

Profiles in Locally Led Approaches to Thinking and Working Politically

Case Study 3: Thinking and Working Politically while Providing Legal Aid to Gender-Based Violence (GBV) Survivors in the Democratic Republic of the Congo (DRC)

Dynamique des Femmes Juristes and CARE USA

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This is the third in a series of case studies aimed at documenting the Thinking and Working Politically-aligned practices of country and regionally based organisations and activists. The case study series is sponsored by the DC Working Group of the Thinking and Working Politically Community of Practice and is meant to elevate the adaptive and politically-aware methods of diverse development actors operating across a range of contexts. This specific case study examines the political nature of work led by *Dynamique des Femmes Juristes* and its Executive Director to promote responses to Gender-Based Violence within the judicial system and at the community level in the Democratic Republic of Congo. It was developed through a collaboration between *Dynamique des Femmes Juristes* and *CARE USA*. The global TWP CoP is delighted to support the publication of this and other case studies in the series as they make an important contribution to the body of evidence on politically aware and adaptive development efforts from the perspective of those at the frontline of such initiatives.

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Background

As a grassroots woman leader providing services to GBV survivors in the DRC, Claudine Tsongo from *Dynamique des Femmes Juristes* (DFJ) navigates deeply embedded political sensitivities and social norms alongside corrupt power structures every day. This case study explores a specific example of her approach to navigating political and power structures from within her work and efforts on the ground providing legal services to GBV survivors in the DRC.

Claudine is a consortium member of a project with CARE USA called Call to Action Field Implementation (CAFI). CAFI seeks to catalyse the global platform of the Call to Action on Protection from Gender-Based Violence in Emergencies (CTA) on the ground, working with women-led organizations (WLOs) to drive change and foster GBV prevention, risk mitigation, and response in humanitarian settings. Claudine has led the coordination of the project since 2020 in the West/Central Africa region. This case study explores some of the political elements of her work under the umbrella of this project, as Claudine discusses the political barriers and challenges to carrying out GBV response initiatives at the local level in the DRC.

GBV Prevention, Risk Mitigation, and Response in the DRC

Navigating political sensitivities while carrying out GBV prevention, risk mitigation, and response work on the ground is a necessity under the CAFI project. As an association of lawyers, DFJ has the mission to “be the voice of survivors and help them access their rights, specifically for survivors of GBV.” DFJ has 20 permanent staff members, of which 12 are attorneys, six are lawyers, and two are magistrates; additional staff are recruited ad hoc, as needed for specific projects. Staff members provide legal aid to GBV survivors in the DRC, including information about their rights and how the judicial system operates, accompaniment as they report to the police, a lawyer to assist them throughout their cases, and payment for all associated costs (including transport to the tribunal, hotels, and legal fees).

The reason this work is necessary is because of the many barriers to accessing justice in the country. Claudine explains that the DRC lacks a comprehensive law on GBV, having only one on sexual violence, which results in many survivors being in situations where the acts they have survived are not considered GBV. In addition to this weak legal framework, DFJ has also documented increased costs associated with accessing the justice system in recent years, in addition to the closure of five legal clinics in 2020 alone.¹ Furthermore, the patriarchal system in the country exacerbates the issue and there is great stigma that prevents GBV survivors from reporting their cases to the police. Then, once survivors do decide to report, there are patriarchal norms that delay the advancement of their cases once they do make it to court. Judges often hear GBV cases in biased ways and have a higher standard of proof than the law should require.

“To many women who have experienced violence from their partners or husbands, the judge might ask ‘what did you do that would make your husband do this?’ Given their patriarchal background, they might not apply the law as they should, because they see this as a different circumstance where justification is needed. Instead of just viewing the facts,

¹ DFJ's 2021 Annual Report, p. 2 & 17

*they reflect on the familial situation. They look for justification that lies outside of the law, and this leaves many women disappointed in the justice system. And it will frequently be pushed back on family issues. This comes up with pregnancy [resulting from rape] as well. They will say 'we need to find the father so there can be a marriage to raise the child.'*²

The International Federation for Human Rights in the DRC confirms Claudine's assessment regarding the existing barriers to justice. According to a 2013 report, "the isolation of victims, social stigmatisation, fear of reprisal, vulnerability, lack of financial means, lack of tribunals in non-urban areas, lack of awareness of rights, as well as numerous forms of discrimination against women in law and practice are among the many obstacles to obtaining justice. When victims manage to overcome these barriers and bring their case before a court, other obstacles arise due to the complexity, opacity and the cost of proceedings, which too often depend extensively on the efforts of the victims themselves and their lawyers."³

