

1. UN System-Wide Strategy for the Protection of Civilians in the Democratic Republic of the Congo

1. Background

1. The UN Policy Committee chaired by the Secretary General tasked MONUC and UNHCR, through the Protection cluster, with the development of an overarching strategy for the UN system in DRC that includes a shared vision of the UN's objectives and a set of agreed results, timelines and responsibilities for tasks critical to consolidating peace in the country. In this framework, MONUC and UNHCR were requested to contribute to this strategy with the development of a UN system-wide strategy on the protection of civilians, through the protection cluster. Under the overall supervision of MONUC and UNHCR Senior Management, a first draft of this strategy was elaborated by MONUC and UNHCR and shared for comments with the Protection Cluster and the UNCT. The final version integrates the comments of the IMTF.

2. This protection strategy takes into account the need to reconcile and integrate MONUC's mandate to protect civilians with its mandate to support the operations of FARDC integrated brigades. It recognizes the primary responsibility of the State to protect its own citizens, and incorporates the various humanitarian, security and human rights dimensions of protection in DRC.

3. These decisions were also included in the 28th report of the Secretary General on the United Nations Organization Mission in the Democratic Republic of the Congo¹, paragraph 74.

2. Rationale and the Responsibility to Protect

4. The acceptance by all Member States at the 2005 World Summit of a fundamental "responsibility to protect" represents a critically important affirmation of the primary responsibility of each State to protect its citizens and persons within its jurisdiction from genocide, war crimes, ethnic cleansing and crimes against humanity. Paragraphs 138 and 139 of the World Summit Outcome also place a responsibility upon the United Nations to support Member States in protecting their populations.

5. Member States also committed in the World Summit Outcome document to "take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, should peaceful means be inadequate and national authorities are manifestly failing to protect their populations". Beyond immediate responsive actions, the responsibility to protect is above all about taking effective preventive actions - recognizing and anticipating those situations that are capable of deteriorating into mass killing, ethnic cleansing or other large-scale crimes against humanity, and bringing to bear every appropriate preventive response: political, diplomatic, legal and economic. The responsibility to prevent and protect is very much that of the state itself, quite apart from that of the international community. The international community and United Nations must in this perspective focus on playing a facilitation role, i.e. displaying the political will and supporting the strengthening of institutions and capacities with a view to building a protective environment and promoting the rule of law.

¹ S/2009/335

6. Similarly, noting that civilians account for the vast majority of those adversely affected by armed conflict; that women and girls are particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group; (...); the Security Council stressed in Resolution 1820 (2008) that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security. The UNSC also affirmed in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security, and demanded that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence.

3. Purpose

7. Particular UN agencies operating in DRC, including OHCHR, through the Joint Human Rights Office (JHRO) with MONUC, UNHCR and UNICEF, have specific protection mandates that reflect their areas of expertise and populations of concern within the UN-system. The cluster system is also implemented in the country, with the protection cluster representing the main forum for coordination of protection activities amongst the humanitarian community and other relevant actors within the UN system. As such, this document aims to focus on the protection role of MONUC and the UNCT within this spectrum of protection interventions, and build upon the progress made over the past years in terms of increased collaboration and cooperation between MONUC and the Protection Cluster.

8. Protection is not only the concern of the protection cluster; it is also a cross-cutting issue that should be integrated into the work of all aspects of humanitarian response. All humanitarian actors share a responsibility for ensuring that their activities do not lead to or perpetuate discrimination abuse, violence, neglect or exploitation; they should promote and respect human rights and enhance protection. The Protection Cluster exercises a "*droit de regard*" in this respect, meaning it has a role in ensuring that protection is integrated into the work of other clusters and sectors.

9. In Res.1856, the Security Council requires MONUC, the Congolese authorities, the UNCT and donors, to foster a comprehensive approach to protection, involving both remedial and environment-building activities, "with particular attention to women, children and vulnerable persons", based on respect for human rights and the consolidation of the rule of law. In this regard, it must be emphasized that combating impunity has both preventive and reparative effects, and that there is no dichotomy between "remedial" and "environment-building" approaches: these aspects focus on responding to the rights of victims as well as playing a powerful role in preventing future violations through deterrence.

