



Home Office

# **Country Policy and Information Note** **Democratic Republic of Congo (DRC):** **Women fearing gender-based harm or** **violence**

**Version 1.0**

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# Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country information

COI in this note has been researched in accordance with principles set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#) and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), namely taking into account its relevance, reliability, accuracy, objectivity, currency, transparency and traceability.

All information is carefully selected from generally reliable, publicly accessible sources or is information that can be made publicly available. Full publication details of supporting documentation are provided in footnotes. Multiple sourcing is normally used to ensure that the information is accurate, balanced and corroborated, and that a comprehensive and up-to-date picture at the time of publication is provided. Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source is not an endorsement of it or any views expressed.

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Policy guidance

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## 1. Introduction

### 1.1 Basis of claim

1.1.1 Fear of gender-based persecution or serious harm by (rogue) state or non-state actors because the person is a woman.

### 1.2 Points to note

1.2.1 For the purposes of this note, gender-based persecution or serious harm includes, but is not limited to, conflict related and domestic violence and sexual violence including rape.

1.2.2 For further information guidance on assessing gender issues, see the [Asylum Instructions on Gender Issues in Asylum Claims](#) and [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2. Consideration of issues

### 2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### 2.2 Particular social group (PSG)

2.2.1 Women in DRC form a PSG within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Although women in DRC form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their gender.

2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.3 Assessment of risk

### a. Discrimination

2.3.1 Although the constitution prohibits discrimination against women, the family code (a legal instrument that governs the rules and organisation of the family) is more restrictive, particularly for married women, requiring that women obey their husband and obtain his permission to work and engage in any legal transactions. However it is becoming increasingly common for young women to work outside of their homes, particularly in urban areas. Women in general do experience discrimination but it is unlikely to meet the high threshold required to constitute persecution or serious harm (see [Legal context](#)).

2.3.2 Being female does not on its own establish a need for international protection. The general level of discrimination against women in DRC is not sufficiently serious by its nature and repetition as to amount to persecution or serious harm. However, decision makers must consider whether there are particular factors relevant to the person which might make the discrimination experienced so serious by its nature and repetition as to amount to serious harm or persecution. The onus is on the woman to demonstrate that she would be personally at risk of gender-based persecution, with each case considered on its merits.

### b. Sexual harassment and rape

2.3.3 Sexual harassment is prevalent throughout the country, particularly in the workplace and at universities. Rape is common throughout the country and used extensively as a weapon of war in the conflict zone areas in the east, particularly the Kivu provinces (see [Sexual harassment and rape](#) and [Nature of violence](#)).

2.3.4 Although rape and sexual harassment does occur, not all women will be at risk and it will be up to the individual to demonstrate that she will, on return, be personally at risk of sexual assault.

### c. Domestic violence

2.3.5 Congolese society is patriarchal and dominated by men. This leads to gender inequality and discrimination against females which has allowed society to accept men's use of sexual violence as normal and acceptable. It is generally accepted both by men and women that a woman's failings in a marriage (e.g. burning a meal, arguing with her husband, and refusing sex) are legitimate reasons for domestic violence (see [societal and domestic violence](#)).

2.3.6 Not all women will be at risk of domestic violence, and it will be up to the individual to demonstrate that she is likely to be at risk of domestic violence that will meet the high threshold required to constitute persecution or serious harm.

### d. Conflict related violence

2.3.7 Mass rapes and sexual violence is used extensively as a weapon of war in the eastern conflict zones, in particular the Kivu provinces (see [Areas of violence](#)). Sexual violence by both government forces and rebel militia groups is widespread with many historical crimes not yet addressed (see [Nature of violence](#) and [Access to justice](#)).

- 2.3.8 Not all women living in the conflict zone will be able to demonstrate that they will be at risk; however single women without male support and protection may be able to demonstrate that within the conflict zone they would be at risk of serious harm.
- 2.3.9 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Protection

### a. General

- 2.4.1 Although laws exist to protect women from sexual-based violence they are not always effectively enforced (see [Legal rights](#) and [State response to violence](#)).
- 2.4.2 However, although under-reported, courts dealt sensitively with rape cases and a 5 year custodial sentence was regularly imposed for rape convictions (see [Sexual harassment and rape](#)).
- 2.4.3 Although the law considers assault a crime it does not provide any specific penalty for domestic violence, spousal rape is not specifically prohibited and is not recognised in Congolese culture (see [Legal context](#)). Victims rarely reported incidents of domestic violence/rape due to social stigma, societal and cultural attitudes and pressures (see [legal context](#), [enforcement of the law](#), [societal response to violence](#)).
- 2.4.4 The police force is generally undisciplined and corrupt, and may be unlikely to investigate incidents of domestic violence (or other forms gender-based sexual violence) partly due to deep-rooted prejudice against women and strong societal patriarchal attitudes. However the government is seeking to improve the performance of the police particularly with regard to gender related issues (see [Access to justice](#) and [societal and domestic violence](#)).
- 2.4.5 There were no reports in 2016 of the judicial authorities taking action in cases of domestic or spousal abuse (see [societal and domestic violence](#)).
- 2.4.6 A woman's reluctance to seek protection does not necessarily mean that effective protection is not available. Decision makers must consider each case on its facts. Women may be able to seek redress through the courts for societal sexual violence, but would be unlikely to gain protection against familial domestic violence. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.

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### b. Conflict zones

- 2.4.7 The government has put in place legislation to deal with conflict related sexual violence but the law was not effectively enforced. Although the president has pledged zero tolerance for sexual violence and has launched a campaign to improve victims' access to justice and services, many crimes are not investigated and prosecutions are rare (see [State response to violence](#), [Access to justice](#), [Sexual violence in conflict areas](#)).
- 2.4.8 Reasons for the lack of prosecutions include:

- Lack of accountability of the armed forces
- Widespread impunity of officers
- Lack of adequate funding of operational military courts
- Inadequate due process standards
- Limited enforcement of court decisions
- Corrupt officials and political figures
- Difficulty of identifying perpetrators
- Cultural barriers for victims
- Poor infrastructure and difficulty in attending court
- Difficulty in gathering sufficient evidence

(See [Access to justice](#), [Sexual violence in conflict areas](#)).

2.4.9 However, prosecutions have occurred, including of rogue state actors. For example, in 2014 135 members of the security forces and 76 members of the police were convicted of sexual crimes, while in 2015, 109 members of the security forces were convicted of sexual violence and received sentences of between one and twenty years (see [Sexual violence in conflict areas](#)).

2.4.10 In 2014, 30 victims of a 2003 mass rape received financial compensation from the government in an action which was seen as a breakthrough in justice but subsequent compensation has been slow to be paid (see [Sexual violence in conflict areas](#)).

2.4.11 The government is working with international actors to improve the protection offered to victims with various initiatives to implement the national strategy on sexual and gender-based violence (see [International and non government organisation initiatives to combat sexual violence](#)).

2.4.12 However, progress is slow and although the state appears willing, it is unlikely to be able to provide effective protection to women living in conflict areas who are at risk of gender based violence.

2.4.13 For further guidance on internal relocation on assessing the availability of effective protection see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Internal relocation

2.5.1 Where the person's fear is at the hands of a non state actor (including rogue state agents), decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular woman.

2.5.2 It is becoming increasingly common for young women to work outside the home, particularly in urban areas. Women may also be able to access services, actions groups, medical facilities and education programmes provided by NGOs working closely with the government. In general, a woman facing gender-based violence, including domestic violence, may be able to



internally relocate to escape localised threats from members of her family or other non-state actors, especially if she is single and is able to access a livelihood and support network. However a married woman with dependent children escaping domestic violence may find it difficult to relocate ([Freedom of movement](#)).

- 2.5.3 Conflict related violence is predominately in the eastern provinces so internal relocation to Kinshasa and other areas of the country not affected by civil conflict will generally be a reasonable option for a woman, provided it would not be unreasonable for her to do so (see [Freedom of movement](#) and [Sexual violence in conflict areas](#)).
- 2.5.4 The individual circumstances of each case will need to be taken into account, with the onus on the woman to demonstrate that internal relocation is not reasonable.
- 2.5.5 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Certification

- 2.6.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.6.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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## 3. Policy summary

- 3.1.1 The DRC has a legal framework for addressing violence against women, although domestic violence is not specifically covered, but the relevant laws are not always enforced effectively and sexual and gender-based violence remain serious and widespread problems. Patriarchal attitudes and discrimination are prevalent, and women and girls can be subject to rape and other forms of sexual violence.
- 3.1.2 However, the pervading levels of harassment, violence and discrimination against women in non-conflict areas of the DRC will not generally amount to a real risk of persecution or serious harm. The onus is on the woman to demonstrate that she would be personally at risk of gender-based violence amounting to persecution or serious harm.
- 3.1.3 Conflict related violence continues to occur in the eastern provinces and a woman living in the affected areas may be able to demonstrate that she would be personally at risk of gender-based violence amounting to persecution or serious harm in those areas.
- 3.1.4 The state does not specifically recognise domestic violence as a crime and a woman fearing such violence is unlikely to be able to obtain state protection. Limited state protection may be available for women without male protection facing gender-based violence, including those fearing conflict related violence (from the army or militia groups) but in remote locations it may be difficult to

access. Each case needs to be carefully considered on its facts, and the onus will be on the woman to show that she is unable to access protection.

