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LEGAL AID BOARD

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Information on kidnapping, rape and enslavement of girls by military / rebel factions

Human Rights Watch reports:

"Violence, impunity, and horrific human rights abuses continue in the Democratic Republic of Congo, two years after historic elections were expected to bring stability. Early in 2008 a peace agreement brought hope to eastern Congo, but combat between government and rebel forces resumed in August. During the year, hundreds of civilians were killed, thousands of women and girls were raped, and a further 400,000 people fled their homes, pushing the total number of displaced persons in North and South Kivu to over 1.2 million." (Human Rights Watch (14 January 2009) *World Report 2009 - Democratic Republic of Congo (DRC)*)

The same report also states:

"All parties to the combat committed grave human rights abuses, including killing hundreds of civilians, forcibly recruiting children and adults for military service, and widespread looting. Sexual violence against women and girls continued at its previously horrifying rate with more than 2,200 cases of rape recorded from January to June in North Kivu province alone, likely representing only a small portion of the total. Dozens of other women and girls were reported to have been raped following resumption of combat in August." (Ibid)

Freedom House states:

"Civilian authorities do not maintain effective control of the security forces. Members of the forces are poorly trained and paid and regularly commit serious human rights abuses, including the rape of women and girls on a massive scale. Low pay and inadequate provisions commonly lead soldiers to seize goods from civilians, and demobilized combatants have not been successfully integrated into the civilian economy. The induction of former rebels into the military has resulted in competing chains of command and conflicts between nominally unified factions, with many fighters answering to former commanders and political leaders rather than formal superiors. Some 80,000 troops remain in separate units, and if war were to break out again, the former factions could quickly reassemble." (Freedom House (2 July 2008) *Freedom in the World 2008 - Congo, Democratic Republic of (Kinshasa)*)

The *US Department of State* reports under Use of Excessive Force and Other Abuses in Internal Conflicts:

“Security forces and armed groups continued to kill, abduct, torture, and rape civilians, and burn and destroy villages. All parties continued to use mass rape and sexual violence with impunity, often as weapons of war, and to humiliate and punish individuals, victims, families, and communities. According to a report released in July by a coalition of 64 international and local aid agencies and human rights organizations, more than 2,200 cases of rape were recorded in June in North Kivu Province, which represented only a small portion of the actual rapes committed in the province. Rapes, on occasion, committed against a single woman by large numbers of armed men, sometimes resulted in vaginal fistulas, a rupture of vaginal tissue that left victims unable to control bodily functions and likely to be ostracized.” (US Department of State (25 February 2009) *2008 Country Reports on Human Rights Practices - Democratic Republic of Congo*)

Also in the same report under Women:

“Government security forces, armed groups, and civilians perpetrated widespread and sometimes mass rape against women and girls” (Ibid)

Also in the same report:

“The constitution prohibits forced prostitution and bans prostitution of children under age 18. Although no statistics were available regarding its prevalence, adult and child prostitution occurred throughout the country, and there were reports of women and girls pressured or forced to engage in prostitution by their families. There were reports that members of the security forces harassed or raped women engaged in prostitution.” (Ibid)

The *Coalition to stop the use of child soldiers’ Global Report 2008* stated:

“Thousands of girls were recruited and used by armed forces and groups during and after the armed conflict, and girls continued to be associated with armed forces and groups in the eastern DRC. They performed combat duties and portering, provided medical assistance and carried out domestic labour. Thousands were raped, resulting in serious and permanent injuries; many had children as a result of rape.⁶⁰ Girl soldiers were initially largely overlooked by the government and the donor community. Most girls did not enter the official DDR program, fearing stigmatization by their communities if they were identified as child soldiers. Others remained with their military “husbands” for fear of violence and recrimination if they left. Only 12 per cent of formally demobilized children were girls, despite estimates that girls might have comprised up to 40 per cent of the total number of child soldiers during the armed conflict. CONADER reported in May 2006 that of the 18,500 demobilized children at that date, only 2,900 (15 per cent) were girls. A World Bank official told Amnesty International in March 2006 that very little was being done for girl soldiers, adding that “we have no good profile of who these girls are.” (Coalition to stop the use of child soldiers (20 May 2008) *Child Soldiers Global Report 2008 - Congo, Democratic Republic of the*)