10. UNSC Res. 1856 also entrusts MONUC with an immediate responsibility regarding the protection of civilians, namely to "ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence, in particular violence emanating from any of the parties engaged in the conflict". This "safety-oriented" definition of protection primarily entails direct "responsive" actions, aimed at preventing and stopping violence. MONUC is requested to "contribute to the improvement of the security conditions in which humanitarian assistance is provided". This focus on security gives clear immediate protection goals – reducing the number of attacks, recorded human rights violations and violations of the international humanitarian law, as well as creating security conditions that facilitate the delivery of humanitarian assistance; and allows to measure progress against them. UNSC Res. 1856 clearly defines protection of civilians as the highest priority for MONUC in implementing its mandate.

11. To be effectively addressed, these different objectives necessitate a close coordination with the government and between both UN and non-UN actors, and a combination of short-term, responsive, and long-term, remedial and environment-building activities. Initial and security-based steps aimed to “assist in the voluntary return of refugees and internally displaced persons” (UNSC 1856) do not suffice if they are not combined with measures intended to make sure that violence does not re-ignite in previously conflict-affected areas.

12. It is recognized that effective protection must combine humanitarian, human rights, political and military protection strategies. Importantly, MONUC does not have the operational capacity to position troops in every locality, given DRC’s size, infrastructural gaps and security challenges, and must maintain its ability to intervene decisively through a balance between concentration of forces to keep strategic and tactical reserves, and extensive deployments in priority areas to protect civilians at risk . Improving MONUC’s ability to provide responsive actions thus requires concentrating on the identification of patterns of abuse and priority areas so as to better anticipate and plan for protection risks, including sexual violence; ensuring sufficiently trained staff specialized in PoC from both military and humanitarian perspectives and coordinated civilian and military responses for a maximized impact of operations, with a view to mitigating the humanitarian impact of military operations, and reducing the level of violence committed on civilians. Remedial actions, such as the provision of multi-sectoral assistance to victims by protection actors, remain a necessary and complementary aspect to MONUC’s protection response.

13. The third pillar of the Strategy is directly linked with the State Authority components of the UN Stabilization Strategy for Eastern DRC (UNSSSS) and GoDRC’s “Stabilization and Reconstruction Plan” Areas Emerging from Armed Conflict (STAREC), as it is assumed that sustainable protection of civilian populations can only be achieved through the restoration of a functional justice system and civilian administration, including police, and comprehensive Security Sector Reform (SSR). In this regard, a particular attention will be placed on supporting the activities of the Security, State Authority as well as Humanitarian and Social components of the UNSSSS/STAREC.

4. Scope and implementation

14. The following document proposes a UN system-wide comprehensive strategy for the protection of civilians in DRC. Given the respective mandates of MONUC and UNHCR, in its capacity as protection cluster’s lead, and the continuing conflict and complex emergency situation in Eastern DRC, it was however agreed that this strategy would primarily aim at addressing the needs of those civilians exposed on a daily basis to the consequences of hostilities and violations by armed groups, with a particular attention to the situation of women and girls.

15. MONUC’s POC strategy (March 2009) defines the term ‘protection’ as one encompassing “all activities aimed at ensuring the safety and physical integrity of civilian populations, particularly children, women, and other vulnerable groups, including IDPs; preventing the perpetration of war crimes and other deliberated acts of violence against civilians; securing humanitarian access; and ensuring full respect for the rights of the individual, in accordance with relevant national and international bodies of law, i.e. human rights law and international humanitarian law”. While MONUC military, police and civilian components play a key role in the provision of immediate, remedial and long term protection, humanitarian actors ensure a similarly important and complementary function, in particular in “protection by presence” and monitoring in areas where peacekeepers are not always deployed, and in the delivery of humanitarian assistance.

16. This strategy builds on already existing strategies such as the UNSSSS and STAREC, and the UN Comprehensive Strategy for Combating Sexual Violence in DRC. The current protection strategy, together with STAREC and the Comprehensive Strategy, will form the UN system-wide strategy for the protection of civilians. These three components are interlinked and crucial to the realization of better protection in DRC. The UN-wide Protection and Comprehensive Sexual Violence Strategies also provide an over-arching framework for the strategy aimed at progressively neutralizing the threat posed by the FDLR, which was “designed to be consistent with and supportive of the principles” elaborated in these two strategies, while aiming at “dismantling the FDLR as a military threat and thus contributing to the restoration of durable peace in the Kivus”, with therefore the protection of civilians as one of its main results.

