

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	302
Land:	Den Demokratiske Republik Congo
Kilde:	Refugee Documentation Centre of Ireland
Titel:	Legal Aid Board. Democratic Republic of Congo – Researched and compiled by the Refugee Documentation Centre of Ireland on 3 May 2013
Udgivet:	3. maj 2013
Optaget på baggrundsmaterialet:	31. oktober 2013



Democratic Republic of the Congo – Researched and compiled by the Refugee Documentation Centre of Ireland on 3 May 2013

Information on violence against women in DRC. Information on whether state protection is available.

A report by the *United States Department of State* under the heading “Women” states:

“The law criminalizes rape, but the government did not effectively enforce this law, and rape was common throughout the country. The law defines rape to include male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes, but not spousal rape. It also prohibits compromise fines 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.

SSF, RMG, and civilians perpetrated widespread and sometimes mass rape of women and girls (see section 1.g.). Between December 2010 and November 2011 the UN reported a total of 625 cases of sexual violence perpetrated by parties to the conflict in North Kivu, South Kivu, and Orientale provinces. Of these, 602 were against women and girls and 23 were against men and boys. The UN reported that almost half of the incidents were attributed to the FARDC and the PNC, noting that this high proportion could be explained by the greater access human rights monitors had to areas under SSF control. Separately, the Ministry of Gender reported 11,672 cases of sexual- and gender-based violence in 2011 in North Kivu, South Kivu, Ituri district, Bandundu, Bas-Congo, Katanga, and Kinshasa. Of these cases, 10,037 were reported in North Kivu, South Kivu, and Ituri.” (United States Department of State (19 April 2013) *Democratic Republic Of The Congo 2012 Human Rights Report*)

The report continues:

“Prosecutions for rape and other types of sexual violence remained rare, although there were indications that the situation had improved. The UN reported that through its support, military justice prosecuted 355 cases of serious human rights violations from July 2010 to June 2011, an increase from 337 during the previous 12 months. UN sources attributed this increase to the rise in prosecutions for sexual violence crimes and noted that this trend continued throughout the year. Nevertheless, both victims and the UN Human Rights Council’s (UNHRC) special rapporteur on violence against women cited widespread impunity as the main reason for sexual violence. Most victims did not have sufficient confidence in the justice system to pursue formal legal action or feared subjecting themselves to further humiliation and possible reprisal.

It was common for family members to pressure a rape victim to remain silent, even with health care professionals, to safeguard the reputations of the victim and her family. Victims of SGBV faced enormous social stigma. After a sexual assault, many young women and girls were labeled as unsuitable for marriage, and married women were frequently abandoned by their husbands. Some families forced rape victims to

marry the men who raped them or to forego prosecution in exchange for money or goods from the rapist.

Domestic violence was common throughout the country. For example, according to the 2007 Demographic Health Survey (DHS), 71 percent of women reported some form of sexual, mental, or physical abuse. Other sources found that 86 percent of women in Equateur Province were victims of domestic abuse. While there were few recent statistics available regarding the extent of domestic abuse, a Kinshasa-based December 2010 survey of 1,000 individuals conducted by Les Experts found that 45 percent of respondents had been abused. Although the law considers assault a crime, it does not specifically address spousal abuse, and police rarely intervened in domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.” (ibid)

A report by the *United Kingdom: Foreign and Commonwealth Office* under the heading “Women's rights” states:

“Women and girls in DRC face extremely high levels of sexual violence, including rape and domestic abuse. They also suffer widespread disempowerment, lack of access to education, reduced political participation and severe poverty. The UK has continued to support programmes to improve women's rights and address issues including sexual and gender-based violence. The DRC is a priority country for the Preventing Sexual Violence Initiative, which will consider what further action can be undertaken to support national and international efforts to tackle sexual violence...” (United Kingdom: Foreign and Commonwealth Office (15 April 2013) *Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Democratic Republic of the Congo DRC*)

A report by *Freedom House* under the heading “Political Rights and Civil Liberties” states:

“Despite constitutional guarantees, women face discrimination in nearly every aspect of their lives, especially in rural areas. Violence against women and girls, including sexual and gender-based violence, has soared since fighting began in 1994, though sex crimes often affect men and boys as well. Mass rapes continued in 2011, and convictions remain rare.” (Freedom House (17 August 2012) *Freedom in the World 2012 - Congo, Democratic Republic of (Kinshasa)*)

A report by *IRIN News* notes:

“MINOVA, 6 December 2012 (IRIN) - Sexual violence is on the rise as armed groups continue to move across the eastern Democratic Republic of Congo's (DRC) North Kivu Province, officials say.

