

# The power of influences

- The Democratic Republic of the Congo's efforts to combat conflict-related sexual violence

# Abstract

In the Democratic Republic of Congo (DRC), conflict-related sexual violence is widespread. The United Nations has made several efforts in combating this violence, for example adopting the United Nations Security Council Resolution 1820 from 2008. An interesting question is if these resolutions, which can be seen as a manifestation of an international norm that condemns sexual violence, can affect the behavior of states. In this study we have conducted a qualitative text-analysis of various reports and compared governmental initiatives by the DRC government before and after 2008, to see if the resolution has had an effect on the state's behavior. In conclusion, we discovered that the DRC government has changed its behavior in line with the resolution and that this could be explained by the social influence mechanism of acculturation, i.e. striving to belong to a social community (the international community).

*Keywords:* conflict-related sexual violence, the Democratic Republic of Congo, United Nations Security Council, 1820 (2008), acculturation, norm compliance

*Amount of words:* 7499

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# 1 Introduction

Sexual violence in conflict is sometimes referred to as history's greatest silence. Combating it has been on the international agenda for many years, but in the Democratic Republic of the Congo (DRC) the levels of brutality are reaching appalling heights. In this country, rape and other forms of sexual violence has been used as a weapon of war throughout a protracted intra-state conflict and has become a systematic way to beat the enemy on a structural level.<sup>1</sup> Even though sexual violence in conflict is not unique to the DRC or Africa, the scale of this violence in the country has resulted in what some may call a "war within the war". Sexual violence in conflict is not a new phenomenon, throughout history it has been portrayed as an inevitable part of warfare. But with the adoption of United Nations Security Council resolution 1820 (UNSCR 1820) in 2008, the UN declared that sexual violence in conflict is a war crime and a threat to international security. This can be seen as a turning point for the international community and a manifestation of a prevalent norm that condemns conflict-related sexual violence (CRSV).

## 1.1 Purpose and research question

The purpose of this paper is to examine how the UNSCR 1820 has been implemented and if it has had an impact on the behaviour of the DRC government. By looking at the behaviour of the DRC state, we hope to give an explanation to why states in general choose to implement resolutions. To analyse this, we will use Goodman and Jinks' three mechanisms of social influence - coercion, persuasion and acculturation. This theory offers an explanation to why states choose to follow international laws and norms. We will contribute to the theory by applying it on a resolution instead of a law or treaty.

This will be a comparative study over time, before and after the resolution. We will look at governmental initiatives and how the DRC leadership has implemented the resolution. This will give an implication of the behaviour of the DRC leadership, and if it has changed since 2008. The independent variable is the resolution as a norm and the dependent variable is the behaviour of the DRC government. We believe the DRC has changed their behaviour in accordance to the UNSCR 1820 and taken some steps to combat CRSV, and will also examine why this is the case.

Our research question is therefore the following:

Has the DRC government's behaviour regarding CRSV changed after the adoption of the UNSCR 1820? If so, what explains the change?

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<sup>1</sup> Peterman et. al, 2011, p. 1060

## 2 Theory

### 2.1 Previous research

There has been some research conducted on the situation of sexual violence and UNSCR 1820 in the DRC. For the most part, this research discusses victim's' situation and how to best combat the issue or tries to explain why sexual violence is so common in the area. Janie Leatherman has written the book "Sexual violence and armed conflict" on the subject. Her main focus here is not the DRC in particular, but since the country makes for such an interesting case, she brings it up several times throughout the book. She brings up causes and consequences as well as responses to CRSV and discusses different prevention strategies. She means that "hegemonic masculinity" is one of underlying, structural causes of the problem and that this issue must be addressed.<sup>2</sup> Other research made on the specific case of the DRC include a report from the Nordic Africa Institute, where causes of the problem are raised,<sup>3</sup> and the article "Sexual and gender-based violence in the Democratic Republic of Congo", discussing the governmental work and what needs to be done to combat CRSV.<sup>4</sup>

States' behaviour and why they comply with international agreements have been thoroughly examined. Realism, liberalism and constructivism give different kinds of answers. Jeffrey T. Checkel for example, one of the many scholars who investigated state compliance, did so in his article "Why comply?". In his article, he brings up two mechanisms of social interaction that can lead to compliance - coercion and persuasion.<sup>5</sup> Goodman and Jinks then introduced

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<sup>2</sup> Leatherman, 2011, p. 182

<sup>3</sup> Baaz – Stern, 2010

<sup>4</sup> Yolanda, 2015

<sup>5</sup> Checkel, 2001

the third mechanism, acculturation. This research only treats state compliance to treaties, agreements, laws and such.<sup>6</sup> Olga Avdeyeva has used Goodman and Jinks' theory to explain state compliance to international treaties on violence against women.<sup>7</sup>

## 2.2 Theoretical framework

In order to answer the research question, we will apply Ryan Goodman's and Derek Jinks' theory on social influence, which offers an explanation to why states comply with international human rights law. Ryan Goodman and Derek Jinks identify three mechanisms of social influence, i.e. how states and institutions can influence the behaviour of other states: coercion, persuasion and acculturation.<sup>8</sup> These social influences all lead to, if successful, adoption of laws but not necessarily acceptance of the norm that the law represents. The three mechanisms have different consequences for the ratification of international law. In this paper, these mechanisms will be applied on the UNSC resolution 1820 instead of international human rights law.

