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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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• (1310)

[Translation]

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): Today, November 28, 2010, we are holding the 32nd meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

[English]

The order of the day today is a study of sexual assault on women and children during peacekeeping operations, in fragile states and in situations of conflict.

[Translation]

Today we have two witnesses: Gaëlle Breton-Le Goff, who is associate professor in the Department of Law at the Université du Québec à Montréal, and Mélanie Coutu, who is a research fellow at the Centre for Peace Missions and Military Operations.

[English]

We are very glad to have you here, both of you. We welcome you to make your comments. Normally we give you about 10 minutes. I recognize there are two of you, and I'm not sure how you divide it up. If you go over, it's not a serious problem, though it eats a bit into the time we have for questions at the end.

At any rate, we are all interested in hearing what you have to say, and we encourage you to start, please.

Ms. Mélanie Coutu (Research Fellow, Center for Peace Missions and Humanitarian Studies, Raoul-Dandurand Chair of Strategic and Diplomatic Studies): Thank you.

[Translation]

Mr. Chairman, committee members, good afternoon.

It is a pleasure to be with you today to talk to you about sexual assault on women and children during peacekeeping operations in fragile states and in situations of conflict.

In the first part of my 10-minute testimony, I would like to briefly outline the consequences of sexual assault on women, both individually and collectively. Then I would like to describe the reasons why sexual violence is used as a weapon of war and to explain to you why, once hostilities have ended, women continue to be victims of sexual violence

In my last point, I would like to shed light on the exploitation of sexual abuse committed by UN peacekeeping troops and humanitarian personnel when deployed on peacekeeping missions.

First, I will provide a brief overview of sexual violence. In 2008, at a high-level conference on the role of peacekeeping missions in the struggle against sexual violence, the former assistant commanding officer of the United Nations Organization Mission in the Democratic Republic of the Congo—MONUC—Major General Patrick Cammaert, said that it was more dangerous to be a woman than a soldier in Eastern Democratic Republic of the Congo. Unfortunately, the DRC is not the exception, but the rule. Seventy per cent of current victims of conflicts are civilians, not combatants, and the majority of those victims are women and girls. A disproportionate number of women are still dealing with this type of violence. Some 60,000 women were raped in Bosnia-Herzegovina, between 250,000 and 500,000 during the genocide in Rwanda and more than 64,000 during the conflict in Sierra Leone. It should also be noted that these figures are estimates because most rapes are not reported by the victims.

Sexual violence can take several forms. These include rape, sexual assault using foreign objects, mutilations of the breasts or genitals, forced marriage or forced pregnancy, torture and sexual slavery. They involve all women, regardless of age, social status, nationality, ethnic group or political affiliation. Incidentally, a recent study has shown that, in sub-Saharan Africa, the age of the victims of sexual violence is constantly declining, particularly as a result of the fact that attackers fear they will contract AIDS. As a result, 68% of the victims in DRC are 11 to 18 years old.

For thousands of women, rape is a life sentence. Lacking psychomedical care, shelters and accommodation, reintegration assistance and legal aid, rape victims will have to live with the psychological and physical after-effects for the rest of their lives. In many cases, as a result of the brutal nature of sexual violence, women may develop physical consequences such as infertility, fistulae and incontinence. They develop health problems for life.

Another aggravating factor is that rape is still a taboo in a number of societies. Rape victims will often be ostracized and ultimately find themselves outside society. In Somalia, for example, a married woman who reports that she has been raped is guaranteed that her husband will seek a divorce because she has shamed him and her family. Out of fear of reprisals, out of fear of AIDS, as they have dishonoured their families, members of the immediate and extended family, spouses and entire communities frequently reject the victims of sexual violence.

The second point I would like to address is the issue of sexual violence as conflict. Sexual crimes against women and girls are not committed in a particular type of conflict. Whether it be a war of secession, genocide, an ethnic cleansing campaign or an inter-state war, sexual violence is committed against women. Nor is it committed by any specific armed group. Soldiers of national armies, militia members, paramilitary troops and mercenaries commit these crimes. Rape is a weapon of war because it is used deliberately and systematically against civilian populations. Rapes are planned in advance, and they take place in public areas, on roads or in fields, in view of the family and community. Their purpose is to control, humiliate and establish a climate of terror in communities. It is a very effective weapon, as it were, because the terror it causes pushes local and community populations to flee by road and to take refuge in camps or elsewhere.

