

Flygtningenævnets baggrundsmateriale

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19 March 2026

COD202542.E

Democratic Republic of the Congo: Forced marriages of adult women, particularly in Kinshasa; the prevalence, laws and customs of forced marriages, including parties to the decision and consequences of refusal; the socioeconomic profile of the women forced into marriage; state protection (2024–March 2026)

1. Forced Marriages of Adult Women

According to UN Women, forced and early marriages in the Democratic Republic of the Congo (DRC) are a manifestation of the violence and conflict in the country for the past years and decades (UN 2025-06, 3). The same source reports that forced marriage is a tool used by armed groups in the country's eastern and southern regions in particular to subject "women and girls to the categories of 'inferior' and slaves with no sovereign power" (UN 2025-06, 2). Information and examples of members of state security forces involved in forced marriages in the DRC could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to Freedom House, "[r]ebel commanders" in the DRC kidnap girls and force them into marriages (2024-02-29, Sec. G3). Amnesty International indicates that the Allied Democratic Forces (ADF) [1] kidnaps women and girls and forces them into "'marriages'" with its own fighters on threat of death (2025-12-19). Those who escape face "suspicious looks and whispers from their neighbors in their villages"; the children of the women who returned home are rejected by the women's families (Amnesty International 2025-12-19).

Information on the rate and prevalence of forced marriages of adult women in the DRC was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Congolese news website Actualité.cd, forced marriages continue to occur in many parts of the country (Actualité.cd 2025-08-07). Africanews reports that while it is difficult to obtain data on forced marriages from the DRC's National Institute of Statistics (Institut national de la statistique), due in part to institutional dysfunction, the few figures that do exist indicate that it is [translation] "'widespread, particularly in

rural areas and disadvantaged communities" (2023-02-17). Jean Chrysostome Kasereka Muyisa, adjunct professor at the Université Libre des Pays des Grands Lacs in Goma, DRC, writes in the [peer-reviewed (*IMJST* n.d.)] *International Multilingual Journal of Science and Technology* that in the [translation] "mostly" impoverished eastern city of Bukavu, for instance, forced marriages occur particularly as a result of the economic situation of the family and pressure from parents, as well as traditional customs and religious practices (Kasereka Muyisa 2024-11, 7865, 7871).

According to Africanews, the Yansi [Yanzi] people of Kwilu province, 300 to 400km east of Kinshasa, practice *kintuidi* [kintwidi, kintshuidi, kinsudi], a traditional custom now widespread in the DRC which promotes marriage between cousins or between young women and their maternal uncles to preserve the community's cultural heritage (2023-02-17). The source adds that women subject to kintuidi must either comply with a forced marriage or find a way to survive their [translation] "social rejection" (Africanews 2023-02-17). Congolese daily newspaper *Le Quotidien* indicates that, in addition to Kwilu province, kintuidi is also practiced in Kinshasa by Yansi and Mbuun [Bunda, Ambuun] tribes (2023-06-28). It adds that the custom requires girls, starting with the firstborn girl of a Yanzi or Mbuun mother, to marry her grandfather (among Mbuun people) or maternal uncle (among the Yansi people) (*Le Quotidien* 2023-06-28). The 2023 article by *Le Quotidien* indicates that the rate of forced marriages through kintuidi is [translation] "now high" (2023-06-28).

According to Africanews, kintuidi is [translation] "often motivated by economic and social considerations" (2023-02-17).

1.1 Forced Marriages of Adult Women in Kinshasa

Information on forced marriages of adult women in Kinshasa was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

In correspondence with the Research Directorate, a representative of Rien sans les femmes, an NGO that advocates for women's rights in the DRC, stated that there are cases of adult women forced into marriage in Kinshasa for socioeconomic, customary and religious reasons (Rien sans les femmes 2026-03-17). When asked about cases of adult women from wealthy socioeconomic backgrounds who are forced into marriage in Kinshasa, the representative stated that she was not aware of any such cases (Rien sans les femmes 2026-03-17).