- 3.1.5 Women are, in general, able to move throughout DRC, although married women may face some restrictions. Internal relocation may be an option for a woman, depending on her individual circumstances, to escape localised threats including from gender-based violence arising in areas of conflict areas.
- 3.1.6 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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# Country information

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## 4. Legal context

### 4.1 Overview

4.1.1 The Freedom House report, Freedom in the World, 2016 – Congo, Democratic Republic of (Kinshasa), published 29 June 2016 stated:

‘Women face discrimination in nearly every aspect of their lives, especially in rural areas. Although Article 14 of the Constitution prohibits discrimination against women in any domain, the Family Code prescribes more restrictive roles, requiring that women obey their husbands and obtain their permission to seek employment and engage in legal transactions. Nevertheless, it has been increasingly common in recent years for young women to seek professional work outside the home or engage in commercial activities, particularly in towns and urban centers. Women are greatly underrepresented in government, making up only 9 percent of the National Assembly and 6 percent of the Senate.’<sup>1</sup>

### 4.2 Legal rights

4.2.1 The Organisation for Economic Cooperation and Development (OECD)’s Social Institutions and Gender Index stated, in its DRC country profile based on material published up to 2014: ‘Under a new act passed in 2009, the minimum age for marriage was increased from 14 for females and 18 for males to 18 for both males and females. With respect to parental authority, the Family Code stipulates that men are the head of the household and women must obey them.’<sup>2</sup> The DRC Family Code is a legal instrument that governs the rules and organisation of the family.<sup>3</sup>

4.2.2 The profile further noted:

- Domestic violence is not specifically addressed in Congolese law
- The DR Congo Penal Code prohibits rape, and the country adopted a law on sexual violence that addresses violence as a result of conflict in 2006
- The law defines rape to include sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes but not spousal rape
- The minimum penalty prescribed for rape is a prison sentence of five years

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<sup>1</sup> Freedom House, ‘Freedom in the World, 2016 – Congo, Democratic Republic of (Kinshasa)’, 29 June 2016 [https://www.ecoi.net/local\\_link/327670/468314\\_de.html](https://www.ecoi.net/local_link/327670/468314_de.html) Date accessed 19 April 2017.

<sup>2</sup> Organisation for Economic Cooperation and Development, ‘Social Institution and Gender Index’, Democratic Republic of Congo, undated, <http://www.genderindex.org/country/congo-dem-rep>. Date accessed 24 April 2017

<sup>3</sup> UNICEF, Ponabana, Family code from a child’s perspective, 14 January 2015, <http://ponabana.com/the-family-code-from-a-childs-perspective/?lang=en>. Date accessed 19 June 2017.

- The law also prohibits compromise fines and forced marriage, allows survivors of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality
- The 2002 Labour Code (article 73) provides grounds for the dismissal of a perpetrator of sexual or psychological harassment in the workplace. According to the government's latest report to CEDAW in 2011, this legislation is reinforced in Act No. 06/018, which amends the Criminal Code, and Act No. 06/019, which amends the Code of Criminal Procedure, defining harassment as an offence <sup>4</sup>

4.2.3 The Canadian Immigration and Refugee Board, in a response of 17 April 2012 about domestic and sexual violence in DRC, gave more details of the Constitution, Family Code and Penal Code with amendments, which they have translated from French:

'The 2006 Constitution declares the government's commitment to eliminating all forms of discrimination against women and to combating all forms of violence against women in the public and private sphere (DRC 2006b, Art. 14). However, there is no mention of domestic violence in the DRC's Penal Code (ibid. 1940), amended in 2006 (ibid. 2006a), or its Family Code, amended in 2003 (ibid. 1987). In its combined sixth and seventh periodic report to the UN Committee on the Elimination of Discrimination against Women in 2011, the DRC recognizes the existence of physical and emotional domestic abuse, but does not mention any legislation against such violence (DRC 20 Dec. 2011).

'In 2006, the DRC passed a law introducing amendments on to the Penal Code to provide protection against sexual violence (DRC 2006a). The sexual violence law, as it is known, outlaws rape and other forms of sexual assault, sexual harassment, sexual slavery, forced marriage, sexual mutilation, the deliberate transmission of sexually transmitted diseases, sexual relations with minors (children under 18) and forced pregnancy, among other acts (ibid.). The law does not specifically prohibit spousal rape (ibid.). The representative of the RFDA explained that the law covers sexual violence that may occur in the domestic sphere, but because Congolese culture does not recognize spousal rape, women do not report it (29 Feb. 2012).'<sup>5</sup>

4.2.4 The United States Department of State Country Report on Human Rights Practices 2016 for DRC (USSD 2016), published 3 March 2017, stated:

'At year's end [2016] the government was reviewing and amending the national gender policy and the national strategy to combat SGBV to include recommendations from the mid-term review of both documents. The law on parity, designed to operationalize the articles of the constitution that provide for equal representation and participation of women at decision-making levels

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<sup>4</sup> Organisation for Economic Cooperation and Development, 'Social Institution and Gender Index', Democratic Republic of Congo, undated. <http://www.genderindex.org/country/congo-dem-rep>. Date accessed 24 April 2017.

<sup>5</sup> Canada: Immigration and Refugee Board of Canada, Democratic Republic of the Congo: Domestic and sexual violence, including legislation, state protection, and services available to victims (2006-March 2012), COD104022.E 17 April 2012, <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=453921>. Date accessed 22 March 2017

and processes, was adopted and promulgated in August 2015. In June an amended family code was adopted and signed by the president. Implementation of the legislation, including promulgation of the text, had not begun by year's end.<sup>6</sup>

#### 4.2.5 The same report also observed:

'The constitution prohibits discrimination based on gender, but the law does not provide women the same rights as men. An August 2015 women's parity law provides women a number of protections. It permits women to participate in economic domains without approval of male relatives, provides for maternity care, disallows inequities linked to dowries, and specifies fines and other sanctions for those who discriminate or engage in gender-based abuse.

'According to UNICEF, many widows were unable to inherit their late husbands' property because the law states that in event of a death in which there is no will, the husband's children, including those born out of wedlock (provided that they were officially recognized by the father), rather than the widow have precedence with regard to inheritance. Courts may sentence women found guilty of adultery to up to one year in prison, while adultery by men is punishable only if judged to have "an injurious quality." In their 2009 report to the UN Human Rights Commission, seven UN special rapporteurs and representatives expressed concern that although the family code recognizes equality between spouses, it "effectively renders a married woman a minor under the guardianship of her husband" by stating the wife must obey her husband. The 2015 family code includes this provision.

'Women experienced economic discrimination. Various laws require political parties to consider gender when presenting candidates at all levels, although it is not compulsory for political parties to present women, making this difficult to enforce within constitutional requirements.'<sup>7</sup>

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## 5. Violence against women

### 5.1 Surveys and statistics

5.1.1 The Freedom House report, Freedom in the World, 2016 – Congo, Democratic Republic of (Kinshasa), published 29 June 2016, noted, 'Violence against women and girls, including sexual and gender-based violence, has soared since fighting began in 1994...'<sup>8</sup>

5.1.2 The DRC Gender Country Profile 2014, commissioned by the Swedish Embassy in collaboration with DfID, the EU Delegation and the Embassy of Canada, in Kinshasa, stated:

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<sup>6</sup> USSD, Country Report on Human Rights Practices 2016 (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm>. Date accessed 15 March 2017

<sup>7</sup> USSD, Country Report on Human Rights Practices 2016 (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm>. Date accessed 24 April 2017

<sup>8</sup> Freedom House, Freedom in the World, 2016 – Congo, Democratic Republic of (Kinshasa), 29 June 2016. [https://www.ecoi.net/local\\_link/327670/468314\\_de.html](https://www.ecoi.net/local_link/327670/468314_de.html) Date accessed 19 April 2017

'The extent of sexual violence in DRC is horrific, and shows no sign of reducing. The data for incidents of sexual violence are unreliable, and multi sectoral methods of collection mean that there must, logically, be duplication. Even allowing for the unreliability of the data concerning reported cases, there is no evidence to suggest that rates of sexual violence are decreasing despite the attention received. To the contrary, there is evidence that sexual violence is increasing – perpetrators in the east are increasingly civilian, including family members of the victim and, away from the conflict in the east, perpetration rates are increasing in Kinshasa and Bas Congo.'<sup>9</sup>

#### 5.1.3 The DRC Demographic and Health Survey 2013-14 reported:

- 'Physical violence  
More than half of women (52%) have ever experienced physical violence since the age of 15. More than one-quarter of women (27%) have experienced physical violence in the last 12 months. Physical violence in the last 12 months is highest in Kasai Occidental (35%).
- 'Sexual violence  
'Overall, 27% of women have ever experienced sexual violence and 16% experienced sexual violence in the last 12 months. Sexual violence in the last 12 months is highest in Kasai Occidental (24%).
- 'Spousal violence  
'Among ever-married women age 15-49, 57% have ever experienced spousal violence (emotional, physical or sexual) committed by their current or former husband/partner. Spousal violence is highest in Kasai Occidental (68%).'<sup>10</sup>

5.1.4 The USSD 2016 report stated that 'The SSF [State Security Forces], RMGs [Rebel and Militia Groups], and civilians perpetrated widespread sexual violence ... During the year the United Nations documented 267 adult victims and 171 child victims, including two boys, of sexual violence in conflict.'<sup>11</sup>

5.1.5 The most recent information from the UN Office of the Special Representative for Sexual Violence in conflict for DRC that CPIT could access was based on material from the report of the Secretary-General to the Security Council, issued 3 March 2015, which noted that from January to September 2014 the United Nations confirmed 698 cases of conflict-related sexual violence in DRC affecting 361 women and 332 girls.