It doesn't affect just women; it disrupts entire communities.

I would like to add that the end of hostilities does not mean an end to violence against women. In states emerging from armed conflict, the influx of refugees and displaced persons, the presence of a large number of demobilized former combatants, often without job prospects, and the massive presence of firearms are all factors contributing to persistent sexual violence against women. The judicial and political systems of most fragile states are not functional. In fact, that, in a nutshell, is the definition of a fragile state. These women therefore have no recourse to regular law enforcement. In other words, most sexual violence remains unpunished.

Lastly, the general deterioration of social standards caused by years of conflict, chronic insecurity and poverty fosters the development of fundamentalist movements, religious in particular, but others as well. These harm women and leave them more vulnerable to sexual violence.

With respect to sexual violence committed by peacekeepers, this is not new. Cases of abuse have previously been reported in Cambodia, Sierra Leone, Liberia and Kosovo. However, the media coverage of sexual abuses recently committed by Indian contingents in the DRC have made the problem more visible and resulted in greater concern by the UN and international NGOs.

MONUC has an office that establishes guides and prevents sexual abuse cases. In addition, the UN secretary general has established a zero tolerance policy and a code of conduct prohibiting personnel from engaging in immoral acts of violence or acts of sexual, physical or other types of exploitation against civilian populations. However, despite these preventive and restorative measures, sexual violence cases persist. Here we're talking about the emergence of sex industries, trafficking in human beings for the purposes of sexual

slavery, as well as the increase in the incidence of HIV among populations welcoming peacekeeping operations.

The sexual abuses committed by peacekeepers and other humanitarian personnel have often been treated as collateral damage. This, in a way, is a cavalier manner of saying that "boys will be boys" and that, where there are soldiers, there will necessarily be prostitution. However, it is crucially important to emphasize that certain conditions make this kind of wrongful behaviour possible. Let's not forget that peacekeeping operations are generally conducted in circumstances of extreme poverty in which the rule of law is considerably weakened. This context results in significant disparities of status between personnel deployed in the field and local populations. This unequal relationship fosters an increasing incidence of sexual behaviour and abuse by peacekeepers.

In the DRC, the sexual exploitation and abuse committed by peacekeepers essentially consists in an exchange of money and material or other property for sexual favours. There is therefore a real market for sexual favours near the camps of the United Nations Organization Mission in the Democratic Republic of the Congo.

In conclusion, I would say that sexual violence in times of armed conflict is a universal weapon that enables those who use it to strip their victims of their dignity and destroy their self-respect. By destroying women's bodies, sexual violence reduces women's ability to play an active role in restoring societies after a conflict or in restoring a society within a fragile state.

Thank you very much.

• (1315)

The Chair: Thank you, Ms. Coutu.

Ms. Breton-Le Goff, go ahead, please.

Prof. Gaëlle Breton-Le Goff (Associated Professor, Department of Law, Université du Québec à Montréal): Good afternoon, ladies and gentlemen, and thank you for inviting me to this subcommittee.

My address today will concern the situation of women and children in the Democratic Republic of the Congo and, in particular, the issue of sexual violence and the perpetuation of sexual violence in the DRC. More particularly, I will talk about the east region of the DRC.

As you know, for many years now, there has been a series of regional, national and inter-ethnic conflicts in the Democratic Republic of the Congo that have resulted in innumerable—since we are unable to obtain statistics on the subject—victims of sexual violence.

That violence has been committed in combat, reprisal operations and clearing operations designed to seek out the enemy, or simply in a context of general insecurity, which is the result of increased numbers of armed groups hiding in forests and emerging from time to time to attack villages and peasants.

Based on the figures reported to us, the NGOs and the UN believe there were 13,000 rapes in 2006 and 15,000 in 2009, which is tantamount to saying that an average of 40 women are raped in the Democratic Republic of the Congo every day.

That leads us to ask one question: would we allow 40 women to be raped every day in Quebec and the Atlantic provinces?

It is also estimated that 40% of women living in North and South Kivu have been victims of sexual assault.

Today, despite the fact that peace accords have been reached, "pacification" operations are underway, that is to say operations to seek out the FDLR, the Forces démocratiques de libération du Rwanda, former Hutu Interahmwe, it is nevertheless estimated that 70% of sexual assaults are committed by members of the Congolese army, the FARDC.