The Rien sans les femmes representative described the following case of a forced marriage occurring in a southern commune of Kinshasa,

[translation]

in the commune of Kisenso, involving a 32-year-old woman who was forced to marry her late father's creditor following a debt of \$750 [without specifying the currency] that he had incurred before his death. Faced with pressure and given their precarious circumstances and inability to repay the money, the family agreed to give the woman in marriage against her will, without demanding a dowry, to enable the creditor to recover his debt. The man took the woman to the Bateke plateau. (Rien sans les femmes 2026-03-17)

A second case shared by the source took place between

[translation]

two university professors from the same tribe who agreed to marry their children to strengthen their friendship. The young woman, in her twenties, who already had a boyfriend, was forced by her father to marry her friend's son. Under pressure, she gave in against her will, got married and had two children with him. Despite this, as she did not love him and the marriage had been forced upon her, she continued to see her boyfriend and eventually ran away to join him in the USA. (Rien sans les femmes 2026-03-17)

According to Africanews, as of 2023 kintuidi takes place in Kinshasa as a result of rural migration into the city (2023-02-17). A victim of kintuidi in Kinshasa describes her experience to Africanews as follows:

[translation]

"At first, it was like a joke, until my parents told me clearly that I had to marry ... [the name of the husband imposed upon her] or I would be cursed," she recalls. ... [T]he victim's husband and cousin is an intelligence agent in the DRC. "It was clear he was in on it and claimed to be in love with me. He started threatening me, promising to use his influence to take my life," continues this young woman, who has been living in hiding ever since after a brief period of living with her "traditional husband." (Africanews 2023-02-17, first pair of square brackets in original)

1.2. Socioeconomic Profile of Adult Women Forced into Marriage

Information on the socioeconomic profile of adult women forced into marriage in the DRC was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to UN Women, forced marriages occur "in some cases ... in fragile and military conflict environments" targeting "vulnerable women and minor girls" in regions where state presence and the rule of law are

"weak" and poverty is "predominant" (UN 2025-06, 4).

1.3. Consequences of Refusal of Forced Marriage

Information on the consequence of refusing a forced marriage in the DRC and in Kinshasa in particular was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

Writing about kintuidi, *Le Quotidien* indicates that there are

[translation]

young girls who have taken their own lives due to these ancestral practices or who have died under mysterious conditions among the Yansi and Mbuun peoples.

Sometimes, a 20-year-old young woman is forced to marry an old man aged 60 or more, and if the girl refuses, she is threatened with death.

Others are forced to marry their grandfather's nephew or younger brother. This is inconceivable for young girls who have been to school.

A testimony was also collected from a 14-year-old boy whose older sister had taken her own life because she was being forced to marry her cousin. The boy testified anonymously for fear of reprisals. Even in Kinshasa, the capital, these ancestral practices ... are present in the Yansi and Mbuun families. (2023-06-28)

2. Legal and Customary Framework

2.1. Laws and Customs in Practice

Freedom House reports that the family code requires "wives to obey their husbands" and husbands are recognized as their wives' "legal guardia[n]" and the "heads of their households" (2024-02-29, Sec. G3). Global Gateway's (GG) Investment Climate Reform Facility (ICR Facility) [2] similarly indicates that the family code treated married women "as

legal minors under the tutelage of their husbands" until legal reforms were introduced in 2016 (GG ICR Facility [2023]). The source adds, however, that implementing the new laws "remains a major task" (GG ICR Facility [2023]).

The legal age for marriage in the DRC is 18 (Actualité.cd 2025-08-07; Freedom House 2024-02-29, Sec. G3; US 2024-04-22, 49). Sources indicate that Congolese law requires consent for marriage (Kasereka Muyisa 2024-11, 7869; US 2024-04-22, 49). The US Department of State's *Country Reports on Human Rights Practice for 2023* adds, however, that these provisions are "not effectively enforced by the government" (US 2024-04-22, 49).

UN Women states that laws on forced and early marriages "are often circumvented by participation in traditional marriages in DRC," which are "not recognized by civil law" (UN 2025-06, 3). According to the final report of the Group of Experts on the DRC to the UN Security Council, Congolese law and the constitution recognize customary power in "local governance, land administration, and dispute settlement" and the family code empowers customary chiefs "in matters such as marriage and inheritance, provided these practices do not contravene national laws" (UN 2025-07-03, 86). According to US *Country Reports 2023*, although forced marriage is criminalized in the constitution, there are no legal provisions addressing who has "standing to report forced marriage as a crime" and whether "a judge had the authority to do so" (US 2024-04-22, 49).

