

**Flygtningenævnets baggrundsmateriale**

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Land:	Den Demokratiske Republik Congo
Kilde:	Immigration and Refugee Board of Canada (IRBC)
Titel:	Democratic Republic of the Congo: Violence against women, including domestic violence and gender-based violence (GBV); treatment of survivors by society and authorities; legislation; state protection and support services available to survivors
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## IRB – Immigration and Refugee Board of Canada (Author)

Democratic Republic of the Congo: Violence against women, including domestic violence and gender-based violence (GBV); treatment of survivors by society and authorities; legislation; state protection and support services available to survivors (2023–March 2025) [COD202235.E]

Research Directorate, Immigration and Refugee Board of Canada

### 1. Overview

The Women, Peace and Security Index 2023/24 prepared by Georgetown University's Institute for Women, Peace and Security (GIWPS) and the Peace Research Institute Oslo (PRIO), an "independent" research institution (PRIO n.d.), ranks the Democratic Republic of the Congo (DRC) 174th out of 177 countries based on 13 indicators evaluating the status of women, including 4 indicators related to security (GIWPS & PRIO 2023, i, 2).

Sources report that in 2023, sexual and gender-based violence in the DRC was "common" (Freedom House 2024-02-29, Sec. G3) or "remained prevalent" (UN 2024-04-01, para. 21; Amnesty International 2024-04-24, 147). According to a report by a coalition of civil society organizations [1] for the UN's [2019] Universal Periodic Review (UPR) of human rights in the DRC, domestic violence is a [translation] "widespread phenomenon across the country" (Civil society coalition [2018], 6). An August 2019 periodic report on the DRC by the UN Committee on the Elimination of Discrimination Against Women (CEDAW) notes "[h]igh rates of domestic violence owing to accepted social norms" (2019-08-06, para. 26(c)).

According to the DRC's 2019 *Revised National Strategy Against Gender-Based Violence* (Stratégie nationale de lutte contre les violences basées sur le genre révisée, SNVBG) [2], which updates the 2009 national strategy, there are [translation] "significant challenges" in the fight against GBV in the DRC, including a lack of comprehensive, country-wide data on GBV; multiple barriers to survivors' access to justice; and armed conflicts and insecurity (DRC 2019-12, 21-23). Additionally, the revised SNVBG notes that society [translation] "tends to tolerate" GBV and "hide" sexual violence, "particularly" when the sexual violence occurs in a family, work, school, or religious setting (DRC 2019-12, 9, 47). An October 2018 joint report on sexual violence submitted for the DRC UPR and written by the Panzi Foundation, the Movement of Survivors of Rape and Sexual Violence in the DRC (Mouvement des survivant.e.s de viols et violences sexuelles en RDC), the Dr. Denis Mukwege Foundation, and the Right Livelihood Award Foundation [3], states that survivors of sexual violence are [translation] "denigrate[d]," stigmatized, and "held responsible by society" for what they have experienced (Panzi Foundation, et al. 2018-10-04, 5). According to sources, fear of reprisals prevents survivors from reporting cases of sexual violence (Civil society coalition [2018], 6; UN 2019-08-06, para. 10(c); Panzi Foundation, et al. 2018-10-04, 5). The Panzi Foundation et al. report notes that [translation] "many" survivors who have experienced sexual violence do not speak out about it because they do not want to be rejected by their families and those around them (2018-10-04, 5).

The information in the remainder of this section is provided in the 2023/2024 edition of the DRC's Demographic and Health Survey (DRC-DHS) [4] and is the result of interviews with 10,052 women and girls aged 15 to 49 as part of the module on GBV (INS of DRC & ICF 2025-02-20, 462):

Marital status	Percentage of respondents aged 15 to 49 who have experienced sexual violence	Percentage of respondents aged 15 to 49 who have experienced physical violence		
	Since age 15	In the past 12 months	Since age 15	
All	9%	15%	20%	37%
Single and never had an intimate partner	0.9%	4.4%	7.4%	17.3%
Single and have had an intimate partner	11.1%	15.2%	22.8%	35.8%
Married/living with a partner	11.9%	17.0%	23.9%	43.4%

Marital status	Percentage of respondents aged 15 to 49 who have experienced sexual violence	Percentage of respondents aged 15 to 49 who have experienced physical violence		
	In the past 12 months	Since age 15	In the past 12 months	Since age 15
Divorced/separated/widowed	10.6%	23.0%	23.6%	48.4%

(2025-02-20, 53, 463, 465, 473, 476).