Coercive mechanisms are central in realist and neoliberal theory of compliance to international norms. Coercion focuses on social influence where states and international organizations use measures to push a state to change its' behaviour, for example using sticks and carrots (material incentives) to create compliance. If the material incentives change, so will the compliance - therefore coercion only leads to short-term commitment. This mechanism does not require states to accept new norms.<sup>9</sup> However, Olga Avdeyeva claims in an article on the subject that coercion does not explain why states adopt laws they do not have a material interest in or do not have the capability to implement.<sup>10</sup>

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<sup>6</sup> Goodman - Jinks, 2004

<sup>7</sup> Avdeyeva, 2007

<sup>8</sup> Goodman – Jinks, 2004, p. 629

<sup>9</sup> Goodman - Jinks, 2004, p. 633-634

<sup>10</sup> Avdeyeva, 2007, p. 880

Persuasion is the second mechanism and centrals around active debate between actors. It does not involve manipulation or imperative measures. States rather change their behaviour after deliberation, learning processes and convincing persuasion. By providing information about old norms they are challenged and leads to behavioural change. Since persuasion ultimately leads to norm acceptance, this mechanism is more long-term than coercion. The state has fundamentally changed its behaviour through convincing influence, which means it is not as sensitive to material costs and benefits as the coercive mechanism.<sup>11</sup> Again, Avdeyeva means that this mechanism does not explain why states adopt and implement international laws even when there are no persuasive strategies at work. States still ratify laws they do not agree with normatively.<sup>12</sup>

The third and last mechanism is acculturation, which focuses on social and cultural pressure from a surrounding environment. States are described as social actors which strive to conform and to belong to a bigger social community. States try to adapt to other states' norms, beliefs and positions in order to conform to a surrounding environment. Other states and international organisations can use strategies such as shaming, shunning and exclusion in order to pressure a state into conformity. States can choose to only respond to those social pressures that threaten their legitimacy. What makes acculturation different from persuasion and coercion is the fact that it does not require states to change their behaviour or accept new norms, even if they for example ratify a law. This mechanism sees social costs (for example the social cost of being the black sheep in the region) and benefits as mechanisms of social influence instead of material costs and benefits.<sup>13</sup>

Acculturation explains why states adopt new laws even if they do not implement them fully or normatively agree. States get a new social status in the international community by adopting a law. This makes them strive to comply with new commitments in order to sustain this status, which also makes them vulnerable to monitoring organs. This phenomenon is called “a paradox of empty promises”, i.e. if a state only formally commit to treaty, it is still vulnerable to pressure from the international community.<sup>14</sup>

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<sup>11</sup> Goodman – Jinks, 2004, p. 635-638

<sup>12</sup> Avdeyeva, 2007, p. 881

<sup>13</sup> Goodman – Jinks, 2004, p.

<sup>14</sup> Avdeyeva, 2007, p. 887



**Table of the mechanisms of social influence.**<sup>15</sup>

Mechanism	Behaviour	Forms of influence	Operationalisation	Result
<i>Coercion</i>	Cost-benefit calculations, material incentives	Carrots and sticks, material rewards	Sanctions, aid, trade	Compliance to international norms
<i>Persuasion</i>	Active debate, learning processes	Convincing new norms, teaching and framing	Giving recommendations, meetings with the elite	Acceptance of new norms
<i>Acculturation</i>	Assimilation of an actor to a group, achieving social status	Social and cultural pressure from surrounding environments, social rewards and punishments	Shunning, shaming, exclusion, inclusion	Conformity, does not always lead to norm acceptance

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<sup>15</sup> Goodman – Jinks, 2004, p. 655 (interpreted and altered by us)

### 3 Research design and method

To investigate the behaviour of the DRC government, a comparative design over time will be used. The choice to examine the UNSCR 1820 instead of any other resolution is based on its' focus on conflict-related sexual violence as a tactic of war and the concrete measures it suggests to prevent it. Succeeding resolutions have had the same focal points, deepening and developing them, but the UNSCR 1820 was the first of its' kind. We want to clarify that the resolution 1820 is seen as a manifestation of a prevalent norm in the international community. The UN is the organization that has the highest amount of nations as members and can therefore represent the international community.

The case of the DRC, and especially the eastern part of the country, makes for an interesting subject since it has suffered from a protracted civil war characterized by sexual violence before, through and after the adoption of the resolution. Sexual violence in the DRC has been so widespread and has become such a defining part of the conflict and the UNSCR 1820 is without doubt addressed to situations like these. The situation is widely reported and the longevity of the conflict makes it easy to see changes that have been made over time, while the preconditions are almost the same.

The comparative study will examine the behaviour of the DRC in relation to CRSV before 2008 (2000-2008) and after 2008 (2009-2014). The reason we have chosen these two periods to compare is quite clear - we want to see if the behaviour has changed as a cause of the adoption of the resolution in 2008. We will base this on statements and action taken by the DRC government that implies that they have recognized their responsibility regarding the issue. Measures taken to prevent sexual violence that we will look closely at include:

- Establishment of governmental offices or institutions to combat CRSV
- Adoption of laws
- Adoption of action plans
- Implementation of several policy components, including:
  - Police and military training
  - Persecution, combating impunity and judicial training
  - Public awareness campaigns and NGO support
  - Victim support

To what extent these steps have been taken will determine how much the DRC government's behaviour has changed regarding CRSV, and if it coincides with the international norm stipulated in the UNSCR 1820.