Why has this situation occurred? It's quite simply because there is a national regime of impunity for both civilians and the military hierarchy. It is also the result of agitation operations that were conducted when authorities wanted to pacify the region and thus restore rebel soldiers to the ranks of the national army, together, of course, with soldiers who, despite the international community's efforts, unfortunately have little training in the rules of humanitarian law.

Another disturbing fact about the Democratic Republic of the Congo is that sexual assault is not committed solely by the military, but is also extensively perpetrated by civilians. Field-based non-governmental organizations in the field report that sexual violence is increasingly being committed by civilians, that is to say unarmed individuals.

In the DRC, it must be understood that all armed groups have, at one time or another, committed sexual violence, that that sexual violence has absolutely broken all cultural taboos of Congolese society and that children, babies, prepubescent children, pregnant women, both nursing and in menopause, as well as a percentage of men whose cases it has been difficult to document, have been raped. This of course has an extensive impact on the health and socio-economic situation of women and their children, as well as on the fabric of society, as my colleague said.

Here are some statistics: in the area of health, 22% of women who have been raped are carrying HIV-AIDS. A number of them have had to undergo operations where that was possible. They also suffer from post-traumatic stress disorder, which manifests itself in crises of anxiety, insomnia and depression, not to mention the fact that there are forced pregnancies that have physical and psychological consequences that will undermine the welfare of children born of rape.

● (1320)

The specific problems that we see in the DRC also include stigmatization and rejection by the community, the fact that forced displacements, precisely as a result of campaigns of rape and terror, cause population displacement. This ultimately weakens communities, and women in particular, economically because it cuts them off from their traditional means of subsistence. The vast majority of victims of sexual violence are peasant women who have been raped while cultivating their fields or going to market.

This also has an impact on education. The children in Eastern DRC have little or no access to education. According to statistics from the World Bank for 2008, an estimated 58% of children in the DRC are registered in primary school and the drop-out rate is 20%. It

also has to be said that a number of children are recruited or enrolled in armed bands on the way to or at school.

It must be understood that the parliament of the Democratic Republic of the Congo passed an act against sexual violence in 2006. That act amends the former Penal Code of 1940 and introduces new offences. It also clarifies the circumstances—or the definition—in which rape occurs. That act has been in effect for four years and its results are still extremely unsatisfactory. There are a number of practical, logistical reasons for that. I'm going to mention them briefly.

There is one particular difficulty in the Democratic Republic of the Congo, particularly in the east: the judicial organization of the prosecution, of the courts, is not conducive to the prosecution of offences as a result of the remoteness of judicial bodies and, in particular, the separation between the public prosecutor and the court; that is to say that a prosecutor may be in one city and the court in another. In a country where travel and means of communication are difficult, this raises a problem for judicial activity. In addition, neither the police nor the prosecution have the logistical means to travel to investigate on site and to question witnesses. Furthermore, magistrates and police officers are not trained in examination techniques or in the care of victims of sexual violence. There is another point: the victims cannot afford to pay for medical consultations or a doctor's certificate, which will serve as evidence at trial. Nor can they afford procedural costs or travelling expenses to go to court.

Another difficulty is that many offenders who are prosecuted for sexual crimes are regularly granted pre-trial release and take advantage of the fact to run away.

Another sizable problem is that individuals who are in a situation of power and who commit sexual assault in the DRC have de facto immunity, and the justice system ultimately prosecutes the "small fry".

It would be helpful to do something, particularly in the context of this initiative, which has been introduced by the UN secretary general and to which a number of countries have responded—25 to date. The idea would be to put a national action plan in place to implement the UN Security Council resolutions on women, peace and security.

The recommendations or implementation indicators state that it is absolutely imperative to combat impunity. I consider it absolutely fundamental, in the case of the Democratic Republic of the Congo, to be able to grant judicial and police institutions authority to prosecute and judge adequately.

● (1325)

This means having the material capacity to do so. Police officers have to be trained. Judges and police officers also have to be paid in order to avoid corruption. Currently in the DRC, there are mobile courses financed, in particular, through Belgian cooperation, CIDA and the NGOs that travel to remote regions to ensure justice is done.

We must also insist that the Congolese government comply with its policy of zero tolerance of sexual violence at all summits of the civilian and military hierarchy.