'In 31 per cent of these cases, the perpetrators were members of government security forces, with members of the armed forces of the Democratic Republic of the Congo (Forces armées de la République démocratique du Congo)

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<sup>9</sup> The DRC Gender Country Profile 2014, commissioned by the Swedish Embassy in collaboration with DFI, the EU Delegation and the Embassy of Canada, in Kinshasa, 2 July 2017, (page 34) [http://www.swedenabroad.com/ImageVaultFiles/id\\_22003/cf\\_347/Gender\\_Country\\_Profile.PDF](http://www.swedenabroad.com/ImageVaultFiles/id_22003/cf_347/Gender_Country_Profile.PDF) Date accessed 15 March 2017

<sup>10</sup> DRC Demographic and Health Survey 2013-14 (page 18) <https://dhsprogram.com/pubs/pdf/SR218/SR218.e.pdf> Date accessed 15 March 2017

<sup>11</sup> USSD, 'Country Report on Human Rights Practices for 2016' DRC (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm>. Date accessed 24 April 2017

responsible for 201 incidents, the national police implicated in 157 incidents and the national intelligence agency responsible for 2 cases. Investigations into abuses committed by members of the armed forces in the course of military operations against the Alliance des patriotes pour un Congo libre et souverain in Masisi territory between February and April 2014 found that rape had been used to punish members of the Hunde population, who were perceived to support the Alliance; at least 20 women were raped by members of regiments 804 and 813.<sup>12</sup>

#### 5.1.6 The same source further noted that:

‘From January to September 2014, the United Nations Population Fund (UNFPA) recorded 11,769 cases of sexual and gender-based violence in the provinces of North Kivu, South Kivu, Orientale, Katanga and Maniema; 39 per cent of these cases were considered to be directly related to the dynamics of conflict, perpetrated by armed individuals. As in 2013, North Kivu and Orientale remain the provinces most affected by conflict-related sexual violence, with 42 per cent of all incidents taking place in Orientale.’<sup>13</sup>

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## 5.2 Sexual violence in conflict areas

### Areas of violence

#### 5.2.1 The USSD report for 2016 described the areas of conflict in eastern DRC:

‘Both local and foreign-influenced conflicts continued in parts of the east, particularly in the provinces of North Kivu, South Kivu, Tanganyika, Ituri, Haut-Uele, and Bas-Uele. Foreign [Rebel and Militia Groups] RMGs, such as the Democratic Forces for the Liberation of Rwanda (FDLR), Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU), National Forces of Liberation (FNL), and Lord’s Resistance Army (LRA), as well as indigenous RMGs such as different Mai-Mai (local militia) groups, continued to battle government forces and one another and to attack civilian populations.’<sup>14</sup>

#### 5.2.2 The USSD 2016 report also noted: ‘Crimes of sexual violence were committed sometimes as a tactic of war to punish civilians for perceived allegiances with rival parties or groups. The crimes occurred largely in the conflict zones in North Kivu Province but also throughout the country.’<sup>15</sup>

#### 5.2.3 However, the UN Secretary General noted in his report to the Security Council on 10 March 2017 that:

‘Violence and threats to civilians are no longer concentrated in the eastern Democratic Republic of the Congo, as community-based violence and inter-

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<sup>12</sup> UN Office of the Special Representative for Sexual Violence in conflict, DRC, March 2015 <http://www.un.org/sexualviolenceinconflict/countries/democratic-republic-of-the-congo/> Date accessed 20 March 2017

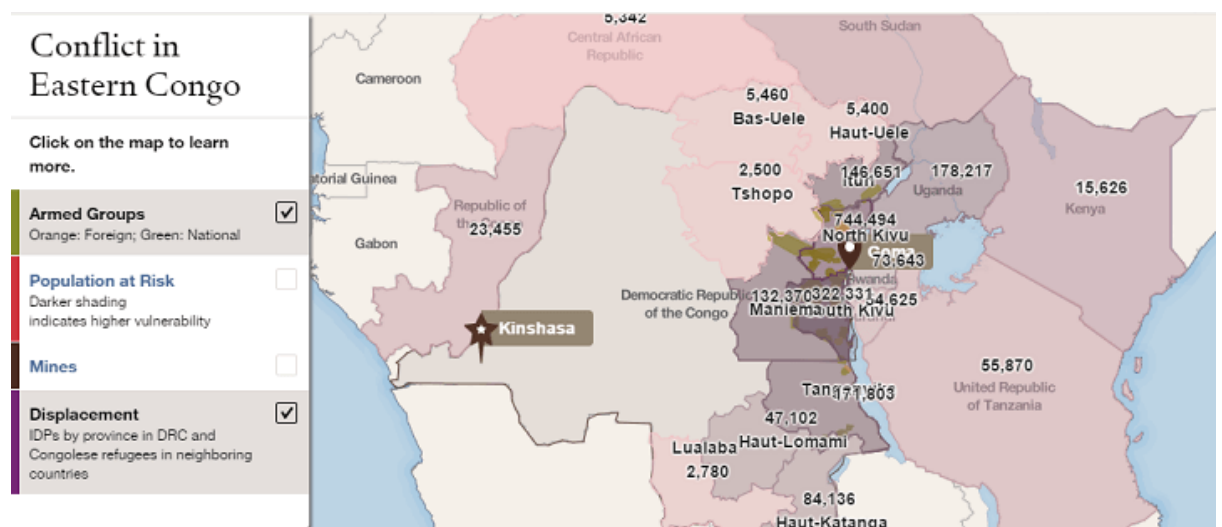
<sup>13</sup> UN Office of the Special Representative for Sexual Violence in conflict, DRC, March 2015 <http://www.un.org/sexualviolenceinconflict/countries/democratic-republic-of-the-congo/> Date accessed 20 March 2017

<sup>14</sup> USSD, ‘Country Report on Human Rights Practices for 2016’ DRC (section 1g), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm>. Date accessed 24 April 2017

<sup>15</sup> USSD, Country Report on Human Rights Practices 2016 (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm> Date accessed 15 March 2017

ethnic clashes have spread from areas already affected by armed conflict, such as in North and South Kivu provinces, to Tanganyika, the three Kasai provinces and Kongo Central. Armed group activity in the east has increased, particularly with the resurfacing of the former Mouvement du 23 mars (M23). The resurgence of violence across the country has been exacerbated by the current uncertain political situation, as well as by the manipulation of grievances for political ends and support to armed militias by some political actors. The increasing use of self-defence militia, acting along ethnic lines, points to a growing sense of insecurity and uncertainty. The risk of violence related to elections, mainly in urban areas, is also increasing, and is expected to rise further the longer the implementation of the political agreement remains stalled, prolonging the current political uncertainty.<sup>16</sup>

5.2.4 A map put together by the Council on Foreign Relations and posted on Brilliant Maps on 18 January 2016 showed the areas of conflict at that time:



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### Nature of violence

5.2.5 The concluding observations on the combined sixth and seventh periodic reports of the DRC from the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), published 30 July 2013, noted, in its 'principal areas of concern and recommendations' that the Committee was 'extremely concerned' about:

- Mass rapes, sexual violence and sexual slavery used as a weapon of war by the Armed Forces of the Democratic Republic of the Congo (Forces armées de la République démocratique du Congo-FARDC) and armed groups in the eastern part of the country
- The shocking levels and the nature of the violence and sexual atrocities committed against women, the failure of the authorities to

<sup>16</sup> UN Human Rights Council, 'Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo' (para 9), 10 March 2017, <https://monusco.unmissions.org/sites/default/files/n1705816.pdf>. Date accessed 24 April 2017.

<sup>17</sup> Brilliant Maps, Conflict in Eastern Congo, 18 January 2016. <http://brilliantmaps.com/eastern-congo-conflict/> Accessed 19 April 2017



prioritize the protection of civilians and the denial by key State officials of the extent of the violence committed against women in conflict-affected areas

- The lack of centres providing medical, judicial, psychological and socioeconomic support to women and girls who are victims of sexual violence in conflict-affected areas<sup>18</sup>

5.2.6 The UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, in information issued on 23 March 2015 about DRC, noted, 'Rape remains the predominant form of sexual and gender-based violence reported by survivors who seek services (98 per cent).'<sup>19</sup>

5.2.7 The UN Security Council, Report of the Secretary-General on conflict-related sexual violence, published 20 April 2016, with regard to DRC stated:

'During the reporting period [January – December 2015], data collected by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), UNFPA [UN Population Fund] and UNHCR each show a decline in incidents of conflict-related sexual violence in the Democratic Republic of the Congo. However, the United Nations remains cautious as to the interpretation and completeness of those data, which are likely to be affected by underreporting and limited access. MONUSCO verified 637 cases of conflict-related sexual violence, of which 375 victims were women and 262 were girls. The majority of perpetrators were from armed groups, which were responsible for 74 per cent of the cases, compared with 69 per cent in 2014. Government security forces were responsible for the remaining 26 per cent of confirmed incidents. The FARDC [armed forces of DRC] was the main perpetrator on the side of the Government and was responsible for cases involving 133 victims. The national police was implicated in cases concerning 28 victims. UNFPA recorded 1,900 cases of conflict-related sexual violence by armed perpetrators in North Kivu, South Kivu and Maniema provinces, as well as the former provinces of Orientale and Katanga. UNHCR data identified South Kivu as the province most affected in 2015, followed by North Kivu and the former province of Orientale, which were most affected in 2014. According to UNHCR, more than one third of victims are internally displaced persons, refugees or returnees. In March 2015 alone, five attacks in which women were raped took place against internally displaced persons sites.'<sup>20</sup>

