

# Using the Great Lakes Conference to Combat Sexual and Gender Based Violence: A Primer



International  
Refugee  
Rights  
Initiative



## Background to the primer

Gabriël Oosthuizen researched and wrote this primer in his capacity as consultant to the International Refugee Rights Initiative (IRRI). It was reviewed and edited by Olivia Bueno, Associate Director and Deirdre Clancy, Co-Director, at IRRI. The primer was developed for the December 2011 ICGLR Summit focusing on sexual and gender-based violence in Kampala, Uganda.

## Previous IRRI publications related to the ICGLR process

International Justice and the Pact on Security, Stability and Development in the Great Lakes Region, November 2008.

Some Reflections on the Legal and Political Mechanisms Bolstering the Responsibility to Protect: The African Union and the Great Lakes, Eastern, Southern and Horn of Africa Sub-Regional Arrangements, October 2008.

The Great Lakes Pact and the Rights of Displaced People: A guide for civil society, with the Internal Displacement Monitoring Centre, September 2008.

Cover photo: Anti-Sexual Violence Campaigning in Goma, eastern Democratic Republic of Congo, by Olivia Bueno.

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# Contents

Background .....	1
Sexual violence and the ICGLR .....	3
SGBV in ICGLR instruments: Some waypoints .....	3
How does the ICGLR define SGBV? .....	6
“Sexual violence” in the Sexual Violence Protocol: definitions and criminalisation .....	6
SGBV definitions in other ICGLR sources .....	7
Varying contexts, motives, causes and consequences of SGBV .....	7
Victims: women, men and children .....	8
How does the ICGLR aim to address SGBV? .....	9
Prevention.....	9
Protection and punishment .....	10
Support, compensation and reparations .....	10
SGBV-relevant institutional framework.....	11
The good about the ICGLR’s SGBV framework .....	13
Shortcomings and questions.....	14
Annex: SGBV-relevant extracts from ICGLR instruments .....	16
Dar-es-Salaam Declaration .....	16
Great Lakes Pact.....	17
Sexual Violence Protocol.....	19
Annex to the Sexual Violence Protocol: Model Legislation on the Prevention and Suppression of Sexual Violence against Women and Children .....	23
Atrocity Crimes Protocol .....	25
Atrocity Crimes Prevention Committee rules .....	29
Democracy Protocol.....	31
IDP Protocol .....	31
Annex to the IDP Protocol: Guiding Principles on Internal Displacement.....	32
Non-Aggression Protocol .....	32
Judicial Cooperation Protocol .....	32
Media Protocol.....	34
Gender Ministers’ Recommendations .....	34

## Abbreviations and glossary

Atrocity Crimes Prevention Committee	ICGLR Regional Committee for the Prevention and the Punishment of the Crime of Genocide, War crimes, and Crimes against Humanity and All Forms of Discrimination
Atrocity Crimes Prevention Committee rules	Rules and Procedures for the regional committee for the prevention and punishment of the crime of genocide, war crimes and crimes against humanity and all forms of discrimination, December 2010
Atrocity Crimes Protocol	ICGLR Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination, November 2006
AU	African Union
CAR	Central African Republic
Dar-es-Salaam Declaration	Declaration on Peace, Security, Democracy and Development in the Great Lakes Region, November 2004
Democracy Protocol	ICGLR Protocol on Democracy and Good Governance, December 2006
DRC	Democratic Republic of Congo
EAC	East African Community
Gender Ministers' Recommendations	Recommendations of the Ministers of Gender from the Great Lakes Region to their Excellencies the Heads of States for the Special Session on Sexual and Gender-Based Violence (SGBV) on 15 <sup>th</sup> December, 2011, 4 November 2011
Goma Declaration	Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region, June 2008
Great Lakes Pact	ICGLR Pact on Security, Stability and Development in the Great Lakes Region, December 2006
ICGLR	International Conference on the Great Lakes Region
IDP Protocol	ICGLR Protocol on the Protection and Assistance to Internally Displaced Persons, November 2006
IDPs	internally displaced persons
IRRI	International Refugee Rights Initiative
Judicial Cooperation Protocol	ICGLR Protocol on Judicial Cooperation, December 2006
Media Protocol	ICGLR Protocol on Management of Information and Communication, November 2006
Model sexual violence legislation	Model Legislation on the Prevention and Suppression of Sexual Violence against Women and Children, attached to the Sexual Violence Protocol
NCMs	National Coordination Mechanisms
Non-Aggression Protocol	ICGLR Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region, November 2006
Parliamentarians' Recommendations	Recommendations and Commitments made during the Parliamentarians' meeting on the ICGLR Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children, Bujumbura, 22-23 April 2010
RIMC	ICGLR Regional Inter-Ministerial Committee
Sexual Violence Protocol	ICGLR Protocol on the Prevention and Suppression of Sexual Violence against Women and Children, November 2006
SGBV	sexual and gender-based violence
SGBV project document	ICGLR project entitled "Prevention and fight against sexual exploitation, abuse and gender-based violence and assistance to the victims", project # 4.2.2, adopted in August 2006 as part of ICGLR programme of action on humanitarian and social issues
UN	United Nations

# Background

The summit of the International Conference on the Great Lakes Region (ICGLR) is taking place in Kampala in December 2011. The Summit is entitled “United to Prevent, End Impunity and Provide Support to the Victims of SGBV [Sexual and Gender-Based Violence] in the Great Lakes Region”.

This primer is intended to assist the work of civil society and other actors in relation to SGBV during, and in the wake of, the summit. The primer seeks to highlight some main SGBV aspects of the formal framework of the ICGLR. These include:

- the ICGLR Protocol on the Prevention and Suppression of Sexual Violence against Women and Children (Sexual Violence Protocol);
- the relationship among various ICGLR instruments, including their relationship with the Sexual Violence Protocol;
- what the ICGLR means by “sexual violence” and “SGBV”;
- the SGBV-related aspects of various ICGLR legal instruments, institutions and plans; and
- progressive and retrogressive elements of the ICGLR’s formal anti-SGBV agenda.

The annex to the primer includes some key SGBV-related extracts from several of the ICGLR instruments discussed.

## *The ICGLR in a nutshell*

What is the ICGLR?: An inter-governmental arrangement with 11 core member states. It is an integrated, multi-dimensional process anchored by a multilateral treaty: the Pact on Security, Stability and Development in the Great Lakes Region (Great Lakes Pact). In addition to member states and governments, the ICGLR involves formal participation of women, parliaments, civil society, international partners and other actors in its work.

ICGLR’s genesis: The wars, instability, human rights violations, and worsening socio-economic outlook of the 1990s and early 2000s that centred on Rwanda and the eastern Democratic Republic of Congo (DRC) and drew in armed forces and looters from several neighbouring states.

ICGLR’s vision: The Great Lakes Pact is intended, “...to transform the Great Lakes Region...into a space of durable peace and security, of political and social stability, and of economic growth and shared development by multi-sector cooperation and integration for the sole benefit of our peoples...”

Drivers of the ICGLR’s creation: The states of the Great Lakes region, the AU, the UN and other concerned African and international partners. Civil society played a key role, alongside governments and other actors, in the design of the Great Lakes Pact, its protocols, programmes of action and priority projects.

Member states: The 11 core member states are: Angola, Burundi, CAR, Republic of Congo, DRC, Kenya, Rwanda, Sudan, Tanzania, Uganda, and Zambia. South Sudan may apply to join.

Partners and co-opted members: The ICGLR’s partners range from the World Bank, United Nations (UN) and African Union (AU) to civil society organisations and states such as China. So-called “co-opted member states” are Botswana, Egypt, Malawi, Mozambique, Namibia, Somalia and Zimbabwe.

Creation date: 2008. Following years of preparatory work and some delays, the leaders of the core member states laid the formal foundation of the ICGLR with their signature in late 2004 of the Declaration on Peace, Security, Democracy and Development in the Great Lakes Region (Dar-es-Salaam Declaration). Two years later, in December 2006, the member states signed the Great Lakes Pact, including its protocols and programmes of actions. It came into force in 2008 and has been ratified by 10 states (all the core members excluding Angola).

Components of the Great Lakes Pact: The Great Lakes Pact includes: the Dar-es-Salaam Declaration; ten thematic protocols (legally binding treaties in themselves); programmes of action and related projects (grouped in four thematic pillars—the humanitarian and social issues pillar includes the Sexual Violence Protocol and related programmes); the Regional Follow-up Mechanism (that is, the institutional framework); and the Special Reconstruction and Development Fund.

A holistic approach: All the components of the Great Lakes Pact are part of one integral whole. The Great Lakes Pact itself affirms that “all references to the Pact shall necessarily refer to all the integral parts of this Pact” (Great Lakes Pact, art. 3). The entry into force of the ICGLR protocols is therefore not contingent on separate signature and ratification (e.g. Sexual Violence Protocol, art. 7). In addition, states are not permitted to enter reservations to any of the ICGLR treaties.

Relationship to AU and other sub-regional mechanisms: The ICGLR is one of several inter-governmental sub-regional mechanisms (including the East African Community) to which its members belong. Although ICGLR is not one of the eight “regional economic communities” recognised by the AU as the building blocks for Africa’s integration, it has concluded cooperation agreements with the AU and other sub-regional mechanisms.

## Components of the Great Lakes process



# Sexual violence and the ICGLR

Every day, across the Great Lakes region, in peaceful, war-torn and post-conflict areas alike, SGBV is inflicted on women, men and children. In the context of armed violence, the incidence of SGBV increases. The number of SGBV crimes is staggering. For example, a recent study in the Journal of the American Medical Association reported that 40% of women and 24% men in eastern DRC reported suffering some kind of sexual violence.<sup>1</sup> It can cause extensive physical, psychological and psychosocial harm for victims and their communities. In addition, a range of political, security, social, economic and development factors contribute to – and are impacted by – SGBV.

The ICGLR thus sees SGBV as a priority, cross-cutting issue. SGBV is integrated to a remarkable degree in the formal framework of the ICGLR. The ICGLR's various legal instruments, institutions and plans provide SGBV victims and concerned authorities, civil society and partners with an important tool to help combat SGBV in the region.

The focus of the current summit on SGBV was agreed by ICGLR leaders in late 2010, following lobbying by the ICGLR's Regional Women's Forum.

The prominence of SGBV issues in the ICGLR framework reflects the recognition by governments in the region that sexual violence is intimately connected to regional conflict and must be a priority issue. It is also included as a cross-cutting issue affecting the development, good governance, peace, security and other dimensions of the ICGLR's agenda.

## SGBV in ICGLR instruments: some waypoints

The ICGLR framework contains a number of elements that are potentially influential tools for the work of SGBV campaigners in the region. These include the Sexual Violence Protocol, aspects of the other ten thematic protocols and a series of documents which have been adopted by ICGLR mechanisms since 2006.

Model legislation on the prevention and suppression of sexual violence against women and children (model sexual violence legislation), was developed alongside the Sexual Violence Protocol. Although the model legislation was not ultimately included in the Pact document, it can be a useful interpretive resource and aid in domestication efforts. The model legislation was the product of a multi-stakeholder development process, and it reflects the central importance which the drafters of the Pact placed on ensuring implementation of the Sexual Violence Protocol at the national level.

The programme of action under the humanitarian and social issues pillar (adopted in August 2006) includes a priority project entitled "Prevention and fight against sexual exploitation, abuse and gender-based violence and assistance to the victims" (SGBV project document, project # 4.2.2, August 2006). As with other programmes of action and projects, its implementation is not yet fully achieved due to

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<sup>1</sup> Kirsten Johnson, MD, MPH; Jennifer Scott, MD; Bigy Rughita, MSc; Michael Kisielewski, MA; Jana Asher, MSc; Ricardo Ong, MD; Lynn Lawry, MD, MSPH, MSc, "Association of Sexual Violence and Human Rights Violations With Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo," Journal of the American Medical Association, 2010; 304 (5): 553-562.

funding and other constraints. The SGBV summit and its outcomes are expected to further hone and revise approaches to these issues.