Dynamique des Femmes Juristes 'Approach in Working with GBV Survivors

Accessing justice is often viewed as nearly impossible in the DRC, especially without the support of organisations like DFJ. Claudine and her organisation find strategies to make progress on access to justice in the DRC, while working through and around political and social barriers. Some of the core approaches that DFJ uses to support justice for GBV survivors are:

- **Understanding and working with a range of stakeholders.** DFJ works closely with stakeholders at all levels—from individual family members to judges, lawyers, and community leaders—to ensure that survivors can move forward from situations of violence and access justice. A sophisticated understanding of incentives and positions of many different stakeholders is critical to see justice across the whole process in the system and design strategies that work for different actors.
- **Awareness raising with communities.** One of their most important approaches is awareness-raising. DFJ raises awareness within communities, educating them on what GBV is and why it is a human rights violation, and emphasizes that women should have a voice and power to seek justice. In a context where GBV is so normalised, getting community members and power holders to understand that GBV is a human rights violation, and being willing to take action is a necessary step towards justice.
- **Awareness raising with survivors.** DFJ also raises awareness among survivors, so that they know and understand the acts committed against them are violations of human rights and have information about the legal options available to them. Raising awareness with both communities and survivors has the power to transform societies and systems to make them more responsive to GBV, removing stigma related to GBV and access to justice.
- **Local leadership, expertise, and partnerships.** Critically, DFJ is based in and works with the communities themselves, to ensure that this work is contextually appropriate, delivered in the local language, and with an awareness of local sensitivities. DFJ trains community leaders to lead this work directly, sharing clear, accessible, and trustworthy

² Claudine Tsongo, interview August 15th, 2023.

³ International Federation for Human Rights, *DRC: Victims of Sexual Violence rarely obtain justice and never receive reparation*, 2013, pp. 22&23

messages that can be used by leaders to start a dialogue on these issues, using media as diverse as radio programs and interactive theatre.

Clearly mapping the barriers and creating customized solutions.

DFJ's work to accompany survivors in accessing justice has evolved over time. DFJ works to understand multiple social and political barriers across the whole justice system. Rather than taking a single tactic with one stakeholder, DJF builds a whole picture of the challenges a survivor faces accessing justice and builds diverse strategies to address each barrier.

Some examples of these are:

- **Increase local presence, expertise, and services.** Originally, DFJ was a smaller organisation and lacked the resources to have local offices. This was a major obstacle in assisting survivors, as survivors were frequently located in remote locations, without access to courts and tribunals. To respond to this challenge, DFJ decided to create clinics that serve as a relay between survivors and legal structures, as well as police stations, which are the first actors involved in legal accompaniment.
- **Shift justice processes to the local level.** DFJ has now taken this local initiative one step further, organising court hearings at the community level, where the act was committed. This has brought justice to the survivor at the local level, and has a pedagogical benefit for the community, who see the legal consequences for these crimes.
- **Local process advocacy.** DFJ conducts advocacy within the justice system itself to ensure that justice actors are trained to be sensitive to GBV and gender issues, and to combat their use of biased social norms. For example, DFJ follows up with judges regularly to make sure GBV cases are moving forward as they should rather than being stalled – ensuring that anyone indicted for GBV provides reparations and if there is a prison sentence, ensuring that it is appropriate and responds to the offence adequately.
- **Advocate for national policy and legal change, focusing on Ministry actors.** DFJ's accompaniment to survivors is not as straightforward as simply raising awareness and subsequently providing free legal services. Currently, they are advocating to get a comprehensive GBV law approved. Claudine explains that this is a politically delicate issue that must be handled with care. DFJ is working with government actors, particularly the Ministry of Gender, to push through civil society proposals for the law. They have made great strides in getting the Ministry to listen – advocating with party deputies and politicians who can influence the Ministry, bringing survivors into meetings with representatives, and even organising sit-ins before Parliament – but are still waiting to see if the Ministry introduces the law to Parliament.
- **Building networks.** This work requires endurance and allyship, so DFJ continues to bring diverse coalitions into their advocacy. However, at the time of writing, with the 2023 elections looming, they are worried that the law will not advance, becoming an issue for the next legislature. To address the security risks they face (see section on challenges), DFJ works with fellow civil society actors, notably, the Ukingo Wetu Network ("Our Protection," in Swahili) to protect human rights defenders.

