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Chair

Mr. Scott Reid

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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• (1305)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): This is the 15th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today is December 12, 2011.

Two witnesses are joining us to discuss sexual violence against women in the Democratic Republic of Congo. We have Béatrice Vaugrante, Executive Director of the Canada Francophone Section, Amnesty International; and Denis Tougas, Coordinator of the Table de concertation sur la région des Grands Lacs africains, Entraide missionnaire.

[English]

Normally when we have two witnesses, we invite them to give their testimony and make a request that they keep their testimony within a certain length. The more time you take, the less time there is for questions and responses. At the same time, we don't want to cut you off.

I think you'll find, though, as witnesses, that the most productive part, where you can give the most useful information, is actually in responding to questions. So I do encourage a bit of brevity at the front end. I think it will pay its reward in the second part of the meeting.

With that being said, I invite our witnesses to begin. Would either of you like to go first?

[Translation]

Ms. Vaugrante, go ahead, please.

Ms. Béatrice Vaugrante (Executive Director, Canada Francophone Section, Amnesty International): Thank you very much, Mr. Chair.

I want to thank the Subcommittee on International Human Rights for inviting us and for inviting Amnesty International to speak to the violence against women in the DRC.

I will try to cover three points in my short presentation. I will talk about Amnesty International's research and the need for a new justice strategy. I will also make recommendations that could be useful to the subcommittee in terms of the actions Canada can take.

Amnesty International has been present in that region for many decades in order to document sexual violence, campaign for justice and the protection of advocates, and make specific recommendations to all the stakeholders.

Over the course of four terrible days in July and August 2010, more than 300 women, girls, men and boys were raped by armed men in the Walikale region, in North Kivu. The victims were robbed of their goods, and then left to suffer in a state of incredible shock. They lost absolutely everything: their physical and mental health, their means of livelihood and their feeling of safety. The rapes were committed 30 km from a UN peacekeeping force base with 80 peacekeepers on site. The rapes were organized and systematic. The national army did nothing to protect the population.

North Kivu's civilians have been suffering for years, while armed groups and Congolese or foreign soldiers have been fighting for control of resources, especially mining and land-based resources. Armed groups and members of the Democratic Republic of Congo's armed forces have been committing serious human rights violations, including war crimes and crimes against humanity.

The acts of sexual violence committed in the DRC are sometimes described as a war within a war. In the wake of the two years of war that ravaged the Democratic Republic of Congo in 1996 and 1998, the eastern part of the country continues to be ravaged by conflicts owing to the persistent presence of local and foreign armed groups fighting for power and control of resources.

The physical and psychological suffering is tremendous. Victims of mass rape, which is perpetrated collectively in most cases, require long and complicated treatment in an attempt to heal the physical injuries and significant psychological trauma. Local health centres are also pillaged. Very few victims receive immediate treatment after the attack. In addition, it is difficult for humanitarian organizations to provide victims with timely care and medication. The road infrastructure used to reach victims is in a pitiful state. Delivering medical equipment is almost impossible. Many victims don't try to obtain care, as they fear rejection by their family or husband. The trauma suffered by women who are victims of rape in the Walikale region seems to be exacerbated by the fear of rejection, sexually transmitted infections and unwanted pregnancy.

Psychological consequences for victims of sexual violence include depression, shock, deep-seated feelings of fear, rage and shame, loss of self-esteem, feelings of guilt, memory loss and nightmares. But that's not all; the socio-economic consequences are also very serious. Victims are discriminated against and rejected; they are abandoned by their husband, and must take care of their children alone. All their goods—their animals, home and what few possessions they have—are pillaged or stolen. They lose their means of livelihood and their ability to feed their children and meet their needs. Children's survival is a daily struggle. Elementary school education is not even free. Therefore, collective rape against women also has repercussions on future generations, as children stop going to school.

A number of women's organizations—and we want to stress this—human rights groups, churches and Congolese development organizations have joined forces to meet the victims' needs. Amnesty International estimates that those initiatives—which are mostly successful locally—provide a model that can and must be supported. The model is adopted and implemented by the DRC government, and all international donors must support that initiative in the case of a systematic national response to the crisis.

The attacks in the Walikale region have clearly brought to light how limited the integration process of armed groups into the Congolese army is. Investigations into the atrocities committed in North Kivu are moving along slowly. I was talking to Denis who told me that the trial could begin, but everything has been extremely slow. I will also explain later why there are many deficiencies in the system.