These factors are chosen because of their connection to and mentioning in the resolution (which we will get into later), as well as their coverage in reports. Olga Avdeyeva used in her article similar factors to determine the scope of implementation of policies on violence against women, and we find these very relevant to our case as well. The level of sexual violence, estimated numbers of cases of rape for instance, will not be taken under much consideration since this does not have to be an indicator behavioural change. It may indicate if the implementation has been successful or not, but steps could have been taken without showing results so early on in the process.

Measuring levels of police training, persecutions and so forth is quite difficult. We are not only interested in the scope of implementation, but also the dedication of it. We have conducted a qualitative text-analysis with documents and reports from the UN, Human Rights Watch (HRW) and Amnesty International to retrieve information and get an accurate picture of the situation. These organizations carry out qualitative reports systematically and bring up both what progress has been made and what could be amended. The UN may have a different perspective than the other organizations for two reasons. Firstly, they stipulated the UNSCR 1820, and secondly, they have a role in the conflict and work against CRSV in the DRC with their mandate MONUC, and later MONUSCO. Therefore, they are more inclined to show improvement in the area, even though they also point out what challenges there are. The other organizations work more towards pointing out human rights violations, including CRSV.

# 4 Empirical findings

## 4.1 The resolution

Adopted in June 2008, the UNSC resolution 1820 condemns sexual violence and claims that the use of sexual violence in conflict is a war crime. This means that rape and other forms of sexual violence can be used as a weapon of war, specifically targeted at women and girls.<sup>16</sup> Therefore, these crimes should be excluded from amnesty provisions.<sup>17</sup> The resolution recognizes that sexual violence in conflict may hamper attempts to establish peace and security, i.e. CRSV is a threat to international security. According to the resolution, states have the main responsibility to protect people in its territory from human right violations.<sup>18</sup> The resolution also demands that concerned parties take measures to protect civilians from these crimes. These measures include training troops, maintain military discipline and make sure that the principle of command responsibility (that the commander is responsible for his or hers subordinates) is enforced.<sup>19</sup> On a societal level, the resolution strives to crush myths that encourage sexual violence. In the resolution, it is also stressed that persons committing these crimes must be prosecuted by the state, in order to provide legal protection and justice for victims of CRSV. Ending impunity is an important part in combating sexual violence in conflict and to uphold peace and justice.<sup>20</sup> Furthermore, the resolution stresses that regional parties should implement policies that support and help victims of CRSV. The resolution also mentions the importance of strengthening and developing national institutions, among them

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<sup>16</sup> UNSCR 1820, 2008, p. 1

<sup>17</sup> UNSCR 1820, 2008, §4

<sup>18</sup> UNSCR 1820, 2008, §4

<sup>19</sup> UNSCR 1820, 2008, §3

<sup>20</sup> UNSCR 1820, 2008, §4

health and judicial systems, in order to provide sufficient victim support.<sup>21</sup> The factors that were previously raised in the method section are connected to the measures explained in the resolution.

## 4.2 The DRC case

The Democratic Republic of Congo has experienced civil war and other kinds of violence for decades, the latest one starting in 1996. A wide range of actors has been involved, and there violence is still present in the eastern part of the country. The conflict has been characterized by systematic and strategic sexual violence, targeting women and children as well as men. This sexual violence has been so widespread and such a defining part of the conflict that it has been called “the war within the war”, not comparable to any other historic or present conflict. Sexual violence in the DRC is used as a weapon of war.<sup>22</sup>

### 4.2.1 Before 2008

Conflict-related sexual violence was a big problem in the DRC even before the UNSCR 1820 was introduced. Estimated numbers of over 10 000 people were exposed to sexual violence between 1998 and 2008.<sup>23</sup> The number of UN reports addressing conflict-related sexual violence both in general and in the DRC is quite few, but gradually increases. In reports by the HRW, the issue of conflict-related sexual violence is brought up but not considered the most pressing problem. The UN has been present in the DRC through the mission MONUC, which primarily focus was “bringing stability to the region” and protecting civilians, from sexual abuses amongst many other things.<sup>24</sup> The raging war ended in 2003 and elections were held in 2006, but fighting was still present during this period in the eastern part of the country. All sides of the conflict carried out sexual abuses. According to a HRW report from 2002,

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<sup>21</sup> UNSCR 1820, 2008, §13

<sup>22</sup> Human Rights Watch 2014 (1)

<sup>23</sup> Human Rights Watch, 2008 (1)

looking at 2001, the DRC president Joseph Kabila talks about and promises a change in the human rights situation in general - but not much is done.<sup>25</sup> Sexual violence gets more attention in the HRW report conducted in 2005, but in the years after, it is the elections being held that are most monitored.<sup>26</sup> Steps taken by the authorities to protect the people from CRSV have been few. During this period, the focus was on ending the conflict and monitoring elections, so CRSV was not the most pressing issue.

