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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)): We are the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development. Today, May 17, 2012, we are holding our 39th meeting.

[English]

We are returning to the topic of the use of sexual violence against women as a weapon of war in the Democratic Republic of the Congo.

We are, I remind our committee members and our witnesses, televised today. Don't do or say anything you wouldn't want your mom to see, because she might be watching.

Our guest today is Kristin Kalla, of the International Criminal Court.

Ms. Kalla, we invite you to begin your testimony. Thank you for being here.

Ms. Kristin Kalla (Senior Program Officer, Trust Fund for Victims, International Criminal Court): Thank you.

Mr. Chairman, ladies and gentleman, I would like to thank the subcommittee for this opportunity to address you on the issue of sexual violence against women in the Democratic Republic of the Congo.

It is also a personal honour to appear here today, as my mother's family's roots were in Ottawa, going back to the early 1800s, when my ancestors here arrived from Wales and Ireland. It's very nice to be here.

My name is Kristin Kalla, and I am the deputy of the trust fund for victims and also the senior program officer at the International Criminal Court in the Hague. As an international public health anthropologist specializing in women's reproductive health, I have spent the majority of the last 25 years living and working in communities that have experienced serious and chronic violence, conflict, and human rights abuses in Africa, the Middle East, the Balkans, and central Asia. I have seen first-hand that the horrific human costs of war and violence devastate people, societies, and the structures that support them.

It has been 55 years since the United Nations first recognized the devastating effect of the most serious crimes on humanity, crimes

such as genocide. Since then the Rome Statute has pushed the borders of international justice, for the first time giving a significant role to the victims themselves within an international instrument combining a tribunal, the International Criminal Court, with a reparatory mechanism, the trust fund for victims, responsible for providing court-ordered reparations and rehabilitation assistance to victims under the jurisdiction of the ICC.

In relation to its first role, the court may order money and other property collected through fines or forfeiture from a convicted person to be transferred to the trust fund for the implementation of reparations awards. However, the fund can also complement such awards through voluntary contributions from states and other donors. Our board of directors may determine the extent to which the trust fund will complement court-ordered reparations in accordance with regulation 56 of the regulations of the trust fund.

The trust fund's general assistance for victims is supported by voluntary contributions. It is implemented before the conclusion of the ICC trial, and is not limited to the victims participating in the proceedings before the court. Rehabilitation assistance may be initiated once the board of directors has notified the pretrial chamber of the necessity to provide assistance to victims and where this does not affect the fairness of the trial, as stipulated in regulation 50 of the regulations of the trust fund.

The assistance mandate serves as a very immediate response to the urgent needs of victim survivors and their families who have suffered from the worst crimes in international law. Through its extensive work in the situations where ICC cases are being prosecuted, the trust fund has created a presence on the ground that can serve to inform the court of victims' needs and the operational realities in the relevant situations, as well as provide a mechanism to deliver reparations. The trust fund for victims is learning valuable lessons about the unique role that an international criminal court can play in addressing the rights and needs of victims of genocide, war crimes, and crimes against humanity. Through regular monitoring, evaluation, and targeted research, the trust fund is documenting and sharing these lessons to inform its work.

But international criminal law is not victim-oriented, and those who expect redress through international judicial settlements have consistently been cautioned against over-optimism regarding the results. Even as victims' issues begin to take a more central stage within international human rights and humanitarian law, the remedies available to victims have been inadequate and inconsistent.

Although women have been known to play a crucial role during and in the follow-up of violence by searching for victims or their remains, demanding justice, and trying to sustain and reconstitute families and communities, most justice and reparations programs have not been designed with an explicit gender dimension in mind, and there is little theoretical reflection as to what doing so would require.

Situations formally open at the ICC include the conflicts in northern Uganda, Darfur, Central African Republic, the Democratic Republic of the Congo, Kenya's post-election violence, Libya, and now the Ivory Coast.

Today I will only speak about one situation where the trust fund has been operational since 2007, and that is the DRC.

The eastern provinces of the DRC remain in a state of conflict and insecurity. United Nations reports indicate that five million civilians have died as a result of the conflicts since the 1990s.

● (1310)

In November 2003 the Congolese government requested the assistance of the ICC to investigate and prosecute the worst perpetrators, and in March 2004 the first cases were referred to the court. Trials are currently under way, with a first conviction handed down in the Lubanga case just a few months ago.

Multiple reports of mass murder, summary executions, patterns of rape, torture, forced displacement, and the illegal use of child soldiers have been documented in the DRC. It is estimated that at the height of the DRC's six-year war, more than 33,000 children were fighting with armed groups and close to 30% of the children abducted were girls. Since 1996 sexual violence has been used to intimidate, humiliate, and torture hundreds of thousands of women and girls in the Democratic Republic of the Congo.

Sexual violence against women and girls has been found to be the most common form of violence and the most widespread form of criminality. Rape has become a weapon of war used to punish communities for their political loyalties, or as a form of ethnic cleansing.

The United Nations Population Fund has reported that 16,000 new instances of sexual violence were recorded across the nation in just a one-year period. There were close to 5,000 new cases in Northern Kivu alone. The UN also reported that over 65% of rape victims during that time were children. The majority of this percentage was adolescent girls, and roughly 10% of child victims are said to be under the age of 10 years old. Because the majority of rapes are not reported due to victims' shame and fear of social repercussions, these statistics should be taken as the bare minimum. Sexual enslavement and other forms of sexual and gender-based violence have also been perpetrated widely against girl and boy child soldiers in the DRC.

