

Flygtningenævnets baggrundsmateriale

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Titel:	Query response on Democratic Republic of Congo: Situation of widows and single women accused of causing their husband's death through witchcraft (documented cases and state protection)
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**COI QUERY**

Country of Origin	Democratic Republic of Congo (DRC)
Question(s)	Current information on the situation of widows and single women accused of causing death of their husbands through witchcraft in Kinshasa 1. Situation of widows and single women in Kinshasa 2. Social perception of women accused of witchcraft in Kinshasa 3. Documented cases of women accused of witchcraft in Kinshasa and access to the state protection
Date of completion	7 November 2019
Query Code	Q27-2019
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This response to a COI query has been elaborated according to the [Common EU Guidelines for Processing COI](#) and [EASO COI Report Methodology \(2019\)](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither 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.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 7 November 2019. Any event taking place after this date is not included in this answer.



COI QUERY RESPONSE

Among all sources consulted and within the timeframe allocated to respond to this query, only scarce information on the situation of single women and widows specifically in Kinshasa could be found in the used and consulted sources. If directly not stated otherwise, more general information on the situation in the DRC was included, which could be of relevance.

1. Situation of single women and widows in Kinshasa

A 2016 Swiss State Secretariat for Migration's (SEM) report on the situation of single women in Kinshasa indicated stated that:

'[a]lready vulnerable as a woman, a single woman deprived of a family or a social network is even more vulnerable without a mean of existence. However, some single women can organize in Kinshasa and find some support to improve their living conditions and attempt to secure their financial independence.'¹

In 2018, Freedom House reported that in spite of societal and customary provisions, young women in DRC were looking for job opportunities outside the household, especially in urban centers.²

In 2017, the Organisation for Economic Co-operation and Development's (OECD) reported that ' [d]ue to prevalent social norms, widows, female-headed households and sexual and gender minorities are often in a position of heightened vulnerability.'³

Nathalie Vumilia Nakabanda, researcher and specialist in women's rights, gender, and gender based violence, indicated that:

'the protection of the widow is not a problem since the Congolese laws contain protective provisions for the living spouse. Nevertheless, only the legal widow is entitled to legal protection (patrimonial and social security). Any other woman who has lived in a marriage union without observing the rules provided for in the Family Code of 1 August 1987, as amended and supplemented by Law n°16/008 of 15 July 2016, cannot claim any protection of the law at the death of her partner.'⁴

Nakabanda adds that 'While the legal widow has legal rights, there are several obstacles to their application. The influence of custom is very important in such a way that jurisdictions often comply with decisions, sometimes *contra legem*, taken by the Family Council for the so-called 'preservation of private family order'. The customary denial of certain rights results from the mere fact of being a woman. Her marital status does not have much influence.'⁵

The UN Committee on the Elimination of Discrimination Against Women (CEDAW) reported, in June 2019, that a woman does not inherit directly under customary law because a man mediates the heritage. After the husband's death, the widow can be 'routinely' asked to provide her father or

¹ Switzerland, SEM, Focus RD Congo; Situation des femmes seules à Kinshasa [Situation of single women in Kinshasa], 15 January 2016, [url](#), p. 4

² Freedom House, Freedom in the World 2019 - Congo, Democratic Republic of (Kinshasa), 4 February 2019, [url](#)

³ OECD, Gender Equality and Women's Empowerment in fragile and conflict-affected situation: a review of donor support, October 2017, [url](#), p. 37

⁴ Nakabanda, Nathalie V., La protection de la veuve en République Démocratique du Congo: quelle effectivité?, 2017, [url](#)

⁵ Nakabanda, Nathalie V., La protection de la veuve en République Démocratique du Congo: quelle effectivité?, 2017, [url](#)

husband's family housework services. It is also common in the DRC that the widow must remarry a relative of deceased husband. The source adds that if a widow refuses to follow this custom, 'she may suffer various reprisals, including loss of custody of her children; repayment of the dowry, due immediately; and banishment from the home.'⁶

According to a 2013 report by the World Organisation Against Torture (*Organisation Mondiale Contre la Torture* - OMCT), customary law imposes 'severe behavioural norms' on women in the DRC. For example, during 'the rite of widowhood', the in-laws subject the widow to an internment for several weeks whilst they take over the property of her deceased husband and leave her alone with the children afterwards. According to the source, '[i]n some cultures [present in the DRC], the widowed woman is subjected to torture due to the presumption that she must have caused the death of her husband.'⁷

Researcher Nakabanda indicates that although the Congolese legal framework foresees that women 'can also inherit, custom denies the status of heir to women when the deceased is male'. The widow is excluded from 'legal protection under Congolese law [...], especially in the case of possible judicial protection'. The source further adds:

'Effective protection of the legal widow, the *de facto* widow, the customary widow and the polygene widow requires appropriate mechanisms, policies and programs in each of these categories.'⁸

No information was found on the existence of such mechanisms for the protection of widows in the DRC.