Between the DHS survey conducted in 2013/2014 and the one in 2023/2024, the percentage of respondents who had experienced physical violence since the age of 15 decreased from 52 to 37 percent; for sexual violence, the same statistic declined from 27 to 15 percent (2025-02-20, 464, 465).

For women and girls who have ever had a husband or intimate partner, the most common perpetrator of physical violence was their current husband or intimate partner (69 percent), followed by their former partner (22 percent). Women who have never had a husband or intimate partner experienced physical violence most often at the hands of their siblings (49 percent) and parents (22 percent). When it comes to sexual violence, for women who have had an intimate partner or been in a relationship, the perpetrator was their current husband or intimate partner in 85 percent of cases. For women who have never been married or had an intimate partner, 18 percent of incidents were perpetrated by a fellow student, 17 percent by a former or current boyfriend [5], and 15.6 percent by a friend or an acquaintance (2025-02-20, 463, 464, 465, 477).

The provinces where women and girls aged 15–49 experienced the most physical violence were Haut Uele (73.6 percent), Tshopo (63 percent), and Kasai Oriental (59.5 percent), while women and girls experienced the least such violence in Tanganyika (14.9 percent), Kwilu (23.4 percent), and North Kivu (23.7 percent); the rate in the province of Kinshasa stood at 28.1 percent. When it comes to sexual violence, the provinces with the highest rates were Haut Uele (41.9 percent), Tshopo (36.3 percent), and Kasai Central (32.4 percent), while Kongo Central (6.1 percent), Kinshasa (6.9 percent), and Tanganyika (7.2 percent) had the lowest rates (2025-02-20, 473, 476).

Among women who experienced physical violence, 16.7 percent sought help, while 10.3 percent of women experiencing sexual violence did the

same. Women who experienced both physical and sexual violence were more likely to seek help (37 percent) (2025-02-20, 470, 493).

## 1.1 Conflict-Related Sexual Violence

During a special session on the situation of human rights in the DRC, the UN High Commissioner for Human Rights stated that sexual violence had been a "feature" of the ongoing conflict between the DRC government and militia groups in North and South Kivu (2025-02-07). According to the Panzi Foundation's annual report for 2023, rape has been used as a "weapon of war" in the DRC ([2025-01], 10).

Freedom House indicates that the March 23 Movement (Mouvement du 23 mars, M23) [6], an armed group that "claims to defend ethnic Tutsis against Hutu opponents and last fought in the DRC in the early 2010s," took up arms again in 2021, with the fighting intensifying in 2023 (2024-02-29, Sec. F3). According to a report by the UN Security Council on the situation in the DRC, the April 2023 ceasefire between M23 and the DRC Armed Forces (Forces armées de la République démocratique du Congo, FARDC) failed in September 2023 with fighting resuming in North Kivu (2024-04-01, para. 4). Media sources report that in early 2025, M23 rebels seized the "major" cities of Goma and Bukavu in Eastern Congo (AP 2025-02-17; Al Jazeera 2025-02-17).

Addressing the UN Security Council on the security situation in Eastern DRC, the Special Representative of the Secretary-General who is also the head of the UN peacekeeping mission in the DRC (UN Organization Stabilization Mission in DRC, MONUSCO) stated that there were 122,960 cases of sexual violence and GBV reported in 2023, a 3 percent increase from 2022, and that 90 percent of those victims are women and girls (2024-07-08). Médecins sans frontières (MSF) indicates that in 2023, it provided medical care to 25,166 survivors of sexual violence, 91 percent of whom were located in North Kivu and 98 percent are women (2024-09-30, 4). MSF further notes that 67 percent of survivors who described their attackers identified them as armed men (2024-09-30, 4). The Special Representative of the Secretary-General, in a different Security Council address, shared that "more than" 90,000 cases of GBV were reported nationwide between January and early December 2024, with 39,000 occurring in North Kivu (UN 2024-12-09). Physicians for Human Rights (PHR), an international organization that documents human rights violations, including sexual violence in the DRC, interviewed 16 healthcare workers in North and South Kivu who indicated in 2024 that they witnessed a "massive influx" of cases of sexual violence as a result of the conflict in the area (2024-10-22, 4). A UN News article, citing "DRC officials," reports that "at least" 165 imprisoned women were raped on 27 January 2025 by male inmates of the same prison who escaped during the take over of Goma by M23 rebels (2025-01-31).