We must admit that our collective response to this type of violence has been inadequate. And our failure to respond as an international community is magnified over time because the effects of sexual violence linger long after the violent act, undermining and threatening the potential for peace, reconciliation, and security. Often the international community provides support for security, stability, and reconstruction but forgets the short- and long-term impact of sexual violence used as a tactic of war.

The long-term consequences of sexual violence are many, not only medical but also psychological and socio-economic. The medical repercussions vary and include severed and broken limbs, burned flesh, recto-vaginal fistulas, sexually transmitted infections, pregnancy, and urinary incontinence to death. Adequate medical care for these injuries is very hard to come by in the DRC, and many survivors remain ill or disfigured for the rest of their lives. These are all the more severe the younger the victim is. Young girls who are not fully developed are more likely to suffer from obstructed birth, which can lead to fistulas or even death.

There are also many psychological and social consequences to being the victim of sexual violence. Victims often suffer from post-traumatic stress disorder, depression, and suicide. This can be particularly severe in cases in which men have been forced at gunpoint to sexually assault their daughters, sisters, or mothers, and often with foreign objects.

The most common social consequence for victims of sexual violence in the DRC is isolation from their families and communities. Raped women are seen as impure, frequently leading to their being abandoned by their husbands or having trouble marrying. The most extreme versions of this stigmatization can lead to honour killings, in which the victim of sexual violence is murdered by her family or community due to the belief that she has brought them shame and dishonour. Young women and girls who are cast outside of their homes or leave due to shame will most likely become even more vulnerable to further abuse.

The psychological impact of this type of violence, added to forced conscription and enlistment, only conflates the injuries of former child soldiers in the DRC. Girl child soldier victims of sexual violence face specific consequences from their time in armed forces or armed groups. The social stigma facing these girls is fundamentally different in kind—it lasts much longer, is more difficult to reduce, and is more severe, especially if children are born out of this experience.

● (1315)

A report submitted to the trust fund from a psychoanalyst who supports one of our assistance projects in the DRC highlighted the intellectual and emotional trauma presented by girl child soldiers who are young mothers. Psychologists point out that the psychological effects of conflict on girls differs from the effects on boys. In addition to being, like boys, generally stigmatized and marginalized as rebels, abducted girls have typically been victims of sexual violence. As a result, they also suffer from shock, shame, low self-esteem, and further rejection by their communities and families if they return.

In 2010 the trust fund for victims initiated a study of approximately 2,600 victim survivors throughout northern Uganda and the DRC so that we could better understand the impact of the violence and could assess attitudes toward rehabilitation, reconciliation, justice, and reparations. Interestingly, our results clearly showed a gender dimension related to the impact of violence; that is, violence impacts men and boys differently than it impacts women and girls. Our findings suggest that among the trust fund for victims' beneficiaries, female victims have experienced more severe psychological and social consequences. And they showed that women approach the issues of justice, rehabilitation, reparation, and reconciliation differently than do men in the DRC.

For all questions except one, women reported experiencing more severe psychological symptoms and more negative relations vis-à-vis their families and communities. Women and girls were twice as likely to report that their families were not at all caring. Twice as many women as men reported feeling sad a lot of the time, and just under twice as many reported feeling lonely a lot of the time. A third of women and girls said that they felt distant or cut off from others a lot of the time, compared to only a fifth of men and boys. Overall, 10% of female respondents said that they did not trust their communities at all, and just as many said that they did not feel important in their communities at all.

The girl child soldiers who were raped who were interviewed for the trust fund survey also expressed it themselves: 68% of them declared that they were poorly treated by their communities of origin all of the time, compared to only 26% of male child soldiers interviewed.

In cases where the abducted girls have given birth as a result of rape, they not only suffer from marginalization in the community but are faced with their own daily torment, torn between motherly love for their child and the memory of the rape the child represents. Therefore, we must also ensure that children born out of this act of violence are accepted in the community and are provided with the basic rights and needs that should be afforded to all children.

Our results suggest that the very real and urgent needs victim survivors live with day to day in resource-poor settings, together with the violence they have experienced during conflict, influence opinions about justice, reconciliation, reparation, and accountability. When asked if they feel that they have received justice, over 70% of child mothers who were raped in the DRC said no, versus 21% of former male child soldiers and 17% of children made vulnerable by war.

Under the Rome Statute of the International Criminal Court, rape and other forms of sexual violence can constitute war crimes, crimes against humanity, and genocide. Charges of gender-based crimes have been brought in seven of the 13 cases currently before the ICC, and there are charges of gender-based crimes in the Katanga-Ngudjolo case in the DRC situation.

The trust fund considers its assistance to victims of sexual and gender-based violence a key step toward ending impunity for perpetrators, establishing durable peace and reconciliation in conflict settings, and successfully implementing United Nations Security Council Resolutions 1325, 1820, 1880, and 1889. To do so, the trust fund has adopted three strategies. First is to mainstream a gender-

based perspective across all programming. Second is to specifically target crimes of rape, enslavement, forced pregnancy, and other forms of sexual and gender-based violence. Third is to promote women's and girls' empowerment, a fundamental requirement of any rehabilitation, reconciliation, and peace-building process.

