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COI QUERY

Country of Origin	DEMOCRATIC REPUBLIC OF THE CONGO
Title	Forced marriage, including the <i>Kintwidi</i> practice; prevalence; legislation; possibility to refuse such a marriage; state protection; and support services
Reference period	1 April 2021 to 14 February 2024
Topic(s)	Prevalence of forced marriage 1.1. <i>Kintwidi</i> practice Legislation Possibility to refuse forced marriage State protection Availability of support services
Date of completion	19 February 2024
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All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

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COI QUERY RESPONSE – Democratic Republic of the Congo

Forced marriage, including *Kintwidi* practice; prevalence; legislation; possibility to refuse such a marriage; state protection; and support services

Information on Sexual and gender-based violence (SGBV) against women in DRC can be found in EUAA Query Response [Sexual and gender-based violence \(SGBV\) against women, including sexual and domestic violence, conflict-related sexual violence, trafficking for sexual exploitation, traditional harmful practices, and early and forced marriage; legislation; social attitudes; availability of state protection; access to support services](#), published on 7 February 2024.

1. Prevalence of forced marriage

Information on the prevalence of forced marriage in the Democratic Republic of the Congo (DRC) was scarce among the sources consulted by EUAA within time constraints. However, the following information may be relevant.

The Immigration and Refugee Board of Canada (IRB) quoted a representative of Women in Action for Social Progress (FAPROS, *Femmes en action pour le progrès social*), an NGO that promotes the rights of women in DRC, as indicating that “among adult women, the rate [of forced marriage] is very low. [Adult women] are rarely subjected to forced marriages”.¹ The Human Rights Report published by the US Department of State (USDOS), covering the year 2022, noted that there was social acceptance of underage child marriage.² According to USDOS, marrying underage girls is considered a strategy for parents ‘to collect dowries or to finance dowries for sons.’³

Freedom House noted that girls who were abducted by rebel commanders were forced into marriages but ‘convictions for these offenses remain rare’.⁴

An article published by the Global Press Journal, a global news platform, in July 2020 noted the lack of awareness of legislation prohibiting forced marriages in the North Kivu province, where those unions were ‘common’.⁵

¹ Canada, IRB, République démocratique du Congo : information sur les mariages précoces ou forcés, y compris chez les femmes adultes et chez les mineures, leur fréquence, les lois qui s’y rapportent et la possibilité de les refuser; protection offerte par l’État et services de soutien disponibles (2019–mars 2021), 1 April 2021, [url](#)

² USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of Congo, 20 March 2023, [url](#), p. 41

³ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of Congo, 20 March 2023, [url](#), p. 42

⁴ Freedom House, Freedom in the World 2023: Democratic Republic of the Congo, 2023, [url](#)

⁵ Global Press Journal, Meet the Women Fighting Forced Marriages, 19 July 2020, [url](#)

1.1. *Kintwidi practice*

Kintwidi [also spelled out as *Kintuidi*, *Kinzud*, *Kitshul*, *Kintshui*, *Kinsudi*, *Kitiulî*] practice [informal translation] ‘concerns marital relationships involving the maternal lineage’ in the ethnic group called Yansi,⁶ present predominantly in the province of Kwilu,⁷ which followed a matrilineal structure.⁸ Sources indicated that this practice also takes place within the ethnic groups of Mbala⁹ and Mbun.¹⁰ This practice consists of a Yansi girl or woman having to marry her maternal uncle, but if the uncle is of an advanced age, he could decide to “cede his spouse rights” to his son or a nephew’.¹¹ An article published by the online newspaper *Le Quotidien* in June 2023 reported that the *Kintwidi* practice consists of [informal translation]: ‘a forced marriage between cousins, uncles and nieces, grandfathers and granddaughters or even between older daughters and a family authority’.¹² The practice has a superstitious¹³ and mystic character.¹⁴

Without providing additional information, *Le Quotidien* reported that the rate of the *Kintwidi* practice is ‘high’.¹⁵ Additional and corroborating information could not be found among the sources consulted by EUAA within time constraints.

In August 2021, the online newspaper *Actualité en bref* reported on the results of a survey on the practice of *Kintwidi* conducted by the NGO Youth Association for Development in Bandundu (AJBD, *Association des jeunes du Bandundu pour le développement*) between 2017 and 2020.¹⁶ Among the 1 000 people interviewed, 500 men and 500 women between 20 and 65 years, 68 % of them recognised that they had been affected by the practice while 32 % affirmed they were aware of the practice without being directly affected.¹⁷

⁶ Heshima Magazine, Culture Congolaise Kintuidi, Ou Le Mariage Consanguin Chez Les Yansi, 20 June 2020, [url](#)

⁷ L’Objective, Plus de peur que de mal, le phénomène « Kitiul » chez les Yansi n’est que symbolique, 26 August 2022, [url](#)