According to the healthcare workers interviewed by PHR, sexual violence survivors came from a "variety of ethnic and linguistic groups" and workers were not able to identify a "predominant" ethnic group among the survivors (2024-10-22, 15).

Sources indicate that sexual violence was committed by the following perpetrators:

- FARDC (PHR 2024-10-22, 15; UN 2025-01-31);
- Wazalendo, militia groups affiliated with the FARDC (UN 2025-01-31; The New Humanitarian 2024-08-13; PHR 2024-10-22, 15);
- Nyatura (PHR 2024-10-22, 15; The New Humanitarian 2024-08-13; UN 2024-06-04, 193), a Hutu militia (The New Humanitarian 2024-08-13);
- M23-associated rebels (PHR 2024-10-22, 16; UN 2024-06-04, 193);
- Democratic Forces for the Liberation of Rwanda (Forces démocratiques de libération du Rwanda, FDLR) (Human Rights Watch 2023-02-06; UN 2024-06-04, 193), a "largely Rwandan Hutu armed group" (Human Rights Watch 2023-02-06).

Freedom House reports that MONUSCO came under criticism from DRC authorities and citizens for being "ineffective in protecting civilians or in supporting peace in the region" and has agreed, upon request by President Félix Tshisekedi, to withdraw by the end of 2024 (2024-02-29, Sec. F3). A December 2024 report from the UN Group of Experts on the DRC to the UN Security Council states that MONUSCO completed its disengagement in June 2024, noting that because the state security forces were not able to "fully deploy or operate" in areas previously patrolled by MONUSCO, the local populations are "more vulnerable to attacks and abuses, including ... sexual violence ... by armed groups and State security forces" (2024-12-27, para. 111).

## 2. Legislation

An article on DRC legal reforms written by [World Bank researchers (World Bank 2022-03-01, 117)] Julia Constanze Braunmiller and Marie Dry notes that in 2016, the Family Code was amended to remove several legal restrictions on married women, including a provision stipulating that a wife must obey her husband (Braunmiller & Dry 2022-03-14, 4).

Sources indicate that the DRC does not have laws specifically criminalizing domestic violence (WILPF DRC 2018-10, 1, 5; GADF 2024-08-29; ACP 2024-04-19). Sources note that related offenses fall under the Penal Code's general provisions against assault, battery, and rape (WILPF DRC 2018-10,

1, 5; ACP 2024-04-19). Sources report that marital rape is not explicitly criminalized (UN 2019-08-06, para. 26; Equality Now 2024-11-25, 18). The August 2019 CEDAW report notes that laws related to gender equality are not implemented and do not receive "sufficient" funding to enable their enforcement; such laws are also not "properly disseminated" throughout the DRC (UN 2019-08-06, para. 16).

Amnesty International's 2024 report notes the following changes related to GBV legislation in the DRC in September 2023:

[T]he government enacted a law criminalizing and punishing gender-based intimidation and stigmatization, and the use of degrading treatment [*Ordonnance-loi n° 23/023 du 11 septembre 2023 modifiant et complétant le décret du 30 janvier 1940 portant Code pénal congolais*]. The law also punishes ... gender-based harassment on social media platforms. In the same month, the criminal procedure code was amended to exempt victims of sexual and gender-based violence from the costs of criminal proceedings, which would be borne by the state. If implemented, the amendments promise to strengthen legal protection against various forms of sexual and gender-based violence, and ensure better access to justice for victims. (Amnesty International 2024-04-24, 148)