### **Establishment of governmental offices or institutions to combat conflict-related sexual violence**

Going from a completely war-torn country to a, in theory, democracy with elections but remaining conflict in especially the eastern part, many governmental changes were made. As far as we have seen though, the DRC did not establish any new offices or institutions to combat CRSV in particular during this period. However, in 2003, a National Human Rights Observatory and a Truth and Reconciliation Commission were established.<sup>27</sup> The legitimacy of these institutions is questioned by e.g. Amnesty International, since they “lacked sufficient independence” and hired an individual under suspicion of human rights abuses. In general, most governmental institutions were weak.<sup>28</sup>

### **Adoption of laws on conflict-related sexual violence**

In 2006, the DRC adopted two laws (06/018 and 06/019) on sexual violence, “amending and complementing the Decree of January 30, 1940 on the Congolese Penal Code Law (...and...) the Decree of August 6, 1959 on Congolese Civil Proceedings”.<sup>29</sup> The laws state that rape is to be punished by 5-20 years of imprisonment, that the victim has a right to a legal counsel, receive medical and psychological care and is to be treated with respect of his or hers privacy. However, according to Amnesty International in a report from 2008, the law “...was not widely implemented”.<sup>30</sup>

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<sup>24</sup> United Nations, 2016 (1)

<sup>25</sup> Human Rights Watch, 2002 (1)

<sup>26</sup> Human Rights Watch, 2005

<sup>27</sup> Amnesty, 2004 (1)

<sup>28</sup> Amnesty 2008, p. 111

<sup>29</sup> Accord DRC, 2010, p. 3

### **Adoption of national action plans**

In the year 2000, the DRC authorities conducted a national plan on human rights. It speaks of educating in sexual exploitation and harassment and mentions that women are especially exposed to this kind of discrimination. It also brings up prostitution as a problem.<sup>31</sup> It seems that the intention of the national plan is to draw attention to a previously neglected area. Important to note is that the report addresses human rights as a whole, and that sexual violence is only mentioned in a small part of the national plan. In 2003, the DRC ministries justice and human rights and the ministry of the status of women and the family developed a program called “joint initiative to combat sexual violence against women” together with the UN.<sup>32</sup> This program has not been mentioned in reports after the creation.

### **Police and military training**

All sides of the conflict, including the national forces, have carried out sexual abuses against civilians. Soldiers sent out to protect the population often did not intervene when rape occurred.<sup>33</sup> Therefore, police and military training on human rights could help combat CRSV. A HRW report from 2005 suggests that the DRC should initiate police and military training meaning that they did not have any such program in 2005.<sup>34</sup> In fact, the lack of training combined with failed integration of former rebels in the national army and extremely low salaries for soldiers means that no progress had been made in this area during this period.<sup>35</sup> The national soldiers were undisciplined, police violence was very common and CRSV continued like never before.<sup>36</sup>

### **Persecutions, combating impunity and judicial training**

Impunity was widespread in the DRC. Perpetrators of CRSV were more often than not able to escape the justice system. The judicial system was extremely corrupt. Victims often could not charge their perpetrators if they did not have the necessary amount of money to do so, which was very rare. In cases where charges were made, it was very difficult to convict the perpetrators due to lack of evidence and other various reasons. In 2004, 30 soldiers, none of

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<sup>30</sup> Amnesty International, 2008, p. 112

<sup>31</sup> National plan, 2000

<sup>32</sup> United Nations Economic Commission for Africa: African women’s right observatory, 2016

<sup>33</sup> Human Rights Watch, 2002 (1)

<sup>34</sup> Human Rights Watch, 2005

<sup>35</sup> Human Rights Watch, 2006

whom were senior commanders, were convicted for sexual abuses.<sup>37</sup> In 2006 there was some progress in persecutions when 7 officers were convicted for crimes against humanity after a mass rape.<sup>38</sup> This was the first time in the DRC history. Still, impunity was the norm and some people were even being promoted or rewarded despite facing suspicion of sexual abuses. Not many changes were made by the authorities in this area during this time period. The ICC started investigating crimes in the DRC in 2005.<sup>39</sup> In a report conducted by HRW in 2002, the DRC authorities are accused of protecting perpetrators and hiding the truth.<sup>40</sup> In 2008, before the UNSCR 1820 was adopted, several women groups and NGO:s claimed that “sexual violence is not taken seriously by the judicial system here in Congo, which has neither the will nor the resources to act”.<sup>41</sup>

### **Public awareness and NGO support**

NGOs and civil society, including churches and women’s groups, continuously work with the human rights situation in the DRC, including CRSV. They have provided medical and psychological care, educated societies about the issue and importance of not keeping quiet and gathered information about the situation of sexual violence. Besides this, they put pressure on the authorities, requesting criminal tribunals, reconciliation commissions, prosecutions of perpetrators and an atmosphere of dialogue in the country. Reactions of the authorities have not been positive. Human rights fighters were often ignored and they sometimes experienced threats or arrest by the military. The DRC did however, in 2003, set up a two-week campaign to combat sexual violence against women in collaboration with several civil society organizations.<sup>42</sup> Furthermore, the wife of president Kabula launched a campaign against sexual violence in 2007.<sup>43</sup>