5.2.8 The report continued:

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<sup>18</sup> CEDAW, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo, (para 9) 30 July 2013 (CEDAW/C/COD/CO/6-7) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en) Date accessed 20 March 2017

<sup>19</sup> UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, DRC 23 March 2015. <http://www.un.org/sexualviolenceinconflict/countries/democratic-republic-of-the-congo/> Date accessed 22 March 2017

<sup>20</sup> UN Security Council, Report of the Secretary-General on conflict-related sexual violence, DRC, (page 13), 20 April 2016 [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2016\\_361.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_361.pdf) Date accessed 20 March 2017

'Although there are signs of progress, conflict-related sexual violence remains prevalent, with a reported incident of mass rape by national forces. A unit of FARDC soldiers was also allegedly involved in the rape of at least 12 women during a cordon-and-search operation in the Kalehe territory of South Kivu, conducted between 20 and 22 September 2015. The Government has launched an investigation. On the side of the armed groups, Raia Mutomboki factions, predominantly based in the Shabunda area of South Kivu, are responsible for 16 incidents recorded by MONUSCO and have targeted their attacks against civilians in villages and mining sites, including in an incident of mass rape during the night of 1 to 2 May 2015. The Forces de résistance patriotique en Ituri (FRPI), in Ituri province, were responsible for 22 per cent of cases verified by MONUSCO. Failed negotiations between the Government and FRPI led to the disintegration of the group into fragmented units, which attacked and terrorized villages in southern Irumu territory. Another group, Mai Mai Simba Manu, repeatedly raided mining sites and villages in Mambassa territory in Ituri province and Lubero territory in North Kivu. These attacks were accompanied by high levels of sexual violence, with 17 women raped in a single attack. Elements of the Forces démocratiques de Libération du Rwanda (FDLR) were responsible for 9 per cent of all conflict-related sexual violence incidents. Despite a de-escalation of the Batwa-Baluba conflict in the former province of Katanga, UNHCR registered 171 victims of sexual assault, perpetrated primarily by Batwa militiamen.'<sup>21</sup>

#### 5.2.9 The report looked at the impact of conflict related sexual violence on girls:

'Sexual violence against children remains distressingly high, accounting for 41 per cent of all cases, a figure that stood at 48 per cent in 2014. A United Nations report on girls associated with armed groups between 2009 and 2015 described incidents of forced marriage and sexual slavery committed by the Allied Democratic Forces, noting that approximately one third of those girls had been subjected to sexual violence. A pattern of extreme violence against children in Kavumu, South Kivu, involving kidnapping and rape, has been exacerbated by impunity.'<sup>22</sup>

#### 5.2.10 Amnesty International, in its annual report 2016/17, published 22 February 2017, noted, 'Hundreds of women and girls were subjected to sexual violence in conflict-affected areas. Perpetrators included soldiers and other state agents, as well as combatants of armed groups such as Raia Mutomboki (a coalition of groups), the FRPI [the Forces for Patriotic Resistance in Ituri] and Mai-Mai Nyatura, a Hutu militia.'<sup>23</sup>

#### 5.2.11 The USSD Trafficking in Persons Report 2016, published 30 June 2016, in its country narrative for DRC noted:

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<sup>21</sup> UN Security Council, Report of the Secretary-General on conflict-related sexual violence, DRC, (page 13), 20 April 2016 [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2016\\_361.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_361.pdf) Date accessed 20 March 2017

<sup>22</sup> UN Security Council, Report of the Secretary-General on conflict-related sexual violence, DRC, (page 13), 20 April 2016 [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2016\\_361.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_361.pdf) Date accessed 20 March 2017

<sup>23</sup> Amnesty International, Annual report 2016/17, DRC 22 February 2017 <https://www.amnesty.org/en/countries/africa/democratic-republic-of-the-congo/report-democratic-republic-of-the-congo/> Date accessed 21 March 2017

'Due to ongoing conflict, more than 1.8 million people have been displaced within DRC, and internally displaced persons in Katanga, North Kivu, and South Kivu provinces remain particularly vulnerable to abduction, forced conscription, and sexual violence by armed groups and government forces. In 2015, several armed groups continued to abduct and forcibly recruit Congolese men, women, and children as combatants and in support roles, such as guards, porters, cleaners, cooks, messengers, spies, and tax collectors at mining sites; women and girls were forced to marry or serve as sex slaves for members of some armed groups.'<sup>24</sup>

5.2.12 The UN Secretary General in his report of 10 March 2017 observed:

'MONUSCO recorded a sharp increase in conflict-related sexual violence perpetrated in the context of intensifying inter-ethnic conflict in Kalemie territory, Tanganyika province. Following an investigation mission from 23 to 25 January 2017, MONUSCO confirmed the rape of 30 women and 6 girls. Nineteen of the 36 victims, including the 6 minors, belong to the Twa community, while 3 Luba women perceived as supporting the Twa community were raped by Luba men. The remaining 14 women, all internally displaced persons from the Luba community, were all reportedly raped by men from the Twa community during attacks in November 2016 and January 2017.'<sup>25</sup>

5.2.13 In its latest report, published in April 2017, the Assessment Capacities Project noted that those fleeing violence in Kasai-Central and neighbouring provinces 'are women and children, who are vulnerable to sexual violence by both militia and Congolese forces.'<sup>26</sup>

5.2.14 The Enough Project's report of March 2014 noted with regards to sexual and gender-based violence in the DRC that:

'Sexual and gender-based violence, or SGBV, has been a defining feature of a complex armed conflict in the Democratic Republic of the Congo that has endured for decades that is rooted in economic, political, land, and ethnic competition. Amid fighting fueled by competition for natural resources and regional power dynamics, sexual and gender-based violence is a tool of war, committed often in tandem with other violations of person and place, including land grabs, illicit minerals trading, and forced displacement. SGBV is thus impossible to understand or address separately from the conflict as a whole. Likewise, sustainable peace cannot be secured without addressing Congo's sexual violence epidemic. The practice stems from—and entrenches—social norms that reduce women's status in society and regard rape as an

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<sup>24</sup> USSD Trafficking in Persons report 2016, Country narrative DRC 30 June 2016. <https://www.state.gov/documents/organization/258878.pdf> Date accessed 21 March 2017

<sup>25</sup> UN Human Rights Council, 'Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo' (para 34), 10 March 2017, <https://monusco.unmissions.org/sites/default/files/n1705816.pdf>. Date accessed 24 April 2017

<sup>26</sup> ACAPS - Assessment Capacities Project: Democratic Republic of the Congo: ACAPS Briefing Note: Displacement in Kasai-Central and neighbouring provinces, 28 April 2017, 28 April 2017, [http://reliefweb.int/sites/reliefweb.int/files/resources/20170428\\_acaps\\_briefing\\_note\\_drc\\_displacement\\_kasai.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/20170428_acaps_briefing_note_drc_displacement_kasai.pdf), date accessed 25 May 2017

unpunishable crime. It transcends overt armed conflict and is rooted in a range of social dynamics that persist in times of transition and peace.<sup>27</sup>

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### 5.3 Societal and domestic violence

#### 5.3.1 The European Parliament, November 2014 paper, At a Glance - Sexual violence in the Democratic Republic of Congo, stated:

'The conflict-related sexual violence is just the tip of the iceberg, added to less severe but more common forms of sexual violence in communities and homes. Indeed it has been demonstrated that conflict-related sexual violence contributes to an increase in the levels of gender-based violence in general, and this lasts for generations if appropriate action is not taken.

'In addition, the sexual violence epidemic in the DRC has found fertile ground in the broader context of gender relations in Congolese society. As stressed in the Gender Country Profile 2014 of DRC society [see below], characterised by deep gender inequality, 'women and girls are not valued as men and boys'. Gender inequality is translated into deeply discriminatory social norms and values in all spheres of life, manifesting itself in the uneven access of women to education, food, and healthcare as well as ownership and inheritance of land. In this context men's use of sexual violence has become considered 'normal' by a large percentage of men and women, which is manifested in the high level of rapes occurring at home (by partners) and in schools (by teachers). The survey also found that women are often perceived to be 'provoking' rapes, by both male and female respondents. However, rape by a stranger is perceived negatively, as reducing the 'value' of the victim: 46% of men and 37% of women respondents consider that a husband should reject his wife after she has been raped by a stranger.'<sup>28</sup>

#### 5.3.2 The DRC Gender Country Profile 2014, commissioned by the Swedish Embassy in collaboration with DfID, the EU Delegation and the Embassy of Canada, in Kinshasa, stated:

'Domestic violence is believed to be widespread, and is generally accepted by women and men as a legitimate response to a woman's (perceived) failings, such as : burning a meal, arguing with him, going out without telling him, neglecting the children or refusing to have sex with him. Well over 70% of women felt that one or more of these reasons justified a man beating his wife. Domestic violence appears commonplace and may be even more severe against women who are physically disabled, albino or belong to an indigenous group, such as pygmies...' 'There is evidence that sexual violence is increasing – perpetrators in the east are increasingly civilian, including family members

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<sup>27</sup> The Enough Project, Interrupting Silence, 20 March 2014, Executive Summary, [http://www.enoughproject.org/files/InterruptingtheSilence\\_AddressingCongosSexualViolenceCrisiswithintheGreatLakesRegionalPeaceProcess.pdf](http://www.enoughproject.org/files/InterruptingtheSilence_AddressingCongosSexualViolenceCrisiswithintheGreatLakesRegionalPeaceProcess.pdf). Date accessed 31 May 2017

<sup>28</sup> European Parliament, At a Glance - Sexual violence in the Democratic Republic of Congo, November 2014 <http://www.europarl.europa.eu/EPRS/EPRS-AaG-542155-Sexual-violence-in-DRC-FINAL.pdf> Date accessed 15 March 2017

of the victim and, away from the conflict in the east, perpetration rates are increasing in Kinshasa and Bas Congo.