Fizi is another case. That's another place where collective and mass rapes took place. It is also overwhelming evidence that justice is lacking in the DRC.

• (1310)

In Fizi, women were raped twice: once in January and then again in June. The first time was one of the rare examples of the struggle against impunity. Those who committed the collective rapes were actually tried and sentenced to 15 or 20 years in prison. They were then sent to penitentiaries, but have since escaped. Many of them arranged to be broken out of prison or escaped on their own.

I will now discuss the need for developing a new justice strategy. Like many other international organizations, we have really focused over the last few months—especially as part of the election—on the need for justice. It is time for justice to be served. Our last report, which came out in August 2011 and was very long, explains what kind of strengthening the Congolese system needs. The current fragility of the Congolese criminal justice system and the lack of a comprehensive strategy for rebuilding and reform are the main obstacles to obtaining truth, justice and compensation.

Our report calls for the country's justice system to be reformed and strengthened. There are many deficiencies. There is a desperate need for a national witness and victims protection program. Corruption is endemic. The reasons behind that are the following: lack of judicial independence; staff, training and resource shortages; failure to enforce court rulings, including the state's failure to provide financial compensation; poor prison conditions; and, of course, the ease with which people escape from prison. In addition, owing to a lack of coordination between Congolese authorities and the numerous

international donors, certain issues are addressed twice or even three times, while others are not addressed at all.

The DRC government suggested creating a special court that would be empowered to render decisions on these crimes. The proposal was debated and then rejected. We hope that it will be reconsidered. Much more is needed for regular courts to be able to apply the necessary mechanisms, especially when it comes to guaranteeing trial fairness and consistency in proceedings, as well as providing a program for protecting victims and witnesses. We are really trying to send an important message as part of our work against impunity. An effective coordination mechanism must be established and agreed upon by all the donors and the government.

In Walikale, the victims were heard from and investigations were carried out fairly quickly by MONUSCO. Unfortunately, the victims were not provided with any kind of protection. They were brought by the truckload—for all to see—to an investigator for questioning. They suffered retaliation and were the target of many written and verbal threats. No one wants to testify in such conditions.

As I said, Fizi is one of the rare cases where the perpetrators were quickly brought to justice. Unfortunately, it is too easy to escape from prison.

A comprehensive strategy is necessary to prioritize the development of a strategy for reforming the justice system. Here are our recommendations to Canada and other international stakeholders.

First, the Human Rights Council must change its attitude from that of occasional indignation to that of true commitment to strengthening the DRC's justice system. Second, the international community must make sure that all the donors adopt a more concerted and comprehensive approach. Third, the funding required for reforming the DRC's justice system must be provided.

As we know, when countries are experiencing conflict, justice is the only way to put an end to rape and sexual violence. In addition, long-term and ongoing resources must be provided to local Congolese organizations that assist victims and defend human rights.

We acknowledge the relevance of the Canadian project and its great value added in terms of the struggle against sexual violence. We see this project, which is carried out by CIDA, as a high-profile commitment by the Canadian government in the fight against sexual violence. We commend the good practices included in the Canadian project's legal component. The financial support provided to courts and tribunals in legal proceedings has helped many women obtain a trial and led to a conviction of the guilty parties.

However, victim protection leading up to legal proceedings is very important. They must also be protected during the proceedings. They often find refuge in the homes of human rights activists. That's a huge obstacle for them. They must leave their home, travel 100 km or 200 km and leave their kids at home. Who will take care of the children? Who will feed them?

•(1315)

Although the Canadian project is a good initiative, the government should also consider supporting all the international efforts and being something of a leader in terms of justice in a more general sense. That way, it could try to take a more systematic approach to addressing the issue of sexual violence and preventing the stigmatization of the victims of that type of violence and other victims of human rights violations.

Amnesty International is not the only one conducting an important campaign within the international community concerning the DRC; many other NGOs are also doing so. The campaign calls for the creation of a concerted international justice program. We have benefited from the election, and we hope that the campaign promises will be honoured.

We would also like to say something about defending and protecting human rights activists. I have spoken with Justine Masika Bihamba, who was a victim of violent repression herself. She is in charge of a small group in the Congo for protecting women, her daughters and herself. One day, armed men came into her office, tied up her children in front of her, simulated and threatened her with sexual violence at knifepoint. We have submitted a petition with 20,000 signatures to the DRC embassy in Ottawa asking that human rights activists be protected.