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<sup>36</sup> Human Rights Watch, 2007

<sup>37</sup> Human Rights Watch 2005

<sup>38</sup> Human Rights Watch 2007

<sup>39</sup> Human Rights Watch 2006

<sup>40</sup> Human Rights Watch, 2002 (2)

<sup>41</sup> Human Rights Watch, 2008 (2)

<sup>42</sup> United Nations Economic Commission for Africa: African women’s right observatory, 2016

<sup>43</sup> Human Rights Watch, 2009 (1)



## **Victim support**

Clearly, the DRC government were failing in protecting the people from CRSV. Often, individuals had to take prevention measures themselves, like not walking the streets alone or migrating.<sup>44</sup> Shame, stigmatization and prejudice create discrimination, a lack of support from the local community and makes access to health care difficult.<sup>45</sup> The medical system was at times completely broken down in some areas, failing to provide basic medical care to most victims.<sup>46</sup> The medical system is only one indicator proving that the governmental support for victims was low. As mentioned before, few perpetrators faced charges and even fewer were convicted, which shows the lack of willingness from the government to bring justice to the victims. Coming out as a victim or witness was seen as dangerous what with the lack of witness protection and confidentiality measures provided by the authorities.<sup>47</sup> Victims may not press charges due to feelings of shame, and the Congolese family code stipulates that women are not equal to men in a marriage - a woman cannot testify or participate in any other legal act without the consent of her husband.<sup>48</sup> People had lost trust in the system and might not even turn to the authorities for help when necessary, believing it would not make any difference.<sup>49</sup>

### 4.2.2 After 2008

The years after the resolution are unfortunately not very different from the years before. With the adoption of the resolution, the government of the DRC has taken some steps towards combating CRSV, but this has not had a big impact on the situation in the country. According to Peterman et al., violence against women has as a matter of fact become more frequent and ruthless.<sup>50</sup> The United Nations Population Fund (UNFPA) recorded 11,768 cases of sexual and gender-based violence in the DRC in 2014.<sup>51</sup> In 2008, UNFPA recorded 15,996 new

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<sup>44</sup> Human Rights Watch, 2002 (2),

<sup>45</sup> Amnesty International, 2004 (2)

<sup>46</sup> Amnesty International, 2005

<sup>47</sup> Human Rights Watch, 2002 (1)

<sup>48</sup> United Nations Economic Commission for Africa: African women's right observatory, 2016

<sup>49</sup> Human Rights Watch 2002 (1)

<sup>50</sup> Peterman et al, 2011, p. 1060

<sup>51</sup> United Nations, 2015, p. 7

cases of sexual violence.<sup>52</sup> This is a slight but insignificant decrease. It is worth noting that it is very difficult to estimate these numbers, since no reliable national estimates exist in the DRC. The real level of violence cannot be predicted, and is probably higher than all of the estimates.<sup>53</sup> In 2010, the UN mission MONUC was replaced by a new mission, called MONUSCO.<sup>54</sup> In 2009, the president of the DRC Joseph Kabila established a zero tolerance policy against sexual violence.<sup>55</sup> Even if this can be seen as improvement, the government did not always act according to this zero tolerance policy, which will be evident further down.

### **Establishment of governmental offices or institutions to combat CRSV**

The government of the DRC has not established an institution specifically focused on combating CRSV since 2008. However, the state has appointed a minister of Justice and Human rights, and a minister of Gender, Family and Children. They are the closest resemblance to an office oriented towards combating CRSV.<sup>56</sup> Furthermore, in July 2014, the president of the DRC Joseph Kabila appointed a Personal Representative on Sexual Violence and Child Recruitment. This initiative was taken after a Global Summit on ending sexual violence in conflict in London one month earlier.<sup>57</sup> What effect this has on the rates of CRSV is difficult to predict, but it implies that the government has the question on the agenda.

### **Adoption of laws**

The president of the DRC Joseph Kabila has continuously emphasized the country's zero tolerance for sexual violence. The government has intentions to establish special chambers to prosecute perpetrators of grave international crimes, among them sexual violence. They have until this date not been established.<sup>58</sup> Furthermore, the government of the DRC has for a long time discussed adopting a law which would develop the judicial system by introducing so called "mixed chambers".<sup>59</sup> This institution would be both national and international with the goal to persecute perpetrators of war crimes, crimes against humanity and acts of genocide in

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<sup>52</sup> Peterman et. al, 2011,p.1060

<sup>53</sup> Peterman et al, 2011, s. 1060

<sup>54</sup> United Nations, 2016 (2)

<sup>55</sup> Human Rights Watch, 2009 (1)

<sup>56</sup> CIA, 2015

<sup>57</sup> United Nations, 2015, p. 8; Human Rights Watch, 2015; Foreign and commonwealth office, 2014

<sup>58</sup> United Nations, 2014, p. 10

<sup>59</sup> Human Rights Watch, 2011

the DRC. This would increase the accountability for grave crimes. Since this has not been adopted, the military tribunals are responsible for the persecution of soldiers.<sup>60</sup>

In 2012, the minister of justice and human rights in the DRC presented draft for a law aimed at establishing a reparation fund for victims of sexual violence. This legislation has not been introduced to the parliament yet.<sup>61</sup>