Another option would be to reduce or abolish court costs for the victims of sexual violence. Currently, the non-governmental organizations and, in the case of bilateral cooperation, programs will be financing the care and legal assistance of these victims. There are of course other points that could be raised, but it is imperative that peace be restored and maintained. It seems to me that goes without saying.

Action must also be taken to ensure redress because, at some point, we will have to consider a way of restoring generations of men, women and children who have been completely broken by war and sexual violence. In a manner consistent with UN Security Council Resolution 1325, we must also listen and give voice to the Congolese NGOs, particularly with regard to the development of peace plans and national policies, as well as international plans and programs to combat sexual violence.

Thank you.

•(1330)

The Chair: Thank you, too.

[*English*]

We have 29 minutes. The most logical thing is to simply divide this into four chunks and give one seven-minute section to each of the four parties. If you choose to divide that up between two members of the same party, that's your decision.

We'll start with Mr. Silva for the Liberals.

[*Translation*]

Mr. Mario Silva (Davenport, Lib.): Thank you, Mr. Chairman.

I also want to thank you for your testimony, which is so important. I am sure your statement will no doubt help us a great deal in the study we are conducting.

I have three brief questions, but I'm going to share some of my time with my colleague Mark Eyking, who also wants to ask a question. A number of reports concern the culture of impunity that exists in a number of countries. What do you think that we members and our government can do to put a stop to this political situation that exists in a number of countries where there are conflicts?

My second question will be brief. I don't know whether you're ready to comment on the new Shi'a Personal Status Law in Afghanistan.

My third and final question also concerns women. It's about honour crimes in Afghanistan, Pakistan and a number of countries like that. Perhaps you can talk a little about that.

Prof. Gaëlle Breton-Le Goff: With regard to the culture of impunity in the Democratic Republic of the Congo, a number of levels of intervention are possible, particularly bilateral aid. I know that the DRC is not one of the priority countries for the present government, but what I'm going to tell you is also valid for other countries. As you no doubt know, the fight against impunity is waged by example. I know that one of the best examples, the best signal that President Kabila could send, would be to transfer Mr. Ntaganda to the International Criminal Court, which has issued a warrant for his arrest. It did so because Mr. Ntaganda was an officer, a lieutenant, under the orders of Mr. Lubanga, who is currently on

trial. It has to be understood as well that Mr. Ntaganda was the right arm of Laurent Nkunda, who conducted an armed offensive against Goma between October and December 2008. There is documented evidence of what happened. That would be the first signal.

The second signal would be national in scope. It would be absolutely necessary for the army officers known to MONUC and Mr. Kabila's government to be prosecuted in military court, under military justice, for the sexual violence crimes they have committed.

•(1335)

Ms. Mélanie Coutu: What was your second question?

Mr. Mario Silva: It concerned the Shi'a Personal Status Law.

Ms. Mélanie Coutu: I know less about Afghanistan than about Africa.

Mr. Mario Silva: That's fine.

I had a question on honour crimes.

Ms. Mélanie Coutu: Honour crimes, in times of peace as in times of war, fall into the broad category of sexual violence against women. Honour crimes also belong to the category of sexual mutilation that some women suffer in Central America, Africa and elsewhere. We're also talking about forced marriages at a young age or even forced pregnancies and trafficking in women. I know that a recent study has shown that Afghan families often marry their daughters increasingly young to prevent them from being raped by the Taliban or other groups. This is a set of crimes based on relationships of inequality between men and women.

That's fundamentally where that comes from. These are prejudices; this is the way the role of women, their identity and the social role they are assigned in societies are perceived. I could say, somewhat crudely, that the way to lower the incidence of these crimes, whether it be honour crimes or other sexual crimes against women, would be to develop policies aimed at communities that involve men and women for the purpose of changing cultural standards. In fact, the idea would especially be to develop policies that would enable women to become independent. The well-known term in English is empowerment. That would enable them to play an active role in society and in reconstruction.

[*English*]

Mr. Mario Silva: Do you have a minute for my colleague?

The Chair: We have a minute and a half.

Hon. Mark Eyking (Sydney—Victoria, Lib.): Thank you, Chair.

I appreciate the witnesses coming here today.

A disgusting byproduct of war zones in the history of mankind has been rape. The sad part of it is that many of the leaders of these armies have always turned a blind eye—to reward the victors, to take revenge on the opposition army, to terrorize the public.