Information on the implementation of these changes was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to a 2024 UN report, in Kasai Central and Ituri provinces in August and December 2023, 2 survivors were able to file criminal complaints free of charge through provisions in the Act No. 22/065 of 26 December 2022, which cancels fees for victims of conflict-related sexual violence and of crimes against "the peace and security of humankind" (2024-08-16, para. 51, 52). The Law No. 22/065 of 26 December 2022 Establishing the Fundamental Principles Relating to the Protection and Reparation of Victims of Conflict-Related Sexual Violence and Crimes Against Peace and the Security of Humankind (*Loi n° 22/065 du 26 décembre 2022 fixant les principes fondamentaux relatifs à la protection et à la réparation des victimes de violences sexuelles liées aux conflits et des victimes des crimes contre la paix et la sécurité de l'humanité*) provides the following:

[translation]

## Article 11

The victim or their heirs have the right to protection, to comprehensive care for their recovery and reintegration into public life, and to education

and training to ensure that they lead a full and decent life, in conditions which ensure their dignity and facilitate their participation in public life.

...

### **Article 13**

The victim or their heirs have the right to access justice[.]

They are supported by the Fund throughout the judicial process.

Before the courts, they are exempt from consignment, legal or execution fees, as well as proportional fees, without prejudice to the damages that may be awarded to them automatically by criminal courts.

The Fund helps the victim or their heirs with the process of enforcing the judgment awarding them compensation.

...

### **Article 20**

An advisory board called the Inter-Institutional Commission for Victim Support and Reform (Commission interinstitutionnelle d'aide aux victimes et d'appui aux réformes) that reports to the President of the Republic has been established.

It extends to include victims' associations.

The Commission is made up of representatives of the President of the Republic, Parliament, the Government, the courts and tribunals, and victims' associations.

The Commission is responsible for holding discussions, monitoring the implementation of programs, issuing opinions and proposing reforms on victim support issues covered by this Act.

In addition to its budgetary allocations, the Commission receives a 2% share of the Fund's resources under the conditions set out in Article 26 of this Act.

...

### **Article 21**

A Fund has been established to support access to justice, reparations, empowerment and community recovery for victims and their heirs.

### **Article 22**

The Fund's role is to:

- identify victims
- help victims access justice, which includes the right to receive compensation and to recover damages awarded to them, and to obtain free support as well as appropriate legal assistance from lawyers
- award reparations to victims

...

#### **Article 40**

Victims covered by this Act are entitled to the treatment that their state of health requires. The costs of administering such treatment are covered by the Fund.

...

#### **Article 42**

Victim protection covers full, fair, adequate and comprehensive reparation for the harm suffered, as well as all other forms of assistance.

Reparations include both administrative reparation measures and individual or collective legal reparation measures in the form of financial compensation, restitution or satisfaction, separately or jointly, without prejudice to recourse to customary reparation practices.

Reparation measures include:

- restitution
- rehabilitation
- financial indemnification or compensation
- satisfaction
- guarantees of non-repetition and vetting. (RDC 2022, bold in original)

Without providing details, the 2024 UN report indicates that the fund (Fonds national des réparations des victimes de violences sexuelles liées aux conflits et des victimes des crimes contre la paix et la sécurité de l'humanité, FONAREV) and the commission (Commission interministérielle d'aide aux victimes et d'appui aux réformes, CIA-VAR) are "operational" (2024-08-16, para. 71). The FONAREV website indicates that the fund was established in August 2023 (DRC n.d.). Further information on the fund, including its implementation, could not be found among the sources

consulted by the Research Directorate within the time constraints of this Response.

The 2006 Constitution (amended in 2011) provides the following regarding sexual violence:

[translation]

#### **Article 15**

The public authorities see to the elimination of sexual violence.

Without prejudice to international treaties and agreements, any sexual violence committed against any person with the intent to destabilize, to displace a family, or to make a whole people disappear, is established as a crime against humanity punishable by law. (DRC 2006a, bold in original)

In 2006, the DRC passed a sexual violence law amending the 1940 Penal Code (DRC 2006b). The 2006 amendment provides the following:

[translation]

#### Article 42 (bis)

The official status of the perpetrator of an offence relating to sexual violence can in no way exonerate him or her from criminal responsibility or constitute cause for reducing the sentence.