### **Adoption of action plans**

An action plan called the "Comprehensive strategy to combat sexual violence" was launched in April 2009 and is a framework developed in consultation with UN entities, MONUC, international NGOs and the DRC government. It is in line with previous UNSC resolutions, among them UNSCR 1820. Since then, the DRC government has promised its full commitment to the implementation of the strategy.<sup>62</sup> The strategy consists of four pillars: combating impunity, protection and prevention, security sector reform and multi-sectoral assistance for victims. To combat impunity the strategy's goal is to increase the judicial institution's capacities and develop a specialized judicial body focused on sexual violence. This also means improving access to justice and reparations for victims.<sup>63</sup> The second component, protection and prevention, aims to prevent threats, reduce vulnerability and exposure to sexual violence, which also means to fortify the resilience of victims of SV. The objective is to create a safe and protective environment for victims.<sup>64</sup> The third pillar, security sector reform, focuses on training and raising awareness among security forces, creating accountability and vetting (exclusion of perpetrators) mechanisms and DDR for female former fighters who are victims of CRSV.<sup>65</sup> The fourth and last pillar is multi-sectoral support for victims. This means to give victims better access to services (health, psychosocial, reintegration/judicial) and establishing minimum standards of assistance.<sup>66</sup> Further down in this text, it becomes clear that the DRC government has taken actions in line with this strategy after 2008, which is also in line with the UNSCR 1820.

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<sup>60</sup> Human Rights Watch, 2009 (2)

<sup>61</sup> United Nations, 2013, p.11

<sup>62</sup> United Nations Action Against Sexual Violence in Conflict, 2009, p. 4-5

<sup>63</sup> United Nations Action Against Sexual Violence in Conflict, 2009, p. 10-11

<sup>64</sup> United Nations Action Against Sexual Violence in Conflict, 2009, p. 34

<sup>65</sup> United Nations Action Against Sexual Violence in Conflict, 2009, p. 56-57

### **Police and military training**

Measures taken to limit sexual violence in conflict include the training of national police and military forces. Internally displaced persons are especially vulnerable to crimes of sexual violence, which is why the government of the DRC in 2013 made efforts to train the police working near displacement-camps. They would for example escort women when they were alone.<sup>67</sup> During 2012 the national armed forces learned about human rights and sexual violence from manuals validated by the government.<sup>68</sup> With the help of the MONUSCO Security Sector Development Unit, training programs for army officers was initiated in 2011. The officers would in turn teach about sexual violence, child protection, human rights and international humanitarian law. Similar programs have been developed for the national police force, which focuses on victims of sexual violence.<sup>69</sup> Although some progress has been made in training police and military forces, there are still some challenges. One problem is the inconsistent payment of soldiers and that salaries remain very low. Another problem is the integration of soldiers from armed groups into the national force. The government of the DRC claims that it is these former irregular combatants that commit the most crimes.<sup>70</sup>

### **Persecutions, combating impunity and judicial training**

Impunity remains a big problem in the DRC. Cases often do not get investigated and perpetrators remain unpunished. The situation is by no means solved, but progress has nonetheless been made in this area. In 2011 for example, 150 members of the FARDC or the national police were sentenced by the DRC judicial system for acts of sexual violence.<sup>71</sup> In 2012, that number was 49,<sup>72</sup> in 2013 61 people were sentenced<sup>73</sup> and in 2014, the number of people convicted rose to 117.<sup>74</sup>

Although this is a vast improvement since before the resolution, the people convicted only make up for a fraction of the acts of sexual violence committed, and impunity still remains the

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<sup>66</sup> United Nations Action Against Sexual Violence in Conflict, 2009, p. 68

<sup>67</sup> United Nations, 2014, p.9

<sup>68</sup> United Nations, 2013, p.11

<sup>69</sup> United Nations, 2012, p. 11

<sup>70</sup> United Nations, 2013, p. 11; United Nations, 2012, p. 10

<sup>71</sup> United Nations, 2012

<sup>72</sup> United Nations, 2013

<sup>73</sup> United Nations, 2014

<sup>74</sup> United Nations 2015

norm. Looking closer at the people convicted, it is clear that people attaining a high rank like general, colonel or captain in the national army or police are underrepresented. The first general ever convicted for acts of sexual violence in the DRC was general Kakwavu in 2011.<sup>75</sup> Between July 2011 and December 2013, 136 soldiers were sentenced, but only three of them were generals.<sup>76</sup> This is highly problematic since it is important that high-ranked officers need to be held more responsible for acts of sexual abuse, stating an example for their subordinates and being able to decide whether or not to accept sexual violence in order to combat CRSV on a structural level. This is obviously not the case. In fact, it is not uncommon that militaries of high rank suspected of sexual abuses receive promotions, more power and other rewards instead of charges. This is the case of general Ntaganda, who was promoted to national army general in 2009 despite being wanted by the ICC.<sup>77</sup> It was not until 2013, after leaving the army to form a rebel group, that Ntaganda was arrested.<sup>78</sup> His case was handled by the ICC. The principle of integrating former members of rebel groups into the army also gives suspects an opportunity to escape charges.<sup>79</sup> The UN Security Council has the unique ability to use targeted sanctions against individuals in order to combat sexual violence. In 2012, the UNSC issued sanctions against two high-ranked members of an armed group in the DRC, to deter them from further human rights violations.<sup>80</sup>