What bothered me most today is the report that it's happening with the UN soldiers. In the 21st century, the UN should be the best example out there.

Shouldn't we, as a UN member, be going after the generals and the officers in charge of these men? The soldiers are on the ground, and if they're not being punished, the generals and the officers in charge have to be held accountable. If we're not doing that at the UN, how can we expect that of other countries?

What has been taking place with the men and women in charge of these armies of the UN? Is the UN going to clamp down on it?

Ms. Mélanie Coutu: The UN is in a bit of a delicate place. It is difficult to accuse the person who did the crime because it's the national army—the two contributing countries—that has to process the person with the allegations against him of sexual violence.

When a country deploys their military personnel or police personnel they make....

Can I speak in French?

Hon. Mark Eyking: Go ahead.

[*Translation*]

Ms. Mélanie Coutu: In fact, there are agreements between the UN, the host country and the country that provides troops. Some immunity prevails during peace missions, in the field. Responsibility for prosecuting military personnel who are subject to allegations falls on the country. How are most cases settled? The accused is sent back to his country, and it is up to that country to lay charges against him. UN officials are definitely putting pressure on those countries to follow through with the judicial process, but otherwise they have no power. That is a matter of the state sovereignty of the country that provides troops.

There are various mechanisms, including a code of conduct and a code of prevention. At MONUC, for example, an officer is responsible for keeping an eye on the comings and goings of personnel and for establishing certain no-go zones, specifically to prevent violence or cases of sexual abuse by its peacekeepers.

• (1340)

The Chair: Thank you.

Ms. Deschamps, go ahead, please.

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Thank you, Mr. Chairman.

Welcome, *mesdames*. Thank you very much for your evidence. It is both very sombre and disturbing.

UN Resolution 1325 was adopted 10 years ago now. It was the first acknowledgment that women were being used as weapons of war. In those past 10 years, there have unfortunately been cases in Darfur, in the Democratic Republic of the Congo and even in Haiti, where there is no armed conflict at this time, but where there is devastation as a result of climatic events. A very large number of sexual abuses against women in Haitian refugee camps has been reported. Barely one month ago, the government presented its action plan to implement the UN Security Council resolutions on women, peace and security.

Ms. Breton-Le Goff, on November 17, the government, through CIDA, announced a project in the Democratic Republic of the Congo. Although there are tools, an action plan, and Resolution 1325 was adopted 10 years ago, the violence is not

declining, on the contrary. Women are increasingly being used. In the wake of the G8, donor countries have undertaken to invest more and to focus on the millennium objectives, but if we do not solve the problems of violence against women, if we do not provide the tools and training necessary to address this phenomenon, we will never be able to achieve the 2015 objectives. You tell us that 40 women are raped every day. That's incredible. If that happened here, I don't believe we would close our eyes to the situation.

Are enough women in those countries allowed to take part in reconciliation, to make their voices heard? It's their bodies; they are the ones who are the most used in these men's wars.

Prof. Gaëlle Breton-Le Goff: I wasn't aware of either the project or the CIDA announcement. On the other hand, I am somewhat aware of CIDA's previous project and of the \$15 million paid to the joint project for the Fight Against Sexual Violence in the Democratic Republic of the Congo.

That CIDA project has come up against a major problem because the fight against sexual violence in the Democratic Republic of the Congo is currently completely centralized in UN institutions, particularly the UN Development Program, the UNDP. The UNDP is subject to accountability rules by the funding agencies. It is also subject to a number of criteria for the selection of field-based non-governmental organizations which will provide judicial assistance services, but especially psychosocial and medical assistance services.

As a result of these quite strict accountability criteria, UNDP and the UN organizations have had to choose, on a priority basis, to work with international non-government organizations. They have only worked with an extremely limited number of Congolese non-governmental organizations, which are in fact becoming service providers. The problem with this approach is that the voice of women's organizations that take care of victims in the field does not reach the ears of those responsible for designing programs and policies.

So when we talk about Resolution 1325, that's precisely what we're talking about. When we ask the organizations to take women's needs into account in the matter of reconstruction and peace, it's precisely that process we're talking about. They are in the best position to talk about the reality of sexual violence, to talk about the problems they encounter in the field and about the needs they identify. They are also in the best position to set necessary intervention priorities. This is precisely one of the problems involved in implementing the prescriptions of Resolution 1325.