<b>The Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children at a glance</b>	
<b>Article 1: Definitions</b>	Sexual violence is defined to include, <i>inter alia</i> , rape, sexual assault, grievous bodily harm, assault or mutilation of female reproductive organs, sexual slavery, enforced pregnancy, enforced sterilisation, harmful practices, sexual exploitation or coercion, trafficking in or smuggling of women and children for sexual slavery, enslavement, forced abortions or forced pregnancies, infection of women and children with sexually transmitted diseases, or any other act of comparable gravity (see separate box on definition for more information).
<b>Article 2: Objectives</b>	The objectives of the Protocol are: <ul style="list-style-type: none"> <li>• to provide protection to women and children from sexual violence;</li> <li>• to strengthen the legal framework for prosecuting and punishing perpetrators, including the surrender of fugitives; and</li> <li>• to provide for the establishment of a regional mechanism for providing legal, medical and social assistance to survivors.</li> </ul>
<b>Article 4: Categories and Constituent Elements of Sexual Violence Crimes</b>	Commits states to prosecuting crimes of sexual violence, including sexual violence committed in relation to genocide, crimes against humanity, and war crimes, as well as trafficking in women and children.
<b>Article 6: Regional Responses to Sexual Violence</b>	Provides for: <ul style="list-style-type: none"> <li>• Obligations on all member states to cooperate with requests by other member states for the arrest and surrender of people accused of sexual violence;</li> <li>• Simplified procedures for lodging complaints of sexual violence;</li> <li>• Abolition of statutes of limitation for crimes of sexual violence;</li> <li>• Establishment of legal and medical procedures for assisting victims of sexual violence;</li> <li>• Establishment of a regional facility for training police, judicial officers and others who handle cases of sexual violence.</li> </ul>

SGBV also features prominently in the Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination (Atrocity Crimes Protocol). This Protocol underlines that various forms of SGBV can constitute the international crimes of genocide, crimes against humanity and war crimes. It also prohibits discrimination on the basis of gender and sets out strategies for preventing, and ensuring accountability for, SGBV. The related ICGLR programme of action for the promotion of democracy and good governance (August 2006) includes a priority project entitled “Regional initiative for the prevention and the curbing of war crimes, crimes

against humanity, crime against genocide, and for the fight against impunity in the Great Lakes region” (#2.1.3, September 2006), which spells out actions for prevention of sexual violence based atrocity crimes.

Underscoring the critical nature of the challenges, and the linkages to other ICGLR focus areas, SGBV is addressed in several other ICGLR instruments. The importance of combating SGBV was emphasised in the Dar-es-Salaam Declaration as one of the foundation stones of the Pact. Other ICGLR treaties that cover SGBV include the:

- Great Lakes Pact
- Protocol on Democracy and Good Governance (Democracy Protocol)
- Protocol on the Protection and Assistance to Internally Displaced Persons (IDP Protocol)
- Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region (Non-Aggression Protocol)
- Protocol on Judicial Cooperation (Judicial Cooperation Protocol)
- Protocol on Management of Information and Communication (Media Protocol).

Since the adoption of the Great Lakes Pact and the other integral components of the ICGLR framework in 2006, there have been some important SGBV-related developments involving the ICGLR. These sources can be of real assistance in anti-SGBV initiatives, pointing to new understandings of – and evolving law concerning – key concepts found in the ICGLR legal instruments, and pointing the way towards current and future priorities in the struggle against SGBV. A few are highlighted below:

- In June 2008, a regional consultation meeting held in the DRC adopted the Goma Declaration on Eradicating Sexual Violence and Ending Impunity in the Great Lakes Region (Goma Declaration). Participants included ICGLR governments, UN agencies, development partners and civil society. The declaration contains a wide-ranging set of useful recommendations for action by national, ICGLR, international and civil society actors.
- The ICGLR Secretariat and the UN organised a meeting for members of ICGLR parliaments on SGBV in Bujumbura in April 2010. The meeting adopted a set of recommendations and commitments (Parliamentarians’ Recommendations) rooted in the important role that parliaments can play in realising the ICGLR’s SGBV-related goals.
- The adoption of SGBV as the theme for the 2011 summit.
- ICGLR ministers in charge of gender affairs met in Arusha in November 2011 to prepare for the current summit and developed important Recommendations of the Ministers of Gender from the Great Lakes Region to their Excellencies the Heads of States for the Special Session on Sexual and Gender-Based Violence (Gender Ministers’ Recommendations) that can be used, for example, as an advocacy tool.

The annex to this primer contains extracts of the SGBV-relevant provisions of the Dar-es-Salaam Declaration, Great Lakes Pact and key protocols and other sources. As noted above, the Great Lakes Pact, protocols, programmes of action and projects and other elements of the ICGLR framework form an integrated, interlocking and mutually reinforcing whole. The Great Lakes Pact binds them all together, and lays the foundation for the legal framework of the ICGLR.

## How does the ICGLR define SGBV?

It is not just the Great Lakes Pact and its protocols that provide guidance on how the ICGLR conceives SGBV. More recent ICGLR sources such as the Parliamentarians' Recommendations and Gender Ministers' Recommendations are also important. As reflected in these decisions, the ICGLR definition of SGBV is dynamic, albeit anchored in the Sexual Violence Protocol.

### *"Sexual violence" in the Sexual Violence Protocol: definitions and criminalisation*

The Sexual Violence Protocol defines "sexual violence" in broad terms.

#### ***"Sexual violence" in the Sexual Violence Protocol***

Article 1(5) of the Sexual Violence Protocol defines "sexual violence" as follows:

*Sexual violence: any act which violates the sexual autonomy and bodily integrity of women and children under international criminal law, including, but not limited to:*

- (a) Rape;*
- (b) Sexual assault;*
- (c) Grievous bodily harm;*
- (d) Assault or mutilation of female reproductive organs;*
- (e) Sexual slavery;*
- (f) Enforced prostitution;*
- (g) Forced pregnancy;*
- (h) Enforced sterilization;*
- (i) Harmful practices, inclusive of all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and children, such as their right to life, health, dignity, education and physical integrity, as defined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;*
- (j) Sexual exploitation or the coercion of women and children to perform domestic chores or to provide sexual comfort;*
- (k) Trafficking in, and smuggling of, women and children for sexual slavery or exploitation;*
- (l) Enslavement by the exercise of any or all of the powers attaching to the right of ownership over women and includes the exercise of such power in the course of trafficking in women and children;*
- (m) Forced abortions or forced pregnancies of women and girl children arising from the unlawful confinement of a woman or girl child forcibly made pregnant, with the intent of affecting the composition of the identity any population or carrying out other grave violations of international law, and as a syndrome of physical, social, and psychological humiliation, pain and suffering and subjugation of women and girls;*
- (n) Infection of women and children with sexually transmitted diseases, including HIV/AIDS; and*
- (o) Any other act or form of sexual violence of comparable gravity;*

The same provision importantly adds that sexual violence:

*...includes gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, as defined by the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, in General Recommendation 19...*

The preamble of the Sexual Violence Protocol also recognises that:

*... sexual violence is a form of gender-based violence which seriously inhibits the ability of women to contribute to, and benefit from, development, and to enjoy human and peoples rights and fundamental freedoms, in private or public life, in peace time or during situations of armed conflict contrary to the relevant international instruments, including the Charter of the United Nations 1945, Security Council Resolution 1325, the Universal Declaration of Human Rights 1948, Convention on the Prevention and Punishment of the Crime of Genocide 1948, Convention on the Elimination of All Forms of Discrimination Against Women 1979, General Recommendation 19 on Violence Against Women, Convention on the Rights of the Children 1989, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000, the African Charter on Human and Peoples' Rights 1981, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003...*

SGBV also forms part of the definitions of certain categories of what the Sexual Violence Protocol refers to as “sexual violence crimes”. The Protocol criminalises or confirms the criminal nature of certain categories of SGBV, also providing for the constituent elements of those crimes (Sexual Violence Protocol, art. 4). Those crimes are:

- sexual violence
- trafficking in women and children
- genocide (including the underlying crimes of causing serious bodily or mental harm, inflicting conditions of life calculated to bring about the group’s physical destruction, and imposing measures intended to prevent births within the group)
- crimes against humanity (including the underlying crimes of enslavement; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation; persecution on gender and other grounds; and enforced disappearance of women and children)
- war crimes (including torture or inhuman treatment; and causing great suffering, or serious injury to body or health).

### *SGBV definitions in other ICGLR sources*

SGBV, including SGBV crimes, and gender-based discrimination, are also addressed in the Atrocity Crimes Protocol. The atrocity crimes of genocide, crimes against humanity and war crimes as defined in the Atrocity Crimes Protocol, include SGBV crimes. The Atrocity Crimes Protocol does not, however, expressly cover the other “sexual violence crimes” listed in the Sexual Violence Protocol. The Judicial Cooperation Protocol covers a wide range of offences, including the “sexual violence crimes” of the Sexual Violence Protocol, and includes a variety of provisions intended to facilitate prosecution including by laying out a framework for extradition and the creation of joint investigation commissions. As noted elsewhere, other ICGLR sources also throw light on the meaning of SGBV.

## **Varying contexts, motives, causes and consequences of SGBV**

ICGLR instruments clearly acknowledge that SGBV can be inflicted in times of peace, war and post-conflict settings. They also draw out the multiplicity of causes, motives and consequences of SGBV.

### ***ICGLR Sources on contexts, motives, causes and consequences of SGBV***

A number of ICGLR sources, including the SGBV project document, sketch the contexts, motives, causes and consequences of SGBV. These examples are drawn from the Dar-es-Salaam Declaration, the Sexual Violence Protocol and the Gender Ministers' Recommendations.

*Deeply concerned about the endemic conflicts and persistent insecurity caused or aggravated by, inter alia, ... massive violations of human rights and other policies of exclusion and marginalisation, gender inequality, use of violence for conquering and conserving power, impunity of crimes of genocide, crimes against humanity, war crimes ...*

*Deeply concerned about the humanitarian and social consequences of crises and armed conflicts especially violations of the human rights of women, children, the elderly, the disabled and youth,... the sexual violence and exploitation of girls and women and their use as sexual slaves...*

*Conscious of the high prevalence and widespread incidence of sexual violence in the Great Lakes Region and its destructive impact on the lives, health, physical, sexual, psychological, social, and economic well-being of women and children;*

*Deeply concerned by the context in which sexual violence is perpetrated in the Great Lakes Region by deliberately targeting women and children as a means of projecting the motives of armed conflict which has a spill over effect in the region;*

*Mindful that sexual violence is a form of gender-based violence which seriously inhibits the ability of women to contribute to, and benefit from, development, and to enjoy human and peoples rights and fundamental freedoms, in private or public life, in peace time or during situations of armed conflict...*

*Conscious of the serious threat SGBV poses on Security and Development of states in the region*

## **Victims: women, men and children**

In the Dar-es-Salaam Declaration, Great Lakes Pact, Sexual Violence Protocol, Atrocity Crimes Protocol and the SGBV project document, the ICGLR envisions only women and children as the victims of SGBV.

However, a growing body of research is shining a light on the serious and widespread infliction of SGBV on men, including in the Great Lakes region. In the past, civil society, governments and international agencies were reluctant to acknowledge this dimension of the problem. It is extremely welcome therefore that the Gender Ministers' Recommendations to the heads of state and government for the December 2011 summit include men as victims of SGBV in its conception of those of concern, recommending:

- **Prevention measures:** increasing financial and technical support for judicial and security sector reform on human and women's rights and SGBV eradication, which "will provide institutional capacity and accountability to protect women, girls, men and boys from [SGBV] in peace time, during conflict and post-conflict situations" (para. 3).

- **Ending impunity for SGBV:** declaring “Zero Tolerance Now” on SGBV crimes and impunity and launching national campaigns for zero tolerance on SGBV simultaneously “including men in all ICGLR countries” (para. 7).
- **Support to victims/survivors of SGBV:** fast-tracking the establishment “one stop centres” for comprehensive services including free medical, psychosocial, forensic, judicial/prosecution services within two years of the Special Session on SGBV. “Such centres should be user friendly particularly to women, youth, children, persons with disabilities and men” (para. 11).

## How does the ICGLR aim to address SGBV?

In recognition of the pervasiveness of SGBV, and its multiple contexts, causes and consequences, the formal ICGLR response is multi-dimensional and ranges widely, from prevention and prosecution to medical, psychosocial, forensic and legal support to SGBV victims. The ICGLR recognises that coordinated national, sub-regional, continental and global efforts involving SGBV victims, governments, civil society, international agencies and other partners are required.