[...]

Days after FARDC troops arrived in Minova, 54km southwest of Goma, in late November, local women began to show up at local hospitals with injuries sustained from rape.

The UN Children's Fund (UNICEF) reported on 4 December that the Minova Hospital had recorded 72 cases of rape since the latest wave of violence started. UNICEF has provided the hospital with four post-exposure prophylaxis (PEP) kits - equivalent to a total of 200 doses - to prevent victims from contracting HIV following their possible

exposure to the virus.” (IRIN News (6 December 2012) *DRC: Surge in sexual violence in North Kivu*)

The report continues:

“According to a 4 December report by the UN Office for the Coordination of Humanitarian Affairs (OCHA), reports of serious protection incidents in the region have continued, “including lootings, rapes, summary executions and recruitment of children”.

"On the night of 1-2 December, violent looting, including rape, by armed men occurred in Mugunga III IDP [internally displaced person] camp [west of Goma], highlighting the extremely worrying humanitarian and protection situation in North Kivu," the report said, noting that UNICEF treated 12 survivors of rapes that occurred that night." (ibid)

A report by *The Guardian* states:

“When people talk about the violence against women in the Democratic Republic of the Congo, they usually assume that it is a direct consequence of the civil war. But even in peacetime, our culture undervalues women and girls, making them particularly vulnerable to abuse. A girl's worth is often only considered in relation to the dowry she will be able to command.

In wartime, raping a woman is designed as a weapon against male enemies. The idea is to emasculate the men. The women are not really considered. The worst cases are when young boys, newly recruited into armed groups, are assigned to rape a woman as a symbol of their integration and proof that they are now a man.” (The Guardian (8 March 2013) *International women's day: a voice from the Democratic Republic of the Congo* - Aimee Manimani)

The report continues:

“The permanent insecurity brought by numerous armed groups in the Kivus in eastern DRC is only making matters worse. Since April, the M23 rebels have relaunched the conflict in North Kivu, displacing thousands and putting thousands of women once more at high risk of being raped.” (ibid)

A report by *Agence France-Presse* notes:

“KINSHASA, March 12, 2013 (AFP) - Around 12,000 people have fled recent fighting between rival factions of the M23 rebel group in eastern Democratic Republic of Congo, the UN refugee agency said Tuesday, as a local doctor warned of "methodic" rape in the troubled country.

[...]

A doctor in South Kivu province meanwhile raised the alarm on the "methodic, systematic and massive" rape of women in the strife-ridden region.

According to Denis Mukwege, whose local charity Panzi helps rape victims, the rate of sexual assault went up in 2012 and looks set to be as high in 2013, he warned.

Mukwege told a press conference in Kinshasa on Tuesday that he receives around 300 victims of rape or sexual assault for treatment every month.

For the past two decades, DR Congo's mineral rich east has been a haven for armed groups who have left a trail of bloodshed and killing in their wake, and raped tens of thousands of women." (Agence France-Presse (12 March 2013) *Thousands flee fighting in DR Congo: UN*)

References:

Agence France-Presse (12 March 2013) *Thousands flee fighting in DR Congo: UN*
http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-562194.pdf
(Accessed 3 May 2013)

Freedom House (17 August 2012) *Freedom in the World 2012 - Congo, Democratic Republic of (Kinshasa)*
<http://www.freedomhouse.org/report/freedom-world/2012/congo-democratic-republic-kinshasa>
(Accessed 3 May 2013)

The Guardian (8 March 2013) *International women's day: a voice from the Democratic Republic of the Congo - Aimee Manimani*
<http://www.guardian.co.uk/global-development/2013/mar/08/international-womens-day-voice-dr-congo/print>
(Accessed 3 May 2013)

IRIN News (6 December 2012) *DRC: Surge in sexual violence in North Kivu*
<http://www.irinnews.org/printreport.aspx?reportid=96981>
(Accessed 3 May 2013)

United Kingdom: Foreign and Commonwealth Office (15 April 2013) *Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Democratic Republic of the Congo DRC*
<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=516fb7cbf>
(Accessed 3 May 2013)

United States Department of State (19 April 2013) *Democratic Republic Of The Congo 2012 Human Rights Report*
<http://www.state.gov/documents/organization/204319.pdf>
(Accessed 3 May 2013)

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:

Agence France-Presse
Amnesty International
Electronic Immigration Network (EIN)
European Country of Origin Information Network

Freedom House
Guardian
Human Rights Watch
IRIN News
UNHCR Refworld
United Kingdom: Foreign and Commonwealth
United Kingdom Home Office
United States Department of State