The information in the following 2 paragraphs was provided by Kasereka Muyisa:

The law is [translation] "ambiguous" regarding which court has the authority to prosecute the crime of forced marriage, as it depends on the punishment stipulated for the offence. The DRC's family code (Law No. 16/008 of 15 July 2016 Amending and Supplementing Law No. 87-010 of 1 August 1987 on the Family Code (*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) and penal code (Law No. 06/018 of 20 July 2006 Amending and Supplementing the Decree of 30 January 1940 on the Congolese Penal Code (*Loi n° 06/018 du 20 juillet 2006 modifiant et complétant le Décret du 30 janvier 1940 portant Code pénal congolais*)) each provide different penalties for the offence. The family code calls for 1 to 3 months' imprisonment and a fine of 150,000 to 600,000 Congolese francs (CDF) [C\$89 to C\$357], while the penal code provides a punishment of 1 to 12 years' imprisonment and a fine [translation] "not less than" 100,000 CDF [C\$59]. Offences punishable by less than 5 years' imprisonment, such as forced marriage in the family code, fall under the jurisdiction of the Peace Tribunals; offences punishable by more than 5 years' imprisonment, such as forced marriage in the penal code, fall under the jurisdiction of the Courts of First Instance (tribunaux de grande instance).

In addition, the forced marriage of an adult is only considered an offence in the penal code if the following elements are present:

- a. a forced union occurred;
- b. it was perpetrated by the parent or guardian of the adult;
- c. the adult did not consent to the union.

In other words, a person who forces marriage on a non-consenting adult cannot be pursued for the offence of forced marriage under the penal code, unless they are the adult victim's parent or legal guardian. In contrast, the family code does provide for the prosecution of perpetrators who do not have parental authority over the victims of forced marriages (Kasereka Muyisa 2024-11, 7868, 7870, 7871).

According to Amnesty International, the Congolese government enacted a law in September 2023 criminalizing and penalizing "forced levirate and sororate marriages," marriages in which a "widow is forced to marry her

dead husband's brother, or a woman is forced to marry her dead sister's husband, respectively" (2024-04-24). Information on the implementation of this law could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2. Legislation

Article 334 of the amended family code, Law No. 16/008 of 2016, provides that [translation] "[e]very individual has the right to marry the person of their choice, of the opposite sex, and to found a family" (DRC 2016).

Articles 351, 352 and 357 of the same law provide the following:

[translation]

Article 351

The future spouses must each personally consent to the marriage.

However, whether the marriage is solemnized in the presence of family or before a civil registrar, marriage by proxy may be authorized by a justice of the peace on reasonable grounds.

Article 352

Men and women under the age of eighteen may not enter into marriage.

Article 357

Children, even if emancipated, may not enter into marriage. (DRC 2016, bold in original)

With regard to the annulment of forced marriages, the family code provides the following:

[translation]

Article 402

When marriage was entered into without the consent of both spouses, for any reason whatsoever, the nullity of the marriage must be declared.

The action may be undertaken by the spouses themselves, by any person having an interest in doing so, and by the public prosecutor during the lifetime of the two spouses.

Article 403

Any person who entered into a marriage under the influence of violence may request its annulment.

The marriage may be contested no more than six months after the violence ended and, in any event, no more than two years after the marriage was celebrated.

(DRC 1987, bold in original)

The Law Amending and Supplementing the Family Code provides the following regarding sanctions relating to forced marriage:

[translation]

Article 404

Without prejudice to the more severe penal provisions, the penalties set out in Article 336 of the Law shall be imposed on persons who, through violence, forced a person to consent to marriage, as well as on the witnesses of such a marriage.

The penalties provided for in the first paragraph of article 395 of this law shall be borne by any civil registrar who performs or registers such a marriage if he knew or should have known about the situation. (RDC 2016, bold in the original)

Article 336 provides the following:

[translation]

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 a marriage that meets all legal requirements from being entered into, shall be punished by penal servitude for a term of one to three months and a fine of 150,000 to 600,000 Congolese francs [C\$95 to C\$378], or by only one of these penalties.