⁸ Mpia Tamfutu, R., Les alliances matrimoniales et l’accès à la terre ancestrale en pays yansi. Quête de pertinence, 2022, [url](#), p. 11

⁹ L’Objective, Plus de peur que de mal, le phénomène « Kitiul » chez les Yansi n’est que symbolique, 26 August 2022, [url](#)

¹⁰ InfosDirect, Kwilu: Phénomène Kintwidi chez les Yansi et les Mbun: Enjeux et défis de la répression de l’infraction du mariage forcé, 21 April 2023, [url](#)

¹¹ Heshima Magazine, Culture Congolaise Kintuidi, Ou Le Mariage Consanguin Chez Les Yansi, 20 June 2020, [url](#)

¹² Le Quotidien, Le phénomène Kintwidi chez les Yanzi et les Mbun: Comment y mettre fin?, 28 June 2023, [url](#)

¹³ InfosDirect, Kwilu: Phénomène Kintwidi chez les Yansi et les Mbun: Enjeux et défis de la répression de l’infraction du mariage forcé, 21 April 2023, [url](#)

¹⁴ Le Quotidien, Le phénomène Kintwidi chez les Yanzi et les Mbun: Comment y mettre fin?, 28 June 2023, [url](#); Actualité en bref, RDC: Le phénomène Kintwidi refait surface, avec des conséquences ravageuses chez les filles au Kwilu et à Kinshasa, 23 August 2021, [url](#)

¹⁵ Le Quotidien, Le phénomène Kintwidi chez les Yanzi et les Mbun: Comment y mettre fin?, 28 June 2023, [url](#)

¹⁶ Actualité en bref, RDC: Le phénomène Kintwidi refait surface, avec des conséquences ravageuses chez les filles au Kwilu et à Kinshasa, 23 August 2021, [url](#)

¹⁷ Actualité en bref, RDC: Le phénomène Kintwidi refait surface, avec des conséquences ravageuses chez les filles au Kwilu et à Kinshasa, 23 August 2021, [url](#)

2. Legislation

Law No. 16/008 of 15 July 2016, amending and completing Law No. 87-010 of 1 August 1987 on the Family Code, indicates the following [informal translation]:

‘Article 334

Everyone has the right to marry a person of their choice of the opposite sex and to found a family.

Article 336

Any person other than the father, mother or guardian who forces a person to marry against his or her will or who, in bad faith, prevents the conclusion of a marriage that fulfils all the legal conditions, shall be punished with a penal charge ranging between one to three months and a fine of 150 000 [about EUR 51] to 600 000 [about EUR 203] Congolese francs, or by one of these penalties only.

However, in the event of coercion by the parents, guardian or any person exercising legal authority over the individual, the latter may refer the matter to the family council, which will give a ruling. In the event of disagreement, the matter will be referred to the Peace Court.

[...]

Article 351

Each of the future spouses must personally consent to the marriage.

However, whether the marriage is celebrated in the family or before the civil registrar, representation by a proxy may be authorised for good cause by the Justice of the Peace.

Article 352

A man and a woman under the age of eighteen may not contract marriage.

Article 357

A child, even if emancipated, may not enter into marriage.’¹⁸

The Law 87-010 on the Family Code established the following provisions with regards to marriage [informal translation]:

‘Article 402:

Where a marriage has been contracted without the consent of one of the spouses, for whatever reason, the marriage must be declared null and void.

¹⁸ DRC, Loi n° 16/008 du 15 juillet 2016 modifiant et completant la loi n°87-010 du 1er aout 1987 portant Code de la Famille, 2016, [url](#)

The action may be brought by the spouses themselves, by any person having an interest therein and by the Public Prosecutor during the lifetime of both spouses.

Article 403:

A person who has contracted a marriage under the influence of violence may apply for its annulment.

The marriage may no longer be contested six months after the violence has ceased and, in any event, two years after the marriage was celebrated.

Article 404:

Without prejudice to more severe criminal provisions, persons who, by violence, have forced a person to consent to a marriage, as well as witnesses to such a marriage, will be punished by the penalties provided for in Article 336.

A civil registrar who, knowing or having to know of this circumstance, has celebrated or registered such a marriage will also be subject to the penalties provided for in article 395, first paragraph.¹⁹

USDOS noted that authorities rarely enforced the legislation against child marriage.²⁰ The source added that legislation was not clear on the reporting procedure or actors involved to denounce forced marriages.²¹

3. Possibility to refuse forced marriage

Information on the possibility to refuse forced marriage was scarce among the sources consulted by EUAA within time constraints. However, the following information may be relevant.