• (1320)

Currently the trust fund supports 34 projects, which reach an estimated 82,000 victim survivors and their families in both northern Uganda and the DRC. Of these beneficiaries, over 5,000 survivors of sexual and gender-based violence, including 200 girls abducted or conscripted and sexually enslaved by armed groups and 780 children of women victimized by campaigns of mass rape and displacement in eastern Congo, are supported.

The trust fund supports local and international partners, like Oxfam-Québec, to provide physical and psychological rehabilitation and material support. These are legally defined categories, which in practice can mean many things.

Physical rehabilitation may include reconstructive surgery; general surgery; bullet and bomb fragment removal; prosthetic and orthopedic devices; referrals to health services, like fistula repair, and HIV screening, treatment, care, and support.

Psychological rehabilitation may include both individual and group-based trauma counselling; music, dance, and drama groups, to promote social cohesion and healing; and community sensitization around the rights of victims and promoting reconciliation.

Material support may include access to safe shelter, vocational training, reintegration programs for former child soldiers, support for village savings and loans, education grants, and classes in accelerated literacy.

The trust fund has several projects involving war-affected women and girls as key stakeholders. One of these projects in particular captures both the scale of sexual violence experienced in the DRC and the potential for hope that these women and girls receiving support embody.

For example, the trust fund has been supporting one of our international partners in Ituri province, in eastern Congo, to run an accelerated learning program and day care centre for girls who gave birth while in captivity. Many of the girls face stigmatization from their communities because of their past as child soldiers and the sexual violence they have experienced. For these young women their babies can be an additional source of social stigma, an impediment to their education, and a constant economic burden. Their own parents also reject many of these abducted girls when they return with their children.

Rehabilitation efforts have focused on sensitizing parents of the former girl child soldiers to their responsibilities, so they can become involved in the education and rehabilitation of their daughters and grandchildren, thus reconciling the bond between these girls, their children, and their families.

The trust fund, for example, has supported parent committees and has encouraged efforts of these committees aimed at income-generation activities in order to generate the money needed to pay for school fees. This long-term effort is accompanied by psychological support, outreach, and peer education. The school, supported by the trust fund, in turn gives these girls a chance to regain the education they lost while in captivity and to develop a positive bond with their children.

Now in the fourth year, the project continues to see substantial impact, on several fronts. Perhaps the most immediate and powerful impact is on the strength of the mother and child bond. As they tend to their babies in the centre's day care, the young mothers learn they are not alone and that their babies can in fact be a source of pride. Only several months into the school year, most girls begin to carry their children in public while wearing their school uniforms. It's a very public statement that being a student and a mother is not a source of shame; rather, it is a sign of remarkable achievement.

In South Kivu, the trust fund is supporting action for living together, or ALT, a local organization that has been active in Bukavu since 1999. ALT works with Bukavu's Panzi General Hospital, where it runs the DORCAS transitional house for victims of sexual violence who are unable to return home after their treatment.

Panzi General Hospital treats at least 10 victims of sexual assault daily, averaging 3,600 cases per year. An estimated 16,000 victims of rape, some suffering from obstetric fistula, have been treated at the hospital since 2000. Survivors are often able to stay at the transitional house for as long as they need, and they are provided classes in reading, writing, and handicraft production.

•(1325)

Many trust fund partners supporting victims of sexual violence have caseworkers, social workers, and counsellors on staff to work with victim survivors. One partner in North Kivu, for example, employs an in-house psychologist to help build local capacity to respond to trauma associated with sexual and gender-based violence. This includes training in therapy, interview techniques, and more. As part of her assistance, the trainer works directly with some of the most traumatized of the 550 survivors receiving support from this trust fund project.

One woman who was raped by a demobilized soldier in North Kivu could not speak at first when the counsellor sat with her to hear her story. She could only communicate with gestures. According to the counsellor, she would lock herself in the bedroom and cry every day, disgusted by life. At first she refused treatment, but she eventually opened up, speaking first to the counsellor about her trauma and then to the group of women the counsellor regularly brought together to share their stories. Before treatment, she told them her heart would beat uncontrollably fast. She was consumed by panic attacks. Now, through the trauma counselling, she says her heart is healing. In her latest group session, she said that she had come to forgive the man who raped her and, with the worst of the depression and stress behind her, is now focusing on building the tailoring business she established with help from the trust fund.

It is important for the international community and national authorities in countries like the DRC to support the development and strengthening of judicial mechanisms designed to offer remedies and

reparations for victims of sexual and gender-based violence. Although it is impossible to fully undo the harm caused by these most serious crimes, it is possible to help survivors of sexual violence recover their dignity, rebuild their families and communities, and regain their place as full members of their societies.

The trust fund for victims at the International Criminal Court has seen this first-hand through our rehabilitation assistance program in the DRC. Protecting current and future generations from suffering the destructive trauma and costs of war requires that the international community work together to prevent the start and spread of violent conflict. Alleviating the root causes of conflict and providing the impetus for non-violent resolutions of disputes involving women will help create a more peaceful world. The costs of prevention are minuscule when compared with the costs of deadly conflict.

The trust fund remains encouraged by our brave local partners. Many are grassroots women who work tirelessly to support and empower survivors of sexual violence. We are also grateful to governments such as Canada's that prioritize assistance to survivors of sexual violence through bilateral programs in the DRC.