17. To succeed, the strategy against the FDLR recognizes that it has to be multi-dimensional in nature, and combine military, diplomatic, political, socio-economic and judicial interventions, which should be led by the Government of the Democratic Republic of the Congo with the support of national and international partners. The strategy will encompass four core dimensions: sensitization of FDLR combatants; military pressure; diplomatic and judicial measures; and stabilization and communication. Each of these components encompasses activities wherein protection actors referred to in this strategy will be called to play a central role:

- a) *Military pressure*: MONUC will continue with its support to the FARDC subject to the requirements on protection and discipline decided by the Policy Committee (infra, 8.2, “*Balancing MONUC’s obligations and mandate requirements*”);
- b) *Diplomatic and judicial measures*: Continued dialogue between DRC and Rwanda Governments at the diplomatic and military levels should be maintained and encouraged so that the two governments remain in close contact on the way forward regarding the FDLR;
- c) *Stabilization and communication*: The stabilization of areas recovered from armed groups, including the FDLR, is a priority in the UNSSSS and the GoDRC’s Stabilization and Reconstruction Plan (STAREC); MONUC will intensify its outreach efforts in the Kivus to explain its role in *Kimia II* but also to encourage a dialogue with local leaders of opinion on broader issues of reconciliation and grievance resolution, in close cooperation with local and customary authorities; and work closely with the GoDRC in order to enhance the control of the exploitation and trade of mineral resources, through random checks at airports and other transit points and the establishment of *centres de négoce* in close proximity of mining sites;
- d) *Enhanced sensitization*: offer the possibility of relocation and naturalization for FDLR combatants or dependants born in the Congo or with Congolese families. The GoDRC and MONUC may apply this option on an individual basis.

18. Protection of civilians will remain a priority and central objective of the FDLR strategy, which will only be met through the implementation of the present POC strategy, and from which the latter thus constitutes an inseparable part.

19. The UN-wide Strategy on protection of civilians will form the basis for UN system-wide response for the next three years, the implementation of which will be monitored and evaluated within the framework of existing coordination mechanisms, i.e. the protection cluster and integrated mission planning team (IMPT, for UNSSSS activities), under the overall supervision of MONUC DRSRG-RoL, DRSRG/HC/RR, and UNHCR Country Representative. An action plan matrix was also developed, which details clearly the objectives, expected results and means to achieve these, as well as division of labour between protection actors.

20. This strategy was elaborated with a view to setting common objectives and serving as an umbrella for activities that lie at the heart of MONUC and protection-mandated agencies responsibilities, and in most cases have already been ongoing and/or planned for long; it brings together, prioritizes and accelerates elements from pre-existing frameworks and initiatives. Given the volatility of the political and security context in DRC, and constant protection needs of the population, sequencing will not so much be the issue than the implementation of coordinated needs-based responses, where and when appropriate. A regular update on progress will however be considered against indicators of the matrix, as well as a mid year review of the matrix and its activities.

5. Challenges/Risks

21. The risks and challenges are of a double nature: challenges related to the reality of the DRC, which is emerging from years of conflict and challenges related to UN policies and directives:

- Lack of human and logistical resources: Protection requires specific capacities, budgets and personnel requirements, including deploying a higher percentage of female personnel;
- Continuous presence of foreign armed groups and self defense groups (e.g. FDLR, LRA, Mayi-Mayi, PARECO), which cannot be countered by military means alone and require diplomatic/political initiatives as well;
- Abuses and violence committed by FARDC soldiers and PNC elements against civilian populations;
- Rapid integration of former armed groups and militia in the army and the PNC without prior vetting, training or assurance of regular payment of salaries, and separation of children associated with these groups;
- Continued impunity of state and non-state actors for on-going IHL and human rights violations despite peace agreements;
- The return of both IDPs and refugees -if politically motivated and not properly supported by the UN- risks fueling massive local conflicts about such issues as land property, local administration, nationality and the right to vote;
- Lack of capacity of and funding for various state authorities (e.g. justice, prisons, medical, PSS, education);
- Lack of commitment of key stakeholders, including DRC authorities, regional/international actors and (foreign) armed groups to stabilization and the restoration of State authority. Corruption and political interference, including in accountability and redress mechanisms;
- UNSC mandated logistical and strategic support to FARDC in Kimia II –and other military operations against armed groups- has resulted in MONUC being considered as a party to the conflict, with potential confusion and negative security impact on UN agencies staff and assets;
- MONUC may need to modulate its support to the FARDC based on the latter's behavior and respect of IHL and human rights law;
- Sequencing the practicalities of MONUC's political objectives of peace and stability and mandated objectives of the fight against impunity, transitional justice and the vetting of perpetrators of grave human rights abuses;
- Imperfect communication channels between MONUC protection actors and those from UN agencies;
- Lack of long-term funding for multi-year commitments i.e. sustainable family-community reintegration of children;
- Lack of understanding of the sexo-specific threats that affect differently women, girls and boys impacted by conflict. As a result, ways to mitigate gender based violence and discriminations are not fully implemented (enhancing women's participation and full involvement in the prevention and resolution of conflicts, debunking myths that fuel sexual violence, including sexual exploitation and abuse by peacekeepers, etc).

6. Overall objectives

22. With the support of MONUC, the UNCT and the international community, the GoDRC is progressively enabled to effectively ensuring the safety and physical integrity of civilian populations under its jurisdiction, particularly children, women, and other vulnerable groups, including IDPs; preventing violence and abuse committed against the civilian population, including, by its own security forces; securing humanitarian access; and ensuring full respect for the rights of the individual, in accordance with relevant national and international bodies of law, i.e. human rights law and international humanitarian law.

7. Expected results

23. The following results are expected if the strategy is successfully implemented:

- Cases of abuse and number of violations are significantly reduced;
- Affected populations access to humanitarian aid and human rights support, and access of humanitarian and human rights actors to affected populations, is significantly improved;
- Special protection requirements of vulnerable groups such as children, women, refugees, returnees and internally displaced populations are addressed and equal protection under the law and access to justice are promoted;
- A conducive environment to the sustainable return of displaced and refugee populations is created;
- The number of current and newly displaced populations diminishes;
- Access of civilian populations to basic services is improved;
- The negative cycle of impunity for grave breaches of international law is reversed.

8. Sub objectives and activities

8.1. Harmonize data gathering, analysis, dissemination and monitoring and evaluation (M&E) systems, with a view to improving the prioritization of protection activities

24. Understanding the way violations are committed, and who the perpetrators are, regularly analyzing this information to determine trends and patterns, anticipating risks, reducing the length of time during which people are exposed, and mitigating the worst effects of particularly risky moments, are central to success. To this end, operational tools must be developed with a view to increase information sharing and protection actors' ability to anticipate and act on jointly identified threats. Importantly, specialized personnel capacity is needed to effectively analyse, share and act on information as well as to systematically utilize such operational tools. Similarly, the reinforcement of MONUC's tactical intelligence capacities would also place UN forces in a better position to anticipate imminent threats and increase the chances of protection and prevention.

25. Information can be gathered by civilian substantive, police and military components of MONUC; and through other information collection mechanisms like the protection monitoring tool developed by UNHCR as well as other regular assessments performed by UN agencies and acknowledged by the humanitarian community (such as the evaluations conducted through UNICEF's RRM and PEAR programmes and GBV data collection system implemented by UNFPA), with an aim of identifying trends and priority areas, while ensuring the confidentiality and protection of victims as well as accountability to protection actors and affected communities. Early warning systems must also be set up with local communities. As much as possible, the data collected should be age and sex-disaggregated.

8.2. Prevent, mitigate and anticipate protection risks on civilians including IDPs

26. Immediate activities undertaken in response to an emerging or established pattern of violations aimed at preventing/dissuading/stopping or mitigating a pattern of abuse.

27. Strengthen MONUC's capacity to trigger joint responses to protection priorities: The RREWC Protection Task Force (extension of the former model of the Rapid Response and Early Warning Cell - RREWC) comprising MONUC military and substantive sections, UNPOL and DMS, will be responsible for updating and sharing protection-related information, identifying priorities and recommending coordinated responses at provincial level. This RREWC Protection Task Force will meet on a weekly basis, upon request and under the supervision of the HoO, whose role will be central in interacting with military chain of command. The Protection Task Force will also suggest deployments of joint-protection teams coordinated by MONUC.