• (1345)

Ms. Johanne Deschamps: Ms. Coutu, did you have something to add?

Ms. Mélanie Coutu: No, that's fine.

Ms. Johanne Deschamps: Knowing that conceptualization, as you say, is being done at a higher level, where women and the organizations of civil society are virtually not heard—there's currently a kind of paradox; how can we know we've achieved the objectives, where does the money go? Am I wrong?

Prof. Gaëlle Breton-Le Goff: If we want to make field-based non-government organizations parties to reconstruction, perhaps we have to consider giving them training in fund-raising techniques, training in governance and compliance with accounting rules. We have to equip them. We also have to guarantee them ongoing funding.

The big problem right now is that these organizations are being prevented from developing expertise and experience in project management because they jump from one project to the next. They are constantly looking for funding.

I would like perhaps—

[*English*]

The Chair: I'm sorry. Is that a point of order?

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): I thought you were going to say that the time was up.

The Chair: I was about to say that, yes. We're actually a little bit over the time.

Mr. David Sweet: We just have one question. It's by my colleague, and he needs to get back for an S.O. 31. I wonder if we could ask Mr. Marston if it would be okay if he did that first, before Mr. Marston's turn, so that he could get back to the House for the S. O. 31.

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): I guess we'll let Russ go.

We work as a team.

The Chair: Mr. Hiebert, go ahead, please.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you.

First of all, I want to say how very much I appreciate the testimony you've provided today. It is certainly a horrific atrocity that is occurring in the Congo and elsewhere, and I am completely empathetic to the concern.

During the course of your statement, you asked what we would do if we found out that 40 rapes were occurring on a daily basis in Canada. That piqued my attention, and so I made a quick request to my staff to tell me how many sexual assaults—because we define it in sexual assault terms in Canada, not as rape—occur in Canada on an annual basis.

To put it in context, you said that 16,000 rapes occur in a population of 71 million in the Congo. That's about 43 per day, or about two per 10,000 people.

In Canada, there are about 21,000 sexual assaults on an annual basis, levels one through three. That's six per 10,000, or about 57 per day.

In the United States, there are 88,000 forceful rapes every year. That's a ratio of 28 per 10,000, or 241 per day.

Those are horrible numbers. Nobody is suggesting that those numbers are acceptable. But when you put it in that context, how do you explain the comparison, that on the face of it, things actually look worse in Canada than they do in the Congo right now?

• (1350)

Ms. Mélanie Coutu: Well, the thing with numbers, especially in the context of where there's a conflict...

I'm going to switch back to French.

[*Translation*]

The question of numbers is a very thorny and often highly contested question. First of all, the numbers seem enormous, but they in fact don't actually reflect the reality in the field.

If there are more rapes per day in Canada, that's because those rapes are often reported. By comparison, in the Democratic Republic of the Congo, the Sudan, Darfur and Somalia, rapes are not properly reported, or not accounted for. It's very difficult to find any statistics. It may seem more serious in Canada because we can assume that every crime is reported. In fact, we could even claim that, for every crime reported in the DRC or Somalia, five, six or seven others are not. They aren't reported because women don't want to be labelled as victims of sexual violence. They don't want to suffer ostracism or stigmatization because that will affect their future lives.

As I explained, in Somalia, there is divorce, and the levers of power—even if only economic power—belong to men. Women have no social status as such. Without men, they are nothing. Their access to material or basic needs is completely reduced. That's why a lot of rapes aren't reported. They aren't reported because of all the problems raised by my colleague regarding justice and access to justice. As a result of all kinds of factors, most crimes are not reported.

Numbers are a somewhat thorny issue. I may be speculating, but there are a lot more rapes than what is initially believed.

That would somewhat explain the discrepancy, which you raised, between the number of crimes in the United States and Canada, in so-called functional societies, where there is a judicial system and where assistance is provided to victims. I'm advancing the idea, but

[*English*]

The Chair: Thank you very much.

Mr. Russ Hiebert: Ms. Breton-Le Goff wanted to add something.

[*Translation*]

Prof. Gaëlle Breton-Le Goff: Thank you.

As my colleague pointed out, there is the issue of numbers. We estimate that, for every rape reported, five or six are not. If 40 rapes a day are reported, that means there are 200.

