



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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Information on available state protection for young female victims of rape

A report issued by the *Guardian* points out that:

“...despite a sustained PR campaign by the Congolese government to persuade the world that the number of rapes has fallen by 50% in two years, figures obtained by the *Guardian* show that it has hardly changed, and this has been echoed by people working on the frontline of the fight against sexual violence. Some even say it is rising” (*Guardian* (7 December 2016) *No sleep for Congolese mothers trying to save their girls from rape*).

In March 2017 the *United States Department of State* commenting on events of the previous year notes that:

“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” (*United States Department of State* (3 March 2017) *2016 Country Reports on Human Rights Practices: Democratic Republic of the Congo*).

This report also states:

“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. 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” (*ibid*).

A document released in February 2017 by the *United Nations Committee on the Rights of the Child* states:

“The Committee notes the efforts made by the State party in the last several years, including by adopting a law against sexual violence (2006) and a National Strategy to combat sexual violence and gender-based violence, and the information provided during the dialogue that sexual violence has been reduced by half over the last two years. However, the Committee expresses its deep concern that:

- (a) The rate of sexual violence against children, notably rape, reportedly remains high;
- (b) Rape and sexual violence against women and children is used as a weapon of war in conflict affected areas of the country;
- ... (d) The impunity enjoyed by perpetrators for rape and sexual violence against Children” (United Nations Committee on the Rights of the Child (3 February 2017) *Concluding observations on the combined third to fifth periodic report of the Democratic Republic of Congo*).

In February 2017 the *United Kingdom Foreign and Commonwealth Office* points out that:

“...FARDC soldiers continue to be responsible for the largest number of rapes in conflict affected areas...” (United Kingdom Foreign and Commonwealth Office (8 February 2017) *Democratic Republic of the Congo (DRC) - Human Rights Priority Country update report: July to December 2016*).

No further information on this issue could be found among sources available to the RDC.

References

Guardian (7 December 2016) *No sleep for Congolese mothers trying to save their girls from rape*

<https://www.theguardian.com/global-development/2016/dec/07/democratic-republic-congo-drc-mothers-trying-to-save-girls-rape-sexual-violence>

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United Kingdom Foreign and Commonwealth Office (8 February 2017) *Democratic Republic of the Congo (DRC) - Human Rights Priority Country update report: July to December 2016*

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints.

This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

Amnesty International
BBC News
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
Internal Displacement Monitoring Centre
International Crisis Group
IRIN News
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Online Newspapers
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