The 2019 Social Institutions and Gender Index 2019 by the Organisation for Economic Co-operation and Development's (OECD) stated that 'customary and traditional practices [...] are reinforced by the strong belief and fear of witchcraft and retaliation against widows who protest.'⁹

2. Social perception of women accused of witchcraft in Kinshasa

Among all sources consulted and within the timeframe allocated to respond to this query, only scarce information on the social perception of women accused of witchcraft specifically in Kinshasa could be found in the used and consulted sources. If not directly stated otherwise, more general information on the situation in the DRC was included, which could be of relevance.

GALLUP, an American analytics and advisory company, conducted a survey on witchcraft believers in 18 African countries, including the DRC, in 2010. The survey revealed that witchcraft is widespread in sub-Saharan Africa; in the DRC, about 76 % of the population stated they personally believed in witchcraft against an average of 55 % believers in the whole region.¹⁰ More recent surveys on this topic could not be found in the used and consulted sources.

⁶ Landesa Center for Women's Land Rights, et al, Supplementary Information Concerning Women's Land Rights in the Democratic Republic of the Congo Submitted to the 73rd Session (1 - 19 July 2019) of the Committee on the Elimination of All Forms of Discrimination against Women, June 2019, [url](#), p. 5

⁷ OMCT, Report on violence against women in North and South Kivu, in the Democratic Republic of Congo, July 2013, [url](#), p.3

⁸ Nakabanda, Nathalie V., La protection de la veuve en République Démocratique du Congo: quelle effectivité?, 2017, [url](#)

⁹ OECD, SIGI - Social Institutions & Gender Index 2019 - Democratic Republic of the Congo, December 2018, [url](#), p. 3

¹⁰ GALLUP, Witchcraft Believers in Sub-Saharan Africa Rate Lives Worse, 25 August 2010, [url](#)

OMCT stated that under traditional customary law in the DRC, women are associated with 'uncontrollable forces from the non-human world (witchcraft and magic attack).'¹¹

In a 2016 report, Human Rights Watch noted that 'in the past', widows and single women were usually accused of witchcraft, especially in the rural areas. In such cases, accused women were made to live in isolation at the edge of communities. The report observed a shift of accusations towards children in the rural areas becoming the main targets of witchcraft accusations.¹²

Similarly, UNHCR noted that '[i]n the past, witchcraft accusations in the villages of the Democratic Republic of the Congo (DRC) were generally directed at elderly women, with only rare instances of exorcism or abuse resulting. Since the early 1990s, particularly in large towns, accusations have shifted to children'.¹³

A 2018 UN Human Rights Council (HRC) report on the situation in the Kasai region, whose population is mostly Luba [also one of the greatest ethnic groups in Kinshasa¹⁴], found that the belief in witchcraft, sorcery and the magical powers of *jujus* [the word *juju* means an object with magic charms¹⁵] is 'widespread'.¹⁶

CEDAW indicated that women accused of witchcraft had to face 'acts of torture and other ill-treatment' in the DRC, including 'in areas not affected by conflict'.¹⁷

3. Documented cases of women accused of witchcraft in Kinshasa and access to the state protection

Among all sources consulted and within the timeframe allocated to respond to this query, only scarce information on the documented cases of women accused of witchcraft specifically in Kinshasa and access to the state protection could be found. If not directly stated otherwise, more general information on the situation in the DRC was included, which could be of relevance.

Documented cases of women accused of witchcraft

Disputes over money, land-related conflicts and envy over neighbours' property were all reported as common causes of risk which can escalate and lead to witchcraft accusations in the DRC.¹⁸

One source indicated that 'not so long ago', women who were working in mines could have been considered witches, according to a provincial minister of Katanga [informal translation].¹⁹

In its 2014 report on sexual violence in the DRC, Freedom from Torture reported on a case of a detained and tortured lesbian woman while she was in detention. According to the source, the woman 'also suffered a prior history of ill-treatment and abuse from her extended family and community', who accused her of being a witch and causing a death of a family member. As a result, she and her

¹¹ OMCT, Report on violence against women in North and South Kivu, in the Democratic Republic of Congo, July 2013, [url](#), p.3

¹² HRW, What Future? Street Children in the Democratic Republic of Congo, 4 April 2016, [url](#)

¹³ UNHCR, Witchcraft allegations, refugee protection and human rights: a review of the evidence, January 2009, [url](#)

¹⁴ Population of 2019, Population of Kinshasa, n.d., [url](#)

¹⁵ Encyclopaedia Britannica, Juju, n.d., [url](#)

¹⁶ HRC, Situation in Kasai; Report of the United Nations High Commissioner for Human Rights [A/HRC/38/31], 3 July 2018, [url](#), para 20

¹⁷ CEDAW, Concluding observations on the combined sixth and seventh periodic reports of the Democratic Republic of the Congo, 30 July 2013, [url](#), para 21

¹⁸ Hendriks, M. and Büscher, K., Insecurity in Goma: Experiences, actors and responses, 2019, [url](#), p. 27-29; RVI, A System of Insecurity: Understanding urban violence and crime in Bukavu, 2019, [url](#), p. 27