At the technical level, we would also like to support—and we hope that Canada could do the same—a technical cooperation mandate at the Human Rights Council in order to support the DRC in terms of justice and impunity. An independent expert on the DRC would be involved. That person would have expertise in the areas of judicial reform and the struggle against impunity. That's really the way for us to put an end to sexual violence.

Thank you.

The Chair: Thank you, Ms. Vaugrante.

Mr. Tougas, you have the floor.

Mr. Denis Tougas (Coordinator, Table de concertation sur la région des Grands Lacs africains, Entraide missionnaire): Good afternoon. Thank you for having me. I must congratulate the members of the Subcommittee on International Human Rights on their ongoing interest in the issue of sexual violence, especially in the Congo.

In my presentation, I will talk about the actions taken to fight against massive human rights violations, the success of those actions, the limits we see today and a few suggestions for Canada.

As you heard, my name is Denis Tougas. I work for Entraide missionnaire, where I coordinate the activities of the Table de concertation sur la région des Grands Lacs africains. That organization has been around since 1989 and brings together most religious communities and international cooperation agencies that are involved in the region's three countries, especially the Congo. As such, the members and myself have been visiting the Congo for at least 15 years. I was there during the last election, whose outcome was announced four days ago.

As far as our specific problem goes, sexual violence has been denounced since the mid-1990s. I must point out, as my colleague

did, that on-site Congolese women's groups in towns and remote areas are the first ones to assist the victims, despite their lack of resources and, at times, lack of expertise. The Congolese transition government did not take an interest in this matter until the relevant documented reports were published in 2002.

On the ground—I think you have heard some testimony on this at previous meetings—the many programs and projects usually have five components. They are the following: health management; psychological follow-up; socio-economic support and community reintegration; violence prevention; and, finally, legal support for victims to combat impunity.

The international community's response to the repeated and documented condemnation of this crisis has been significant. According to the Netherlands' Clingendael Conflict Research Unit, in 2010, the international community as a whole contributed US \$40 million to that specific area, especially eastern Congo. Therefore, the invested effort is not insignificant.

I also want to point out that, in 2006, Canada set up a three-year \$15-million program, which will be extended until March 2012, in the area. At the time, Canada and Belgium set up a joint project. I want to mention that this program played a key role in mobilizing resources internationally.

However, as you have heard during your previous meetings, sexual violence is ongoing in eastern Congo. You should ask yourselves the following questions: Where is the problem? What is the cause?

Medical care and victim support are gradually improving, but the abuse and violence continue. They are attributable to militia groups, regular army soldiers and, increasingly, civilians. Why? The number one culprit is a lack of safety: in Kivu and Ituri, there are still a dozen armed militia groups attacking civilians. In addition, regular army soldiers are often former militia members integrated without training. They are paid nothing, or very little, and act like conquerors in lawless areas very far from the Kinshasa headquarters. Also, and especially, impunity reigns supreme in that area. Although there are more and more women—survivors, as they are now referred to—who are brave enough to complain, convictions are rare and sentences are seldom fully enforced. Convicts easily succeed in bribing judges, and prisons are riddled with holes. The women who complain still account for a very small minority, especially among peasant women in remote regions.

The reasons behind that are the deficiencies in the security and justice systems. I will only talk about the justice system in terms of dealing with sexual violence.

•(1320)

The Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003, produced by the United Nations Human Rights Office of the High Commissioner in September 2010, just over a year ago, states the following:

Acts of sexual violence enjoy blatant impunity in the DRC. Few cases reach the justice system, even fewer lead to trials and fewer still to convictions. Even in the rare cases where convictions are obtained, the defendants almost always escape from prison. Because of the near-total impunity that has reigned in recent years, the phenomenon is continuing in areas where the fighting has ended and has increased in areas where the fighting is still ongoing.

The report comes to the following conclusion:

It seems clear that brutalities such as those described in this chapter could not have taken place without the consent, at least tacit, of those people in positions of power who allowed impunity to become established.

The report adds the following:

There is absolutely no doubt that the scale and gravity of acts of sexual violence are directly proportional to the victims' lack of access to justice and that the impunity that has reigned in recent decades has made women even more vulnerable than they were before.

Here is a quote from a British parliamentary group:

[...] in the post-war transition period, the promotion of women's human rights and gender equality are not seen as a priority by the State party, in particular in efforts to address the consequences of the armed conflict and in the peacebuilding and reconstruction processes.

In plain language, this means that, for victims of sexual violence, especially those living in the country, the obstacles to obtaining justice are disproportionate to their capacities and difficult to imagine in our Canadian context. If you would like to hear examples, I can provide some during question period.