'...In South Kivu...government data for 2013 indicate 6,614 cases of SGBV occurred in the province. The majority of these cases (96%) were rape cases. Many respondents indicated that cases of SGBV are often not reported due to the stigma perceived by victims of sexual violence, while other forms of violence, such as domestic violence, marital rape and harassment go unreported because they are still culturally accepted or because women are not aware of their rights.'<sup>29</sup>

- 5.3.3 The concluding observations on the combined sixth and seventh periodic reports of the DRC from the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), published 30 July 2013, noted, in its 'Principal areas of concern and recommendations' that the Committee was 'deeply concerned' about 'The prevalence, including in areas not affected by conflict, of rape and other forms of sexual violence, incest, sexual harassment and domestic violence, of acts of torture and other ill-treatment of women and girls accused of being witches and of acts of sexual violence against women detainees, including by members of the Congolese National Police.'<sup>30</sup>
- 5.3.4 Bilge Sahin, a development academic at SOAS university, in her oral evidence, recorded in a report of 24 February 2014, to a House of Commons parliamentary select committee on fragility and development in the Democratic Republic of Congo said:

"A general understanding is that masculinity was constructed through the practice of dominance and authority over women. It assumes certain acts of violence as natural and a legitimate right that men have, especially when it comes to domestic violence. [ ... ] Domestic violence and rape in the household is a very common thing, but this is understood as a normal part of the right that men have."<sup>31</sup>

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## 5.4 Sexual harassment and rape

- 5.4.1 The USSD report 2016 noted 'Sexual harassment occurred throughout the country. A 2010 study conducted by the World Health Organization found 64 percent of all workers surveyed experienced sexual harassment at the workplace...For example, sexual harassment was common at the University

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<sup>29</sup> The DRC Gender Country Profile 2014, commissioned by the Swedish Embassy in collaboration with DFID, the EU Delegation and the Embassy of Canada, in Kinshasa, (page 34)  
[http://www.swedenabroad.com/ImageVaultFiles/id\\_22003/cf\\_347/Gender\\_Country\\_Profile.PDF](http://www.swedenabroad.com/ImageVaultFiles/id_22003/cf_347/Gender_Country_Profile.PDF) Date accessed 15 March 2017

<sup>30</sup> CEDAW, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo,(para 21) 30 July 2013 (CEDAW/C/COD/CO/6-7)  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en) Date accessed 20 March 2017

<sup>31</sup> House of Commons Parliamentary sub committee, Fragility and development in DRC (Women and Girls, Sexual and Gender-based violence, 24 February 2017  
<https://www.publications.parliament.uk/pa/cm201617/cmselect/cmintdev/99/9902.htm> Date accessed 21 March 2017

of Kinshasa, where students reported that professors traded higher grades for sexual favors.’<sup>32</sup>

#### 5.4.2 The same source also stated:

‘The law on sexual violence criminalizes rape, but it was underreported by victims and thus not always enforced. Rape was common. The legal definition of rape includes male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes but not spousal rape. It also prohibits extrajudicial settlements (for example, a customary fine paid by the perpetrator to the family of the victim) and forced marriage, allows victims of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality. The minimum penalty prescribed for rape is a prison sentence of five years, and courts regularly imposed such a sentence in rape convictions.’<sup>33</sup>

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## 5.5 Female genital mutilation (FGM)

5.5.1 DRC Gender Country Profile 2014, commissioned by the Swedish Embassy in collaboration with DfID, the EU Delegation and the Embassy of Canada, in Kinshasa, noted that ‘It would appear that Female Genital Mutilation in Equateur, where it has been practiced in the past, is in sharp decline, as local people have been effectively educated to see its health, social and economic impact...It was not identified as a problem in South Kivu or Bas Congo.’<sup>34</sup>

5.5.2 The USSD report 2016 noted, ‘The law describes FGM/C [cutting] as a form of sexual violence, provides a sentence of two to five years in prison, and levies fines of up to 200,000 Congolese francs (\$170); in case of death due to FGM/C, the sentence is life imprisonment. There were no reports of FGM/C during the year.’<sup>35</sup>

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## 6. State response to violence

### 6.1 Role and effectiveness of security forces

#### 6.1.1 The USSD report 2016 noted:

‘The Congolese National Police (PNC) operates under the Ministry of Interior and has primary responsibility for law enforcement and public order... The FARDC [armed forces] and the military intelligence service operate under the control of the Ministry of Defense and are primarily responsible for external

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<sup>32</sup> USSD, Country Report on Human Rights Practices 2016 (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm> Date accessed 15 March 2017

<sup>33</sup> USSD, Country Report on Human Rights Practices 2016 (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm> Date accessed 15 March 2017

<sup>34</sup> The DRC Gender Country Profile 2014, commissioned by the Swedish Embassy in collaboration with DFID, the EU Delegation and the Embassy of Canada, in Kinshasa, (page 37 and footnote 134) [http://www.swedenabroad.com/ImageVaultFiles/id\\_22003/cf\\_347/Gender\\_Country\\_Profile.PDF](http://www.swedenabroad.com/ImageVaultFiles/id_22003/cf_347/Gender_Country_Profile.PDF) Date accessed 15 March 2017

<sup>35</sup> USSD, Country Report on Human Rights Practices 2016 (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm> Date accessed 15 March 2017

security but also fulfill an internal security role... Elements of the SSF [state security forces] were undisciplined and corrupt. PNC and FARDC units regularly engaged in illegal taxation and extortion of civilians...

'Although the military justice system convicted some SSF agents of human rights abuses, impunity remained a serious problem...The government maintained joint human rights committees with MONUSCO and used available international resources, such as the UN-implemented technical and logistical support program for military prosecutors as well as international NGO-supported mobile hearings.

'Military courts convicted some SSF agents of human rights abuses. The United Nations reported the government convicted at least 79 FARDC soldiers and 35 PNC agents for crimes constituting human rights violations from January to June. On March 4 [2016], the military court of Equateur Province convicted a FARDC corporal and sentenced him to seven years' imprisonment, a fine of 400,000 Congolese francs (\$340), and 120,000 Congolese francs (\$100) as court fees for the rape of a girl.'<sup>36</sup>

6.1.2 The European Union, in its 'EU Police Mission for the DRC' report, updated February 2014, gave details of assistance given to the DRC between 2007 and 2014 following a request from the DRC authorities, to pass on expertise in the area of police reform. The report noted that the EU team assisted specialised police units responsible for fighting sexual and gender-based violence and promoted awareness-raising sessions among police officers, justice and civil society experts.<sup>37</sup>

6.1.3 DRC Gender Country Profile 2014, commissioned by the Swedish Embassy in collaboration with DfID, the EU Delegation and the Embassy of Canada, in Kinshasa, noted:

'Most activities addressing sexual violence are responses to sexual violence, not attempts to prevent it. These include strengthening judicial responses to crimes that have already been committed. Impunity – for a whole range of crimes affecting women, from corruption to sexual violence – remains a serious impediment to the country's economic and political development and for gender equality. Yet the connection between criminal prosecution and deterrence has always been tenuous.'<sup>38</sup>

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## 6.2 Implementation of the law

6.2.1 The USSD 2016 report noted:

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<sup>36</sup> USSD, 'Country Report on Human Rights Practices 2016' (section 1d), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm>. Date accessed 25 April 2017

<sup>37</sup> EU, Common Security and Defence Policy, 'EU Police Mission for the DRC', February 2014. [http://www.eeas.europa.eu/archives/csdp/missions-and-operations/eupol-rd-congo/pdf/factsheet\\_eupol\\_rd\\_congo\\_en.pdf](http://www.eeas.europa.eu/archives/csdp/missions-and-operations/eupol-rd-congo/pdf/factsheet_eupol_rd_congo_en.pdf) Date accessed 2 May 2017

<sup>38</sup> The DRC Gender Country Profile 2014, commissioned by the Swedish Embassy in collaboration with DFID, the EU Delegation and the Embassy of Canada, in Kinshasa, (page 36) [http://www.swedenabroad.com/ImageVaultFiles/id\\_22003/cf\\_347/Gender\\_Country\\_Profile.PDF](http://www.swedenabroad.com/ImageVaultFiles/id_22003/cf_347/Gender_Country_Profile.PDF) Date accessed 15 March 2017