The trust fund at the International Criminal Court relies on the generous donations from states' parties and others to fulfill its mandate for rehabilitation assistance and reparations. Although we have never benefited from voluntary contributions from Canada, we certainly hope that our engagement with you here today is the first step toward collaborating on behalf of survivors of sexual violence and gender-based violence in situations under the jurisdiction of the ICC.

Thank you. I'm available to respond to your questions.

•(1330)

The Chair: Thank you very much. That was a very thorough presentation.

I think we'll find these question-and-answer sessions to be very much worth our while.

We begin with Mr. Sweet.

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

Ms. Kalla, you said you spent 25 years working in areas where there's been serious and chronic violence and conflict with human rights. I thank you for being here for your testimony as well as for enduring what some of us would shrink back from having to witness on a daily basis.

How would you characterize the relationship between the ICC and the Congolese government?

Ms. Kristin Kalla: Thank you for your question and for your very kind comment.

It's a little bit hard to tell, given that there is a new government in place. Just a week ago, a new minister of justice was appointed in the DRC, so we are still waiting to see. Certainly the prosecutor and the registrar interact much more with the DRC government than the trust fund does.

I would say from our side that we interact quite closely at the provincial level and also link up with the demobilization program for former child soldiers. We receive quite a lot of referrals from the government's program for the former child soldiers. This aids in incorporating them as part of our rehabilitation assistance. We're in a transitional moment right now with the DRC government, so it's hard to comment beyond that.

Mr. David Sweet: Okay. You're encouraged, though, at the moment, you'd say, as far as what you've seen so far? You're hopeful?

Ms. Kristin Kalla: I think hopeful, cautiously optimistic.

Mr. David Sweet: Okay, that's fine.

On page 9 of your remarks you mentioned this growing strength of the mother-child bond, even to the point where they were carrying their child wearing their school uniform, etc. You also spent much time telling us, and other witnesses have told us, about this very serious situation culturally, socially, that women deal with after they've gone through the terrible brutality of being raped, and everything that this means psychologically and physically, and then they're shunned by their own community. On this aspect of the mother-child bonding and being more public, do you see any change in the cultural attitudes toward women who have been raped? Is there some hope there as well?

Ms. Kristin Kalla: I think this is one of our finest projects. Although it is quite small in terms of the number of women and their children and families who are involved, we've been able to measure the impact. As social scientists, we wanted to do this over time, longitudinally, whereby the young girls are accepting their children, and their families are accepting these girls and their children back into the fold; I think this is very unusual. My experience working in development humanitarian efforts, especially in the health sector, has not necessarily focused in this way through the responses in their sexual violence programs. I think this is a prime example of where we need to scale up this kind of response, and where perhaps other programs could be modified as well.

I think when you focus your response on the young mothers and their children together with their families, you see changes very quickly. As I said, we saw them in the first four months, whereby their parents were accepting them, as well as feeling empowered that these girls could go back to school. Often they were taking care of their grandchildren and accepting them back into the family. So yes, there's hope.

• (1335)

Mr. David Sweet: Great.

You mentioned something that surprised me: that in the DRC, 30% of the child-soldier recruitment is female.

Ms. Kristin Kalla: That's correct.

Mr. David Sweet: I know this is a huge undertaking to psychologically counsel someone who's been a child soldier and reintegrate them. Of the over 30 projects that you're doing right now, are you funding any programs for child soldiers to deal with that issue?

Ms. Kristin Kalla: Yes. In fact, 30% of them are girls, but also girls have a variety of different roles when they're conscripted and

enlisted. Often they're not necessarily going into combat, but they have roles as bush wives, they are sexually enslaved, they have other roles that they play. But, indeed, it is around 30% in the context of DRC.

I think one important thing to note is also the DDR program in the DRC, which is the disarmament, demobilization, and reintegration program, did not necessarily have a gender perspective. I think this program has been evaluated, and I think this is one of the weaknesses. Very few girls came through that program in DRC, so often these girls did not benefit from the rehabilitation efforts in the same way that boys did. This is where we saw a gap in that program, and where we decided to place quite a lot of emphasis in terms of our efforts. We have little funding, but where we are able to provide that support, we want to make a difference. We have seen that by focusing on these girls, our support has gone very far in terms of their ability to recover, reintegrate, and we're also training them in terms of some livelihood support. We've incorporated village savings and loans, for example, with some of these young women so they can also work together and support each other.

Again, I think more has to be done. This is a small effort, and I think other bilateral and multilateral programs should perhaps look at re-emphasizing some of their work to specifically target former girl child soldiers.

[Translation]

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

Mr. Pierre Jacob (Brome—Missisquoi, NDP): Thank you, Mr. Chairman.

Ms. Kalla, I thank you for coming to testify about a very important situation. You began by talking about the strengths and weaknesses of international mechanisms. I will therefore go to the heart of the issue.

Various mechanisms exist at the international level to protect women from sexual violence during the conflict. In your opinion, what are the main strengths and weaknesses of international mechanisms, including the Trust Fund for Victims, the International Criminal Court, the departments and agencies of the United Nations, as well as diplomatic initiatives?

[English]

Ms. Kristin Kalla: Thank you very much for this very important question.

I guess I would argue that there's really never enough. I think there are mechanisms, but where we see a gap is oftentimes in global initiatives. If you look at the grassroots level and what's really happening at the country level, there's oftentimes a disconnect between what's happening at a policy level internationally and globally and actual assistance and support reaching grassroots women in the most rural parts of Congo, for example.