The ICGLR’s approach to SGBV can be seen as focusing around three main pillars: prevention, punishment and protection, and support and compensation. The following are examples of ICGLR responses, drawn from the Dar-es-Salaam Declaration, the Great Lakes Pact, and protocols on sexual violence, atrocity crimes, democracy, judicial cooperation, non-aggression, internally displaced persons (IDPs) and the media, and the Gender Ministers’ Recommendations.

As with other elements of the ICGLR framework, these undertakings are foundation stones for advocacy at national, regional and other levels. In those states where ratified treaties automatically form part of the national legal system, they can also serve as basis for litigation and other initiatives.

### *Prevention*

ICGLR states have undertaken to:

- Resolve and prevent armed conflicts, including through armed intervention in accordance with international law.
- Strengthen regional and national media to facilitate reporting of and sensitisation on SGBV.
- Ratify, domesticate and implement relevant international laws, including international criminal and human rights treaties, AU treaties and UN Security Council resolutions (with ICGLR bodies monitoring and assisting ICGLR member states in this regard).
- Legislate serious punishments for SGBV, promote and protect human rights and eliminate discrimination.
- Establish appropriate security measures for IDPs, including women and children.
- Promote gender equality in all spheres, including by effectively involving women in peace talks, development and government, and undertake related judicial, security sector and national budgeting

#### **Regional training facility**

The Sexual Violence Protocol envisions the creation of a regional training facility for training and sensitising judicial officers, police and others who handle sexual violence cases. The gender ministers recently recommended that this function be taken on by the ICGLR’s Levy Mwanawasa Regional Centre for Democracy, Good Governance, Human Rights and Civic Education. It is understood that the Secretariat is now in the process of beginning a feasibility study on this issue.

reforms.

- Ensure the effective operation of the Atrocity Crimes Prevention Committee (see below).
- Strengthen or establish national structures, such as multi-stakeholder national committees for the protection of, and support for, women and children against SGBV, and early warning mechanisms to facilitate reporting and documentation of SGBV cases from the grassroots.
- Establish, or strengthen gender desks at police stations.
- Conduct awareness raising of rights and duties, including among men, defence and security forces, other authorities, and training of judges, police, prosecutors, social workers (see box).
- Ensure political and legal cooperation among ICGLR member states, to facilitate fast-tracked prosecutions and identify the most appropriate venue.
- Adopt integrated, whole-of-government approaches to SGBV.
- Put in place appropriate rehabilitation measures for SGBV perpetrators.

### *Protection and punishment*

ICGLR states have undertaken to:

- Criminalise SGBV, including SGBV elements of genocide, crimes against humanity and war crimes, in domestic legislation.

#### **Strengthening capacity for prosecutions**

The Sexual Violence Protocol envisages the creation of simplified complaints procedures and gender-sensitive procedures. The Gender Ministers' Recommendations take this up in suggesting the creation of special courts, sessions, and procedures related to SGBV.

In the DRC, mobile courts set up by a coalition of local and international actors had significant success in prosecuting SGBV, including handing down a conviction for a Lieutenant Colonel for participating in a series of rapes in Fizi less than three months after the incident occurred. Sharing of such experiences regionally might improve implementation of these recommendations.

- Create simplified mechanisms for lodging complaints and gender-sensitive criminal procedures.
- Conduct related awareness raising and capacity building, including of judges, prosecutors and police, and launch "Zero Tolerance Now" campaign.
- Harmonise criminal and judicial cooperation laws across the region.
- Investigate, prosecute, try and punish perpetrators of SGBV, as necessary through special units and courts.
- Abolish statutory limitations in relation to SGBV crimes.
- Institute mutual legal assistance and cooperation among ICGLR member states, e.g. informing one another of presence of and cross-border movements of SGBV perpetrators, sharing of evidence, helping to arrest and prosecute perpetrators, creating joint investigation commissions and facilitating extradition and surrender where necessary.
- Use national and global justice systems, including the International Criminal Court.
- Rehabilitate offenders.

### *Support, compensation and reparations*

ICGLR states have undertaken to:

- Provide medical, psychosocial, forensic, legal, and support to victims of SGBV seeking redress, including through regional, national (including one-stop service and support centres) and traditional mechanisms.
- Establish income-generating initiatives for women, especially targeting survivors of SGBV.
- Create regional and national mechanisms for compensating SGBV victims.
- Fast-track contribution to ICGLR Special Fund for Reconstruction and Development so that assistance for victims/survivors of SGBV is provided.
- Make use, where appropriate, of traditional and truth telling mechanisms.
- Improve international cooperation.

### Compensation

The Sexual Violence Protocol calls for the creation of a special facility under the ICGLR Special Fund for Reconstruction and Development to compensate and provide assistance for victims who may not be able to identify perpetrators. The gender ministers have called for the creation of this facility to be fast-tracked.

## SGBV-relevant institutional framework

ICGLR instruments create, or envisage the creation of, regional and national institutions, some of which are part of the “Regional Follow-up Mechanism”. Several of these institutions may be useful points of engagement for SGBV campaigners.

- **The Summit of heads of state and government** is the supreme policy making and oversight body of the ICGLR. Its current, predecessor and successor chairpersons form the **Troika**, which assists the current chairperson, during and between summit meetings.
- **The Regional Inter-Ministerial Committee (RIMC)** is the executive arm of the ICGLR, which sets priorities, makes strategies and monitors their implementation. The RIMC may also nominate **ad hoc expert groups** to assist and advise the Summit.
- **The Conference Secretariat**, based in Bujumbura, is the ICGLR’s administrative and technical arm. It is responsible for ensuring the implementation of the ICGLR’s framework, including the Great Lakes Pact and Sexual Violence Protocol. Formally, the Secretariat has representational, organisational, coordination, facilitation, promotion, monitoring and resource mobilisation functions. It also supports the **Atrocity Crimes Prevention Committee**.
- **The Levy Mwanawasa Regional Centre for Democracy, Good Governance, Human Rights and Civic Education**, based in Lusaka, is mandated to strengthen the ICGLR’s institutional capacities through research, training, dialogue and the establishment of regional monitoring observatories. These include a human rights observatory, which is meant to assist the Atrocity Crimes Prevention Committee in its early warning task. The relevant ICGLR project (# 2.1.1 under the democracy and good governance pillar) also mentions the establishment of a regional observatory on gender. The gender observatory “will have the objective of monitoring the progress realised in relation to the empowerment of women, and the promotion of equality between the sexes in the region.” Referred to as “a cell for research, training, observation and facilitating the rights of women,” the Observatory will also concern itself with the promotion, ratification and implementation of various international instruments. The project document mentions the Millennium Declaration, UN Security Council Resolution 1325, the Convention on the Elimination of All Forms of

Discrimination against Women, the Beijing Platform, the African Charter on Human and Peoples' Rights, the Protocol on the Rights of Women in Africa and the implementation of the Solemn Declaration of the Heads of State of the African Union on Gender Equality in Africa. The Gender Ministers' Recommendations also include the strengthening of the centre so that it can train and sensitise judicial officers, police, and others who handle SGBV cases.

- **The ICGLR Special Fund for Reconstruction and Development** is managed by the African Development Bank. The Gender Ministers' Recommendations include enhanced contributions "so that assistance for victims/survivors of SGBV is provided in line with" Article 6(8) of the Sexual Violence Protocol. Article 6(8) provides for the possible creation by member states of a special facility linked to the fund "to provide social and legal assistance, medical treatment, counseling, training, rehabilitation and reintegration of the survivors and victims of sexual violence, including those who may not be able to identify the perpetrators of sexual violence."
- **The National Coordination Mechanisms (NCMs)** are intended to ensure national level implementation of the Great Lakes Pact and related initiatives, including the Sexual Violence Protocol. Each ICGLR member state is required to establish a cross-governmental NCM with a chairperson of the ministry of foreign affairs, and relevant sub-committees. NCMs are also supposed to include UN agencies, civil society and donors. For example, the Sexual Violence Protocol and the Gender Ministers' Recommendations refer to the establishment and strengthening of **national committees for the protection and support for women and children against SGBV** (see Articles 5-6 of the model sexual violence legislation), the establishment of **national compensation commissions for SGBV claims** (see Article 7 of the model sexual violence legislation), and of national early warning mechanisms on SGBV.
- **Other national bodies.** Various ICGLR sources call, for example, for the establishment of special units and courts to investigate, prosecute and try SGBV crimes, and of gender desks at police stations to provide gender-sensitive assistance to SGBV victims. The Gender Ministers' Recommendations include the establishment of user-friendly "one stop centres" for comprehensive services including free medical, psychosocial, forensic and legal services to SGBV victims.
- **Collaborative mechanisms.** Formally created by the RIMC, these include the Regional Women's Forum, the Regional Forum for Parliamentarians, and the Regional Civil Society Forum. They serve as frameworks for dialogue, consultation, advocacy, coordination (also of national implementation efforts) and capacity building, in support of the realisation of the goals of the ICGLR.

#### ***Atrocity Crimes Prevention Committee***

The Regional Committee for the Prevention and the Punishment of the Crime of Genocide, War crimes, and Crimes against Humanity and All Forms of Discrimination (Atrocity Crimes Prevention Committee) plays a potentially important role in the fight against SGBV. The committee was established under the Atrocity Crimes Protocol and is comprised of one impartial member from each member state, supported by the Conference Secretariat based in Bujumbura.

The committee's mandate includes SGBV-related elements. The committee is responsible for, among other tasks: (a) regularly reviewing situations in member states for the purpose of preventing

atrocities, and collecting and analysing related information; (b) alerting the Summit “in good time in order to take urgent measures to prevent potential crimes”; (c) suggesting specific measures to effectively fight impunity for these crimes; and (d) recommending policies and measures to protect the rights of victims of atrocities “to truth, justice and compensation, as well as their rehabilitation, taking into account gender specific issues and ensuring that gender-sensitive measures are implemented”.

The committee may use any appropriate investigation method, and may interview any person likely to provide it with useful information. The committee reports on its activities and make recommendations at the ordinary session of the RIMC preceding the ordinary session of the Summit.

The committee must apply the Atrocity Crimes Protocol, “and any other relevant instruments ratified by the Member States”, including the Great Lakes Pact, its protocols and relevant non-ICGLR treaties ratified by the relevant member states.

The current work plan of the committee (dated September 2010) includes the following SGBV-relevant elements:

- developing model laws and domestication initiatives in at least three member states;
- establishing a follow-up committee on the implementation of ICGLR protocols;
- establishing continuous efficient joint military operations against so-called negative forces “taking into account human rights and protection of civilians”, including the Lord’s Resistance Army;
- establishing an efficient rapid response mechanism to emerging crimes, including at the Troika level;
- establishing national committees on atrocity crime prevention and anti discrimination in at least five member states;
- ensuring that the regional human rights observatory and independent experts on the human rights and peace and security situation in the region, especially in the cross-border zones, regularly provide information to the committee;
- strengthened collaboration of ICGLR member states with “local and international courts”;
- developing common principles for truth and reconciliation mechanisms;
- monitoring of mediation processes to ensure compliance with ICGLR recommendations related to peace, stability and development; and
- facilitating collaboration and coordination among institutions and organisations addressing the effects of genocide and related trauma.

## The good about the ICGLR’s SGBV framework

The ICGLR’s formal framework for countering SGBV is far-reaching and unique. No other sub-regional mechanism anywhere has such an extensive, focused anti-SGBV agenda. Also noteworthy is how the ICGLR recognises SGBV as a cross-cutting issue, relevant to peace, security, economic, development and other ICGLR focus areas.

The ICGLR framework adopts a comprehensive approach to countering SGBV: it ranges from prevention to victim support measures, involving all actors, from regional level ICGLR institutions, national

governments and police and prosecution services to SGBV victims, civil society, parliamentarians and international partners, including the UN, AU and donor countries.

The ICGLR's SGBV framework also links to other anti-SGBV initiatives. These include global initiatives, including pursuant to UN Security Council Resolutions 1325, 1820, 1888, 1889 and 1960 (the Gender Ministers' Recommendations also refer to Security Council resolutions that have been adopted since the adoption of the Great Lakes Pact). It links to related African and global treaties, to anti-SGBV activities of the UN and AU, and to national, sub-regional, African, global and ad hoc courts, including the International Criminal Court and the International Criminal Tribunal for Rwanda.