In addition, with respect to the northern European and western countries, we have to be aware that the figures you cite concern sexual assaults, that is to say a spectrum of acts ranging from rape, the most serious act, to highly offensive and humiliating acts that are not of the same degree of severity, such as sexual harassment, inappropriate comments, etc.

In countries like the Democratic Republic of the Congo, there is no notion of sexual harassment. For cultural reasons, it is an act that absolutely no one would consider denouncing or reporting because relations between men and women are essentially based on inequality and discrimination against women, and on the subordination of women to the pleasure and will of men. Consequently, when the women of the Democratic Republic of the Congo talk about sexual violence, these are extremely serious acts. I don't think your figures are entirely comparable.

[English]

The Chair: Mr. Marston, it's your turn.

Mr. Wayne Marston: Thank you, Mr. Chair.

I think one point we can't go away from here is the fact that in these countries, rape is a crime of shame. It's used to taint women who then have insulted the man because of that inequality in the relationship. I think we have to approach this situation very cautiously, because all of us become impassioned by such conversation. Even our sensibilities are assaulted by considering what happens to women and children and young boys in those countries. As Canadians we tend to look for easy answers to questions. These are far more complex.

I'll use a personal example. Sharia law was raised here a few moments ago. I spent six months in Saudi Arabia in 1979, and you could blatantly see the cultural differences of the men and women there. I had an interpreter in my office who had been assigned to the American military for 16 years. He sounded very well educated, and was a very personable, very likeable man. We were talking about the very point of where women, his wife in particular, were situated, and I was very struck by his answer. He said, "My father and mother are first, because I come from them; my brother, because I share his blood; my children, because they share my blood, and my sons carry my name." If you see me choking up a little bit, it's because next he told me, "Fourth is my car, and fifth is my wife." When I asked him why in the world he would put his wife after his car, he said, "Everybody needs transportation, and anybody can buy a wife."

Now, when I saw this man with his wife, he paid her respect in public. You never would have guessed the societal thinking underneath that. That very positioning of women in this society is what opens the door for people to start... Once one person is deemed "less than", then the things you do to them become less than.

What I'm really concerned about in the testimony we're hearing here today is with regard to the military in these countries where the armies are doing these things. It seems to me the leadership of that military will have either directed this or at least offered benign neglect to allow it to happen.

Is there any evidence at all that the military leaders in these countries have publicly or privately sanctioned these activities?

• (1355)

[Translation]

Ms. Mélanie Coutu: Your comment on your experience in Saudi Arabia is quite appalling. Talking about military authorities, I recently saw a documentary entitled *Weapon of War*, which concerned the issue of sexual violence in the Democratic Republic of the Congo. It follows the story of Captain Basima, a former rebel

who joined the new Congolese army. When he joined it, Captain Basima went around the activity centres to make the men aware of the issue of sexual violence. He tried to inform them about international law, about the conventions protecting women, about women's human rights, the right to gender equality, etc. At one point in the documentary, it was really interesting. The man who was responsible for the soldiers' awareness training told how he seduced his wife. He told how he found her very pretty and how much he wanted her. He had to have her at any cost, and that's what he did. In a way, he pardoned his violent behaviour toward that woman. That same man was responsible for the awareness training. There's something wrong when the person who is responsible himself internalizes those standards of social behaviour. The fact that anyone talks about sexual violence as a crime in the Congolese army is progress in itself. However, there's still a lot of work to be done with regard to social standards. There's no easy solution.

On the other hand, having somewhat studied and known people who provide training on sexual violence to UN staff deployed on missions, I know that training often lasts two weeks. Once staff go out on mission, training is offered by a cell that focuses a lot on details, on communications, on radio, etc. In that two-week training, they spend a morning on sexual violence, on questions of that kind, and so on. There's only one morning out of a two-week training course. Most of the military members surveyed after the training have a vague idea of what sexual violence, gender and discrimination are. It's a matter of social standards. Often the military members, who belong to this highly patriarchal and militaristic institution, perceive all this as an attack on their cultural standards. They are very reluctant about this type of training, about this type of dialogue for fighting sexual violence, from the standpoint of social standards.

• (1400)

Prof. Gaëlle Breton-Le Goff: Thank you, Mr. Chairman.