The international community has begun responding to this problem. Here is one example. As far as the struggle against impunity goes, the U.S. has adopted a four-year \$50-million project, effective until 2014. Belgium, Sweden and Switzerland have followed suit, and Canada intends to propose a follow-up to its first project that should begin in March 2012. In addition, as far as Canada goes, the Stabilization and Reconstruction Task Force, or START, has an annual budget of \$4 million for the Congo and uses part of that money to fight against impunity.

Although these initiatives are praiseworthy and must be encouraged and developed, they are limited by their external nature and restricted timeframe.

Here is my main and only message.

It is clear that foreign countries, as generous as they may be, cannot resolve this issue. The Congolese state must resolve it with our help, we hope. So far, the provincial ministries responsible for gender, family and children, and social development have shown a true willingness to be held accountable in that area, but they are lacking resources. I could provide you with some examples.

There seems to be a lack of firm commitment to changing things at the central government level, even though some ministers and ministries have shown determination. Here is another quote from the Mapping Exercise:

The extremely reduced proportion of the budget allocated to the judicial powers is the primary cause of the lack of judges and of tribunals. Efforts from the international community and the United Nations were critical to start most of the ongoing projects to restore the judicial system. However the current judicial reforms only have a limited impact on the justice sector's budget, which remains insufficient. It is important to emphasize that the DRC has the obligation and responsibility to ensure that its justice system is viable and that its budget difficulties do not justify the inadequate resources that have been allocated to justice. As stated in the report of the international parliamentary-expert mission to

the DRC in 2008, "If the State flouts, ignores or fails to properly fund the provision of justice, it undermines both the rule of law and democracy generally."

• (1325)

In closing, I'm going to propose two measures to the committee. As my colleague said, the Canadian project that will be starting next year should be developed and supported, but that aid should also be presented in a different way so that the authorities, the Congolese authorities, are responsible for it.

To date, that assistance has been provided as humanitarian aid, without any truly active or responsible participation by the main players. There is now a different way of providing humanitarian aid, development aid, in this particular sector.

Here's my second proposal. The Government of Canada and parliamentarians should step up pressure for the Congolese government to assume its responsibility to combat the impunity with which individuals commit sexual violence, whatever it may be. Two opportunities will arise this year. First, the Sommet de la Francophonie, to be held in Kinshasa, will be a good opportunity to put the issue of the impunity with which sexual violence is committed back on the agenda of Congo and all other countries. Canadian parliamentarians should also organize a field visit. I invite you to do so.

Congo will pose a problem for Canadian diplomacy in view of elections that have been held and those that will be held. I therefore invite a delegation of parliamentarians to travel to Congo and to conduct a political visit to Parliament and to meet with the various players and authorities in Congo's civil and economic society.

Thank you.

• (1330)

The Chair: Thank you, Mr. Tougas.

[English]

We have an item of business we have to deal with in camera, so before we go to anything else, do we have the agreement of the committee that after we wrap up here we'll deal with it? You all know what it is. You have the pieces of paper in front of you. I don't want to mention it. Okay.

In order to make that and this fit into the time that's available for us, we're going to have to keep our questions and answers to four-minute rounds. I apologize for that, but it's the only thing that's going to work on the clock.

We will start with Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Chair.

Thank you to the witnesses for your time and your presentations. They were very informative. It's very sad to know how human rights are being trampled in these African countries, especially DRC. Having lived in a country called Liberia myself, in west Africa, for almost ten years, I know how the system works in these countries.

Could you please tell us whether women are the only victims of sexual assault and violence and whether victims are of a specific demographic?

[Translation]

Ms. Béatrice Vaugrante: On the whole, there's no particular age. Young girls have been raped, but also grandmothers and very elderly individuals. There are no doubt other political objectives, but humiliation, the fact that it is done in front of children is the short-term goal of the widespread and collective rape. Men and boys are also raped, but little is still known about that. It is so shameful for men and boys in particular to say that they have been raped that they rarely talk about what has happened to them. And yet it affects everyone.

Mr. Denis Tougas: I imagine you've previously discussed this issue. Rape as a weapon of war proved to be extraordinarily effective in the first war, in 1996, around Bucavu, where the villages resisted. Villages were visited and there were mass rapes. People of all ages were raped, which both demoralized and broke down the structure of the communities. Unfortunately, that is still an extremely effective and horrible method of imposition and conquest.

[English]

Mrs. Nina Grewal: Is it getting worse with time, and what success has the international community had in preventing sexual violence?