Heshima Magazine, a news source based in DRC, noted that a girl wishing to marry someone not being her '*Kintudi*' would require to pay a double dowry.²² *Actualité en bref*, another news source based in DRC, quoted the president of AJBD as indicating that [informal translation] '[t]he belief that surrounds [*Kintwidi*], which gives it a mystical character, places the victims in a situation of powerlessness and resignation, for fear of suffering the damage that would result from it.'²³

The IRB quoted the executive secretary of the association Solidarity of Women Activists for the Defense of Human Rights (SOFAD, *Solidarité des femmes activistes pour la défense des droits humains*), an NGO that promotes the rights of women and girls in DRC, as indicating,

¹⁹ DRC, Loi n° 87/010 du 1 août 1987 portant Code de la Famille, Livre III – De la famille, 1987, [url](#)

²⁰ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of Congo, 20 March 2023, [url](#), p. 41

²¹ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of Congo, 20 March 2023, [url](#), p. 42

²² Heshima Magazine, Culture Congolaise Kintuidi, Ou Le Mariage Consanguin Chez Les Yansi, 20 June 2020, [url](#)

²³ Actualité en bref, RDC: Le phénomène Kintwidi refait surface, avec des conséquences ravageuses chez les filles au Kwilu et à Kinshasa, 23 August 2021, [url](#)

without providing further detail, that when a woman refuses forced marriage “there are established sanctions depending on the rules of each society; the penalty can be either moral or physical”.²⁴ The same source quoted representatives of FAPROS and Female Solidarity for Peace and Development (SOFEPADI, *Solidarité féminine pour la paix et le développement integral*) as indicating that refusing a forced marriage can lead to curses against her and her family.²⁵ The representative of SOFEPADI further indicated that other reprisals include arbitrary detention, expelling, or in some cases, suicide.²⁶

4. State protection

Information on state protection could not be found among the sources consulted by EUAA within time constraints.

5. Availability of support services

Information on support services for victims of forced marriage was scarce among the sources consulted by EUAA within time constraints.

The IRB quoted the executive secretary of SOFAD as indicating that support services for victims of forced marriage were “timidly” available throughout the country’.²⁷

²⁴ Canada, IRB, République démocratique du Congo : information sur les mariages précoces ou forcés, y compris chez les femmes adultes et chez les mineures, leur fréquence, les lois qui s’y rapportent et la possibilité de les refuser; protection offerte par l’État et services de soutien disponibles (2019–mars 2021), 1 April 2021, [url](#)

²⁵ Canada, IRB, République démocratique du Congo : information sur les mariages précoces ou forcés, y compris chez les femmes adultes et chez les mineures, leur fréquence, les lois qui s’y rapportent et la possibilité de les refuser; protection offerte par l’État et services de soutien disponibles (2019–mars 2021), 1 April 2021, [url](#)

²⁶ Canada, IRB, République démocratique du Congo : information sur les mariages précoces ou forcés, y compris chez les femmes adultes et chez les mineures, leur fréquence, les lois qui s’y rapportent et la possibilité de les refuser; protection offerte par l’État et services de soutien disponibles (2019–mars 2021), 1 April 2021, [url](#)

²⁷ Canada, IRB, République démocratique du Congo : information sur les mariages précoces ou forcés, y compris chez les femmes adultes et chez les mineures, leur fréquence, les lois qui s’y rapportent et la possibilité de les refuser; protection offerte par l’État et services de soutien disponibles (2019–mars 2021), 1 April 2021, [url](#)

BIBLIOGRAPHY

Actualité en bref, RDC: Le phénomène Kintwidi refait surface, avec des conséquences ravageuses chez les filles au Kwilu et à Kinshasa [DRC: The Kintwidi phenomenon re-emerges with devastating consequences for girls in Kwilu and Kinshasa], 23 August 2021, <https://actualiteenbref.cd/rdc-le-phenomene-kintwidi-refait-surface-avec-des-consequences-ravageuses-chez-les-filles-au-kwilu-et-a-kinshasa/>, accessed 13 February 2024

Canada, IRB (Immigration and Refugee Board of Canada), République démocratique du Congo: information sur les mariages précoces ou forcés, y compris chez les femmes adultes et chez les mineures, leur fréquence, les lois qui s'y rapportent et la possibilité de les refuser; protection offerte par l'État et services de soutien disponibles (2019–mars 2021) [Democratic Republic of the Congo: Early or forced marriages, including in women and girls; prevalence, related legislation, and the ability to refuse such a marriage; state protection and support services (2019–March 2021)], 1 April 2021, <https://irb-cisr.gc.ca/fr/renseignements-pays/rdi/Pages/index.aspx?doc=458317&pls=1>, accessed 13 February 2024

