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TUSHINDE UJEURI, COUNTER GENDER-BASED VIOLENCE (CGBV) PROGRAM

PROGRAM BRIEF: LEGAL SUPPORT SERVICES

Since 2006, the Democratic Republic of Congo (DRC) has criminalized rape and sexual violence as criminal offenses in line with international justice guidance. However, the majority of sexual and gender-based violence (SGBV) survivors are unaware of their rights and the avenues for legal recourse. Many survivors believe that justice is not possible.¹ In some cases, they lack spousal or family support during the prosecution process or have been refused the right to pursue their case by local police or other influential figures. Most clients are also unable to afford the financial costs of seeking legal advice, reporting cases to the police and prosecutors (which entails payment to file cases and sometimes bribes), and obtaining legal representation in court. As a result, traditional leaders often illegally mediate SGBV cases, which can result in forced marriages or other financial arrangements where the most vulnerable experience further trauma or injustice. Furthermore, women and girls are often unaware of their civil rights, including inheritance and land property rights, which are protected by the Congolese Family Code. Even when they are aware of their rights, their extended families and communities may instead enforce traditional customary practice where males assume ownership of property.

KEY PROGRAM ELEMENTS

CGBV assists survivors to pursue and attain justice as a key strategy for reinforcing zero tolerance for GBV. Project partner the American Bar Association – Rule of Law Initiative (ABA-ROLI) leads the development and adaptation of locally-appropriate legal approaches, drawing from their extensive experience working in eastern DRC on legal issues. This support is part of the project's overall holistic SGBV survivor support package, which also includes medical, psychosocial, legal, and socio-economic support. Core components of CGBV legal support include:

LEGAL ASSISTANCE: Each project Social Center, a holistic one-stop GBV survivor support site, is staffed by a trained lawyer who provides in-house legal aid (which complements other non-legal support for survivors). Legal staff provide free legal rights awareness, legal counseling, and assistance with pursuit of formal legal justice for GBV cases. For SGBV criminal offenses, project lawyers provide counsel, prepare the case for prosecution, and represent survivors in the legal process. The project also covers the court filing fees for indigent clients. After a judicial decision is rendered, mediation assists survivors with accessing court-ordered reparations. For non-criminal cases such as work

¹ USAID/IMA World Health. *Impact Evaluation: Overcoming SGBV in the Eastern DRC*. October 2018.

discrimination, custody rights, and inheritance, lawyers provide legal advice and seek remediation and justice through alternative avenues such as out-of-court settlements, mediation, and reconciliation.

Throughout the legal process, CGBV provides transportation and safe housing for survivors as needed, including transporting clients to courts and meetings. Project-supported lawyers also distribute sexual assault evidence collection kits to ensure healthcare workers and police know how to collect and preserve forensic evidence properly to support prosecution.

MOBILE COURTS: Insecurity and distance often prevent GBV survivors from attending court. At the same time, the few courts that do exist are over-stretched, due to lack of funding and personnel, and cannot provide adequate services in rural areas, preventing prosecution of GBV crimes. CGBV facilitates mobile government court services as an important strategy for increasing access to the judiciary at the local level. To do this, CGBV legal staff coordinate and collect a backlog of 10-15 GBV cases in a given health zone. When a sufficient collection is achieved, the project transports a judge, district attorney, and other legal staff to the relevant area and the government holds local court sessions. In addition to increasing the number of cases heard, the mobile courts act as a powerful deterrent for GBV. The mobile courts often draw observer crowds of hundreds and are able to visually demonstrate the power of justice and accountability.

COMMUNITY PARALEGALS: In line with national legal guidelines, CGBV trains and supports community-based paralegal advocates to increase access to mediation and legal support for GBV clients. Community-based paralegals provide advice on individual and community rights (formal or customary), including on GBV, labor law, and custody issues. The community paralegals also provide mediation services, refer clients for legal services, and escort them to court. To prepare court cases, community paralegals document GBV case details and assist with the preparation of legal dossiers to submit to trial lawyers. Social Center lawyers and head paralegals oversee community paralegals, reviewing cases and mentoring them in GBV mediation and legal issues.

INNOVATION: ALTERNATIVE DISPUTE RESOLUTION MECHANISMS

Alternative dispute resolution (ADR) mechanisms – such as facilitated settlement negotiations or mediation – increase access to justice for survivors of GBV other than sexual violence who cannot or will not use the court system, due to cost, distance, fear, or other factors. ADR also helps address conflict in culturally-appropriate ways that maintain social cohesion, potentially acting as a deterrent to future GBV and preventing recidivism.

CGBV began piloting ADR for select GBV survivors in 2018, building on previous work by consortium partner, Search for Common Ground in Rwanda and DRC. ADR assists with the resolution of property disputes, inheritance issues, and custody issues.² It also paves the way for social reintegration of marginalized people, such as former combatants, children accused of witchcraft, and sex workers.

As part of ADR, community mediators (*médiateurs familiaux*) support survivors and their families or communities to resolve disputes or tensions that might arise as victims speak out and seek justice. Mediation is done on a voluntary basis: The victims reach out to the mediators for support, then the mediators consult with the victims and parties to the conflict in a discrete manner as the parties pursue justice. The CGBV-trained mediators also hold facilitated community discussions that aim for better survivor reintegration and contribute to broader, project-wide GBV prevention strategies.

RESULTS (THROUGH YEAR 2/FY19)

- **1,874 GBV survivors** received legal support. Of the cases taken to the courts, 77% were decided in favor of the survivor.
- **462 GBV-related disputes** were resolved through ADR, with 61% of survivors receiving reparations from the perpetrator.
- **414 paralegals/community mediators** trained on customary law, the survivor referral pathway, and alternative dispute resolution and mediation.

The USAID CGBV Program supports local communities and government in eastern DRC to prevent and respond to SGBV and other forms of GBV. The project aims to help reintegrate survivors successfully within their communities through holistic medical, psychosocial, legal, and socio-economic support, while disrupting the broader cycle of inter-generational SGBV. IMA World Health leads CGBV, working in partnership with local and international partners: HEAL Africa, Panzi Foundation, ABA-ROLI, SFCG, University of Washington, and Johns Hopkins University.

2 ADR is not a substitute for the formal legal system and does not address criminal cases that require prosecution, such as a sex crimes. Those survivors are referred to the project's legal services clinic at CGBV Social Centers.