Is there anything that can be built upon, and are there any substantial movements or groups in the DRC that are trying actively to stop the sexual violence? If so, how has the international community been helping them?

[Translation]

Mr. Denis Tougas: We shouldn't say that there hasn't been any progress or change, particularly with regard to impunity. We wouldn't have seen that five years ago; it wasn't possible for a military member to be treated, to be charged with rape. In some areas even today, a military member will never be charged with rape, and that's the way it is.

However, we've seen generals, or at least commanders, being tried, and that has been the strategy of the international community and of the observation mission. It hasn't been successful. We now have junior officers, but nevertheless people in authority. There are now more and more of them, and those cases are well documented. When I say a lot, I mean four, five or six.

At the local level—we could talk about that—it is enormously difficult for a woman to have access to justice. We note that increasing numbers of cases are being heard in the cities, but there has been a very small rise in the number of convictions, for a number of reasons. Not only is it hard for the justice system to deal with these issues, but the victims do not yet have or control any way of adducing evidence.

There is another example: it can cost somewhere between \$700 and \$800 per case to conduct a trial from start to finish, and that can take a year or a year and a half. Those are exorbitant amounts for people who live on \$1 a day. Furthermore, a number of these women go to court without the assistance of lawyers. The other party often has lawyers who will easily counter the charges. Problems in this area remain to be solved. Furthermore, as I mentioned, large areas of Congo have no judges or police services, as a result of which access to justice in those areas is still impossible.

● (1335)

Ms. Béatrice Vaugrante: I'm going to address that in a more comprehensive way, as I entirely agree with Denis Tougas about financial, economic and even physical accessibility, that is the act of travelling to the place where justice could eventually be rendered.

There are obstacles throughout the process, from the start of the trial until judgment is rendered: the protection of individuals and victims beforehand so that they file a complaint; being judged and having to bear enormous costs; the fact that there is enormous corruption; the fact that, once judgment is rendered, it is not effective—compensation may eventually be ordered as part of the judgment, but it is never granted to the woman; and, lastly, the fact that the men who are convicted can escape. So there are a series of obstacles.

The integration of armed groups into the army is a total failure, particularly in North and South Kivu. Those armed groups seek economic control of the region. Each wants its share of the pie, in terms of mining operations, and will do anything to get it. Consequently, this will continue as long as the region is not safe and secure and those armed groups can do what they want, whether or not they are part of the army.

[English]

The Chair: Merci.

Mr. Marston, please.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Thank you, Mr. Chair.

I would like suggest, Mr. Chair, that due to the importance of the resolution that you don't see the clock till somewhat past two, so that we can complete this testimony. It's very interesting testimony that we're hearing so far.

Mr. Tougas, you talked about an on-site visit, and to be quite frank, that doesn't appeal as a place where we'd want to go, but it feels like a place where we should go. So we'll certainly consider that.

This has been a systemic problem. It's practically institutionalized now because it's been happening for so long. I suspect that rape started as "proceeds of conflict", for a lack of a better term, and it's now been institutionalized. It's very clear that the perpetrators are using this as a means of gaining power and control over people. I'm searching for a reason for how it could become institutionalized in the way it has.

Is there any way the government might fear being overthrown if they tried to sincerely push back and stop this, after all of the generations it has happened?

[Translation]

Mr. Denis Tougas: First, let me comment on your initial remark.

Senators travelled to Congo on one occasion, when that investigation was conducted into public development aid in Africa, and they came back safe and sound. The parliamentary group from Great Britain, which has now been in existence since 1994, goes there every year. So it's feasible. The parliamentary groups from Belgium and the Netherlands also travel there easily. I recall that Canada was the first foreign investor in Congo. It has an interest there.

With regard to your point, I don't agree with you on the term "institutionalized rape" that you used. The Congolese are not rapists by nature. However, the example has come from above. The fact that so many rapes have been committed undermines moral and legal order. In that part of Congo, where war has been raging since 1994, society has been broken down to such an extent that, for example, a child soldier who returns to his village with his rifle has more authority and often more means, resources and money than the traditional chief. So when the traditional chief says something to those youths, they beat him. All social and moral order is completely undermined.

I wanted to emphasize one point. You're right: the central government does not concern itself with this issue. The department of communications, for example, very regularly told us certain things when the special rapporteur on sexual violence conducted that on-site visit. What did the minister of communications say? He said that it was false, that the Congolese don't rape and that it was foreigners—the Rwandans, the Ugandans and the MONUC soldiers—who were doing it. There is a lack of any awareness.