28. Under the co-chairmanship of the DSRSG/RoL and of the DSRSG/HC/RC, the RREWC Protection Task Force will centralize and coordinate outstanding protection findings from the provinces bringing together findings of the JPTs and mapping out priority protection areas, crossed with MONUC support to FARDC, as well as putting forward to the SRSG, the SMG and the Protection Cluster's attention a weekly summary of analysis and recommendations and a monthly review. Working closely with Civil Affairs Section (CAS), the Protection Adviser under the DSRSG/HC/RC Integrated Office will facilitate civilian and military coordination, both internally within MONUC and externally with the UNCT and humanitarian actors, including the Protection Cluster.

29. Institutionalize joint contingency planning of operations: Building on existing planning tools (Protection Matrix), planning of military (joint) operations will integrate humanitarian and protection priorities, prior to, during and after their actual conduct. As far as possible, the planning phase must also identify, in consultation with protection actors and populations- locations for "protection focused areas" (typically urban centers and/or IDP sites) where non-combatants would be isolated from the actual fighting and secured by MONUC, as appropriate. The mission will take the lead in negotiating with the parties and establishing safety zones and localities, organized so as to protect from the effects of war, vulnerable civilians, and conclude agreements on mutual recognition of the zones and localities created. Reactive/offensive operations will also take into account all available contingency planning elements and recommendations of the RREWC Protection Task Force and Protection Cluster. It should be noted that, with regard to operations aiming at disarming both foreign and local armed groups, UNSC 1856 requests MONUC to "coordinate operations with the FARDC integrated brigades" and "support operations led by and jointly planned with these brigades in accordance with international humanitarian, human rights and refugee law". Keeping in mind the potential impact of FARDC presence on populations, MONUC will plan its deployments taking into account such protection risks and identify possible actions against FARDC elements responsible for human rights violations, during and after operations.

30. Balancing MONUC's obligations and mandate requirements: MONUC will not support FARDC units that demonstrate consistent patterns of misconduct, contravene the government's "zero tolerance" policy and national legislation, and violate international humanitarian law, human rights or refugee law. In consequence, MONUC will operationalize policy that sets out the basis on which it would withdraw support from these units as well as the modalities of such a withdrawal. However, MONUC will not withdraw support of a purely humanitarian nature such as emergency medical attention.

31. MONUC Conditionality Policy Paper specifies that (i) MONUC will not participate in any form of joint operations with FARDC units, or support an operation by those units, if there are substantial grounds for believing there to be a real risk of these units violating international humanitarian law, human rights of refugee law in the course of the operation; (ii) MONUC will only participate in operations which fully comply with international humanitarian, human rights and refugee law; and (iii) MONUC will only support/participate in operations that are jointly planned and conducted in accordance with international humanitarian law, human rights and refugee law.

32. MONUC will also motivate and encourage elements that respect the zero-tolerance policy; notify the FARDC command in the event that elements of a battalion receiving support from MONUC commits grave violations of human rights, in a weekly meeting aimed at discussing serious human rights violations and status of previous abuses committed; and suspend support to such a battalion in the event that, following such notification, and after a three-week period, the FARDC does not take any action against those responsible for those violations or if elements of the same battalion nevertheless continues to commit human rights violations. In addition, both MONUC's military component and human rights component will closely monitor FARDC conduct and the application of the conditionality policy,

33. Improve coordination with UNPOL and PNC: Through its reinforced presence in the east, and taking in account its capacity in terms of strength and equipment, the Formed Police Units (FPU) will continue to perform daily joint patrol with PNC in sensitive areas, including inside IDP camps, in coordination with military and humanitarian components. In some instances support to the PNC will be provided before, during and after military operations. While UN Military will continue to ensure the external security of the IDPs camps, FPU operations, where available, will focus on providing security to displaced populations in the areas where they concentrate. Meanwhile, UNPOL Civilian Police, including female officers, will carry out the training and daily monitoring of the PNC in charge of the security inside IDP camps in coordination with humanitarian, human rights and protection actors, including UNHCR. Harmonized training for police developed by the Police Reform Commission will be rolled out by all, insofar as this is possible.