The ICGLR therefore provides civil society and other actors concerned about SGBV with very useful tools for:

- research
- awareness raising
- advocacy
- capacity building
- technical support
- policy and law making
- litigation (in national, sub-regional, continental and global fora)
- collaboration.

In addition, specific commitments with regard to the creation of sensitive procedures (including forbidding the casting of aspersions on the character of accusing parties) and the abolition of statutes of limitations may be powerful hooks for promoting change at the national level.

## Shortcomings and questions

The ICGLR's SGBV framework has several shortcomings. A few examples are:

- The text of the Great Lakes Pact sees SGBV as affecting only women and children when men too are SGBV victims—although pronouncements involving the ICGLR increasingly recognise that women and men and boys and girls can all be victims of SGBV.
- The thorny matter of amnesties for SGBV crimes, especially for large-scale SGBV crimes committed in the context of violent conflict between armed groups, is not addressed.
- Insufficient attention is given to non-prosecutorial accountability mechanisms, including truth telling and reconciliation mechanisms. In some situations, SGBV crimes may be too numerous to address through criminal courts.
- The need to avoid duplication and ensure coordination among the various civil society, governmental, ICGLR, UN, AU and other inter-governmental anti-SGBV initiatives is not sufficiently emphasised.
- The ambitious and costly anti-SGBV agenda seemingly does not sufficiently clarify where the resources for such interventions can be found. The lack of funding is set to become an even bigger issue at all levels as the world seeks to recover from its current economic and financial woes.

Moreover, the implementation of several components of the ICGLR framework is lagging. For example, some member states have not yet established the necessary NCMs, and the Conference Secretariat is

under-resourced. Ultimately, the success of the anti-SGBV agenda of the ICGLR primarily depends on the soundness and effectiveness of national implementation efforts.

Questions concerning the ICGLR's SGBV framework and its implementation that will have to be monitored by concerned actors include the following:

- In the implementation of the framework, is the comprehensive, holistic anti-SGBV approach replaced by an approach which favours security and prosecution more than prevention and support?
- Are the references in the Sexual Violence Protocol to "international criminal law" appropriate, or do they not limit the scope of its application unduly?
- Are the definitions of genocide, crimes against humanity and war crimes in the Sexual Violence Protocol properly aligned with those in the Atrocity Crimes Protocol?
- Do the references in the Sexual Violence Protocol to the four Geneva conventions of 1949 exclude references to their additional protocols of 1977? In other words, is the Sexual Violence Protocol's scope of application of war crimes and other elements of international humanitarian law limited to the law as set out in the Geneva conventions?
- Does the focus on "sexual autonomy and bodily integrity" in the definitions of SGBV crimes in the Sexual Violence Protocol sufficiently capture the nature of SGBV?
- Do the Sexual Violence Protocol and other relevant instruments sufficiently address specific forms of SGBV such as female genital mutilation, domestic violence and marital rape, regardless of whether such forms of SGBV are inflicted in peacetime or in the context of armed conflicts?

# Annex: SGBV-relevant extracts from ICGLR instruments

*The following are some key SGBV-relevant extracts from selected ICGLR instruments, limited to the Dar-es-Salaam Declaration, the Great Lakes Pact, selected ICGLR protocols, the Atrocity Crimes Prevention Committee rules, and the Gender Ministers' Recommendations. It is not a complete reflection of all SGBV-relevant references in ICGLR sources. Excluded from this annex are, among other sources, SGBV-relevant programmes of actions and projects, the Goma Declaration and the Parliamentarians' Recommendations.*

## Dar-es-Salaam Declaration

2. Deeply concerned about the endemic conflicts and persistent insecurity caused or aggravated by, inter alia, economic stagnation and poverty aggravation, mistrust and suspicion between governments, massive violations of human rights and other policies of exclusion and marginalisation, gender inequality, use of violence for conquering and conserving power, impunity of crimes of genocide, crimes against humanity, war crimes, illicit trafficking of small arms and light weapons, proliferation of armed groups, organized crime and illegal exploitation of natural resources; recognising the efforts undertaken at national, regional and international level to resolve these endemic problems;

6. Deeply concerned about the humanitarian and social consequences of crises and armed conflicts especially violations of the human rights of women, children, the elderly, the disabled and youth, the recruitment and use of child soldiers in armed conflicts, the sexual violence and exploitation of girls and women and their use as sexual slaves, the forced displacement of populations, the vulnerability of communities living at the borders, the destruction of basic services, especially the health and education infrastructures, the food insecurity and subsequent malnutrition of populations, the degradation of the eco-system and human settlements, and the strain on the allocation of national resources between the security and social sectors;

11. Considering that the discrimination against women, particularly at decisionmaking levels, in the areas of peace and security, democracy and political, economic and social governance calls for a deliberate, immediate and sustainable redress;

Commit ourselves to:

27. Protect vulnerable groups, women, children, the elderly, the disabled and the sick, the refugees and displaced persons, involving them in our peace efforts, addressing issues of sexual violence, implementing a Regional Strategy against the HIV/AIDS pandemic as a peace and security issue, in conformity with the relevant regional and international political and legal mechanisms, including Resolutions 1308 and 1325 of the United Nations Security Council, creating conditions for protecting the youth from all sorts of manipulation, particularly during armed conflicts;

28. Promote, in our States and in the region, policies and strategies based on respect of values, principles and norms of democracy and good governance, as well as observance of human rights; levels and in all sectors, at the national and regional levels, in accordance with the Millennium Declaration, the UN Security Council Resolution 1325 (2000), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the African Charter on Human and Peoples' Rights, the Protocol on the Rights of Women in Africa, the Beijing Platform for Action and the African Union's Declaration on Gender Equality in Africa;

36. Encourage political and legal cooperation between States of the region to address crimes, particularly genocide, crimes against humanity, war crimes and terrorism;

56. Strictly comply with obligations and principles of the Universal Declaration of Human Rights, and ratify, implement at the national level and operationalise all relevant and related international and regional human rights instruments;

59. Strictly adhere to the norms and principles of International Humanitarian Law and related conventions, inter alia, the Geneva Conventions of 1949 on the protection of civilians in times of conflict and the provision of humanitarian assistance...;

67. Set up regional mechanisms, including relevant traditional support mechanisms, aimed at providing psychosocial support, medical and legal assistance to women and girls who are victims of rape as well as other acts of sexual violence and exploitation;

## Great Lakes Pact

*(Preamble)* ... Determined to ensure the strict observance of the standards and principles of international humanitarian law, notably those relating to the protection and assistance of women, children, refugees and displaced persons, the violations of which have seriously affected the populations concerned;

2. The Objectives of this Pact are to:

(a) Provide a legal framework governing relations between the Member States to which this Pact applies as provided for in Article 4;

(b) Implement the Dar-es-Salaam Declaration, the Protocols, Programmes of Action, the Regional Follow-up Mechanism, and the Special Reconstruction and Development Fund as adopted under Article 3;...

3. (1) The Dar-es-Salaam Declaration, the Protocols, the Programmes of Action, the Regional Follow-up Mechanism, and the Fund, shall constitute integral parts of this Pact;

(2) All references to the Pact shall necessarily refer to all the integral parts of this Pact.

4. (1) This Pact governs legal relations between the Member States who will have ratified it, in the framework and within the limits of the priority areas selected in matters of peace and security, democracy and good governance, economic development and regional integration, as well as humanitarian, social and environmental issues.

(2) The Member States undertake to base their relations on respect for the principles of national sovereignty, of territorial integrity, of non-interference in the internal affairs of other Member States, of non-aggression, of cooperation and of peaceful settlement of disputes.

11. The Member States undertake, in accordance with the [Sexual Violence Protocol], to combat sexual violence against women and children through preventing, criminalizing and punishing acts of sexual violence, both in times of peace and in times of war, in accordance with national laws and international criminal law.

22. (1) The Member States agree to create a Regional Follow-up Mechanism which shall consist of the Summit of Heads of State and Government, the Regional Inter-Ministerial Committee, the Conference Secretariat, the National Coordination Mechanisms and the Collaborative Mechanisms and other specific structures or forums if necessary, in order to ensure the implementation of this Pact;

23. (1) The Summit shall be the Supreme organ of the Conference and it shall be chaired by a Head of State or Government of a Member State in rotation; ...

(3) The Summit shall direct the implementation of this Pact, approve budgetary resources on the recommendation of the Inter-Ministerial Committee, allocate additional resources and assess progress made in the implementation of the Pact;...

(5) The Conference Chairperson, in the exercise of his or her functions between the ordinary sessions of the Summit, shall ensure the respect for and the implementation of the Pact by the Member States, and seek

the support of the Region's development partners to achieve the Conference's objectives. He or she shall be assisted in his activities by his predecessor and his future successor in the framework of a « Troika »;

(6) A Member State that is unable or unwilling to honour its obligations under this Pact shall account for its failure before the Summit which will determine the consequences for such failure;

24. (1) The Inter-Ministerial Committee shall be the Executive organ of the Conference...;
- (3) The Committee shall determine strategies for implementing this Pact and shall carry out regular monitoring of its implementation;
- (4) It shall submit to the Summit a periodic report on the implementation of the Pact; ... (6) It shall examine and submit to the Summit the draft budget as well as the reports and the work plans of the Conference Secretariat and affiliated institutions; ...
25. The Inter-Ministerial Committee may nominate an ad-hoc group of a maximum number of six independent experts composed of men and women in equal numbers and of high moral integrity, whose mission shall be to:
- (a) Prepare and submit to the Summit a special report on the specific problems encountered by the Member States in implementing the Pact;
- (b) Fulfill any other functions as determined by the Summit.
26. (1) The Conference Secretariat shall be the technical arm and coordinating body of the Conference. It shall be headed by an Executive Secretary ...;
- (2) The Executive Secretary shall be responsible for:
- (a) Ensuring the implementation of the decisions of the Summit and the Inter-Ministerial Committee, and reporting on it;
- (b) Ensuring the promotion of the Pact and the execution of the Programmes of Action, Protocols and activities falling under his direct responsibility;
- (c) Organising the meetings of the Summit, the Inter-Ministerial Committee and of the other Conference structures and forums;
- (d) Harmonizing the implementation of the Conference activities falling under the responsibility of the relevant regional economic communities, as well as the decentralised and affiliated institutions;
- ...
- (3) The Executive Secretary may seek technical assistance from the African Union, the United Nations, and cooperating partners and organisations;...
27. (1) Each Member State shall establish a National Coordination Mechanism to facilitate the implementation of this Pact in that Member State;
- (2) Collaborative Mechanisms shall be established by the Inter-Ministerial Committee to coordinate the implementation of the Pact in cooperation with the Member States, the regional economic communities and the relevant regional institutions.
28. (1) The Member States undertake to settle their disputes peacefully;
- (2) For this purpose, the Member States undertake to settle disputes through negotiation, good offices, investigation, mediation, conciliation or any other political means within the framework of the Conference's Regional Follow-up Mechanism;
- (3) The Member States undertake to have recourse to the means of settling disputes described in paragraph 2 above before having recourse to any other political, diplomatic or judicial mechanisms;
- (4) The Member States may resort to the means of peaceful settlement provided for in the United Nations Charter and in the Constitutive Act of the African Union after recourse to the peaceful settlement of disputes in paragraphs 2 and 3 above.
29. The Member States agree to submit any dispute which may arise between them in relation to the interpretation or application of all or part of the Pact to the African Court of Justice if recourse to the means referred to in Article 28 (2),(3)(4) turn out to be unsuccessful.

31. (1) The Member States agree to apply all the provisions of this Pact according to the principle of non-selectivity;  
(2) No reservations may be entered to this Pact.
  
33. (1) This Pact shall enter into force thirty days after the receipt by the Conference Secretariat of the eighth instrument of ratification;  
(2) For any State which has ratified the Pact after the date on which the eighth instrument of ratification has been received by the depositary, this Pact shall enter into force on the thirtieth day after the date of receipt by the Conference Secretariat of its instrument of ratification.