For very simple reasons, the hierarchy, the political and military chains of command there, are very closely knit. The politicians, the generals in Kinshasa—they don't conceal this—benefit directly from this insecurity. So they'll protect those members in the field.

• (1340)

[English]

Mr. Wayne Marston: That was my point when I said "institutionalized".

I'd like to go to our next guest now.

Early in your testimony, you talked about how there were 80 UN peacekeepers close to a site where rape was taking place. The way you said that implied that it was almost as though they were aware of it at the time it was occurring or just after. We believe in the responsibility to protect, and if they were there and they knew it was happening, it would have been a terrible situation for them to be in.

Could you broaden a little bit on that particular point, please?

The Chair: I'd have to ask you to do it very briefly, because we've used up all the time for Mr. Marston's question.

[Translation]

Ms. Béatrice Vaugrante: Here's what happened to the 80 representatives of the UN force. They were mainly Indians who had just arrived in the region and had not received any training, or very little, on how to protect civilians. In addition, they were apparently not made aware of what was going on.

They apparently entered the village and, as they had seen nothing and no one had come and seen them, they were not alerted about

these issues. They were alerted later on, and, even after being alerted, they acted much too late to be able to help the population.

[English]

The Chair: Mr. Sweet.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): Thank you, Mr. Chair.

Madame Vaugrante, on that same subject then regarding the UN peacekeepers, at that point, obviously, it was their lack of training and their inability to do a proper investigation afterwards. Do you know what the situation is now with UN forces? Are they doing an adequate job of protecting civilians? Do they have the capability to do an investigation after an incident to make sure they find the perpetrators and make sure there's some level of deterrence in the area?

[Translation]

Ms. Béatrice Vaugrante: I'm going to start by answering you in very broad terms. Denis Tougas will definitely be able to add to my answer and tell you about what goes on directly in the field.

It varies a great deal. Sometimes the UN force in the field can take part in and facilitate the investigations. The population wants the UN force to stay there and protect them. However, in many cases, those people can do nothing, have little training and cannot act. In those regions, their authority to intervene varies significantly. It really depends on the region itself and the MONUSCO force on site.

• (1345)

Mr. Denis Tougas: As for MONUSCO's capabilities, it can be said that there have been significant improvements in security, particularly since offices, battalions and mobile groups have been going around to the villages. That has been the case for a year and a half or two years. People acknowledge that.

It's not the MONUSCO military personnel who deal with the sexual violence: it's the human rights office with which Canada has a contractual relationship. That group focuses solely on the most horrific incidents, the mass rapes involving 200 or 300 individuals, for example. It documents those cases but does not provide any legal follow-up. The local military legal authorities do that, using evidence gathered by the MONUSCO people. The legal, military and civilian police don't yet have the necessary capability to conduct those investigations. A number of the programs that I mentioned to you are designed to increase the capability of the judicial and military police.

[English]

Mr. David Sweet: Okay. I have a couple of further questions, but I have to pick the priorities here.

What are the resources available to the victims of sexual violence when they've experienced this terrible crime? Are there adequate resources on the ground? How are they treated? Is part of this agreement we're working on with Belgium going to address some of that as well?

Give us an idea about what they face after they've experienced this terrible travesty against them.

[Translation]

Mr. Denis Tougas: Considering the scope of the problem and the number of victims, that isn't much. You have to put yourself in the Congolese context. Mr. Bélanger, who went to Congo, could talk about that: the health system exists only on paper. The hospitals and health centres have nothing. In the context of the Canadian, Belgian and American projects, in particular, we first provided those women with drugs and care. That doesn't represent much in the cases where the programs were established only in the secured areas. It's increasing now, but it initially covered only a small part of South and North Kivu, and not at all Maniema. Now it's being expanded.

We see that medical and psychosocial resources are increasing. As part of the Canadian project, for example, 40,000 women have been treated and supported. That's a relatively large number, but as you heard in recent hearings, we're talking about 300,000 victims here. For a woman living in the country, there is really no recourse. Women's groups always arrive at the scene of a massacre before the international organizations or UN agencies. They go and see what is happening and provide first aid. Those Congolese groups are the first to do so and are still doing it. That's what happened in Walikale, when those 13 villages were attacked. No one dared go there, but those women's groups did.

So the local groups on the ground have a will and a capability that the agencies don't have. They lack resources, particularly means of transportation, since the roads are still largely non-existent or impassable. Even though there has been an improvement, the problem is still enormous, contrary to what the central government states. It's deplorable.