However, in the event of coercion by parents, a guardian or any person who has legal authority over the individual, the latter may refer the matter to the family council, which shall render judgment. In the event of a disagreement, the matter shall be referred to the peace court. (DRC 2016, bold in original)

The amended penal code, Law No. 06/018 of 2006, provides that

[translation]

Article 3

« Section III of Title VI of the Penal Code Book II is thus amended:

« Section III: Other sexual violence offences

...

« Paragraph 6: Forced marriage

« Article 174f

« Without prejudice to article 336 of the Family Code, shall be sentenced to one
« to twelve years of prison and fined no less than one hundred thousand constant
« Congolese francs any person who, exercising parental or guardianship authority
« over a minor or adult and who has given him or her in marriage, or with a view « to
it, or has forced him or her to marry.

« The minimum sentence provided for in paragraph 1 is doubled when it involves
« a person under 18 years of age. (DRC 2006, chevrons in the original)

3. State Protection

According to Freedom House, convictions for forced marriages of girls involving members of the military "remain rare" in the DRC (Freedom House 2024-02-29, Sec. G3). Africanews reports that although NGOs offer protection measures and supports for victims of forced marriage, progress on state protection [translation] "seems to be stagnant" (2023-02-17). According to a lawyer interviewed by Actualité.cd, protection measures for victims of forced marriage are often inaccessible due to a lack of public awareness of the law, social pressure, fear of repercussions, and a lack of accessible judicial offices (Actualité.cd 2025-08-07). The lawyer added that state protection measures for adult victims include:

- Filing a petition with the Court of First Instance to annul a marriage in violation of the law, as provided in Articles 398 to 402 of the Family Code; and
- Filing a complaint with the Public Prosecutor's Office or the police in cases of violence, coercion, or sexual exploitation (Actualité.cd 2025-08-07).

Kasereka Muyisa, referring to the case study of the eastern city of Bukavu, writes that the DRC's ineffective enforcement of protections against forced marriage is a result of judicial authorities' unwillingness to disturb traditional family structures as well as victims' unwillingness to file complaints (Kasereka Muyisa 2024-11, 7866). The same source indicates that forced marriages are among the city's least prosecuted offences [translation] "either because [people] are unaware that forced marriage is prohibited by law, or because they believe that judges should not interfere in matters that are directly related to family affairs" (Kasereka Muyisa 2024-11, 7872). Kasereka Muyisa adds that prosecutors do not handle [translation] "as rigorously as other sexual offences" the "few cases" of forced marriage that do reach them (Kasereka Muyisa 2024-11, 7872).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The ADF is "an Islamic State-linked armed group" that originated in Uganda and operates in eastern DRC, "targeting Congolese civilians since the early 2000s" (Amnesty International 2025-12-19).[\[back\]](#)

[2] The GG ICR Facility is an initiative co-funded by the EU, the Organisation of African, Caribbean and Pacific States, the German Federal Ministry for Economic Cooperation and Development, and the British Council, and implemented by Germany's Federal Ministry for Economic Cooperation and Development, the British Council, Expertise France, and the Netherlands Development Organisation (GG ICR Facility [2023]). It deploys technical experts to support public and private-sector actors from around the world in implementing inclusive economic reforms (GG ICR Facility n.d.).[\[back\]](#)

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Internet sites, including: Agence congolaise de presse; Belgium – Office of the Commissioner General for Refugees and Stateless Persons, Cedoca; Bertelsmann Stiftung; Club des amis du droit; Democratic Republic of the Congo – Ministère du Genre, Famille et Enfants; Deutsche Welle; EU – European Union Agency for Asylum; Fonds pour les femmes congolaises; France – Office français pour la protection des réfugiés et apatrides; Girls Not Brides; *Heshima Magazine*; Human Rights Watch; *Le Monde*; Organisation for Economic Co-operation and Development; Radio Okapi; Réseau des associations des femmes juristes de l'Est de la RDC; Solidarité des femmes pour le

développement intégral; Solidarité féminine pour la paix et le développement intégral; UN – Office of the High Commissioner on Human Rights, UNHCR, UNICEF.

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