Because of the reasons stated above, the DRC judicial system is still considered very corrupt and underfunded according to the HRW.<sup>81</sup> With impunity so widespread and the lack of convictions of higher rank officers, it seems like the DRC do not consider the persecution of sexual abuse perpetrators being a priority. In a report conducted before the London summit in 2014, the HRW even states that:

“There have also been cases where it appears that individuals tried for rape were not the actual perpetrators, but they were prosecuted either because authorities wanted to show they were taking action or because they were sacrificed to protect their commanders”.<sup>82</sup>

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<sup>75</sup> Human Rights Watch, 2012

<sup>76</sup> Human Rights Watch, 2014 (1)

<sup>77</sup> Human Rights Watch, 2010

<sup>78</sup> Human Rights Watch, 2014 (2)

<sup>79</sup> Human Rights Watch, 2014 (1)

<sup>80</sup> United Nations, 2013, s. 25

<sup>81</sup> Human Rights Watch, 2014 (1)

<sup>82</sup> Human Rights Watch, 2014 (1)

### **Public awareness campaigns and NGO support**

No awareness-raising campaigns aimed specifically at conflict-related sexual violence have been launched by the DRC government after 2008. Although, an awareness-raising campaign on violence against women and girls have been launched. At the community level, mobile cinema projections were introduced in eastern DRC with the objective to inform the community about the problem.<sup>83</sup> Many NGOs are active in the DRC, but has during this period suffered from threats and are generally in a difficult situation.<sup>84</sup>

### **Victim support**

On a societal level, the support of victims of conflict-related sexual violence is an important strategic component for the implementation of 1820. One way to support victims is through reparations (i.e. financial compensation). In 2010, the UN reported that not a single victim of conflict-related sexual violence had ever received reparations in the DRC, not even in the cases where the perpetrator was prosecuted.<sup>85</sup> Since then, there has been a slight improvement. For example, in 2014, the government financially compensated 30 victims of a mass rape that occurred in 2003.<sup>86</sup> However, there are still many challenges in this area. In most cases the perpetrators are bound to pay reparation costs to victims, but are unable to do so. This combined with a lack of funding for reparations from the government, means that many victims are still not compensated at all.<sup>87</sup>

Regarding other forms of support, there have been some improvements. In 2013 national protocols on medical and psychosocial support, legal services and socio-economic reintegration were validated with the aim to create minimum standards for the quality of the care for victims.<sup>88</sup> In 2014, 12,247 survivors got multisector assistance, in line with the comprehensive strategy to combat sexual violence. The majority of these acquired psychological care to help them deal with the incidents.<sup>89</sup> But even though an increasing

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<sup>83</sup> United Nations, 2011, p. 5

<sup>84</sup> Human Rights Watch, 2015

<sup>85</sup> United Nations, 2010, p. 15

<sup>86</sup> United Nations, 2015, p. 8

<sup>87</sup> United Nations 2014, p.9

<sup>88</sup> Ministère du genre, de la famille et de l'enfant, 2013; United Nations, 2013, p. 10; United Nations, 2014, p. 9

<sup>89</sup> United Nations, 2014, p.9

number of victims have received support from different sectors, there are still some difficulties present. One challenge is that the multi-sectoral support often is available in bigger cities only. In remote areas where assistance (for example legal support) is mostly absent, most civilians seek other informal solutions to incidents of sexual violence, for example marriage between the perpetrator and the victim.<sup>90</sup> The health facilities in isolated areas are also badly equipped, not secured from attacks and of a general bad quality.<sup>91</sup> In general, women's access to justice in the DRC is affected by the lack of economic and social rights. The DRC elite has done quite a lot for the victims of sexual violence, but still has difficulties in changing the norm and environment that allows this to happen.<sup>92</sup>

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<sup>90</sup> United Nations, 2015, p. 9

<sup>91</sup> United Nations, 2013 p. 9, United Nations, 2014 p. 9

<sup>92</sup> Human Rights Watch, 2009

## 5 Comparative Analysis and application of mechanisms

In the years before and after the UNSCR 1820, there have been some behavioural changes and developments in the DRC government. A zero-tolerance on sexual violence was introduced, a larger number of soldiers were charged for crimes of sexual nature, a proposal on a mixed chamber has been introduced and several other actions were taken to deal with CRSV. An overall theme regarding laws is that there exist difficulties in actually adopting them. Many laws have been drafted, initiatives have been taken, but the policy-changes needed are absent. A law change could have a great impact on the situation, the state's behaviour and manifest a norm similar to the international one in UNSCR 1820. Victims received more support and overall, it seems like the behaviour of the state has indeed changed for the better since the resolution was introduced. However, there is no way to determine whether the changes made are due to the adoption of the resolution or not. The resolution might be seen as a natural development in the norm evolution. Furthermore, the steps taken are clearly not enough and impunity, low salaries, corruption and general nonchalance towards the issue still remains the norm. In conclusion - changes have been made and the DRC government has slightly changed their behaviour in line with the resolution, but despite this the situation is still intolerable. The DRC still has a long way to go before accepting the norm on sexual violence stipulated in the UNSCR 1820 and fully committing to the problem. In fact, it seems that the DRC are more inclined to show that they are taking action than actually taking action, since many of their initiatives have failed miserably.

