the Ministry of gender, family and children.

15. The government complies with the guiding principles of the Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation of March 2007.

16. The Congolese Coalition for the ICC puts in place a national caucus to ensure the coordination of a common strategy to defend the rights of victims of sexual violence in DRC.

Concluded in Goma, DRC, on 17 December 2009

Signatories:

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