To answer your question specifically, yes, the military court—the military tribunal responsible for prosecuting accuseds for this type of offence—occasionally prosecutes people for violent sexual crimes. Convictions have even been obtained. There are too few of them relative to the number of violent acts committed, but the tribunal is nevertheless doing its job. The problem of military justice is that it is essentially ranking military members who are prosecuted. Line superiors are not accountable, hence the difficulty and the continued impunity in the armed forces.

[English]

Mr. Wayne Marston: The reference to sharia law takes me back to Saudi Arabia. The time I was there, a man was beheaded for assaulting an eight-year-old boy. The severity of the punishment struck me at the time, and the fact that they responded to it. I never heard anything regarding attacks on women, so there is a disparity.

My point is cautionary, that we don't start lumping religion and society in the same place. Throughout Africa, tribal wars have gone on for generations. Rape had been part of the punishment and part of the activity of war between the tribes. Now it seems to be far more systemic in nature. I'm very, very concerned. To turn that kind of thing around means turning a society around, not just the military. As you say, the court systems, the investigators can't stand up to it.

How do we reach society so that people don't wish to take part in such crimes no matter what the justification or the excuse? It's education.

Ms. Mélanie Coutu: What do we do? We do a lot.

Mr. Wayne Marston: You were talking about limited education just a moment ago. We have to find a way to hold the leadership of these countries responsible.

Ms. Mélanie Coutu: As my colleague said,
[*Translation*]

it is crucial that the most highly ranking members of the military or political hierarchy be held responsible. That's definite. We can't attack the 15-year-old child soldier who finds himself in a general climate of violence and impunity.

She was talking about the DRC's 2006 act, but, upstream, rape wasn't even mentioned in the act. In a number of other countries, rape is neither an offence nor a crime. The definition of what constitutes rape is so vague, it is subject to interpretation. Yes, we have to go the highest level and put pressure on political authorities to ensure they make every possible effort to fight sex crimes. Nothing will change until efforts are made upstream, in social terms, and until the parties to the conflict are reconciled.

Personally, I've worked a little more on the DRC. A woman victim of violence will be rejected by the community. However, she depends on her integration in the community. We have to operate at the community level. We have to listen to these women's NGOs and we especially have to involve the men, in education, in rebuilding a more egalitarian society, to break down prejudices that, in their minds, justify this type of violence against women.

The Chair: We have time for one final comment.

Prof. Gaëlle Breton-Le Goff: Thank you.

The 2006 act was considered as major progress when it introduced the notion of marital rape, for example, which previously absolutely did not exist and now makes it possible to prosecute people for a number of types of sexual violence, such as sexual slavery and forced marriage. The 2006 act represents progress. The problem is that it is not accompanied, in the country's legislation, by a revision

or amendment of discriminatory statutory provisions that still exist, particularly in the Family Code and in the Labour Code.

For example, married women are currently considered minors, whereas single women are considered adults. They may decide on how to manage their property and freely sign contracts. A married woman does not have the opportunity to manage household property if her husband does not give her permission to do so. A married woman cannot sign a contract of employment if her husband does not give her permission to do so. Discrimination still persists in that same national legislation. It's very frustrating because the Constitution clearly states the rule of equality between men and women. It's constitutional.

● (1405)

[*English*]

The Chair: That uses up all our time.

[*Translation*]

Thanks to our witnesses.

[*English*]

Mr. Silva advises me that he has a motion he'd like to present to us, for which I believe there may be unanimous consent.

Mr. Mario Silva: Yes.

I hate to do this to members, but I am not here next week. My trade committee is meeting. That's the reason I have to move this now. It is my only opportunity.

I have spoken to Madame Deschamps. She's in agreement. First of all, I'm asking for the adoption of my motion. Number two, I'm asking that the meeting be held on December 2 at 12:30. I believe all the members would agree. Mr. Sweet can't be here, but I've assured him that we'll just be hearing testimony and that there will be no motions being adopted. Third, I'm proposing that Pakistan be added to the study. Madame Deschamps, who was the mover of the motion, is in agreement with it. There's an added little amendment, which says "in fragile states and/or in situations of conflict".

That would be the motion I will be moving.

The Chair: You've all heard the terms of the amendment to the existing motion. Is there any comment on it?

(Motion as amended agreed to [See *Minutes of Proceedings*])

The Chair: Thank you very much. That's done.

We are adjourned.

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