I think this is where we need to work together as an international community to help connect our action and policy and political work with the actual needs of the women at the grassroots level.

Another challenge that I think we have as an international community is coordination. I think we see it not only in this issue but in other issues. How can we, in terms of our comparative advantages, coordinate in a more effective way, and where should we do that?

Having meetings in The Hague, for example, is certainly important, but oftentimes the coordination needs to happen at the level of the country, in the Democratic Republic of the Congo and also even in eastern Congo.

I know many meetings occur in Kinshasa, and we often attend these meetings, but in Kinshasa you might as well be in Brussels. What's happening in eastern Congo is very far away from the capital. Again, how can we work together to coordinate and also involve grassroots efforts in our coordination efforts? I think this is where we need to come together to strengthen our responses.

• (1340)

[Translation]

Mr. Pierre Jacob: Thank you.

In your opinion, what could Canada do to strengthen and improve the initiatives you are talking about?

[English]

Ms. Kristin Kalla: Certainly, in the context of the Congo, we are encouraged by your bilateral program that has an emphasis on victims of sexual violence. I would certainly advocate for you to continue to support that effort and scale up.

We know our primary international partner is a Canadian partner. Unfortunately, as I mentioned, Oxfam-Québec informed us only a few weeks ago that they will need to transition out of our activities because of the lack of funding they receive from the Canadian government, from CIDA, as a result of the reductions that not only Canada but many countries are facing in terms of austerity measures.

It's unfortunate, because this will impact thousands of victims of sexual violence in the Kivus in eastern Congo. We will have to transition our Canadian partner, and again we will have to look for other partners to work with us who can also leverage other support.

We would therefore encourage you to think about and review the kinds of reductions you're making to your bilateral and multilateral programs. We would also encourage you.... Obviously from the trust fund we would encourage a partnership with Canada. As I mentioned, we are not engaged in a direct partnership in terms of the trust fund, and we would certainly welcome that kind of support, earmarked also for sexual violence, in terms of our activities in the Congo.

[Translation]

Mr. Pierre Jacob: Here is my final question. In your opinion, what would be the most effective ways for Canada to promote gender equality and the importance of respecting women's rights in its relationship with the Government of the Democratic Republic of the Congo?

[English]

Ms. Kristin Kalla: It's a good question, and a difficult one to answer.

It's a really good question. I would say it's certainly important to keep an open dialogue. I think we need Canada to help to advocate with the government in DRC to be able to feel comfortable to talk about this issue.

I know in the context of Congo they've been very hesitant to name what has been going on in eastern Congo in terms of sexual violence. They've been very uncomfortable to make this a priority in terms of not only their national efforts but also engage with other international efforts on this issue. We would encourage Canada to keep an open dialogue, to help with advocacy at this level, and to build a partnership with the Congolese government so it feels there is international support to be able to address the issue together with its international partners.

[Translation]

Mr. Pierre Jacob: Thank you, Ms. Kalla.

Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Jacob.

[English]

Mr. Hiebert, please.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Ms. Kalla, for your excellent testimony.

I do want to commend you. Based on what you've said, you and your organization are doing fabulous work in very difficult circumstances by bringing hope and a future to a lot of these victims.

Do you expect the Congolese government to be able to make some progress in holding the perpetrators of these crimes accountable, or will this be wiped under the carpet and they simply move on?

Ms. Kristin Kalla: As someone who works at the International Criminal Court, of course, in terms of our jurisdiction, that's a different issue from helping to support national courts. I think there are quite a lot of efforts from some of the bilateral programs to build capacity. I think it's very important to build capacity of national justice and transitional justice initiatives, and I think it's difficult to answer your question. We're hopeful that this will be the case. There are several other initiatives in the context of Congo, such as mobile courts in eastern Congo that are being supported by other international groups. But I think more can be done, frankly, and obviously the ICC is a court of last resort. It was the DRC that referred these cases to the court to carry out investigations, so obviously there were perhaps concerns from the Congolese side that they didn't have the capacity to do so.

Again, I think we're hoping that the international community will help to work with the Congolese government to help strengthen their capacity to investigate and prosecute these types of crimes, but at the same time, obviously the ICC will continue in terms of its role related to these crimes as well.

• (1345)

Mr. Russ Hiebert: In your testimony you highlighted some of the work you're doing to assist the mothers who were the victims of sexual violence and transitioning them back into their families and into the communities, providing them with an education and so on.

Have there been any studies done of the children who were born as a result of the sexual violence and what the outcomes for them have been?

Ms. Kristin Kalla: There are several studies. We've conducted one, and the University of California at Berkeley has conducted another one. I think the UN has several studies. Of course it's difficult to interview minors and children, and the studies are secondary in the sense that you go in and you look at families to see what's happened.

Oftentimes these children are more vulnerable than other children in the family because of the stigma associated with the rape. Oftentimes they're not accepted back by the fathers or the husbands and by the parents, which means that often these children are not able to go to school or even nutritionally receive the same food within a household.

This is why it's really important to have programs that address the specific vulnerability for these children, and again why we're focusing on this and why we're trying to encourage others to do so as well.

Mr. Russ Hiebert: Is there a difference between the reparations that are ordered by the International Criminal Court and the general assistance that your trust fund provides?