'The law on sexual violence criminalizes rape, but it was underreported by victims and thus not always enforced... The legal definition of rape includes male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes but not spousal rape. It also prohibits extrajudicial settlements (for example, a customary fine paid by the perpetrator to the family of the victim) and forced marriage, allows victims of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality. The minimum penalty prescribed for rape is a prison sentence of five years, and courts regularly imposed such a sentence in rape convictions.'<sup>39</sup>

- 6.2.2 According to the Women's International League of Peace and Freedom (WILPF), in their July 2013 report, 'Gender-Based Violence and the Small Arms Flow into the Democratic Republic of Congo (Shadow report to Committee on the Elimination of All Forms of Discrimination against Women)', victims and experts cite 'the sense of impunity, the failure of the judicial apparatus, and the weak implementation of the law' as major obstacles to ending violence against women.<sup>40</sup>
- 6.2.3 In 2010, the United Nations Special Rapporteur on extrajudicial, summary, or arbitrary executions, in his report to the General Assembly about his mission to the DRC stated, 'Despite the prevalence and horrific nature of sexual violence atrocities, there is a shocking lack of accountability in the country's domestic legal system, both military and civilian. Although there is generally strong substantive law, it is rare for cases to be prosecuted.'<sup>41</sup>
- 6.2.4 The USSD 2016 report stated, 'The law does not provide any specific penalty for domestic violence despite its prevalence... Although the law considers assault a crime, police rarely intervened in perceived domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.'<sup>42</sup>
- 6.2.5 The USSD 2016 report also noted that legislation passed in 2006 prohibits sexual harassment with a minimum sentence of one year, but there was little or no effective enforcement of the law.<sup>43</sup>
- 6.2.6 The concluding observations on the combined sixth and seventh periodic reports of the DRC from the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), published 30 July 2013, noted, in its 'Principal areas of concern and recommendations' that the Committee was

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<sup>39</sup> USSD, Country Report on Human Rights Practices 2016 (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm> Date accessed 15 March 2017

<sup>40</sup> WILPF Gender-Based Violence and the Small Arms Flow into the Democratic Republic of Congo. Women's International League for Peace and Freedom, DRC. Shadow report to Committee on the Elimination of All Forms of Discrimination against Women, July 2013. <http://wilpf.org/mwg-internal/de5fs23hu73ds/progress?id=xiCbS2CeV4NAOI0YrGxVazqZwDIccwddbARNtxIbmXU> Date accessed 14 March 2017

<sup>41</sup> UNHCR, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, DRC 14 June 2010 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/143/71/PDF/G1014371.pdf?OpenElement> Date accessed 14 March 2017

<sup>42</sup> USSD, Country Report on Human Rights Practices 2016 (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm> Date accessed 15 March 2017

<sup>43</sup> USSD, Country Report on Human Rights Practices 2016 (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm> Date accessed 15 March 2017



'deeply concerned' about 'the ineffective implementation of the 2006 law on sexual violence, the 2009 National Strategy against gender-based violence and the zero-tolerance policy on sexual violence.'<sup>44</sup>

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### 6.3 State response in the conflict areas

6.3.1 The concluding observations on the combined sixth and seventh periodic reports of the DRC from the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), published 30 July 2013, noted, in its 'Principal areas of concern and recommendations' that the Committee was 'extremely concerned' about:

- 'Pervasive impunity and the lack of adequate funding of the operational military courts, the limited number of prosecutions of members of the armed forces by military courts, the lack of systematic follow-up by the military prosecutors of investigations made by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), as well as other United Nations bodies and agencies, with regard to acts of sexual violence committed by the Congolese armed forces, the delay in the establishment of specialized courts to try individuals responsible for war crimes, genocide and crimes against humanity and the low number of women judges dealing with cases of sexual violence in conflict-affected areas and of judges and prosecutors specialized in sexual violence
- 'The fear of reprisals against women who complain about the conduct of the security forces, including sexual assaults, against women human rights defenders, in particular women defenders in rural communities working on cases of sexual violence
- 'The limited enforcement of court decisions and non-payment of compensation for acts of sexual violence by State agents in conflict-affected areas'<sup>45</sup>

6.3.2 The government, however, in its 2013 report to CEDAW, stated that it had created a National Strategy Against Gender-based Violence in 2009 in part as a reaction to impunity, and also listed several steps it had recently taken to address the needs of sexual violence victims, including: anti-violence training modules for the armed forces; provision of holistic health care for victims; considering of draft legislation to establish a public compensation fund for victims of sexual violence. The government also indicated in its report that it was taking steps to tackle underlying discriminatory stereotypes, in part

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<sup>44</sup> CEDAW, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo, (para 21) 30 July 2013 (CEDAW/C/COD/CO/6-7) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en) Date accessed 20 March 2017

<sup>45</sup> CEDAW, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo, (para 9) 30 July 2013 (CEDAW/C/COD/CO/6-7) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en) Date accessed 20 March 2017

through the implementation of the country's National Policy on Gender Issues, also enacted in 2009.<sup>46</sup>

6.3.3 The UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, in information issued on 23 March 2015 about DRC, gave details of successful prosecutions in 2014:

'On 14 July 2014, President Kabila appointed a Personal Representative on Sexual Violence and Child Recruitment, Jeanine Mabunda Lioko. From 28 August to 1 September, my Special Representative visited the Democratic Republic of the Congo to attend the launch of the armed forces action plan against sexual violence and on 29 November, a ministerial order was issued to mark the creation of a national commission to oversee the implementation of the plan. In 2014, military tribunals convicted 135 individuals, including 76 members of the armed forces, 41 members of the national police and 18 members of armed groups, of sexual violence crimes. On 5 May, the military court in Goma concluded the trial of the persons accused in the Minova mass rape incident in 2012. Of the 39 members of the armed forces who had been charged with sexual violence, the court convicted 2 of rape. Also during the reporting period, the trials of General Jerome Kakwavu and Lieutenant Colonel Bedi Mobuli Engangela (alias "Colonel 106") were concluded. General Kakwavu was sentenced to 10 years' imprisonment for the war crimes of rape, murder and torture and "Colonel 106" was sentenced to life imprisonment for crimes against humanity, including rape and sexual slavery. These convictions mark a milestone in efforts to hold high-ranking officers to account. In 2014, 30 victims of the 2003 mass rape in Songo Mboyo, Equateur province, received financial compensation from the Government: 29 victims received the equivalent of US\$ 5,000 as compensation for rape and US\$ 200 for looted property. The mother of one of the victims who died from complications of rape received the equivalent of US\$ 10,000. These compensation payments represent a breakthrough in the administration of justice.'<sup>47</sup>

6.3.4 The UN Office of the High Commissioner for Human Rights (OHCHR) report, Progress and Obstacles in the Fight Against Impunity for Sexual Violence in the Democratic Republic of the Congo, published April 2014, stated:

'Despite increased efforts by Congolese authorities to arrest and try alleged perpetrators of crimes of sexual violence, many such cases never reach a court of law. Indeed, many cases are not investigated, or if they are, trials are not held, or sentences are not served by the perpetrators for various reasons, including the problem of escapes from prisons. Of particular concern is the impunity enjoyed by a number of high-ranking officers alleged to be responsible for crimes of sexual violence. Proceedings only very rarely target higher-ranking FARDC officers. In addition, when cases do make it to trial, the outcome is at times influenced by corrupt judicial officials and/or political

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<sup>46</sup> UNOHCHR, State party's report (CEDAW/C/COD/6-7) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2f6-7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2f6-7&Lang=en) Date accessed 15 March 2017

<sup>47</sup> UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, DRC 23 March 2015. <http://www.un.org/sexualviolenceinconflict/countries/democratic-republic-of-the-congo/> Date accessed 22 March 2017

figures. For those who are convicted and imprisoned, some manage to escape due to the dilapidated conditions and poor security in prisons across the country.

‘There is also concern about the difficulties to prosecute members of armed groups. Although members of armed groups are allegedly responsible for more than half of the reported cases of sexual violence, few of them are ever arrested or prosecuted. Elements from armed groups commit crimes of sexual violence mostly in very remote areas where there is no State authority.

‘This results in difficulties in arresting and prosecuting them. In addition, it is difficult for victims to identify perpetrators particularly if they are members of armed groups as they are often less static than State actors and establishing their affiliations and chain of command is harder for ordinary civilians. They are therefore less known by victims and harder to identify through their respective hierarchies, in contrast to perpetrators within the FARDC.