#### Article 42 (ter)

Hierarchical rank or command of a legitimate civil or military authority in no way exonerates the perpetrator of an offence relating to sexual violence from responsibility.

...

#### Section II: Sexual violence offences

##### Paragraph 1: Indecent assault

#### Article 167

Any immoral act committed intentionally and directly against a person without their valid consent constitutes an indecent assault.

Any indecent assault committed without violence, trickery or threats against the person or by means of a child under the age of 18 shall be punishable by a prison term of six months to five years. The age of the child may be determined by medical examination, in the absence of civil registration.

#### Article 168

Indecent assault committed with violence, trickery or threats against persons of either sex shall be punishable by a prison term of six months to five years.

Indecent assault committed with violence, trickery or threats against the person or by means of a child under the age of 18 shall be punishable by a prison term of five to fifteen years. If the assault was committed against persons or by means of persons under the age of 10, the term of imprisonment shall be five to twenty years.

#### Paragraph 2: Rape

#### Article 170

Will have committed rape, either by means of violence, serious threats or coercion against a person, exercised directly or through a third party, by surprise, through psychological pressure or in a coercive environment, by taking advantage of a person who, as a result of illness, impaired faculties or any other accidental cause, has lost the use of their senses or has been deprived of the use of their senses through artifice:

1. any man, whatever his age, who has inserted his sexual organ, however superficially, into that of a woman, or any woman, whatever her age, who has forced a man to insert his sexual organ, however superficially, into hers;
2. any man who has penetrated, however superficially, the anus, mouth or any other orifice of the body of a woman or a man with a sexual organ or other body part, or with any object whatsoever;
3. any person who has inserted, however superficially, any other body part or any object whatsoever into the vagina; and
4. any person who has forced a man or a woman to penetrate, however superficially, his or her anus, mouth or any other body part with a sexual organ or any other body part, or with any object whatsoever.

Any person convicted of rape shall be sentenced to a prison term of five to twenty years and fined not less than 100,000 Congolese francs [C\$64].

The mere physical contact of genitals is considered rape by means of violence against persons described in article 167, paragraph 2.

If the rape or indecent assault causes the death of the person against whom it was committed, the perpetrator shall be sentenced to life imprisonment. (DRC 2006b)

### 3. State Protection

The revised SNVBG describes State institutions as [translation] "weak" and notes a lack of "effective implementation" of laws and a national context of "impunity" (DRC 2019-12, 22-23). Discussing sexual violence in displacement camps in the DRC, a lawyer working for a women's legal organization interviewed by the UN stated that "most cases" of sexual violence are "never investigated or prosecuted, and very few are even reported" (UN 2025-01-02). The Freedom House report indicates that courts have awarded "reparations" to survivors of sexual violence, but that in practice, they are "rarely paid," and that convictions "remain rare" (2024-02-29, Sec. F2).

According to Freedom House, soldiers and police officers "regularly commit serious human rights abuses, including rape," and "high-ranking" officers "enjoy impunity" for their crimes (2024-02-29, Sec. F3).

The 2023/2024 DHS survey found that among respondents (woman and girls aged 15 to 49) who had experienced physical or sexual violence and sought help, only 1.5 percent went to the police and 0.4 percent spoke to a social worker (INS of DRC & ICF 2025-02-20, 495).

Sources report that the DRC has set up military mobile courts travelling to rural areas to adjudicate human rights violations, in particular sexual violence (Reuters 2023-03-17; UN 2025-01-02). According to an article by the UN Office of the High Commissioner for Human Rights (OHCHR), from January 2023 to November 2024, 13 joint investigation teams and 19 mobile courts handed down 777 convictions of "grave violations of international humanitarian law and human rights," including for sexual violence (2025-01-02). The same source gave the example of the former leader of the Raïa Mutomboki armed group, who in 2024 was sentenced to life in prison and ordered to financially compensate 127 victims, including for rape and forced pregnancy (UN 2025-01-02). Reuters reports that in March 2023 a mobile military court found 12 military officers guilty of rape, among them a former colonel who was sentenced to 7 years in prison (2023-03-17).