Still, the DRC do partly follow the norm manifested in the resolution. An explanation to why states follow norms is mechanisms of social influence from various actors, for example the UN. These mechanisms will be further analysed in relation to the findings we have previously outlined. Even though the DRC has changed its behaviour, they still do not combat CRSV on a structural level.



## 5.1 Coercion

In the implementation of 1820, the mechanism of coercion can be spotted at work in various cases. An important feature of the resolution itself is that it puts CRSV in relation to sustainable peace and security. CRSV is made a matter of security, which also justifies actors taking more extreme measures in combating it. Sanctions have been issued towards generals of armed groups. However, according to our empirical findings, no large material pressures have been put on the DRC government. It is therefore evident that this is not the reason for the government's changed behaviour.

Furthermore, one could question whether it is favourable to use coercive measures against the DRC government in order for it to implement the resolution and change its behaviour, since this will only lead to short-term compliance. For more long-term compliance to a norm, the other two mechanisms' are preferred. Coercion can however be seen as a necessary step in order to end large human rights violations before more civilians are hurt. The coercive mechanism fails to explain why the DRC has made changes without large material pressure or incentives from the international community.

## 5.2 Persuasion

The adoption of the UNSCR 1820 can be seen as a kind of persuasive measure taken by the UN, or the international community as a whole, to try to convince the DRC among other countries to change its' policies on CRSV. The resolution is clear about not accepting CRSV, seeing it as an important issue, wanting it to end and wishing to spread this to the DRC. Also, reports and statements about CRSV continuously carried out by several NGOs or the UN can be seen as a way of persuasion as they explain their point of view and advice countries like

the DRC to follow their norm. The London summit in 2014, where an open discussion was held involving the DRC, is another example of attempt to persuasion.<sup>93</sup>

The DRC do take active part in these kinds of events and seems to agree with the norm on sexual violence on an official level. As we have seen, they have also taken some measures to prevent CRSV but the DRC have not yet completely accepted the norm. It might be possible that the DRC are in the learning process and have accepted the norm up to a certain level, which would explain why they have taken some action. Some individuals may have accepted the norm, some may not, and the same goes for different parts of the DRC officials. Accepting new norms that do not coincide with old ones means changing one's perception of the world, which can take time, and a learning process might be going on. It is possible that the norm has been accepted, but the DRC do not have the necessary means or resources to implement laws or spread awareness. The level of support and aid received from e.g. the UN via MONUSCO or independent states speaks against this. The awareness-raising campaigns have been few in the DRC, but could be a persuasive way to spread the international norm to communities. It seems unlikely that the norm has been accepted, since for example regular soldiers are being charged with sexual crimes and high ranking officers are not. The fact that the DRC officials sometimes contradict themselves with things they say or do point to that norm acceptance is not at all present and not reason for the behavioural change of the state.

### 5.3 Acculturation

Coercion and persuasion are important mechanisms of social influence, but does not fully explain how actors can influence the behaviour of the DRC. Acculturation offers adds another dimension to the question. Many reports are carried out by the UN or NGOs, documenting the situation of sexual violence in the country and what has been done to stop it. The DRC are continuously being criticized and shamed for behaviour that do not live up to the international norm on CRSV, and are given recommendations on how to change their behaviour. A wish to feel included in the international community could give an explanation to why the DRC has chosen to take some steps towards conformity to the international norm on CRSV. For

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<sup>93</sup> Foreign and commonwealth office, 2014

example, the national action plan from 2009 shows that the DRC government strives to conform to the international community, since it is in line with the resolution. It is hard to predict if any persuasive or coercive mechanisms are behind the national action plan, but it is in this case likely, because various IGOs and NGOs were consulted in the creation of it.

Conformity to the norm stipulated in the resolution results in a new social status for the DRC, and makes them eager to show a behaviour that coincides with the norm. As this paper has showed, it seems that the DRC government has changed its behaviour, but are not inclined to make any drastic changes to combat CRSV. However, the small steps taken and the resolution itself makes the DRC vulnerable to monitoring organs, much like if they were to sign a treaty. They are criticized for every step in the wrong direction and have an informal commitment to conform to the international society. The “paradox of empty promises”, means that even though the DRC does not have to normatively agree with international norms, they strive to conform to them, which is evident in this text.

## 6 Conclusion

This paper has examined if the DRC government has made behavioural changes as an effect of the adoption of the UNSCR 1820 in 2008. The empirical findings show that the DRC government has made changes in line with the UNSCR 1820, even though they in some cases have been small. The three mechanism of social influence (coercion, persuasion and acculturation) offers an explanation to why the government has changed its behaviour. They are all at work in this case, but since the DRC government has not made any large changes, it means that acculturation can best explain why they have made these changes.

A resolution alone cannot change the behaviour of states, but it can lead to increased pressure and make them vulnerable to pressure from other actors, which is evident in this case. Even though the DRC still faces many challenges, the implementation of resolution 1820 is a step in the right direction. This study is only offering one explanation to why the government of the DRC has made these changes, and encourages others to conduct further research on this subject.

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