‘At the same time, military judicial authorities have not systematically investigated and charged armed group leaders and their members for sexual violence. A common view expressed from prosecutors and investigators seems to be that members of armed groups are beyond the reach of justice, even in cases when they could be easily identified, charged and arrested. Military prosecutors have also expressed reservations about charging or arresting members of armed groups for sexual violence for fear that it will escalate tensions and lead to more violence.’<sup>48</sup>

#### 6.3.5 The USSD 2016 report noted:

‘Some prosecutions occurred for rape and other types of sexual violence. On May 21[2016], 90 persons, including a provincial member of parliament, were arrested and charged in military court for abduction, rape, and genital mutilation in Kavumu, South Kivu Province. The cases were pending at year’s end... Most survivors of rape did not pursue formal legal action due to insufficient resources, lack of confidence in the justice system, fear of subjecting themselves to humiliation and/or reprisal, or family pressure...’<sup>49</sup>

#### 6.3.6 Freedom House in its Freedom in the World 2016 - Congo, Democratic Republic of (Kinshasa) report, published 29 June 2016, stated, ‘Rebels and FARDC soldiers have been implicated in kidnappings, killings, and rape. Convictions for offenses such as mass rape remain rare.’<sup>50</sup>

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<sup>48</sup>OHCHR, Progress and Obstacles in the Fight Against Impunity for Sexual Violence in the Democratic Republic of the Congo, (paras 33-35) April 2014  
<http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/CDReports.aspx>

<sup>49</sup> USSD, Country Report on Human Rights Practices 2016 (section 6), 3 March 2017.  
<https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm> Date accessed 15 March 2017

<sup>50</sup> Freedom House, Freedom in the World 2016 - Congo, Democratic Republic of (Kinshasa), 29 June 2016. <https://freedomhouse.org/report/freedom-world/2016/congo-democratic-republic-kinshasa> Date accessed 21 March 2017

## 6.4 Access to justice

6.4.1 The UN Security Council, Report of the Secretary-General on conflict-related sexual violence, published 20 April 2016, with regard to DRC considered the efforts being made to improve access to justice:

'In December 2015, the President delivered a national address in which he pledged zero tolerance for sexual violence, and his personal representative on sexual violence launched a campaign to improve victims' access to justice and services. In March 2015, FARDC inaugurated a commission to oversee its action plan against sexual violence. In 50 conflict-related sexual violence trials, 109 members of the security forces were convicted and sentenced to prison terms of between 1 and 20 years...Military justice authorities and the special police for the protection of women and children also continue to combat sexual violence in a challenging context. MONUSCO and the Team of Experts on the Rule of Law and Sexual Violence in Conflict assisted the FARDC in the implementation of its action plan, resulting in the issuance of command orders prohibiting sexual violence and the signing by 30 commanders of documents aimed at addressing conflict-related sexual violence.'<sup>51</sup>

6.4.2 The UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, in information issued on 23 March 2015 about DRC, noted, 'In isolated areas, where the justice system is weak or absent, civilians may resort to informal practices between the families of the perpetrator and the victim to "close" the case, including marriage.'<sup>52</sup>

6.4.3 However, the report also revealed that many alleged perpetrators have yet to be brought to justice and how compensation is still to be paid:

'Many of the perpetrators of the Walikale mass rape involving 387 victims, and for which the Security Council urged swift prosecution in 2010, remain active in the conflict today. Likewise, the alleged perpetrators of the mass rapes in Bushani and Kalambahiro in 2010 and 2011 have yet to be brought to justice. Judgments, including the award of reparations to victims of sexual violence issued by Congolese courts and for which the Government is liable, remain unpaid. The Team of Experts on the Rule of Law and Sexual Violence in Conflict is assisting in the development of a prosecutorial strategy for the backlog of emblematic sexual violence incidents and the establishment of mechanisms for the protection of victims and witnesses. The Team of Experts also continued to provide support during mobile court sessions by embedding experts in the MONUSCO Prosecution Support Cells in Goma.'<sup>53</sup>

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<sup>51</sup> UN Security Council, Report of the Secretary-General on conflict-related sexual violence, DRC, (page 13), 20 April 2016 [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2016\\_361.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_361.pdf) Date accessed 20 March 2017

<sup>52</sup> UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, DRC 23 March 2015. <http://www.un.org/sexualviolenceinconflict/countries/democratic-republic-of-the-congo/> Date accessed 22 March 2017

<sup>53</sup> UN Security Council, Report of the Secretary-General on conflict-related sexual violence, DRC, (page 13), 20 April 2016 [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2016\\_361.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_361.pdf) Date accessed 20 March 2017

6.4.4 CEDAW also stated that it was extremely concerned about ‘the absence of a proper screening process to remove persons suspected of perpetrating serious human rights violations from official positions in the security forces.’<sup>54</sup>

6.4.5 A report of 24 February 2017 from the House of Commons parliamentary sub-committee about fragility and development in the DRC noted Bilge Sahin’s, a development academic at SOAS university, oral evidence:

‘Bilge Sahin told us that “it is very difficult to reach justice.” In addition to cultural barriers, she cited the poor infrastructure and difficulty in getting to a court, followed by the problem of gathering sufficient evidence to achieve a conviction. Achieving a prosecution can be hard within societal hierarchies and, even if a conviction is achieved, “they are all about low-ranking soldiers or scapegoats who are not in the attention of the commander anymore. Unfortunately, no proper prosecution has been made of powerful authorities or soldiers so far in the DRC. This is the first thing. If your perpetrator is going to get caught, you have to hope that it is not someone important; otherwise it is really difficult for it to happen.” Finally, she highlighted that “reparation is not happening. So far, I have never come across a case where reparation has been paid.”<sup>55</sup>

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## 7. Societal response to violence

7.1.1 The USSD 2016 report stated that:

‘It was common for family members to pressure a rape survivor to remain silent, even in collaboration with health-care professionals, to safeguard the reputations of the survivor and her family. Survivors of SGBV faced significant social stigma. Society tended to label many young women and girls who survived a sexual assault as unsuitable for marriage, and husbands frequently abandoned wives who had been assaulted. Some families forced rape survivors to marry the men who raped them or to forgo prosecution in exchange for money or goods from the rapist.’<sup>56</sup>

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## 8. International and non government organisation initiatives to combat sexual violence

8.1 International aid and support

8.1.1 The House of Lords Select Committee on Sexual Violence in Conflict, in its Report of Session 2015–16 included a report of the committee’s visit to DRC

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<sup>54</sup> CEDAW, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo, (para 9) 30 July 2013 (CEDAW/C/COD/CO/6-7) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCOD%2fCO%2f6-7&Lang=en) Date accessed 20 March 2017

<sup>55</sup> House of Commons Parliamentary sub committee, Fragility and development in DRC (Women and Girls, Sexual and Gender-based violence, 24 February 2017 <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmintdev/99/9902.htm> Date accessed 21 March 2017

<sup>56</sup> USSD, ‘Country Report on Human Rights Practices for 2016’ DRC (section 6), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm>. Date accessed 24 April 2017

in November 2015, and recorded details on various projects in place to help tackle sexual violence:

**‘Dfid:**

‘Many socio-cultural norms— such as early marriage and pregnancy— discriminated against women and girls, preventing their education and often forced them into high-risk livelihoods. Responding to these challenges, DfID DRC launched La Pépinière, a programme with the overall objective of promoting the economic empowerment of adolescent girls and young women. Following preliminary studies commissioned by DfID in 2013–2014, the first phase of the programme was launched in 2015, which focused on Kinshasa and aimed to generate robust evidence to underpin a second, scaled-up phase to be implemented from late 2017...

**‘EU programme, ‘Women and Men Forward Together:**

‘The principles of the EU’s programme were: to act on all forms of GBV and its root causes; to implement a high-impact pilot intervention in targeted provinces; to articulate interventions around the communities; to integrate men and women in the proposed approaches; to support state and civil society structures; and to strengthen coordination...

‘Its four main objectives were:

- To contribute to changing social norms, and individual and collective behaviour to promote a new perception of masculinity and femininity in Kinshasa and Bandundu
- To contribute to a better distribution of economic power and social roles for men and women in Kinshasa and Bandundu (in partnership with the UN Food and Agriculture Organization)
- To strengthen the actors in the fight against GBV (state and civil society) and the coordination structures in Kinshasa and Bandundu; and
- To press the security sector (the police) and judiciary to provide an improved protective environment for victims of GBV in Kinshasa, Bandundu and Maniema.

‘The DRC Minister of Gender, Family and Children would provide leadership to the programme. The Steering Committee for the programme would be chaired by the Minister and be composed of representatives of the government, the EU and partner agencies. Technical groups at the provincial level would be involved with the programme’s implementation...

**‘Tearfund’s project in the DRC:**

‘The purpose of Tearfund’s project in the DRC was to enhance community level prevention, protection and response to sexual violence in conflict affected communities. It wanted to work with faith leaders across conflict affected communities in eastern DRC. For the last three years the Foreign and Commonwealth Office (FCO) has supported Tearfund in its work in the DRC to engage local faith leaders in helping prevent and respond to sexual violence in conflict within their communities.

'At the time of [the committee's] visit, the project had worked with 125 faith leaders to help them better understand sexual violence and survivors' needs, including the basic principles of psycho-social care support, as well the local legal framework and how to access justice. The project also included sessions on gender and social attitudes, including concepts of masculinity, from a faith perspective. Since the beginning of the project over 1,300 people had participated in these. In addition, 225 survivors received counselling and advice from faith leaders—between January 2014 and February 2015, 142 of these were helped to access medical services, 43 were referred to the local police or for judicial follow-up, and 12 benefited from family mediation. Legal training on sexual violence was provided to 453 people.