• (1350)

The Chair: Mr. Bélanger, you have the floor.

Hon. Mauril Bélanger (Ottawa—Vanier, Lib.): Thank you, Mr. Chairman.

My colleague Mr. Cotler apologizes for being unable to be here today. He asked me to replace him. I will try my best to do so, even though it is impossible.

Mr. Tougas, I believe you were recently in Congo, where you were an observer. Could you take a minute to give us your impression of the way the elections were conducted?

Mr. Denis Tougas: Very briefly, after attending the elections, visiting the places and reading the reports that the observer groups were starting to prepare, I saw that, after the results were disclosed last Friday, the electoral commission was unable to assure the population or the international community. They will not be able to respond to the implausible number of complaints and allegations of fraud that will be heard.

That will pose a problem for the international community. How will Canada and the international community conduct themselves with this new government? Kabila won his election beyond any doubt; he had all the resources, compared to his opponents, who had very little. He did so by legal means and illegal means, which I believe he used extensively.

However, we see that, in the presidential election, he will be elected president without winning a 50% majority. That's only the first stage. In January, we'll get the results of the legislative elections,

the election of the people who will form the Parliament. We have reason to fear that there will be slightly more friction and violence than there is now since that will affect people locally and regionally.

I'll stop there.

Hon. Mauril Bélanger: Yes, because I unfortunately have only a few minutes.

This issue is extremely complex.

Ms. Vaugrante, can you tell me about the links between sexual violence and the mining industry?

Ms. Béatrice Vaugrante: It happens mainly in North and South Kivu, where there are a lot of resources. And it's quite deplorable to see that the DRC has such a low level of development when it has such incredible resources.

The many armed groups, such as the Mayi-Mayi and the former CNDP, which are in those regions own and operate a number of small and large mines in the region. They must therefore have access to those mines and to airports so that they can transport the ore. They have to be able to control those mines. So there are often wars and important economic issues concerning the wealth of the chiefs to control these regions and operate the mines. Nothing must disrupt that situation. If it is enough to say that a given area belongs to them and to rape 300 women in a region to consolidate their power and control, they'll do that. It's a monstrous and radical way for certain individuals to affirm that they are the chief and that all that belongs to them.

Mr. Denis Tougas: I'll add a few words. There is no connection between sexual violence and the mining industry and industrialists on the ground. In eastern Congo, for example, there is a large mining company called Banro. To date, no connection has ever been made between Banro and sexual violence.

As my colleague said, it mainly happens when two groups are competing to conquer an area. Unfortunately, I must say there is an ethnic factor. That is what enables people to rape an 80-year-old woman. We don't understand that, but we explain it by saying that someone will do it only to people of another ethnic group, another community.

Hon. Mauril Bélanger: All right.

I would like to ask a brief final question.

Some time ago, I saw a report that mentioned that UN peacekeeping troops were committing acts of sexual violence. Those troops were supposed to be prosecuted. If I remember correctly, some of them were French.

Are any incidents of sexual violence being committed by UN troops?

• (1355)

Ms. Béatrice Vaugrante: Amnesty International has not documented the sexual violence. With our usual research methods, we haven't documented any sexual violence committed by UN troops. I believe we saw the same report. We also heard about that in Haiti and elsewhere, where UN troops are sent. This isn't the first time.

For the moment, you have to consider the scope and length of the work being done by people in the DRC. It's like the rape of children, or boys and men. Unfortunately, the same attention has not been paid to that as a result of a lack of resources, but it should be possible to document those cases as well. However, I have no more information to give you today.

Hon. Mauril Bélanger: Thank you, Mr. Chairman.

The Chair: Ms. Pécelet, please, you have the floor.

Ms. Ève Pécelet (La Pointe-de-l'Île, NDP): Thank you very much for being with us today.

I have a number of questions to ask you, mainly concerning available resources and the Canadian projects we discussed.

Mr. Tougas, you said that the solution was in the hands of the Congolese government, which should be addressing the problem directly with the aid of the international community. You also discussed the challenge to the election results. A president was indeed elected, but his opponent declared himself president, saying that there had been fraud during the elections. There was talk of corruption.

As regards the financial resources that are given to the government, we have no guarantee that that money will necessarily be distributed to the organizations on the ground. A number of representatives of organizations who testified before this committee said that they were somewhat dissatisfied with the situation because their needs were not being met as a result of the bureaucracy, corruption or other factors.