As Claudine sees it, only organisations like DFJ have the starting point from which to be able to do this work, given that – as most GBV survivors are women – they tend to only feel comfortable going to and trusting other women with their accounts. As a WLO, DFJ has been well-positioned to support survivors, and their approach has yielded impressive results. In 2020 alone, DFJ brought 1,648 cases to court, and by the end of the year, 430 judgments had been pronounced with 390 convictions.⁴

“Access to justice is more sustainable if it is provided by local organizations.”⁵

DFJ’s aim in doing this work is to ensure that other potential perpetrators of violence are deterred because they see that there will be consequences for their actions. Claudine views access to justice as GBV prevention in addition to response, as it creates a culture in which GBV perpetrators know they will be held accountable. This is why raising awareness of GBV as a human rights issue is such a critical piece of DFJ’s work as well.

“We work on this so that GBV is understood by the population as a human rights violation, and that the fight against this act is realized. This is how we can stop GBV. Access to justice is also a way to prevent GBV.”⁶

Challenges in Providing Legal Aid

These tactics are not without barriers themselves. DFJ faces immense security risks in doing this work. Most frequently, they receive threats from perpetrators, and this is even more common when the person is wealthy. Wealthy perpetrators often utilise venues of corruption within the justice system to stall their cases, and to carry out threats against DFJ with police officers, legal actors, and others on their side. At one point, one of DFJ’s staff members was even kidnapped, though thankfully returned. Working in this climate, DFJ has learnt to build networks to increase their security, and to work with judges and other actors diplomatically and cautiously. Working with a network provides DFJ with the platform and support to denounce attacks on human rights defenders. They also take preventative measures in doing this work, holding closed sessions, and concealing voices, when cases are particularly sensitive.

“When actors are politically or economically powerful it is difficult. There are even judges who leave cases to the side based on political requests.”⁷

Corrupt systems are not the only obstacle to DFJ’s work. DFJ’s advocacy within the legal system is frequently undermined by the patriarchal norms that dominate Congolese politics. In the DRC, more than 80% of the legislators are men. And as Claudine explains, “they are educated in this system where women’s voice and leadership are not reinforced.” This is why it is key for civil society and women’s movements to put pressure on them to take gender into account in developing laws.

“So we are always there to push for change and for the respect of women’s rights and to limit GBV, which women face as a result of social constructions. This is part of the fight against GBV. We fight so that the laws are improved.”⁸

⁴ DFJ’s 2021 Annual Report, p. 20

⁵ Claudine Tsongo, interview August 15th, 2023.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

And despite the political barriers, they have had wins. DFJ successfully advocated for changes to the DRC's family code in 2016, which before severely restricted the rights of married women and generated impunity for many types of violence, and now recognises women's rights.

"So we do our best to remove social obstacles with our men-dominated Parliament. It's a difficult battle, but we attend work sessions with deputies who are disappointing, and we don't let up the work...Political obstacles and the willpower of decision-makers remains a profound obstacle. We see now that the President promotes gender equality and women's decision-making, but the results are not yet satisfying."⁹

Recommendations for Development and Humanitarian Actors

Claudine has three specific recommendations for how development and humanitarian actors can and should contribute to GBV prevention, risk mitigation, and response in the DRC.

- **Development and humanitarian actors should focus on access to justice in their projects.** This is something she currently does not see included often enough. She sees more attention to medical treatment and psychosocial care, but not enough on social and economic reinsertion and judicial access. Given the size and political difficulties of the issue, actors like DFJ need support and more attention.
- **These actors must increase attention to prevention, which she does not see development actors investing in enough.** This should be a priority across the domains of development, humanitarian work, and peacebuilding, and it should be done in coordination with local actors.
- **There needs to be further practice of localisation.** Local actors have the political understanding and contextual background to best conduct GBV prevention, risk mitigation, and response. WLOs need to be given the agency and resources to lead this work.

"Those who decide to work on access need to have support for the actors doing this work, given the size of this issue. We cannot assist all survivors. We need assistance to meet the needs."¹⁰

⁹ Ibid.

¹⁰ Ibid.