## Sexual Violence Protocol

*(Preamble)* ... Expressing our commitment to comply with Resolution 1325 of the Security Council of the United Nations with respect to the protection of women and children during armed conflict;

Conscious of the high prevalence and widespread incidence of sexual violence in the Great Lakes Region and its destructive impact on the lives, health, physical, sexual, psychological, social, and economic well-being of women and children;

Deeply concerned by the context in which sexual violence is perpetrated in the Great Lakes Region by deliberately targeting women and children as a means of projecting the motives of armed conflict which has a spill over effect in the region;

Mindful that sexual violence is a form of gender-based violence which seriously inhibits the ability of women to contribute to, and benefit from, development, and to enjoy human and peoples rights and fundamental freedoms, in private or public life, in peace time or during situations of armed conflict contrary to the relevant international instruments, including the Charter of the United Nations 1945, Security Council Resolution 1325, the Universal Declaration of Human Rights 1948, Convention on the Prevention and Punishment of the Crime of Genocide 1948, Convention on the Elimination of All Forms of Discrimination Against Women 1979, General Recommendation 19 on Violence Against Women, Convention on the Rights of the Children 1989, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000, the African Charter on Human and Peoples' Rights 1981, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003;

1. In this Protocol, unless the context otherwise requires, the following mean:

- (1) Children: every human being below the age of eighteen years, unless under the law applicable to the children, majority is attained earlier;
- (2) Crimes Against Humanity: any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
  - (a) Murder;
  - (b) Extermination;
  - (c) Enslavement;
  - (d) Deportation or forcible transfer of population;
  - (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
  - (f) Torture;
  - (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
  - (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognized as impermissible under

international law, in connection with any act referred to in this paragraph or any crime in international criminal law;

(i) Enforced disappearance of women and children;

(j) The crime of apartheid in relation to women and children; and

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or the physical health of women and children;

(3) Gender: the social relations between men and women, within the context of society;

(4) Genocide: any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group; and

(e) Forcibly transferring children of the group to another group;

(5) Sexual violence: any act which violates the sexual autonomy and bodily integrity of women and children under international criminal law, including, but not limited to:

(a) Rape;

(b) Sexual assault;

(c) Grievous bodily harm;

(d) Assault or mutilation of female reproductive organs;

(e) Sexual slavery;

(f) Enforced prostitution;

(g) Forced pregnancy;

(h) Enforced sterilization;

(i) Harmful practices, inclusive of all behaviour, attitudes and/or practices which negatively affect the fundamental rights of women and children, such as their right to life, health, dignity, education and physical integrity, as defined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;

(j) Sexual exploitation or the coercion of women and children to perform domestic chores or to provide sexual comfort;

(k) Trafficking in, and smuggling of, women and children for sexual slavery or exploitation;

(l) Enslavement by the exercise of any or all of the powers attaching to the right of ownership over women and includes the exercise of such power in the course of trafficking in women and children;

(m) Forced abortions or forced pregnancies of women and girl children arising from the unlawful confinement of a woman or girl child forcibly made pregnant, with the intent of affecting the composition of the identity any population or carrying out other grave violations of international law, and as a syndrome of physical, social, and psychological humiliation, pain and suffering and subjugation of women and girls;

(n) Infection of women and children with sexually transmitted diseases, including HIV/AIDS; and (o) Any other act or form of sexual violence of comparable gravity;

Sexual violence also includes gender-based violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, as defined by the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, in General Recommendation 19;

(6) Trafficking in persons: the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the

abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(7) War crimes: grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- (a) Willful killing;
- (b) Torture or inhuman treatment, including biological experiments;
- (c) Willfully causing great suffering, or serious injury to body or health;
- (d) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (e) Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
- (f) Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- (g) Unlawful deportation or transfer or unlawful confinement; and
- (h) Taking of hostages;

(8) Women: human beings of the female sex.

2. The objectives of this Protocol are to:

- (1) Provide protection for women and children against the impunity of sexual violence in the specific context of the Great Lakes Region;
- (2) Establish a legal framework under which Member States undertake to prosecute and punish the perpetrators of crimes of sexual violence in the Great Lakes Region;
- (3) Provide a legal basis for the surrender of persons and fugitives charged with committing offences of sexual violence, without prejudice to the Protocol on Judicial Cooperation;
- (4) Make provision for the establishment of a regional mechanism for providing legal, medical, material and social assistance, including counseling and compensation, to women and children who are victims and survivors of sexual violence in the Great Lakes Region.

3. (1) Member States agree that the principles for dealing with sexual violence under this Protocol shall derive from contemporary developments relating to the criminalisation of sexual violence and the punishment of the perpetrators of sexual violence under international criminal law.

(2) Member States guarantee that sexual violence shall be punishable in times of peace and in situations of armed conflict.

(3) Member States agree that measures taken by them to protect women and children from sexual violence shall be based on the principles contained in the instruments referred to in the Preamble of this Protocol.

(4) Member States are encouraged to ratify and domesticate the Convention on the Elimination of All Forms of Discrimination Against Women, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

(5) Member States shall comply with, and implement, the Convention on the Rights of the Child.

4. I. The Crime of Sexual Violence: Member States shall punish any person who, with intent, knowledge, recklessness, or negligence, violates the sexual autonomy and bodily integrity of any woman or child, by committing, aiding or abetting the commission of any of the acts of sexual violence referred to in Article 1(5) (6) of this Protocol.

II. Sexual Violence in relation to Trafficking in Women and Children: Member States shall punish any person who, with intent, knowledge, recklessness, or negligence, aids or abets the commission, of any of the acts of trafficking in relation to such a woman or child, as defined in Article 1(7) of this Protocol.

III. Sexual Violence in relation to the Crime of Genocide: Member States shall punish any person who violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in Article 1(5) (6), in connection with the commission of the crime of genocide as defined in Article 1(4) of this Protocol and the Convention on the Prevention and Punishment of the Crime of Genocide.

IV. Sexual Violence in relation to Crimes Against Humanity: Member States shall punish any person who violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in Article 1(5) (6) in connection with the commission of crimes against humanity as defined in Article 1(2) of this Protocol and in other relevant international instruments.

V. Sexual Violence in relation to War Crimes: Member States shall punish any person who violates the sexual autonomy and bodily integrity of any woman or child by committing, or aiding or abetting the commission of any of the acts of sexual violence in Article 1(5) (6) in connection with the commission of war crimes as defined in Article 1(8) of this Protocol and the Geneva Conventions of 12 August 1949.

5. (1) Member States encourage a maximum sentence of imprisonment as provided by national legislation for any person convicted of a crime of sexual violence against any woman or child, without prejudice to the imposition of a higher term of imprisonment or other more severe punishment for such a crime.  
(2) Member States shall ensure that persons convicted of sexual violence shall be subject to social correction and rehabilitation whilst serving their sentences.
6. (1) Under this Protocol, Member States agree that each Member State may, together with supporting material, transmit a written request for the arrest and surrender of a person accused of a crime of sexual violence from a Member State to the territory of the requesting Member State. ...  
(3) Member States agree that the requested State shall cooperate with the requesting State and shall forthwith comply with the request for the arrest and surrender of an accused person to the jurisdiction of the requesting State.  
(4) Member States agree to simplify the procedures for lodging complaints of sexual violence by women, children, and other interested parties.  
(5) Member States agree that criminal procedures for the prosecution of persons accused of crimes of sexual violence shall be sensitive to the emotional state of the victims and survivors of such crimes. Under these procedures, such victims and survivors shall give evidence in camera, or by video links, and they shall neither be compelled nor required to give evidence in open criminal proceedings, nor shall the casting of aspersions on their character and integrity be permitted as part of the defence of any person charged with a crime of sexual violence.  
(6) Member States accept that no statutory limitations shall apply to sexual violence crimes in the Great Lakes Region and hence assume responsibility for ensuring that the victims and survivors of sexual violence are compensated, by the perpetrators.  
(7) Member States shall establish legal and medical procedures for assisting the victims and survivors of sexual violence, and a fund for sensitizing the perpetrators on the wrongfulness of their sexual behaviour.  
(8) The responsibility of Member States under paragraph (6) of this Article may entail the creation of a special facility under the fund for reconstruction and development, the purpose of which shall be to provide social and legal assistance, medical treatment, counseling, training, rehabilitation and reintegration of the survivors and victims of sexual violence, including those who may not be able to identify the perpetrators of sexual violence.  
(9) Member States agree to set up a special regional facility for training and sensitizing judicial officers, police units, social workers, medical officers and other categories of persons who handle cases of sexual violence in the Great Lakes Region.  
(10) Member States agree to harmonize all relevant national laws and criminal procedures in accordance with the provisions of this Protocol.
7. (1) This Protocol shall be an integral part of the Pact and shall not be subject to separate signature and ratification by the Member States.

(2) For any Member State which has ratified the Pact in terms set out in Article 30 of the Pact, this Protocol shall automatically enter into force at the same time as the Pact in accordance with Article 33 of the Pact...

*Annex to the Sexual Violence Protocol: Model Legislation on the Prevention and Suppression of Sexual Violence against Women and Children*

2. In this Act, unless the context otherwise requires:
  - (3) "Committee" shall mean the Committee for the Protection of Women and Children from Sexual Violence referred to in S. 5 of this Act;
  - (4) "Commission" shall mean the Compensation Commission for Sexual Violence Claims referred to in S. 7 of this Act; ...
  - (8) "Fund" shall refer to a fund established under Section 4 for supporting and compensating victims of sexual offences as well as strengthening existing institutions and other appropriate mechanisms involved in the work of suppressing sexual violence.
3. ... (6) Provided that the criminal liability of any person charged with a crime of sexual violence shall, in all appropriate circumstances, be determined by reference to the interpretation of such a crime according to the prevailing principles of international criminal law;
4. The Minister shall be responsible for the legal and administrative implementation of this Act. For this purpose, the Minister shall:
  - (1) Prescribe by statutory instrument regulations for the implementation of this Act consistent with the Protocol;
  - (2) Ensure the protection of women and children from sexual violence in conjunction with the Committee for the Protection of Women and Children from Sexual Violence as established under S 5;
  - (3) Appoint a senior public official as Chairperson of the Committee for the Protection of Women and Children from Sexual Violence;
  - (4) Appoint members of the Compensation Commission for Sexual Violence Claims under S. 7;
  - (5) Nominate suitably qualified persons from the Judiciary, Police, Social Work Units, Medical Personnel and other Units dealing with sexual violence, to receive specialised training and sensitisation from a special regional facility established under Article 6(9) of the Protocol;
  - (6) Harmonise all relevant national laws and criminal procedures in accordance with the provisions of the Protocol, acting upon the advice of the Committee for the Protection of Women and Children from Sexual Violence;
  - (7) Transmit, with supporting material, written requests for the arrest and surrender, from a Member State to the Republic, of a person charged with a crime of sexual violence, in accordance with the provisions of Article 6(1)(2) of the Protocol;
  - (8) Receive, with supporting material, written requests for the arrest and surrender, to a Member State from the Republic, of a person accused of a crime of sexual violence, in accordance with the provisions of Article 6(1)(2) of the Protocol;
  - (9) Upon receiving such a request, forthwith facilitate the arrest and surrender of an accused person to the jurisdiction of the requesting State in accordance with the provisions of Article 6(3) of the Protocol;
  - (10) Ensure that persons convicted of sexual violence shall be socially corrected and rehabilitated from sexual violence against women and children whilst serving their sentences;
  - (11) Ensure that the Committee receives funds allocated from the regional fund for reconstruction and development under Article 6(8) of the Protocol, for the provision of social and legal assistance, medical treatment, counselling, training, rehabilitation and reintegration of all the survivors and victims of sexual violence.
5. There is hereby established a Committee for the Protection of Women and Children from Sexual Violence.
  - (1) The Committee shall consist of:
    - (a) A Chairperson of the Committee, who shall be nominated by the Minister in accordance with Article 4 (3);
    - (b) A member of the Judiciary;
    - (c) A member of the Police Force;