34. Maximizing the impact of protection activities through coordinated responses: The temporary deployment of "joint-protection teams" (JPTs), with participation from CAS, HR, PAS, CP, within MONUC operating bases, working alongside DDRRR staff, is intended to support MONUC's renewed mandate to protect civilians (UNSC 1856). Teams will deploy in accordance with priorities recommended by the RREWC Protection Task Force, in consultation with protection actors and the cluster, and approved by senior management/HoO, in order to enhance MONUC's capacity to protect civilians by: helping MONUC military commanders better address protection needs; supporting surrender to DDRRR centers of foreign combatants; separating children from armed forces; setting up networks and increasing communication and consultation with local communities; offering protection advice where necessary; analyzing local political and social dynamics in order to better plan protection interventions anticipating needs and ensuring appropriate measures are taken, within the capacities of both civil and military components of MONUC; ensuring liaison with other protection actors and coordination mechanisms. UNPOL will maintain a close contact with the JPTs, and will serve as a liaison framework with the local Police Forces. It should be noted that JPTs require greater capacity to ensure more consistent coverage, and should not prevent MONUC from exploring other initiatives in civil and military coordination and protection of civilians.

35. Improving MONUC communications and outreach regarding approach on protection vis-à-vis the population, authorities and armed groups, in consultation with humanitarian actors: UNSC Res. 1856 "encourages MONUC to enhance its interaction with the civilian population, in particular internally displaced persons, to raise awareness and understanding about its mandate". MONUC military and civilian substantive sections will continue to develop and refine joint outreach strategies as part of the planning of operations, and develop clear messages on MONUC's mandate and capacities, as well as regarding the division of responsibilities with State

authorities, UN agencies, humanitarian organizations and other key stakeholders. The use of pamphlets and the broadcasting of (recorded) radio messages, including through DRRR transmitters, to inform civilian populations on MONUC positions and the protection options it can provide should be envisaged and developed at the early stages of MONUC military planning. As for a longer-term approach, emphasis will also be placed on building on the relationships developed with civil society organizations, notably by CAS and PID, given the potential of the former to serve either as peace re-enforcers or as spoilers during fragile peace processes, foster confidence building, act as an important check on government and armed group excesses and promote greater accountability.

36. Increasing humanitarian access: The types and trends of access constraints must be taken into consideration in the development of operational modalities to meet the requirements of neutral, impartial and independent humanitarian action. In the case of attacks on humanitarian personnel, facilities or assets, the means of addressing these threats should be informed by whether attacks are politically-motivated or if they represent economically-motivated attacks by criminal groups. The use of escorts is often considered by humanitarians as neither an appropriate nor sustainable way of securing humanitarian access. Insofar as this is possible, it is suggested to open regular “windows of access” along specific stretches of key axes at specific times, according to humanitarian access needs. These would require installing security points and patrols according to a pre-agreed schedule, to be coordinated within the framework of existing coordination mechanisms.

37. Given its capacities, however, UNDSSS restrictions on UN agencies, and the disproportionate military effort necessary to secure entire road portions, the use of escorts remains MONUC’s preferred option. The use of escorts will remain a last resort option for humanitarian actors, who will on the ground need to define priority areas where available capacity should be directed towards (i) areas where escort will continue to be used; (ii) areas where security can be increased through other means, including through liaison with armed groups and efforts to increase acceptance for humanitarian action, and dependence on MONUC support can be reduced. Meanwhile, and within the limit of its capacities, MONUC will continue to provide logistical support to essential and urgent activities of humanitarian partners, mainly in the absence of any other available civilian alternative.

38. Other activities carried out by MONUC and UN agencies to prevent, mitigate and anticipate protection risks will look into ensuring that civilians are granted freedom of movement, IDPs have access to basic services based on needs assessment and IDPs live in a protective environment, free of mines/UXOs. Specific attention should be put on the protection of children to prevent (re)recruitment in armed forces, the provision of specific protection responses (IDTR) and the protection and prevention of sexual violence, through the implementation of the Comprehensive Strategy for Combating Sexual Violence in DRC.