The *UN Special Rapporteur’s* February 2008 report stated:

“Sexual violence has been a defining feature of the Democratic Republic of the Congo’s recent armed conflicts. Women, in areas of armed conflict, still suffer sexual violence committed by the Forces armées de la République démocratique du Congo (FARDC), the Police nationale congolaise (PNC), armed groups and, increasingly, civilians. The situation is particularly dramatic in South Kivu, where non State armed groups, including foreign militia, commit sexual atrocities that aim at the complete physical and psychological destruction of women with implications for the entire society. Given the multitude of actors involved in the conflict and the continuation of these crimes, the international community, in cooperation with the Congolese authorities, has a responsibility to take all necessary measures to ensure that women in South Kivu are protected.

Sexual violence extends beyond eastern Congo. In Equateur Province, PNC and FARDC have carried out systematic reprisals against the civilian population, including mass rape. Soldiers and police who commit these acts amounting to crimes against humanity are rarely held accountable by the commanding officers. Some of the perpetrators have been given commanding positions in the State security forces, which further aggravates the situation.

Impunity for rape is massive. Due to political interference and corruption, perpetrators, especially those who belong to the State security forces, go unpunished. The limited support made available to the overburdened justice system raises questions as to whether there is political will to end impunity.

Women survivors of rape have suffered severe physical and psychological injuries, but still lack sufficient care. Survivors are often rejected by their families, stigmatized and systematically denied justice and the compensation to which they are entitled under international and Congolese law.” (UN Human Rights Council (28 February 2008) *Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: addendum: mission to the Democratic Republic of the Congo*)

Amnesty International reports:

”An upsurge of armed conflict deepened the human rights and humanitarian crisis in North Kivu province, eastern Democratic Republic of the Congo (DRC). The violence was marked by war crimes and other serious human rights violations by armed groups and government forces. These included the killing and abduction of civilians, widespread rape and other forms of sexual violence, and the recruitment and use of children as armed group fighters. By the end of the year, one in four of the population of North Kivu was displaced by conflict.” (Amnesty International (28 May 2009) *Amnesty International Report 2009 - DR Congo*)

The same report also states under section Violence against women and girls:

” High levels of rape and other forms of sexual violence continued throughout the country, with a concentration in eastern DRC, where armed group fighters and government soldiers were the principal perpetrators. Many women and girls

suffered gang rape, were raped more than once or were held in sexual slavery. Most victims did not receive medical or psycho-social care. The majority of rapists went unpunished and women and girls lived in fear of reprisals if they reported the rape or even sought medical treatment.

A 16-year-old girl was held captive in an army camp in North Kivu for several days in February and raped nightly by an officer. Her mother came to the camp gate to beg for her release, but was turned away by the soldiers." (Ibid)

An *Institute of War and Peace Reporting* article of October 2008 states:

"Sexual violence in the DRC escalated during the First Congo War, which ended with the overthrow of Mobutu Sese Seko, and continued to rise during the Second Congo War.

"There was a dramatic spike in the number of rape cases when armed conflict began during the first war from 1996 to 1997 and then second war from 1998 to 2003," said Human Rights Watch researcher Anneke Van Woudenberg.

"During Congo's second war, it became clear that rape was being used as a weapon of war by all armed groups with devastating consequences for the victims, but also their families and communities."

Rape victims have been as young as infants and toddlers and as old as 80-year-old grandmothers, according to experts. Some women have been raped by groups of soldiers, while others have been abducted and held as sex slaves.

Many victims have been mutilated by their rapists or gravely injured by having wooden sticks or even guns inserted in their vaginas." (Institute of War and Peace Reporting (17 October 2008) *No Sign of End to Epidemic*)

Please find attached *Institute of War and Peace Reporting* report "Special Report Sexual Violence in the Democratic Republic of Congo"

References

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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Immigration and Refugee Board of Canada
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Refugee Documentation Centre Query Database
UK Home Office
UN Human Rights Council
UNHCR Refworld
US Department of State
Yahoo