Ms. Kristin Kalla: That's a very good question.

A reparations order would obviously come after there's a conviction at the ICC. What we have now is a first conviction on the Lubanga case. Primarily, a reparations award would be funded by the perpetrator, by the convicted party, through either fines or forfeitures, which could be liquidated and put through the trust fund for us to administer for reparations.

In the context of where you have someone who is convicted who is indigent, which looks like the context of Lubanga in this case, the board of directors of the trust fund can decide to complement that court order using our voluntary contributions. Now, if that happens, our rules dictate the use of the voluntary contributions, which means that we can provide a collective order, not individual, which is very different from if the convicted party were to provide individual compensation for victims.

We're yet to see, now, how this will play out on the Lubanga case. We are in the middle, right now, of specific filings with chambers on this issue, and the court itself, the ICC, is in the process of establishing reparations principles.

For a victim, what we've learned from the survivors in these communities is that being identified with a specific conviction and court order has specific meaning for victims, which is different from the rehabilitation assistance they are required to have. That isn't necessarily linked to a conviction.

We don't require a conviction to be able to implement support for victims in their setting, in this situation, which is very different from victims participating on a case.

The Chair: I'm afraid that's all we have time for, Mr. Hiebert.

Mr. Scarpaleggia, you're next.

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Thank you.

That was fascinating testimony, Ms. Kalla. There were some good questions, I might add, from the other members here. I learned a lot from the questions and your answers to them.

I'm trying to understand, organizationally, how this problem is being dealt with on a global scale. There's your fund, your programs, but then countries have bilateral programs for a constellation of NGOs. It must be difficult even for you to understand or know who is out there doing what in the service of trying to help these victims of violence.

Where do you fit in? Are you the hub in the wheel? I'm just trying to better understand how the world is organizing itself to solve this problem.

• (1350)

Ms. Kristin Kalla: Thank you for your question.

There is no doubt that in this type of effort, as I mentioned, it's always challenging to coordinate efforts.

I would say that for the trust fund, before we initiate any of our activities, we carry out an assessment. As part of that assessment in a situation we meet with the government in a variety of sectors where we think we will be operational, so obviously the health sector, education, gender, social affairs, and so on. That's very important. But we also meet with a lot of the bilateral programs and support in the embassies, as well as with the UN.

In the context of the DRC, obviously in Kinshasa there are committees that come together from the different sectors that involve the multilaterals, bilaterals, and NGOs operating under those programs together with the government ministries. We will attend those meetings. There are also meetings at the provincial level. So it's very important, not only for us but any organization, whether you're a donor or an NGO, to coordinate within those committees.

There will always be challenges around this where you have many types of donors and partners, especially in a country that has a lot of initiatives. We're launching now in the Central African Republic, for example, supporting victims of sexual and gender-based violence, and there are very few donors and very few partners working on this issue. Our challenge is less about coordination and more about advocating to get parties involved in this type of effort. Each situation is a little bit different, but indeed this is always a challenge.

Mr. Francis Scarpaleggia: Essentially, you follow your leads and then you go into a local community, you look for all the intervenors, you get together, you try to work out a joint approach in each particular community where every group maybe contributes something to the effort, and you make sure there is no overlap, and so on and so forth? That's pretty much it, I guess.

Ms. Kristin Kalla: Absolutely. You've just described our work.

We do have staff who live in the situation. Again, it's very important to have staff there that can monitor the activities, bring the partners together, organize joint program initiatives, refer to each other so our initiatives are linked to other initiatives in the community. We carry out a mapping exercise that also involves other initiatives and the government, and it's very important to include especially the provincial authorities in this.

Mr. Francis Scarpaleggia: I imagine in your role, yes, you're on the ground, you're making sure that things are being pulled together on the ground, and then a lot of your work I would think is international advocacy and relationship building with governments to, as you mentioned, try to obtain voluntary contributions to your fund. You've been dealing with the Canadian government over the years?

Ms. Kristin Kalla: Indeed. We have met with your embassy in The Hague and your ambassador is involved in what's called The Hague working group, which is the group that comes together of the states parties around the International Criminal Court. This is the first time we've been invited to come to Ottawa, so we're very happy to be here. As I mentioned, Canada has not been a contributor, and we hope that would change.

Mr. Francis Scarpaleggia: You're familiar, of course, with General Dallaire's work on child soldiers?

Ms. Kristin Kalla: Yes.

Mr. Francis Scarpaleggia: Have you had—

The Chair: Sorry, Mr. Scarpaleggia, you're actually out of time.

The worst you can do is initiate a long and detailed, thoughtful response. That totally messes up our clock.

Mr. McColeman, you're next.

• (1355)

Mr. Phil McColeman (Brant, CPC): Thank you, Chair.

Thank you for your very thorough presentation today.

In your presentation—I'm going to refer to one section here—you said international criminal law is not victim-oriented, and those who expect redress through international judicial settlements have consistently been cautioned against over-optimism regarding the results. I'm wondering if you could paint a picture for us of what that means to you, having been on the ground as you have in this environment and been involved in these really horrific situations.

Ms. Kristin Kalla: Thank you.

I think we can take the lessons learned from the other international criminal tribunals, such as Rwanda—I lived in Rwanda for three years just after the genocide, so it's one I'm most familiar with—the Cambodia tribunals, the Yugoslavia tribunal, and now Sierra Leone. These tribunals did not have a mechanism to provide any support for victims during the judiciary process, nor at the end, when there was a conviction. There wasn't an ability to do so. So although justice may have been served, I think victims in those situations never felt necessarily directly recognized, and they never received either rehabilitation assistance or reparations as part of those tribunals.