'Across the 25 communities where this project had been implemented, there were functioning Community Action Groups which included faith leaders from different faiths. These faith leaders were engaged in speaking out against sexual violence and accompanying survivors to access services, including, in some cases, formal justice procedures.'<sup>57</sup>

8.1.2 In the UK Government's response of June 2016 to the House of Lords' report, the FCO commented, 'As set out in our written evidence to the Committee, we believe the Government has achieved considerable progress since the launch of the Preventing Sexual Violence Initiative (PSVI) in 2012. Their report, 'Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee (HL123)' went on to say that:

'The Government has worked to embed this progress around the world and to achieve change at country level which benefits those most in need. For example, the Government has supported:

- 'A faith-based project in DRC through which more than 200 sexual violence survivors have come forward to receive counselling and 75 faith leaders have received training on responding to sexual violence and the needs of survivors.
- 'Building local capacity among DRC health, legal and law enforcement professionals to investigate sexual violence through documentation, collection, and the preservation of forensic evidence. This work has led to 20 documentation missions and the launch of four criminal trials.'<sup>58</sup>

8.1.3 The FCO Human Rights Priority Country – DRC corporate report, updated 8 February 2017 stated:

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<sup>57</sup> House of Lords Select Committee on Sexual Violence in Conflict, Report of Session 2015–16 (Appendix 6) <https://www.publications.parliament.uk/pa/ld201516/ldselect/ldsvc/123/123.pdf> Date accessed 20 March 2017

<sup>58</sup> UK Government, Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee (HL123) Presented to Parliament by the Secretary of State for Foreign and Commonwealth Affairs by Command of Her Majesty, June 2016. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/533663/Government\\_response\\_to\\_the\\_report\\_of\\_the\\_House\\_of\\_Lords\\_Sexual\\_Violence\\_in\\_Conflict\\_Committee.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/533663/Government_response_to_the_report_of_the_House_of_Lords_Sexual_Violence_in_Conflict_Committee.pdf)

Accessed 8 May 2017

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'The UK funds projects that help victims of sexual violence in conflict to obtain justice. We are working with the DRC government to encourage use of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict by legal and medical practitioners. This work includes translation of the International Protocol into Swahili and Lingala to enable its effective use at a local level.

'...We will also continue our work on the Preventing Sexual Violence in Conflict initiative, funding a number of grassroots projects and working closely with Jeanine Mabunda, the DRC President's Personal Representative on the Fight Against Sexual Violence and Child Recruitment.'<sup>59</sup>

8.1.4 The UN Security Council, Report of the Secretary-General on conflict-related sexual violence, published 20 April 2016, with regard to DRC stated, 'The United Nations continues to provide holistic support for survivors by embedding legal clinics and psychosocial services in medical facilities.'<sup>60</sup>

8.1.5 The UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, in information issued on 23 March 2015 about DRC, noted, 'Medical, psychosocial and legal support is only available in and around provincial capitals.' The report went on to describe how the United Nations continued to support the implementation of the national strategy on sexual and gender-based violence:

'For example, the United Nations Children's Fund (UNICEF) has prioritized access to psychosocial, economic and educational support for children born as a result of rape and their mothers. UNFPA has supplied treatment centres with essential equipment and post rape kits. UNHCR has expanded to South Kivu its Safe Access to Fuel and Energy (SAFE) project, under which sustainable cooking fuels and alternative energy are provided, following a successful pilot in North Kivu where it helped to reduce the risk of sexual violence faced by displaced women collecting firewood and water. The Joint Human Rights Office of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) established seven legal clinics, creating links between medical, psychosocial and legal support. As a result of this integrated approach, 60 per cent of clients chose to pursue a legal complaint.'<sup>61</sup>

8.1.6 UN Women stated that it has a country office in the Kinshasa and a sub-office in Bakavu in South Kivu province. It explained its initiatives for ending violence against women and girls:

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<sup>59</sup> FCO Human Rights Priority Country – DRC corporate report, updated 8 February 2017 <https://www.gov.uk/government/publications/democratic-republic-of-the-congo-drc-human-rights-priority-country/democratic-republic-of-the-congo-drc-human-rights-priority-country#contents> Date accessed 20 March 2017

<sup>60</sup> UN Security Council, Report of the Secretary-General on conflict-related sexual violence, DRC, (page 13), 20 April 2016 [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2016\\_361.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_361.pdf) Date accessed 20 March 2017

<sup>61</sup> UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, DRC 23 March 2015. <http://www.un.org/sexualviolenceinconflict/countries/democratic-republic-of-the-congo/> Date accessed 22 March 2017



'We provide technical support to the Ministry of Gender for effective coordination and implementation of the national strategy on Sexual and Gender-based Violence (SGBV), especially in the areas of communications and monitoring and evaluation. Our programme supports the review process of the family law to ensure alignment with international and regional conventions especially on the age of marriage as early marriage is widespread in the DRC.'<sup>62</sup>

8.1.7 The International Medical Corps explained the assistance that they provide for victims of sexual violence in DRC:

'International Medical Corps' work to treat and prevent sexual and gender-based violence (SGBV) in DRC began in 2002. Our holistic approach to SGBV includes integrating services for survivors into our primary health care programs, training doctors and community health workers in SGBV response, and sensitizing communities against SGBV through education and training. Through our long-standing collaboration with Panzi Hospital, International Medical Corps also trains doctors in remote areas to repair fistulas, which are potentially fatal internal ruptures caused by rape and poor birthing conditions.'<sup>63</sup>

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## 8.2 Civil society

8.2.1 Warscapes, an on-line magazine covering current conflicts across the world, featured a May 2015 interview with Denis Mukwege, a Congolese gynaecologist and rights activist. Dr Mukwege's free hospital, Panzi, is located in Bukavu, the capital city of South Kivu province:

'In a region critically lacking basic healthcare, Mukwege, a leading expert in reconstructive surgeries for rape victims, has saved the lives of more than 40,000 women over 16 years. A majority of them are victims of brutal gang rapes by soldiers and militias that started during the Second Congo War and have continued to the present day...

'Having treated women at different thresholds of psychological and physical suffering, many rushed in with their lifelines veering towards horizontal, Mukwege has been a prime witness to rape used as a weapon of war. In an interview for Warscapes, he spoke about his mission to "save the common humanity of his country."

"It is a method of torture. It is a way to terrorize the population. When I see some of the injuries on the women and children, I realize this type of violence has little to do with sex and much more with power through a sort of terrorism," said Mukwege.'<sup>64</sup>

8.2.2 Dr Mukwege spoke about his attempts to re-educate men:

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<sup>62</sup> UN Women, DRC (undated) <http://africa.unwomen.org/en/where-we-are/eastern-and-southern-africa/democratic-republic-of-congo> Date accessed 21 March 2017

<sup>63</sup> International Medical Corps DRC (undated) <https://internationalmedicalcorps.org/drc> Date accessed 21 March 2017

<sup>64</sup> Warscapes, Denis Mukwege: "We need to save the common humanity in Congo." 20 May 2017 <http://www.warscapes.com/reportage/denis-mukwege-we-need-save-common-humanity-congo> Date accessed 21 March 2017

‘Alongside his medical work, he has campaigned for Congolese women’s rights at national and international levels. He believes change does not simply mean protecting the women...

‘Movements geared towards educating men about sexual violence have emerged in recent years in Congo. A national conference took place in 2014 where leaders from different provinces gathered to discuss violence against women that has been endemic in their communities. Along with psycho-social support for victims of rape, Mukwege advocates help for those who left the armed forces and re-integrating them into their communities...

‘Peace in Congo, Mukwege contends, will require rehabilitating the men and reinforcing the voices of women. He has organized groups where men and boys discuss the violence that has pervaded their societies and minds while women gather to demand justice and reparations.’<sup>65</sup>

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## 9. Freedom of movement

9.1.1 The OECD Social Institutions and Gender Index’s undated data sheet for DRC noted ‘Women face restrictions on their freedom of movement and access to public space. Married women are obliged to live in a residence of their husband’s choosing, and cannot apply for a passport without their husband’s consent...widespread instability and militia activity, and the attendant risk of rape and other atrocities, effectively limits the movement of women.’<sup>66</sup>

9.1.2 The USSD 2016 report stated:

‘The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government sometimes restricted these rights...The state security forces - and to a greater extent rebel and militia groups - established barriers and checkpoints on roads and at airports and markets, ostensibly for security reasons, and routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The government required travelers to submit to control procedures at airports and ports during domestic travel and when entering and leaving towns.’<sup>67</sup>

9.1.3 The Freedom House report, Freedom in the World, 2016 – Congo, Democratic Republic of (Kinshasa), published 29 June 2016, noted, ‘...it has been increasingly common in recent years for young women to seek

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<sup>65</sup> Warscapes, Denis Mukwege: “We need to save the common humanity in Congo.” 20 May 2017 <http://www.warscapes.com/reportage/denis-mukwege-we-need-save-common-humanity-congo> Date accessed 21 March 2017

<sup>66</sup> Organisation for Economic Co-operation Development, ‘Social Institution and Gender Index’, undated. Democratic Republic of Congo, <http://www.genderindex.org/country/congo-dem-rep>. Date accessed 24 April 2017

<sup>67</sup> USSD, Country Report on Human Rights Practices 2016 (section 2d), 3 March 2017. <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265242.htm> Date accessed 15 March 2017

professional work outside the home or engage in commercial activities, particularly in towns and urban centers.<sup>68</sup>

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<sup>68</sup> Freedom House, Freedom in the World, 2016 – Congo, Democratic Republic of (Kinshasa), 29 June 2016. [https://www.ecoi.net/local\\_link/327670/468314\\_de.html](https://www.ecoi.net/local_link/327670/468314_de.html) Date accessed 19 April 2017

# Version control and contacts

## Contacts

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