DRC (Democratic Republic of the Congo), Loi n° 16/008 du 15 juillet 2016 modifiant et complétant la loi n°87-010 du 1er août 1987 portant Code de la Famille [Law No. 16/008 of 15 July 2016 amending and completing Law No. 87-010 of 1 August 1987 providing for the Family Code], 2006, available at: <https://www.leganet.cd/Legislation/Code%20de%20la%20famille/Loi.15.07.2016.html>, accessed 12 February 2024

DRC (Democratic Republic of the Congo), Loi n° 87/010 du 1 août 1987 portant Code de la Famille, Livre III – De la famille [Law No. 87/010 of 1 August 1987 providing for the Family Code, Book III – On family], 1987, available at: <https://www.leganet.cd/Legislation/Code%20de%20la%20famille/LIVRE%20III%20DE%20LA%20FAMILLE.htm>, accessed 14 February 2024

EIGE (European Institute for Gender Equality), EIGE's Gender Equality Glossary & Thesaurus, Forced Marriage, n.d., https://eige.europa.eu/publications-resources/thesaurus/terms/1171?language_content_entity=en, accessed 14 February 2024

Freedom House, Freedom in the World 2023: Democratic Republic of the Congo, 2023, <https://freedomhouse.org/country/democratic-republic-congo/freedom-world/2023>, accessed 14 February 2024

Global Press Journal, Meet the Women Fighting Forced Marriages, 19 July 2020, <https://globalpressjournal.com/africa/democratic-republic-of-congo/meet-women-fighting-forced-marriages-drc/en/>, accessed 13 February 2024

Heshima Magazine, Culture Congolaise Kintuidi, Ou Le Mariage Consanguin Chez Les Yansi [Congolese culture Kintuidi, or consanguineous marriage among the Yansi], 20 June 2020, <https://heshimardc.net/mag/2020/03/culture-congolaise-kintuidi-ou-le-mariage-consanguin-chez-les-yansi/>, accessed 12 February 2024

InfosDirect, Kwilu: Phénomène Kintwidi chez les Yansi et les Mbun: Enjeux et défis de la répression de l'infraction du mariage forcé [Kwilu: Kintwidi phenomenon among the Yansi and Mbun: Issues and challenges in repressing the offense of forced marriage], 21 April 2023, <https://infosdirect.net/2023/04/21/kwilu-phenomene-kintwidi-chez-les-yansi-et-les-mbun-enjeux-et-defis-de-la-repression-de-linfraction-du-mariage-force/>, accessed 14 February 2024

L'Objective, Plus de peur que de mal, le phénomène «Kitiul» chez les Yansi n'est que symbolique [More fear than harm, the 'Kitiul' phenomenon among the Yansi is merely symbolic], 26 August 2022, <https://lobjectif.net/plus-de-peur-que-de-mal-le-phenomene-kitiul-chez-les-yansi-nest-que-symbolique/>, accessed 14 February 2024

Le Quotidien, Le phénomène Kintwidi chez les Yanzi et les Mbun: Comment y mettre fin? [The Kintwidi phenomenon within the Yanzi and Mbun: how to eradicate it?], 28 June 2023, <https://lequotidienrdc.com/le-phenomene-kintwidi-chez-les-yanzi-et-les-mbun-comment-y-mettre-fin/>, accessed 13 February 2024

Mpia Tamfutu, R., Les alliances matrimoniales et l'accès à la terre ancestrale en pays yansi. Quête de pertinence [Matrimonial alliances and access to ancestral land in Yansi land. In search of pertinence], in Cahiers des Religions Africaines, Vol. 3, Issue 5, 2022, <https://cahiersdesreligionsafricaines.net/wp-content/uploads/2024/01/Les-alliances-matrimoniales-et-lacces.pdf>, accessed 14 February 2024

OHCHR (UN Office of the High Commissioner for Human Rights), Child and forced marriage, including in humanitarian settings, n.d., <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>, accessed 14 February 2024

USDOS (United States Department of State), 2022 Country Report on Human Rights Practices: Democratic Republic of Congo, 20 March 2023, https://www.state.gov/wp-content/uploads/2023/03/415610_CONGO-DEM-REP-2022-HUMAN-RIGHTS-REPORT.pdf, accessed 12 February 2024

ADDITIONAL SOURCES CONSULTED

ACTED; Advancing Learning and Innovation on Gender Norms; Africa News; Agence congolaise de presse; Amnesty International; Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD); BTI (Bertelsmann Transformation Index); Deutsche Welle; European Union – EUAA COI Portal; Forced Marriage Research Project; Freedom House; Girls Not Brides; Global Protection Cluster; International Federation for Human Rights; Intersos; IPIS; Medicus Mundi; Radio Okapi; Solidarité Féminine pour la paix et le Développement integral (SOFEPADI); The New Humanitarian; United Nations – UN Children's Fund (UNICEF), UN High Commissioner for Refugees (UNHCR), UN Population Fund (UNFPA); W4.org; Women's International League of Peace and Freedom