Could you provide us with more details on that point?

Mr. Denis Tougas: That question is important and quite easy to answer. The Canadian government doesn't give any money to the Congolese government regarding sexual violence. The purpose of the vast majority of known projects is to provide care through the international agencies of the UN, three in particular: the UN Population Fund (UNFPA); the bureau of MONUSCO, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, which deals with human rights issues; and UNICEF. So Canada's money will be spent through those three agencies.

The process of supplying medication and medical care is going very well. The UN agencies are used to that type of intervention.

The fight against impunity is not going well at all. On the one hand, the three agencies are unbelievably bureaucratic, especially when they work amongst themselves. On the other hand, as regards impunity or actively anticipating or combating that system, the UN agencies are totally at a loss and will not pursue that type of argument.

That's why I say that the next Canadian program should involve the right players, those who can take responsibility and who will provide that care, make that argument and conduct the fight against impunity to the end so that the work will continue once the agencies have left and the international funds are spent.

Ms. Ève Pécelet: For example, that could be done through training or by providing women with legal aid, because you said that was quite costly. Women often wind up in the justice system without a

lawyer. That would be made possible through training for judges because it was said that there were no judges, army personnel or protection in the countryside. So women don't have access to the justice system.

What kind of aid could they receive: training, legal aid or something else?

● (1400)

Ms. Béatrice Vaugrante: First of all, I believe that a cooperative approach to international aid is absolutely necessary before anything else. Canada must not be all alone: all international players must be involved. If no comprehensive strategy provides us with the power to negotiate and put pressure on the DRC government, the effort will be disjointed and will not work.

Throughout the process, training can help, but as we at Amnesty International are asking, the victims must first be protected. Until they are protected, they won't dare file complaints. The victims have to be protected, as well as the defenders who protect those victims. So the local organizations must be helped. Magistrates and judges must also be trained so that they can become independent. The laws must be reformed. In a military tribunal, a judge cannot try an individual whose rank is higher than his own. So people are obviously appointed generals just before a trial, and so it is impossible to try them.

The laws must be reformed and more power must be given to civilian authorities. You need numbers in order to secure that power in the DRC. Prisons have to be built, centres where living conditions are decent, but from which no one can escape. Lastly and above all, there is restitution for the victims. When the Congolese government is responsible for a woman, for example, who has to feed a number of children, who needs those resources and for whom those resources are vital for her reintegration, the compensation has to be tangible and must come in the form of money paid to her as reparations.

Ms. Ève Pécelet: Does the Congolese government have the necessary resources without the aid of the international community?

Ms. Béatrice Vaugrante: It will be possible if the international community agrees and combines its efforts. It is true that it will require a lot of human and material resources. However, the international community must develop a long-term overall strategy. In that way, it will really be possible to change the Congolese justice system.

Mr. Denis Tougas: Studies conducted at the international level have shown that the Congo is currently lacking 2,000 judges and magistrates. However, even when the government recently appointed some—I believe it appointed 1,000 judges—they did not go to the area. They didn't have the resources to do so and were not paid on site. Most of them remained in Kinshasa.

Congo nevertheless has really extensive resources, a portion of which does not appear in the government budget. If there were a willingness to take action in this area, this kind of intervention would be possible.

[English]

The Chair: Mr. Marston, please.

Mr. Wayne Marston: Mr. Chairman, I spoke to you earlier about how we have a gap in testimony. It has been identified within the context of coming back from the researchers, and it strikes me that our two guests testifying today might be able to fill it in if they could send us some information following this meeting.

It's the part about.... We haven't had a really comprehensive overview of the armed groups in this country, and the history and geography, so that we have an understanding of.... It was mentioned that it was tribal in some places, and that where the mines were, you had conflicting groups.

Would it be asking too much to ask if you would submit to us—through the chair, of course—a general outline of the flow of the conflict and the different participants? It would put it into context.

[*Translation*]

Mr. Denis Tougas: Resources are currently available. A specialized group has done some chronological mapping of the violent incidents and mining resources in North and South Kivu. It would be quite easy to provide you with the web link. A number of

investigations have been conducted on that subject. We could send them to you.

[*English*]

Mr. Wayne Marston: That would be wonderful.

Thank you, Mr. Chair.

The Chair: Thank you.

[*Translation*]

Thanks to the witnesses.

We have one point left to cover in camera.

[*English*]

I'll excuse the witnesses. Thank you very much.

I'll ask everybody to stand by while we go in camera.

[*Proceedings continue in camera*]

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