This is the uniqueness of the Rome Statute. The drafters came together to learn from those lessons, and this will be the first time

you have an international criminal tribunal that has this type of mechanism. I think this is why we have to measure the impact of it and how that is felt for victims. This will be the first time that, if the court orders reparations—for example, on the Lubanga case—we will be able to assess what that means for victims.

In the context of where we're working and what we've seen, certainly in the DRC, with the mass atrocities that have occurred, what we don't know is how many of these victims will really be able to receive redress. This is where meeting the expectations of victims in these communities and being realistic in terms of our ability to be able to fund either a reparations order or the ability of a convicted party to do so, with the amount of funding we have.... Just to give you the reality, we only obligate about three million euros per year for all of these activities. It's really all we have to set aside to do so.

I think this probably speaks a little to your question in terms of victims' expectations.

Mr. Phil McColeman: Right.

The scope or the scale of it is hard to conceptualize. Throughout your presentation—maybe I missed it, and if I did, I apologize—is there some kind of scope you could give us to indicate the size, the number of victims, the scale of this?

Ms. Kristin Kalla: In general, or in terms of our support?

Mr. Phil McColeman: In terms of both, in general and your support.

Ms. Kristin Kalla: We are providing assistance to 82,000 victims, but this would be in both northern Uganda and the DRC, and that's every year, per year, approximately. Of course it's very difficult to have the figures to define victims in the context of DRC, if you're looking specifically for victims of sexual violence. I mentioned that the UN has collected some information annually, but it's difficult to measure. I've seen 15,000 to 30,000 victims of sexual violence per year. It's very difficult to document, given the circumstances.

Mr. Phil McColeman: I understand as well that the United Nations has a peacekeeping force in the eastern DRC. Are you able to comment in terms of its work in preventing this from happening and what assistance it is providing to victims and survivors?

Ms. Kristin Kalla: I'm not able to comment directly on the program. I know the UN has its own program to train peacekeepers. I know this because I was a trainer for peacekeepers in Ethiopia and Eritrea. The peacekeepers themselves are trained on this issue, in terms of their own behaviour but also how to address this issue with communities where they are working. I can't comment specifically; I haven't seen the program in Congo. Obviously for the International Criminal Court we interact quite a lot with the UN, and the MONUSCO provides us with support in terms of security in field operations. So we have a close collaboration with them in eastern Congo.

• (1400)

Mr. Phil McColeman: Thank you.

The Chair: Good timing. You were five minutes, on the second.

[Translation]

Ms. Pécelet, you have the floor.

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

I would also like to thank you for being here today and for all the work that you have done. It is really fantastic. This is for all the women everywhere in Africa. We have never heard from anyone here who works at the International Criminal Court. It is interesting to hear from you today.

Pursuant to the Rome Statute, do the victims have the right to file complaints, or does the government have to do so? How is an investigation launched by the International Criminal Court?

[English]

Ms. Kristin Kalla: Thank you. It's an important question.

There are three ways the situation can be referred to the ICC.

The first way is that the state party itself can refer a case because they have concerns of their own capacity to be able to carry out investigations, and also to try. In the context of Uganda and the Democratic Republic of Congo, for example, those governments referred their cases to the ICC.

The second way a situation can be referred is that the Security Council can refer it. In the context of Darfur, of course, this was referred by the Security Council, and Libya as well.

The third way a case can be referred is that the prosecutor can decide to initiate the *proprio motu* powers of the prosecutor and decide there is cause to open up an investigation. In the context of the post-election violence in Kenya, this is what the prosecutor did. Then the judges will have to decide whether a situation should be formally opened.

So these are the three ways only.

Now what's happened is dossiers have been forwarded to the prosecutor. There have been dossiers forwarded, for example, against the Vatican for mass atrocities and sexual violence that have occurred. A dossier was submitted, I believe, a year and a half ago to the prosecutor. Also the Palestine Authority submitted a dossier, for example, on the Gaza situation. It's up to the prosecutor to review these dossiers and decide whether there are jurisdictional issues.

[Translation]

Ms. Ève Pécelet: The role of the state remains quite important. Do you believe that the international pressure on the Government of Congo is strong enough for them to arrest Bosco Ntaganda and refer him to the International Criminal Court? Do you believe that the international community is playing its role properly, or are there significant measures that remain to be taken in this regard?

[English]

Ms. Kristin Kalla: I think it's always good to have pressure and partnerships with the government on these kinds of issues. Beyond that, it would be difficult for me to comment on Bosco.

[Translation]

Ms. Ève Pécelet: Many of those who testified here said that one of the major problems in the Democratic Republic of the Congo

concerns the accountability of the people who carry out these rapes. We were told that in general, army officers and policemen did not bring these people to justice because the judge of the court may have a rank that would be lower than theirs. In short, there are problems of accountability. Could you tell us a little bit more about how this plays out on the ground?

[English]

Ms. Kristin Kalla: We have heard concerns from victim survivors in eastern Congo about the capacity of the Congolese judiciary processes. I think again this speaks to what I was saying earlier about the need to strengthen capacity of the justice sector in Congo. This is where I think it's very important for the international community to partner with the Congolese government. Let's hope that with this new government in office, there will be an openness to do so.