39. Strengthening protection for children: Security Council Resolution 1612 and 1882, the Paris Principles, the IDDRS and other guidelines are the basis for the UN’s coordination of the child protection response to grave violations of child rights, including the recruitment and utilisation of children. UNICEF, MONUC Child Protection Section, and partners do monitor and report on the child rights situation in order to prevent, mitigate and respond by building child protection systems. Key components of this work include advocating with the government, the military and armed groups to cease the recruitment and use of children in conflict and release all those currently associated. Community-based reintegration programs seek to protect children from further abuse and to provide a remedial solution. Forced displacement puts children at risk of separation from their families; for separated and unaccompanied children Identification, Documentation, Tracing and Reunification programs provide remedial solutions. For children in a displacement setting, access to a protective environment to enable learning and development is critical; access to Child Friendly Spaces and education is provided from displacement to return as both preventive and remedial activities. Protection threat analysis generated by JPTs and other human rights monitoring can inform these preventive and remedial activities in order to best reduce children’s exposure to violations.

8.3. Improve access to assistance, justice, the compensation, rehabilitation and redress of victims

40. Activities aimed at restoring people's dignity and ensuring adequate living conditions subsequent to patterns of abuse and violence through rehabilitation, restitution, compensation and repair; e.g. humanitarian activities to guarantee minimum living conditions, ensuring access to basic facilities, etc.

41. Encouraging and enabling the government to uphold its responsibilities for the protection of civilians, through the development and implementation of action plans to end human rights violations, including an Action Plan to end the use and recruitment of children as per Security Council Resolutions 1539 and 1612. Similarly, from the SRSG and from the Force Commander down, MONUC has constantly been promoting and encouraging improved behaviour and higher standards from the FARDC in the past, and will continue to do so in the years to come. Through monthly reports to the Presidency and FARDC chief of staff, MONUC constantly identifies and brings to the attention of Congolese Government counterparts, FARDC commanders under whose command human rights violations were alleged to have been committed. This mechanism will be further used and expanded to operationalize the conditionality policy, as mentioned above. Meanwhile, MONUC has also begun to establish prosecution support cells to strengthen the capacity of military prosecutors to pursue and try alleged offenders, and to field joint investigation teams together with FARDC prosecutors, to investigate grave human rights and IHL violations.

42. Improving access to justice and the rehabilitation of victims: While investigating human rights violations has continuously been a key feature of MONUC's successive mandates, more efforts must be placed on developing a prosecutions strategy to intensify the fight against impunity through the courts. Not only would this require increased encouragement and mobilization of victims to refer cases to both military and civil justice, it would also include developing a strategy to prosecute high-profile alleged perpetrators, focusing on cases of command responsibility as a means to achieving a deterrent effect through the demonstration that no one is above the law and that all victims have a right to a remedy. A complementary aspect to this is the protection provided to victims and witnesses from pre-hearing to trial, and the implication of national NGOs in this regard.

Trial monitoring is also critical to ensuring that the fight against impunity is effective, and that compensation is allocated to victims on an individual basis. MONUC will make every effort to support transitional justice mechanisms such as vetting, truth-seeking mechanisms, and encourage the prosecution of serious international crimes including war crimes and crimes against humanity.

43. A key area of the strategy will be the fight against impunity, which includes an improved access to justice and the rehabilitation of victims. Stepping up efforts to end the cycle of impunity is primarily conditioned by the political will of national authorities and the international community. Thus in the short to medium term, options for MONUC action include assistance for the establishment of a vetting mechanism for both FARDC and PNC units that will be supported by MONUC in collaboration with Human Rights and other protection actors, and the creation of a "monitoring" or evaluation mechanism to measure FARDC/PNC performance and the impact of the training provided by MONUC. With the support of UNCT and the protection cluster, this mechanism will be systematized and extended so as to encompass all newly trained FARDC/PNC units.

44. With regard to the provision of assistance, specific attention will also be placed by UNHCR, in coordination with OCHA, the protection cluster and UN agencies involved in the delivery of humanitarian assistance, to ensure a non-discriminatory access of returning and displaced populations to basic assistance and services, through the establishment of consultative structures with these populations as well as receiving families; the development of guidelines, mechanisms and training packages aiming at ensuring that assistance interventions benefit these

populations of concern and do not fuel local tensions; and through an equitable and appropriate assistance based on identified needs and specific vulnerabilities, including a safe and equal access to assistance for women, men, girls and boys.