### 4. Support Services

The 2023/2024 DHS survey found that among respondents who experienced physical or sexual violence, only 22 percent sought help; of those, the most common sources of support sought by survivors were their own families (56 percent), their in-laws (32 percent), or a neighbour (23 percent) (INS of DRC & ICF 2025-02-20, 495).

An article by the *Devoir* indicates that NGOs [translation] "struggle to provide the necessary services to survivors" of sexual violence, especially since the US funding cuts (2025-04-05). According to submissions made by the Action Group for Women's Rights (Groupe d'action pour les droits de la femme, GADF) [7] for the UN's UPR of human rights in the DRC, there is no [translation] "institutional framework" to support survivors of domestic violence in the DRC and there is a lack of support centres and shelters to house survivors (2024-08-29, 2). Sources from 2018 and 2019 similarly report a lack of shelters, counselling and rehabilitation services for survivors of sexual violence and GBV (Civil society coalition [2018], 6; UN 2019-08-06, para. 26(f)). The Panzi Foundation et al. 2018 report indicates that there is not [translation] "widespread" access to healthcare in the DRC because of the uneven geographic distribution of health care centres and the cost of healthcare (Panzi Foundation, et al. 2018-10-04, 8).

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 following civil society organizations contributed to this report: Association of Women Lawyers of the Democratic Republic of the Congo (Association des femmes avocates de la RDC, AFEAC), Association of Congolese Women Judges (Association des femmes juristes congolaises, AFEJUCO), AFIA MAMA, Permanent Consultation Framework for Congolese Women (Cadre permanent de concertation de la femme congolaise, CAFCO), Forum for the Rights of Children and Youth in the Congo (Forum pour les droits des jeunes et enfants au Congo, FODJEC), Women in Media for Justice in the Congo (Femmes des médias pour la justice au Congo, FJMC), Restoration African Center (RAC), Women's International League for Peace and Freedom (WILPF), and Shalupe Foundation (Civil society coalition [2018], 1).

[2] According to UN Women, the *Revised National Strategy Against Gender-Based Violence* (Stratégie nationale de lutte contre les violences basées sur

le genre révisée, SNVBG) extended the definition of GBV to include domestic violence (UN 2020-09-01).

[3] The Movement of Survivors of Rape and Sexual Violence in the DRC (Mouvement des survivant.e.s de viols et violences sexuelles en RDC) is an organization that brings together survivors of conflict-related sexual violence to fight against it (Panzi Foundation, et al. 2018-10-04, 2). The Panzi Foundation was established by Dr. Denis Mukwege and builds on the work of the Panzi Hospital to provide support to survivors of sexual violence (Panzi Foundation, et al. 2018-10-04, 2). The Right Livelihood Award Foundation aims to honour and advocate for individuals and organizations that have [translation] "shown courage" in proposing "solutions to the most urgent challenges" (Panzi Foundation, et al. 2018-10-04, 3). The Dr. Denis Mukwege Foundation is an international human rights organization that aims to eradicate conflict-related sexual violence and works to ensure access to high-quality care and recognition for survivors of sexual violence (Panzi Foundation, et al. 2018-10-04, 2).

[4] This survey was implemented by the DRC's National Institute of Statistics (Institut national de la statistique, INS), with support from the University of Kinshasa's School of Public Health, and with technical support from ICF, an organization that manages the DHS Program, a project funded by the US Agency for International Development (USAID) that implements population and health surveys worldwide (INS of DRC & ICF 2025-02-20, ii). The survey data was collected from 26,520 households between 6 October 2023 and 1 February 2024 (INS of DRC & ICF 2025-02-20, 1, 2).

[5] The DRC's Demographic and Health Survey (DRC-DHS) report defines a boyfriend as a man with whom the interviewee has a [translation] "casual relationship" and who she did not characterize as an "intimate partner" (INS of DRC & ICF 2025-02-20, 462).

[6] Sources report that M23 rebels have the support of the Rwandan government (Freedom House 2024-02-29, Key Developments) or armed forces (Amnesty International 2024-04-24, 321; UN 2025-02-07).

[7] The Action Group for Women's Rights (Groupe d'action pour les droits de la femme, GADF) is a coalition of NGOs advocating for women's rights and fighting against violence against women (GADF 2024-08-29).

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## Associated documents

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