- (d) A representative of the Ministry responsible for Foreign Affairs;
  - (e) A representative Ministry responsible for Home Affairs;
  - (f) A representative Ministry responsible for Social Affairs, or Social Rehabilitation;
  - (g) Two representatives of the Ministry responsible for Women or Gender and Youth;
  - (h) A representative of the Ministry responsible for Legal Affairs;
  - (i) A representative of the Ministry responsible for Finance or Economic Development;
  - (j) A representative of each of the Agencies of the United Nations operating in the Republic;
  - (k) Such representatives of Women and Children's Civil Society organizations as the Committee may decide;
  - (l) Such number of the representatives of women and children as the Committee may decide.
- (2) The Committee shall be a permanent body, which shall sit in session at least once a week.
- (3) The Chairperson shall convene and preside over the meetings of Committee at least once a week...
- (6) The Committee shall establish such specialized Sub-Committees, as it may deem expedient provided that it shall establish a Sub-Committee for women and another Sub-Committee for children.]
6. The functions of the Committee shall be to:
- (1) Coordinate the protection of women and children from sexual violence under S. 4(3);
  - (2) Advise the Minister on the harmonisation of all relevant national laws and criminal procedures in accordance with the provisions of the Protocol;
  - (3) Facilitate the ratification, where necessary, and the domestic implementation and mainstreaming within the Republic, of the Convention on the Elimination of All Forms of Discrimination Against Women 1979 together with General Recommendation 19 on Violence Against Women, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003;
  - (4) Secure the ratification, where necessary, and the domestic implementation and mainstreaming of the African Charter on the Rights and Welfare of the Child and the Convention on the Rights of the Child 1999;
  - (5) Secure the implementation and mainstreaming of Security Council Resolution 1325 (2000);
  - (6) Assess the protection needs of women and children and sensitize the public on the incidence of sexual violence and its detrimental consequences on the physical, mental, psychological, and health welfare of women and children;
  - (7) Coordinate the protection of women and children from sexual violence between the relevant Ministries of Government, Agencies of the United Nations, the African Union, and Civil Society, throughout the Republic;
  - (8) Determine and establish procedures and channels of engagement and cooperation between the organs of Government, Agencies the United Nations, the African Union, and Civil Society for the purpose of enhancing effectiveness of the protection of women and children from sexual violence;
  - (9) Serve as the official focal body representing the organs of Government, Agencies of the United Nations, the African Union, and Civil Society, responsible for providing and monitoring the protection of women and children from sexual violence;
  - (10) Serve as the focal point for lodging complaints of sexual violence by women and children or other interested persons or organisations, on behalf of women and children;
  - (11) To present, on behalf of such complainants, claims of compensation to the Sexual Violence Compensation Claims Commission under S. 7.;
  - (12) Advise and assist victims or survivors of sexual violence on the legal and medical procedures relating to their claims, treatment, counseling and rehabilitation;
  - (13) Ensure that criminal procedures for the prosecution of persons charged with crimes of sexual violence shall be sensitive to the emotional state of the victims or survivors of such crimes and that such victims and survivors shall give evidence in camera, or by video links;
  - (14) To monitor criminal proceedings relating to sexual violence and to ensure that in such proceedings, the victims or survivors of sexual violence shall neither be compelled nor required to give evidence in open criminal proceedings, and that the casting of aspersions on their character and integrity shall not be permitted as part of the defence of any person charged with a crime of sexual violence;
  - (15) To monitor and supervise the implementation of the Protocol under this Act.
7. There is hereby established a Compensation Commission for Sexual Violence Claims.

- (1) The Commission shall consist of five persons appointed by the Minister under S. 4(4) and the majority of the members shall be women.
- (2) The Minister shall appoint a Chairperson of the Commission from amongst its Members.
- (3) Members of the Commission shall be women of high integrity who shall be qualified in the fields of journalism, law, medicine, psychology, and sociology.
- (4) Members of the Commission shall enjoy security of tenure.
- (5) The Commission shall receive assessed claims for compensation from the Committee in accordance with S. 6(11) and shall determine the quantum of compensation to be paid to individual victims or survivors who lodged such claims to the Committee under S. 6(10).
- (6) The Commission shall also determine the person or organ responsible for paying such compensation in whole or in part.

## Atrocity Crimes Protocol

*(Preamble)* ... Deeply concerned of the endemic conflicts and the persistent insecurity aggravated by the massive violations of human rights, the policies of exclusion and marginalisation, impunity with respect to the crime of genocide, war crimes, and crimes against humanity; ...

Reaffirming the obligations from United Nations principles and directives under the terms of which all parties to an armed conflict are obliged to fully observe the international law applicable to the rights and protection of women and young girls, in particular as civil persons; noting the obligations under the Geneva Conventions of 1949 and the related Additional Protocols of 1977, the Convention of 1951 Relating to the Status of Refugees and its Protocol of 1967, the Convention on the Elimination of All Forms of Racial Discrimination of 1965, the Convention on the Elimination of all Forms of Discrimination against Women of 1979 and its Optional Protocol of 1999, the United Nations Convention on the Rights of the Child of 1989 and its two Optional Protocols of 25 May 2000, the African Charter on the Rights and Welfare of the Child of 1990 as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003, and taking into account the relevant provisions of the Statute of Rome of the International Criminal Court 1998; ...

Mindful that it is each Member State's duty to exercise its criminal jurisdiction over the perpetrators of the crime of genocide, war crimes, and crimes against humanity;

Considering that Article 3 of the Statute of the International Criminal Tribunal for Rwanda affirms that rape is a crime against humanity when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds;

Referring to, the Beijing Declaration and Platform of Action, Resolution 1325 of the United Nations Security Council, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Solemn Declaration of the African Union on Equality between Men and Women in Africa which condemns rape and any other form of sexual violence;

Determined to put an end to the recruitment of children in national armed forces or in any other armed group or to their participation in any way in hostilities especially as reinforcements, to fight illegal labour, trafficking in women and children and the prostitution of women and children in the conflict zones of the Great Lakes Region;

Determined to promote and enshrine good governance and the rule of law and strengthen the protection of human and peoples' rights, and to consolidate democratic institutions and culture in order to combat all forms of discrimination;

Determined to put an end to such crimes in the Great Lakes Region and take effective measures to prosecute their perpetrators;

1. For the purposes of this Protocol, unless the context otherwise requires, the following mean:
  - (a) Crime of genocide: any one of the acts set out in article 6 of the Statute of the International Criminal Court, if it is committed with the intention of destroying in whole or in part a national, ethnic, racial or religious group; ...
  - (e) Convention on the Elimination of all Forms of Discrimination against Women: the Convention on the Elimination of all Forms of Discrimination against Women adopted by the United Nations General Assembly on 18 December 1979;
  - (f) Geneva Conventions: the four conventions on humanitarian law adopted on 12 August 1949 by the diplomatic Conference for drawing up international conventions and their additional protocols adopted on 8 June 1977; ...
  - (h) Crime against humanity: any one of the acts set out in article 7 of the Statute of the International Criminal Court, when committed as part of a widespread or systematic attack directed against any civilian population and with knowledge of the attack;
  - (i) War crime: any one of the acts set out in article 8 of the Statute of the International Criminal Court;
  - (j) Solemn Declaration: the Solemn Declaration on Equality between Men and Women, adopted by the Heads of State and Government of the African Union on 8 July 2004;
  - (k) Discrimination: any distinction, exclusion, restriction or preference based on race, religion, gender, colour, ancestry or national or ethnic origin, the purpose or the effect of which is to destroy or undermine the recognition, the possession or the exercise, in conditions of equality, of human rights and fundamental freedoms in the political, economic, social and cultural fields or in any other area of life; ...
  - (o) Beijing Declaration and Platform of Action: the Declaration and Platform of Action adopted at the fourth global summit on women organized by the United Nations in September 1995;...
  - (q) Resolution 1325: the Resolution on the Involvement of Women in Peace and Security Operations adopted by the United Nations Security Council on 31 October 2000.
2. All human beings are born free and equal in dignity and in law. Everyone may claim rights and freedoms set out in the relevant international and regional human rights instruments without any discrimination.
3. All persons are equal before the law and have the right, without distinction, to equal protection of the law and equal protection against any discrimination or any incitement to discrimination.
4. The Member States shall ensure that anyone within their jurisdiction will enjoy protection and effective recourse to the national courts and other competent State authorities, against any act of discrimination which, contrary to this Protocol, may violate his or her personal rights and his or her fundamental liberties, as well as the right to seek satisfaction or fair and adequate redress for any harm of which she or he might have suffered as a result of such discrimination.
5. The Member States shall condemn all forms of discrimination and shall immediately adopt measures to eliminate all forms of discrimination and promote harmony among all segments of the nation, and for this purpose:
  - (a) The Member States undertakes not to engage in any act or practice of discrimination against persons, groups, or institutions and to ensure that all public authorities and, national and local institutions comply with this obligation;
  - (b) The Member States must, by all appropriate means, including by legislative measures if the circumstances so require, prohibit discrimination practised by groups or organizations and put an end to it;
  - (c) The Member States shall take effective measures to review national and local government policies and to amend or repeal any law or any regulatory provision having the effect of creating discrimination or perpetuating it where it exists;
  - (d) The Member States shall take, if the circumstances so require, specific and concrete measures in the social, economic, cultural and other fields to adequately ensure the development or protection of particular groups or individuals belonging to these groups in order to guarantee their full exercise of human rights and fundamental freedoms. These measures shall be maintained until the objectives for which they were taken have been achieved.
7. The Member States undertake to take immediate and effective measures in the fields of teaching education, culture and information to combat prejudices leading to racial discrimination and to encourage understanding, tolerance and friendship between nations, racial and ethnic groups, as well as to promote

- the aims and the principles of the United Nations Charter, the Constitutive Act of the African Union, the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights.
8. (1) The Member States recognise that the crime of genocide, war crimes, and crimes against humanity are crimes under international law and are crimes against people's rights which they undertake to prevent and punish.
- (2) In this respect, the crime of genocide and complicity in genocide as defined in Articles 2 and 3 of the Convention on the Prevention and Punishment of the Crime of Genocide as well as in Article 6 of the Statute of the International Criminal Court, shall be punished by Member States.
- (3) The crimes listed in Articles 7 and 8 of the Statute of the International Criminal Court shall be punished by Member States as war crimes, and crimes against humanity.
9. (1) The Member States undertake, according to their respective constitutions, to take the necessary measures to ensure that the provisions of this Protocol are domesticated and enforced and in particular to provide for effective penalties for persons guilty of the crime of genocide, war crimes, and crimes against humanity.
- (2) Persons accused of genocide, war crimes or crimes against humanity shall be brought before the competent courts of the Member State on whose territory the crime was committed or before competent international judicial bodies.
- (3) The Member States particularly undertake to take appropriate measures to neutralize, disarm, arrest and bring before the competent courts the perpetrators of genocide, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide, and authors of war crimes or crimes against humanity in accordance with the provisions of the Statute of the International Criminal Court and the relevant resolutions of the United Nations Security Council.
10. (1) Every Member State shall take necessary measures to establish jurisdiction over the crimes of genocide, war crimes, and crimes against humanity in the following cases:
- (a) When these crimes are or were committed on its territory;
- (b) When the presumed perpetrator of the crime is a national of the said State or is ordinarily resident on its territory;
- (c) When the victim is a national of the said State;
13. The Member States undertake to mutually assist one another through cooperation of their respective institutions with a view to preventing, detecting and punishing the perpetrators of genocide, war crimes, and crimes against humanity.
- (1) Crimes within the field of application of this Protocol shall be extraditable. Member States shall include these crimes in any extradition treaty applicable to them.
- (2) A Member State which receives a request for extradition from another Member State which has not concluded an extradition treaty with the requested Member State may consider this Protocol as a legal basis for requesting extradition, as long as the crimes in respect of which such extradition is sought are within the field of application of this Protocol.
- (3) Member States which do not subject the execution of an extradition measure to the existence of an extradition treaty shall recognise that the crimes covered by this Protocol shall be extraditable.
- (4) For purposes of extradition, the crime of genocide, war crimes, and crimes against humanity shall not be considered as political crimes to which the exception of political offences apply in matters of extradition.
15. (1) In the case of an accused person, extradition shall be granted if the commission of the offence concerned is such that the laws of the country in which the person is found would justify his or her arrest and imprisonment as if the offence had been committed in that country.
- (2) In the case of a convicted person, extradition shall be granted on production of proof which, under the laws of the country in which the person is found, sufficiently demonstrates that he or she has been convicted accordingly.
- (3) The Member States shall not be obliged to extradite their nationals. Where a request for the extradition of a national is made, the requested State shall submit the request to its competent authorities with a view to commence prosecution against such a national. For this purpose, records, information and exhibits supporting the request shall be sent to the competent authorities of the requested State. The requesting State shall be informed of the outcome of any such prosecution.