8.4. Promote the rule of law, support the restoration of State authority, and the implementation of durable solutions

45. Activities aimed at creating and/or consolidating an environment – including political, security, social, economic and legal aspects – conducive to the full respect of the rights of the individual.

46. In the framework of the GoDRC's STAREC, developed on the basis of the operational plans jointly developed by relevant Ministries, UN agencies and international partners will support durable solutions for IDPs and receiving populations by providing an integrated package of humanitarian, rehabilitation and recovery assistance (using a participatory approach, especially in the areas of Health and Nutrition, Water and Sanitation, Education and Child Protection).

47. The IASC Working Group has built upon the guiding principles to provide direction on how to achieve durable solutions to displacement in the 'Framework for Durable Solutions'. The UN response to IDPs and returnees needs will be guided by this approach, as well as by regular assessments conducted through the UNHCR protection monitoring and the system established by UNICEF and its partners for measuring whether or not returns meet minimum standard criteria. The programme will assist IDP returns if they are voluntary, safe and dignified, according to internationally recognized guidelines and frameworks agreed upon at national level, such as "*Cadre d'assistance de Retour et Réintégration 2008*"², and solutions are durable.¹

48. Durable protection of civilians can only be achieved through the restoration of self-sustaining key State institutions, with professional police forces in charge of law enforcement, a trained and garrisoned army, an independent judicial system and functioning civil administration. In this regard, the activities proposed under this objective are reflected in the Security and Stabilization Support Strategy (STAREC) and Security Sector Reform (SSR), and need not be further developed in the framework of this strategy, except with a view to insisting on the need to place specific attention on the recruitment of female professionals in security forces.

49. In the framework of the SSR, and further to the UNSC's call upon the Congolese authorities to establish a vetting mechanism which would take into account, when they select candidates for official positions, including key posts in the armed forces, national police and other security services, the candidates' past actions in terms of respect for international humanitarian law and human rights³, MONUC and the GoDRC intend to cooperate in the training of Battalions or units on rotation within the FARDC, PNC or other law enforcement agencies. This training will be developed and executed with a view to establishing effective, efficient and accountable forces which: reflect and uphold democratic values and human rights, a non-partisan approach to duty, and the avoidance of corrupt practices; and command citizen respect and confidence by contributing towards maintaining and promoting respect for the rule of law as part of a lasting peace in the DRC. The objectives of this training will be to both enhance the ability of Congolese security forces to combat negative forces, and to establish a professional core group within the former, from which trainers will be drawn as part of the long-term professionalization of these forces.

² 'Cadre d'assistance de Retour et Réintégration 2008', Cluster Réintégration et Relance Communautaire RRC. May 2008

¹ PEAR, Pré-conditions d'intervention au retour, Protection scoring criteria

³ 1856 SC Resolution, S/RES/1856 (2008), 22 December 2008, paragraph 22

50. Among others, and in accordance with relevant domestic laws, regulations and procedures, MONUC will in this framework select and vet prospective trainees on the basis of both their apparent abilities and any history of human rights violations that would make them inappropriate recipients of training; provide basic training to the vetted and selected candidates; and train cadres of FARDC/PNC/ other law enforcements agencies' officers to assist MONUC's trainers with the training program, with the additional intent that these Congolese trainers would then be able to train additional Congolese forces in the future.

51. For its part, the GoDRC in order to ensure the long-term viability and sustainability of the security forces will monitor FARDC and PNC human rights practices, ensuring strict adherence to human rights principles , and taking swift and appropriate action if violations occur; it will also implement an appropriate chain-of-payments mechanism to ensure that FARDC and PNC personnel receive their salaries on time and without interference; and allocate sufficient resources to cloth, feed and house the security forces.

52. In addition, within the Framework for Durable Solutions, the identification of obstacles to the realization of durable solutions for IDPs will be done and concrete steps taken for their activation. In parallel, protection actors will work towards the declaration of an end to displacement in certain stabilized areas, based on agreed-on benchmarks and in collaboration with the national authorities.

53. Finally, protection actors should support and advocate for the adoption of key legislative reforms aiming at ensuring a protective environment for civilians in accordance with international standards and treaties, including the IC/GLR and the AU Convention on IDPs.

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