[Translation]

The Chair: You have 30 seconds remaining.

Ms. Ève Pécelet: All right.

In your presentation, you mainly emphasized the role that the community plays in the reintegration of women through programs intended to fight against the stereotypes of women who have been raped, etc. This is something we have not often heard about.

With the funding that you receive, do you believe that there are still efforts to be made in terms of the psychological follow-up of victims and the work being done with society in general? This is also a problem within the community, and not simply one that concerns the women who have been victims of violence.

• (1405)

[English]

Ms. Kristin Kalla: That's a very important question, and one that we find is quite challenging in the context of DRC. It's very difficult to find local capacity to deliver specific trauma-based counselling in the way that especially these types of victims need. So we're finding that we're actually using our resources to help build local capacity to do so, and also to deliver that type of counselling. But I think this is where we really need more support to be able to scale up this kind of initiative.

In northern Uganda we've been able to benefit more from a stronger infrastructure in terms of health care, so more capacity existed there, but in the context of Congo this is very difficult. Northern Uganda is post-conflict, so time has passed and we are really in reconstruction. In Congo we're operating in a situation that is quite insecure with ongoing conflict. So even if we do build capacity, it's challenging for us to ensure that it's staying where it should be staying with regard to where these survivors live. That is a big challenge for us.

The Chair: Thank you very much.

Mr. Sweet, we'll come back to you very briefly.

Mr. David Sweet: This is in regard to one of the answers Ms. Kalla gave. We are a substantial way through a study on Eritrea, and you had mentioned training UN peacekeepers in Eritrea. I just wanted to check. They were expelled in 2005, so is that outdated, or is there some new presence of UN peacekeepers there?

Ms. Kristin Kalla: No. I was working for UNICEF in Ethiopia in 2000-2001, so this would have been the time we were training the peacekeepers.

Mr. David Sweet: Thank you very much. Thank you for your testimony.

Thank you, Mr. Chair.

The Chair: Thank you.

I actually have a couple of questions I want to ask, if I may.

It seems to me that although we've been studying the use of rape and sexual violence in conditions of combat or, as we've put it, as a weapon of war, there are actually two discrete things going on as part of the conflict there, suggesting that possibly they have to be dealt with differently, although I don't know that. The first one is the use of women as sexual tools or sex slaves, for the purpose, I assume, of gratification of the troops.

The second is the violation of women on command. You mentioned it was by family members in many cases, in a sort of mockery of sexuality, presumably with the purpose of destroying not merely that woman's standing in the community but also the family bonds and the man's status in the community as well. The question I have really is, if you had to measure how much there is one problem out there versus the other, how many instances would there be? I'd be interested in your response to that.

Secondly, to what degree are the policy responses that are required the same or different?

Ms. Kristin Kalla: You just described it very well in terms of the impact on women and girls. I would also add that men and boys are also impacted by sexual violence in the context of DRC in similar ways, but obviously the way it's carried out is a bit different in terms of the public humiliation, especially for the men in the community who happened to be raped en masse in front of their families and communities.

We're working with both types and other forms of sexual violence and enslavement. We're not very involved in taking testimony, for example, from survivors. I think we're sensitive to that, obviously, because we're part of the International Criminal Court. I think oftentimes survivors are a bit nervous about actually sharing their stories because they fear they might be used, for example, for the prosecutor's case, which is not the case for the trust fund. We're just making sure that through our partners we are providing the necessary resources to deal with whatever the harm suffered was.

I don't necessarily have an answer for you in terms of the policy ramifications. Again I think it speaks more to the issue of the

Congolese government ensuring that they have policies in place and national frameworks in place to be able to address sexual violence in general, and feeling more comfortable to talk about this issue in a variety of fora, as well as providing the leadership to be able to support this kind of intervention. We haven't seen that so much from the Congolese, and we're hoping that there will be change around that issue.

• (1410)

The Chair: Thank you.

The other question I had was actually suggested to me by our analyst Melissa Radford. I just want to make sure I get this right. Melissa, please correct me if I misunderstand it.

She's asked me to inquire as to whether you knew if victims of sexual violence in the DRC were aware that Lubanga had not been charged with crimes of sexual violence?

Ms. Kristin Kalla: I don't know how widely that is known in the situation. Obviously quite a few civil society organizations have been addressing this issue and have certainly also filed briefs on the issue. Women's Initiatives For Gender Justice, which is an international organization based in The Hague, represents thousands of grassroots women. They actually filed on this specific issue.

Without talking about the prosecutorial strategy around the Lubanga case, I will say that we submitted our filing several weeks ago on the Lubanga case. We said that perhaps the judges could think about broader definitions under a reparations order. If indeed we're using the resources of the trust fund for victims to complement a court order, and it's a collective order in nature, you could perhaps include other types of harm suffered by the victims in this case to include sexual violence on a reparations order. We'll have to see. It's pending. We don't have a decision yet from chamber. We'll have to see how "reparations" is defined.

It's a very good question.

The Chair: Thank you very much.

Thank you to all of our members, especially for agreeing to stay late. Our members have to rush off to the House of Commons, because question period begins more or less right now.

I thank Ms. Kalla, in particular, for coming this distance and making herself available to us. This was very informative, indeed. Thank you.

We are adjourned.

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