17. (1) The Member States undertake to cooperate in establishing joint commissions of enquiry and to take all necessary measures to facilitate the relevant and related procedures and formalities.
20. In order to prevent and effectively combat crimes of genocide, crimes against humanity and war crimes in the Great Lakes Region, the police forces of the Member States shall, in the framework of this Protocol, exchange information between themselves on:
- (a) The perpetrators, co-perpetrators and accomplices involved in the commission of the crime of genocide, war crimes, and crimes against humanity;
  - (b) Any items of evidence connected to the crimes mentioned above, whether committed or attempted;
  - (c) The elements needed to establish the evidence for these crimes;
  - (d) Arrests and police investigations carried out by the competent authorities against the nationals of other Member States and persons residing in their territories.
21. The Member States shall endeavour to ratify the Statute of the International Criminal Court in accordance with their constitutional requirements.
22. Member States shall ensure that procedures concerning all forms of cooperation with the International Criminal Court are established by way of national legislation.
23. The Member States undertake to cooperate actively with the International Criminal Court with specific reference to:
- (a) Requests to the arrest and hand over of persons alleged to have committed crimes falling within the jurisdiction of the International Criminal Court;
  - (b) Requests for transit through the territory of a Member State;
  - (c) Requests concerning other forms of cooperation mentioned in Article 93 of the Statute of the International Criminal Court;
  - (d) Requests for cooperation related to renunciation of immunity and consent to hand over indicted persons;
  - (e) Execution of prison sentences or fines and measures of confiscation.
24. (1) If a Member State receives a request from the International Criminal Court for the surrender of an indicted person and a competing request from another State to extradite the same person for the same crime, the requested Member State shall give priority to the request of the International Criminal Court.
- (2) The status of the national of the requested State shall not constitute a bar to the hand over or surrender of such a national.
25. Articles 22, 23 and 24 are binding only upon those Member States that have, or will have, ratified the Statute of the International Criminal Court when this Protocol will come into force.
26. (1) A Committee for the prevention and the punishment of the crime of genocide, war crimes, and crimes against humanity and all form of discrimination shall be established.
- (2) Member States shall provide the Committee with sufficient resources to carry out its work effectively.
27. (1) The Committee shall be composed of one person from each Member State, selected from male and female personalities known for their high moral standards, their impartiality and their competence.
- (2) Members of the Committee shall sit in their personal capacity.
30. The members of the Committee shall be endorsed by the Summit upon the recommendation of the Regional Inter-Ministerial Committee from the list of candidates referred to in Article 29.
35. The Conference Secretariat shall appoint a Secretary of the Committee and will, in addition, provide the staff, means and services necessary for the effective operation of the Committee.
36. (1) The Committee shall elect its Chairperson, Vice Chairperson and the Rapporteur for a period of two years, renewable once.
- (2) The functions of the Chairperson, the Vice Chairperson and the Rapporteur shall be defined in the Committee's internal rules.
37. (1) The Committee shall meet as often as necessary and at least twice a year when called upon by the Chairman. The quorum of the Committee shall consist of two thirds of its members.
- (2) Decisions shall be taken by an absolute majority of the members present and voting. In the event of parity, the Chairperson shall have the casting vote.
38. (1) The Committee's mission is to prevent crimes of genocide, war crimes, and crimes against humanity in the Great Lakes Region.
- (2) For this purpose it shall be responsible for:

- (a) Regularly reviewing situations in each Member State for the purpose of preventing genocide, war crimes, crimes against humanity, and discrimination;
  - (b) Collecting and analysing information related to genocide, war crimes, crimes against humanity, and discrimination;
  - (c) Alerting the Summit of the Conference in good time in order to take urgent measures to prevent potential crimes;
  - (d) Suggesting specific measures to effectively fight impunity for these crimes;
  - (e) Contributing to raising awareness and education on peace and reconciliation through regional and national programmes;
  - (f) Recommending policies and measures to guarantee the rights of victims of the crime of genocide, war crimes, and crimes against humanity to truth, justice and compensation, as well as their rehabilitation, taking into account gender specific issues and ensuring that gender-sensitive measures are implemented;
  - (g) Monitoring amongst the Member States, where applicable, national programmes on Disarmament, Demobilization, Rehabilitation, Repatriation and Reinstallation (DDRRR) for former child soldiers, ex-combatants and combatants;
  - (h) Carrying out any other tasks that the Inter-Ministerial Committee may entrust it with.
39. In discharging its mandate, the Committee shall collaborate with the Member States, the African Commission on Human and Peoples' Rights, civil society organizations, agencies of the United Nations system and any body that is well placed to furnish it with information that is relevant to its mandate.
40. The Committee shall apply the provisions of this Protocol and any other relevant instruments ratified by the Member States respectively.
41. The Committee may resort to any appropriate method of investigation that is consistent with this Protocol; in particular it may interview any person likely to provide it with useful information.
42. The Committee shall submit a report on its activities and make recommendations at the ordinary session of the Inter-Ministerial Committee preceding the ordinary session of the Summit.
- (1) This Protocol shall be an integral part of the Pact and shall not be subject to separate signature and ratification by the Member States.
  - (2) For any Member State which has ratified the Pact in terms set out in Article 30 of the Pact, this Protocol shall automatically enter into force at the same time as the Pact in accordance with Article 33 of the Pact.
  - (3) Nothing contained in this Protocol shall be construed to be contrary to the provisions of the Pact, the Constitutive Act of the African Union, and the Charter of the United Nations.

### *Atrocity Crimes Prevention Committee rules*

1. The Bureau means the Bureau of the Committee as defined in article 36 of the Protocol for the Prevention and the punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and All forms of Discrimination (2006);
2. The Committee for the Prevention and the Punishment of the Crime of Genocide, War crimes, and Crimes against Humanity and all forms of discrimination of Member States of the International Conference on the Great Lakes Region herein referred to as "the Committee" is hereby established in conformity with the rules of these rules and procedures.
5. The objectives of the Committee are the following as stipulated in Article 38 of the Protocol...
6. (1) The Committee is composed of eleven (11) Members, one from each Member State, selected from male and female personalities known for their high moral standards, their impartiality and their competence;
- (2) The Members of the Committee are endorsed by the Summit upon the recommendation of the Regional Inter-Ministerial Committee ...
7. (1) The committee elects its bureau.
- (2) The Bureau of the Committee is constituted of a Chairperson, the Vice Chairperson [and the] Rapporteur.
- (2) The Functions of the Chairperson are as follows:

- (a) Planification of the agenda of the meeting in line with the mandate of the Regional Committee in line with the functions of the Committee;
  - (b) Convening and chairing the meeting of the Regional Committee ...
  - (d) have a second or “casting vote” where the vote is tied;
  - (e) /S/he represents the Forum in National, Regional and International meetings;
  - (f) appointing any other member of the Committee to attend or represent the Committee at a national, regional and/or international meetings;
  - (h) Receiving early warning reports and communicates them to the Committee;
  - (i) coordinating with the Conference Secretariat for the coordination and financing of the Committee meetings
  - (j) Designing fundraising strategies for the activities of the Committee
- (3) Functions of the Vice Chairperson are:
- (1) deputing the chair when the chair is absent, have to leave a meeting or not able to participate due to a declaration of interest
  - (2) Acting as a confidante or “sounding –board” for the Chair and take particular roles in meetings to support the chair
- (4) Functions of the Rapporteur are:
- To work with the secretary of the Committee and the Chairman in preparing agenda of the meetings
  - To Work with the secretary to ensure timely preparation of the minutes of the Committee
  - To Work with the Secretary of the Committee to avail all documents as required by the Committee
  - To Submits= reports to the Committee and through the Chair to the Regional Inter Ministerial Committee
10. (1) The Committee meets as often as necessary and at least twice a year when called upon by the Chairman.
- (2) The Committee decisions are taken by an absolute majority of the members present and voting. In the event of parity, the chairperson shall have the casting vote.
- (3) Members of the Committee sit in their personal capacity and are not represented;
- (4) Meetings can be held in any of the Members States as the Committee decides. In case none of the Member States of the ICGLR is ready to host, the meeting is held at the ICGLR Headquarters in Bujumbura;
- 11.11 The quorum of the Committee shall be 7 of the 11 Member States;
- 15.(1) Member States shall provide the Regional Committee with sufficient resources to carry out its work effectively;
- (2) The Conference Secretariat will include the budget of the committee in its annual budget as per its annual work plan;
- (3) The Regional Committee through the secretariat may fundraise for its activities and work plan from partners and friends of the Great Lakes Region;
17. The Conference Secretariat appoints a Secretary of the Committee who will lead a Technical Team that will provide the staff, means and services necessary for the effective operation of the Committee including support through ICGLR affiliates and partners;
18. (1) The Regional Committee member is a focal point in its respective Member State and will organise a national committee in close cooperation with the National Coordination mechanism;
- (2) The national committee will have grassroots structures to support and implement the ICGLR Protocol;
- (3) A committee Member at national level chairs the national committee
- (4) The ICGLR Secretariat may also provide the technical assistance, necessary for the effective operation of the national committee through its staff and partners as appropriate;
- (5) National action plans will be developed building from the regional action plans and will be harmonized with the international effort coordinated by the UN Secretary General Special Advisor for the Prevention of Genocide, OHCHR and other partners;

## Democracy Protocol

*(Preamble)* Reaffirming the principle of equality between men and women as laid down in the United Nations Charter, the Convention on the Elimination of all Forms of Discrimination against Women, the Convention on the Elimination of all forms of Racial Discrimination, the Convention against Corruption, Resolution 1325 of the UN, the Action Platform and Declaration of Beijing, the Millennium Development Goals, the Constitutive Act of the African Union, the New Partnership for Africa's Development (NEPAD), the African Charter on Human and People's Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Solemn Declaration of the African Union on Equality between Men and Women in Africa which emphasizes the commitment of the African States to ensure the full participation of African women in the development of Africa as equal partners;

Mindful of the Dar-Es-Salaam Declaration which recognizes that discrimination against women at all decision making levels, in the areas of peace and security, democracy and political, economic and social governance, needs to be addressed immediately in a proactive and sustainable manner;

25. (1) Defence and security forces training curriculum shall include education in constitutional values, international humanitarian law and international human rights as well as principles of the rule of law and democracy.  
(2) Each Member State shall endeavor to establish joint training and education programmes between members of defence and security forces and other sectors of society...
38. Member States recognize that respect for human rights is the best guarantee against threats to peace, political stability and development.
39. Member States undertake to establish national and regional institutions and mechanisms to protect human rights and to provide them with the necessary support to perform their duties.
44. (1) Member States recognize that empowerment of women and protection of their rights guarantee development and peace in society.  
(2) To this end, Member States undertake to establish appropriate mechanisms and adopt a regional gender policy to promote women's rights and to eliminate all forms of prejudices, degrading and discriminatory practices against them in accordance with appropriate national, regional and international standards in force.
45. (1) Member States shall protect the rights of children and ensure their welfare in accordance with the United Nations Convention on the Rights of the Child and the African Charter on the Rights and the Welfare of the Child...

## IDP Protocol

4. (1) Member States undertake to:
  - (a) Adhere to the principles of international humanitarian law and human rights applicable to the protection of internally displaced persons in general and as reflected in the Guiding Principles in particular;
  - (b) Respect and uphold Security Council Resolution 1296 applicable to the protection of the civilian population during armed conflict as well as Security Council Resolution 1325 applicable to the protection of women and their role during armed conflict, including their participation in decision making and administration of programmes, with respect to their safety, welfare, health needs, sanitary care, reproductive rights, food distribution, and the process of return;...
  - (d) Provide special protection for women, children, the vulnerable, and displaced persons with disabilities;...
  - (f) Ensure the safe location of internally displaced persons, in satisfactory conditions of dignity, hygiene, water, food and shelter, away from areas of armed conflict and danger, and having regard to the special needs of women, children, the vulnerable, and persons with disabilities;
6. (1) Member States undertake to adopt and implement the Guiding Principles as a regional framework for providing protection and assistance to internally displaced persons in the Great Lakes Region...

(3) Member States shall enact national legislation to domesticate the Guiding Principles fully and to provide a legal framework for their implementation within national legal systems.