¹⁹ Achgut Media GmbH, Afrikas verhängnisvoller Aberglaube, 1 August 2018, [url](#)

immediate family were forced to move to Kinshasa, where she was later again accused of causing death of another family member with her witchcraft.²⁰

In another case reported by Rift Valley Institute (RVI) in Mugunga [southwestern Goma] in February 2019, hired 'armed bandits' killed a woman due to a money conflict with her family-in-law who accused her of 'witchcraft and intoxicating her husband'. The incident resulted in 6 deaths. Later on, a resident commented on the case: 'Note that the sous-CIAT [lowest level police station] is located only a few metres from where the incident occurred, and FARDC [*Forces Armées de la République Démocratique du Congo* - Armed Forces of the Democratic Republic of the Congo] soldiers are in the vicinity. But curiously, there was no intervention. Let's not even talk about an investigation.'²¹

Similarly, another RVI report on urban violence in eastern Congo observed that *les meurtres commandités* [sponsored murders] were often committed of individuals suspected of sorcery, who were frequently women involved in family conflicts [informal translation].²²

In an article published by AWID, *Femme au Fone*, a support organisation for women victims of violence in the DRC, specified that 'charges of witchcraft are usually confirmed by someone who claims to consult "the spirits"'. The NGO reported receiving several messages revealing a practice of 'witchcraft test' against women suspected of witchcraft in the province of South Kivu in the east.²³

A March 2013 article reported on a case when a mob wanted to burn down the house of a 62 year old woman in South Kivu, accused of witchcraft. According to the source, the conflict was eventually resolved with the mediation of a *baraza*, a local court system aiming to prevent violent disputes independently from the government.²⁴

Access to the state protection

The OECD's Social Institutions and Gender index 2019 report noted that the DRC ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Maputo Protocol in 2018, and that the Constitution guarantees that all persons have the right to life and to physical integrity. However, the report added that 'there is no comprehensive law addressing violence against women', who furthermore face 'weak legal and judicial systems' and a 'culture of silence of victims and impunity of perpetrators' in the country.²⁵

In its report, the OECD further observed that while there are constitutional guarantees, women have difficulties accessing justice, namely because of 'the high costs of legal proceedings, insufficient number of courts, perceived ineffectiveness and corruption in justice system'. The source pointed out other challenges restraining woman to report violence as 'women's general lack of knowledge on their legal rights, and an underlying fear of subjecting themselves to humiliation, reprisal, or family pressure if they do pursue formal legal action'.²⁶

CEDAW reported in June 2019 that women in the DRC 'continue to face complex barriers to access justice and remedies', including the absence of courts and judges in some provinces, insufficient financial means and insecurity in parts of the country, adding that 'Customary laws which discriminate

²⁰ Freedom from Torture, Rape as torture in the DRC: Freedom from Torture Country Reporting Programme June 2014 Sexual violence beyond the conflict zone, June 2014, [url](#), p. 32

²¹ Hendriks, M. and Büscher, K., Insecurity in Goma: Experiences, actors and responses, 2019, [url](#), p. 28-29

²² RVI, Villes Violentes, Société Violente: Analyser la violence urbaine dans l'est du Congo [Violent Cities, Violent Society: Analyzing urban violence in eastern Congo], 2019, [url](#), p. 34

²³ AWID, Witchcraft Accusations Perpetuate Women's Oppression in Sub-Saharan Africa, 27 February 2015, [url](#)

²⁴ Peace Direct, Witchcraft in DR Congo the good, bad and the persecution, 28 March 2013, [url](#)

²⁵ OECD, SIGI - Social Institutions & Gender Index 2019 - Democratic Republic of the Congo, December 2018, [url](#), p. 3

²⁶ OECD, SIGI - Social Institutions & Gender Index 2019 - Democratic Republic of the Congo, December 2018, [url](#), p. 8



against women continue to be enforced, including by traditional leaders and courts in contravention with the statutory law which prevails over customary law according to the Constitution (article 207).²⁷

For example, the provisions of customary law exclude widows from inheritance, even if the Family Code acknowledges this right. If the husband dies without having made a will, the children have precedence over the widow with regard to inheritance.²⁸

Freedom House noted that in the DRC, courts were concentrated in urban areas, however the majority of population relied on customary courts or 'informal justice mechanisms'.²⁹

²⁷ CEDAW, Concluding observations on the eighth periodic report of the Democratic Republic of the Congo, 22 July 2019, [url](#)

²⁸ Landesa Center for Women's Land Rights, et al, Supplementary Information Concerning Women's Land Rights in the Democratic Republic of the Congo Submitted to the 73rd Session (1 - 19 July 2019) of the Committee on the Elimination of All Forms of Discrimination against Women, June 2019, [url](#), p. 5; USDOS, Country Report on Human Rights Practices 2018 - Congo, Democratic Republic of the, 13 March 2019, [url](#)

²⁹ Freedom House, Freedom in the World 2019 - Congo, Democratic Republic of (Kinshasa), 4 February 2019, [url](#)

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