### *Annex to the IDP Protocol: Guiding Principles on Internal Displacement*

#### **Principle 10**

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
  - (a) Genocide; ... Threats and incitement to commit any of the foregoing acts shall be prohibited.
2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:
  - (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted; ...
  - (d) Attacks against their camps or settlements; ...

#### **Principle 11**

1. Every human being has the right to dignity and physical, mental and moral integrity.
2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
  - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
  - (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
  - (c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

## **Non-Aggression Protocol**

*Article 4 (Prohibition on the Threat or Use of Force by Member States).*

(8) Member States agree that the provisions of this Article and Article 5 [Non-Aggression] of this Protocol shall not impair the exercise of their responsibility to protect populations from genocide, war crimes, ethnic cleansing, crimes against humanity, and gross violations of human rights committed by, or within, a State. The decision of the Member States to exercise their responsibility to protect populations in this provision shall be taken collectively, with due procedural notice to the Peace and Security Council of the African Union and the Security Council of the United Nations.

## **Judicial Cooperation Protocol**

*(Preamble)* Considering that respect for human rights is a fundamental guarantee against threats to the peace and internal security of States; ...

Deeply concerned by the upsurge in crime aggravated by impunity which together exacerbate a climate of insecurity in the Great Lakes Region;

Aware of the particular need for measures to combat impunity at the regional level and to ensure that all persons against whom there is evidence to show that they have committed offences in one of the countries of the Great Lakes Region shall be prosecuted and convicted;

Considering that for this purpose it is necessary for the Member States to extend reciprocal judicial assistance to one another in the matter of extraditing accused or convicted persons;

Considering that in order to facilitate the trial of the individuals referred to above, States must also cooperate with one another in respect of investigations, prosecutions and the exchange of information and documents;...

Determined to fill the institutional and legal gaps noted to date in the area of judicial and police cooperation among the States of the Great Lakes Region and desirous of enhancing the protection of citizens of the countries of the Region and their property;

2. The Member States undertake to extend reciprocal judicial assistance with respect to the extradition of fugitives or accused persons in accordance with the provisions of this Protocol.
3. Any offence or attempt to commit an offence which, under the laws of each of the Member States, is punishable by an imprisonment of not less than six months shall be extraditable, notwithstanding that a lesser punishment may be passed in relation to such offences.
5. (1) In the case of an accused person, extradition shall be granted if the commission of the offence concerned is such that the laws of the Member State in which the person is found would justify his or her arrest and imprisonment as if the offence had been committed in the territory of such a Member State.  
(2) In the case of a convicted person, extradition shall be granted upon sufficient proof of conviction under the laws of the Member State in whose territory the convicted person is present.
6. The Member States shall not be obliged to extradite their nationals. Where a request for the extradition of a national is made, the requested State shall submit the request to its competent authorities with a view to commence criminal proceedings against such a national if sufficient evidence to warrant such proceedings exists. For this purpose, records, information and exhibits supporting the request shall be sent to the competent authorities of the requested State. The requesting State shall be informed of the outcome of any such proceedings.
8. (1) The competent authorities of any Member State may take an accused or fugitive offender into preventive custody on the basis of denunciation, complaint, evidence, prosecution or conviction known to the competent authorities of such a Member State as would, in their informed opinion, have justified the said arrest if the offence had been committed, or the conviction had been secured, in the territory of their own State...  
(3) In case of emergency, and in order to ensure prompt and effective punishment of the offender, any competent authority in one of the Member States may send an urgent written message to a competent authority of another Member State, giving the details of the offence committed and requesting that the alleged perpetrator of the offence be taken into custody....
16. (1) In conformity with the provisions of their national legislation and the applicable international legal instruments, the Member States undertake to assist one another by dealing with requests from respective competent authorities, and to apply necessary measures to facilitate the procedures and formalities relating to the investigation and prosecution of offences.  
(2) In this respect, the Member States undertake to cooperate in police investigations conducted by Member States in their respective territories.  
(3) The Member States undertake to accord each other mutual legal assistance in criminal investigations with a view to strengthening the measures necessary to prevent, investigate and punish crimes.
17. (1) The Member States undertake to extend reciprocal legal cooperation by establishing Joint Investigation Commissions.
18. (1). The request for the establishment of a Joint Investigation Commission shall be transmitted through diplomatic channels by the Minister in charge of Legal Affairs in the requesting State to the Minister in charge of Foreign Affairs in the requested State....  
(3) The establishment of a Joint Investigation Commission may be refused only if the requested State deems it to be a potential threat to its sovereignty or its internal security.  
(4) In the event of such refusal, a carefully reasoned decision taken by the competent authority of the requested State shall be notified to the requesting State within ninety days.

19. (3) The Joint Investigation Commission in charge of conducting the interview shall have the right to meet the persons to be interviewed and to pose any questions which such a Commission may deem necessary.
  - (4) If visits or searches at the homes of presumed perpetrators or in other places are requested, the request shall indicate the names and addresses of the persons concerned, and shall specify the places to be visited and the useful elements to the investigation that the requested measure is likely to establish.
  - (5) If the situation requires further investigation, the request shall contain a statement of the facts on which it is based and a detailed description of the task to be assigned to the investigators. Any such investigation shall be conducted in accordance with the procedure of the requested State.
20. Minutes, reports and all other documents provided by the Joint Investigation Commission shall constitute valid evidence for the authorities of the requesting State in the same way that the requested State would consider such evidence to be valid.
21. (1) In order to effectively prevent and combat crime, the police forces of the Member States shall, within the framework of this Protocol, exchange information relating to the prevailing levels of crime and policies and strategies for preventing such crime.
  - (2) So far as criminal investigations are concerned, the police forces of the Member States shall seek and communicate to one another information on:
    - (a) Perpetrators, co-perpetrators and accomplices involved in the preparation or commission of international crimes;
    - (b) Any item of evidence related to an international crime actually committed or attempted;
    - (c) Materials needed to establish the proof that an international crime has been committed;
    - (d) Arrests and investigations conducted by respective police services against nationals of other Member States and persons residing in their territories.
  - (3) With respect to crime prevention, the police forces of the Member States shall seek and communicate to one another information concerning notices of frontier transit by protected persons, wanted persons, persons to be kept under surveillance, movement of suspected vehicles, dangerous or prohibited items, etc.

## Media Protocol

5. The functions of the [Regional Council of Information and Communication of the International Conference on the Great Lakes] shall be to: ... (4) Promote the use of the media to combat all discriminatory ideologies, policies and practices and any acts of genocide, massacres..., exclusion, as well as any other forms of violence or crime; ... (10) Disseminate policies and mechanisms for promoting and mainstreaming gender equity at all levels and in all sectors, at the national and regional levels, in accordance with the Millennium Declaration 2000, the UN Security Council Resolution 1325 (2000), the Convention on the Elimination of all forms of Discrimination against Women 1979, the African Charter on Human and Peoples' Rights 1981, the Protocol on Women's Rights in Africa 2003, and the African Union's Declaration on Gender Equality in Africa 2004;

## Gender Ministers' Recommendations

WE the ICGLR Ministers in charge of Gender present at the High level consultation meeting on Sexual and Gender Based Violence (SGBV) at the Arusha International Conference Center on 4th November 2011 under the theme: "United to prevent, end impunity and provide support to the Victims of SGBV" in preparation for the Special Session on SGBV

HAVING Considered the report and recommendations on the status of SGBV from the ICGLR Member States, highlighting efforts made by the Member States but also challenges and gaps on prevention, ending impunity and support to survivors

Acknowledging that Sexual and Gender Based Violence in its various manifestations occurs in peacetimes, during conflict and post conflict settings

DEEPLY concerned that the incidence of SGBV in the Great Lakes Region remains alarmingly high, despite the existence of institutional, policy and legal frameworks for the prevention of SGBV and punishment of perpetrators

RECOGNIZING the severe impact of SGBV on the individual, the family, the community and the state

CONSCIOUS of the serious threat SGBV poses on Security and Development of states in the region  
RECALLING the commitment made by the Heads of State under the Pact on Security, Stability and Development in the Great Lakes Region (2006) and the Protocol on Prevention and Suppression of Sexual Violence against Women and Children (2006)

MINDFUL of other relevant international instruments including the International Convention on the Elimination of all forms of discrimination against women (CEDAW)(1979) and UN Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010)

AWARE of the forthcoming ICGLR Special Session on SGBV during the fourth ordinary Heads of State Summit scheduled for Kampala 15 December 2011

DO HEREBY recommend to the ICGLR Heads of States as follows:

#### *Prevention of SGBV*

1. Within an agreed time-frame to eradicate existing armed groups in the Region in conformity with the ICGLR Protocol on Non Aggression and Mutual Defense.
2. Fully domesticate and implement the Protocol on Non aggression and Mutual Defense, Protocol on Prevention and suppression of sexual Violence against women and children as well as the Protocol on Judicial Cooperation, in order to eradicate the existing armed groups, combat Sexual and Gender based Violence and cooperate in matters of extradition, judicial investigation and prosecution of the perpetrators.
3. Commit to increase financial and technical support for judicial and security sector reform on human and women's rights and SGBV eradication. This will provide institutional capacity and accountability to protect women, girls, men and boys from sexual and Gender Based violence in peace time, during conflict and post-conflict situations as a political and security strategy within 12 months..
4. Direct responsible institutions to strengthen or establish national level structures, such as national committees for protection and support for women and children against SGBV and early warning mechanisms within 12 months after the special session to facilitate reporting and documentation of SGBV cases from the grassroots and fast track prosecution of those responsible for perpetrating sexual violence to make sure that justice is done swiftly and effectively.
5. Commit to allocate budget lines for prevention and response to SGBV particularly the ministries of Health, Defense, Security, Interior, Local Government, Justice, Education and Youth.
6. To establish Gender desks (where they do not exist) and strengthen them where they exist and allocate relevant budget within the next financial year.

#### *Ending Impunity for SGBV*

7. Declare « Zero Tolerance Now » on SGBV crimes and impunity and launch national campaign for zero tolerance on SGBV simultaneously including men in all ICGLR countries after the Special Session of SGBV (2011).
8. 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 the Special Session on SGBV (2011) to improve access to justice

and protect SGBV victims/survivors in line with Article 6 (5) of ICGLR Protocol (2006) on Prevention and Suppression of Sexual Violence against women and children

9. Establish appropriate mechanisms to investigate and prosecute sexual violence crimes, including crimes that amounts to genocide, war crimes or crimes against humanity committed in the region.

*Support to victims/survivors of SGBV*

10. To 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).
11. To fast track the establishment and/or scale up (decentralization) of “one stop centres” for comprehensive services including free medical, psychosocial, forensic, judicial/prosecution services within the next two years of the Special Session on SGBV. Such centres should be user friendly particularly to women, youth, children, persons with disabilities and men.
12. Direct the relevant ministries and public agencies to establish and strengthen income generating programmes and initiatives to support women especially those in cross-border trade areas, targeting survivors of SGBV.

*General Recommendations*

13. To strengthen the Levy Mwanawasa Regional Centre for Democracy, Good Governance, Human Rights and Civic Education to be able to train and sensitize judicial officers, police units, social workers medical officers and other categories of persons who handle cases of sexual and gender based violence in the great Lakes region in line with Article 6 (9) of ICGLR Protocol (2006) within the next 12 months.
14. Put in place national and regional media strategy for sustainable use of electronic and print media especially radios, news papers, televisions and community/traditional based means to expose the atrocities of sexual and gender based violence, and facilitate the sensitization and fight against SGBV
15. Direct ICGLR Secretariat to follow-up the implementation of the above recommendations and report on regular basis to RIMC and the Summit during ordinary sessions.

## About the International Refugee Rights Initiative

The International Refugee Rights Initiative (IRRI) works to enhance the protection of the rights of those who are forced to flee their homes worldwide. IRRI grounds its research and advocacy in the rights accorded to the displaced in international human rights instruments and strives to make these guarantee effective in the communities where the displaced and their hosts live. Based in New York and Kampala, IRRI acts as a bridge between local advocates and the international community, enabling local knowledge to infuse international developments and helping local advocates integrate the implications of global policy in their work at home. Currently IRRI has a regional focus on Africa, the continent that hosts more refugees per capita than any other.