



## COI QUERY

<b>Country of Origin</b>	<b>CONGO, DEMOCRATIC REPUBLIC OF</b>
<b>Main subject</b>	<b><u>Situation of single women</u></b>
<b>Question(s)</b>	<ol style="list-style-type: none"><li>1. <u>Treatment of single women by society</u> <u>1.2 Forced marriage: legislation and practices</u></li><li>2. <u>State ability to enforce the law on forced marriage, including information on the existence and effectiveness of dedicated units at the police stations.</u></li><li>3. <u>Access to shelters, employment, and other basic services for single women with or without network</u></li></ol>
<b>Date of completion</b>	25 June 2021
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### Disclaimer

This response to a COI query has been elaborated according to the [EASO COI Report Methodology](#) and [EASO Writing and Referencing Guide](#).

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.

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 25 June 2021. Any event taking place after this date is not included in this answer.

# COI QUERY RESPONSE – Democratic Republic of Congo

## Situation of single women

### 1. Treatment of single women by society

For information regarding the situation of widows and single women in Kinshasa, including on women accused of causing death of their husbands through witchcraft, it is possible to consult a previous [EASO COI Query](#) Response published on 7 November 2019. For information on the situation of widow and women without network in DRC, including in Kinshasa, it is possible to consult the [EASO COI Query](#) Response, published on 5 December 2019.

During the timeframe for responding to this COI Query and among all the available public sources consulted, scarce information could be found regarding specifically the treatment of single women by society in the Democratic Republic of Congo. A brief overview on the latest information regarding the situation of women in DRC is presented below.

In March 2021, UNAIDS reported that ‘sexual violence against adolescent girls and young women is common’ in DRC, noting that the country has been engulfed by political instability since the 1990s and ‘widespread attacks against civilians, violence between ethnic factions, rape and other forms of sexual violence, and murder’ have occurred.<sup>1</sup>

A UN Security Council report stated that ‘displaced women and girls also faced a high risk of sexual violence, particularly while undertaking essential livelihood activities around campsites’ especially ‘in South Kivu, Mai-Mai and other militias carried out retaliatory attacks against civilians, resulting in mass displacement and exposing women and girls to sexual violence’.<sup>2</sup>

According to a working paper published in 2020 on the Figurations of Displacement in the Democratic Republic of Congo and regarding the situation of the IDPs in DRC:

‘wives and children are usually left behind in the city in de facto female-headed households. In the absence of their husbands, many women still contend to be married as being seen as single women might make their household more vulnerable and could lead to stigmatisation. From our previous research, however, we gleaned that in some cases, men have not been in touch, nor have provided for their families for years on end’.<sup>3</sup>

An investigation conducted by The New Humanitarian and Thomson Reuters Foundation revealed that aid workers offered jobs to women in exchange for sex. The aid workers have been working to the respond to the Ebola crisis in Butembo, in Eastern Democratic Republic of Congo.<sup>4</sup>

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<sup>1</sup> UNAIDS, Coalition working to end gender-based sexual violence in Democratic Republic of the Congo, 9 March 2021, [url](#)

<sup>2</sup> UN Security Council, Conflict-related sexual violence, Report of the Secretary-General, 30 March 2021, [url](#), p.12

<sup>3</sup> Jacobs C. et al., Figurations of Displacement in the Democratic Republic of the Congo: Empirical findings and reflections on protracted displacement and translocal connections on Congolese IDPs (TRAFIG working paper 4). Bonn: BICC, November 2020, [url](#), p.29

<sup>4</sup> New Humanitarian (The) and Thomson Reuters Foundation New sex abuse claims against Ebola aid workers exposed in Congo, 12 May 2021, [url](#)

## 1.2 Forced marriage: legislation and practices

For information regarding Sexual and Gendered Based Violence (SGBV), including forced marriage in DRC and the possibility of state protection against these forms of violence, it is possible to consult a previous [EASO COI Query](#) Response published on 10 July 2019. The information presented in this COI Query Response aims at providing the most updated information regarding specifically the practice of forced marriage in DRC.

The Congolese Law prohibits forced marriage and the marriage for any person under 18-years old. The USDOS reports that ‘the Courts may sentence parents convicted of forcing a child to marry to up to 12 years’ hard labor and a fine. The penalty doubles when the child is younger than age 15’.<sup>5</sup>

The Geneva Foundation for Medical Education and Research noted that Article 15 of the 2006 Constitution of the Democratic Republic of Congo foresees that sexual violence is punishable by law. According to the same source, in 2006 DRC also passed a sexual violence law containing provisions against rape and other forms of sexual assault, sexual harassment, sexual slavery, forced marriage, sexual mutilation, the deliberate transmission of sexually transmitted diseases, sexual relations with minors (children under 18) and forced pregnancy, among other acts.<sup>6</sup> According to the OECD ‘the 2006 amendment to the Penal Code was introduced to align the definition of rape in accordance with international standards and prohibit extrajudicial settlements, such as a customary fine paid by the perpetrator to the family of the victim and forced marriages of victims (Law No.06/018)’.<sup>7</sup>

UNICEF reported that DRC has adopted the Convention on the Elimination of All Forms of Discrimination Against Women and of the Child Protection Act in 2009, but young women and girls are victims of gender-based violence and especially child marriage.<sup>8</sup>

Some articles of the Congolese law addressing the topic of the forced marriage - Law No. 16/008 of 15 July 2016 Amending and Supplementing Law No. 87-010 of 1 August 1987 on the Family Code (Loi no 16/008 du 15 juillet 2016 modifiant et complétant la loi no 87-010 du 1er août 1987 portant Code de la famille) - are the following<sup>9</sup>:

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.

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.

The sanctions for forced marriage and according to the Law Amending and Supplementing the Family Code provides:

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

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<sup>5</sup> USDOS, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021, [url](#), p.36

<sup>6</sup> GMFE, Sexual and reproductive rights: Democratic Republic of Congo, edited 27 September 2017, [url](#)

<sup>7</sup> OECD, Gender Index, Democratic Republic of Congo 2019, n.d., [url](#)

<sup>8</sup> UNICEF, Champions against child marriage in DRC, 8 March 2018, [url](#)

<sup>9</sup> The English translation of these article are available at: Canada IRB, Responses to Information Requests, Democratic Republic of Congo, Early or forced marriages, 1 April 2021, [url](#)

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, 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.

In the case of an annulment of an early marriage, the Law Amending and Supplementing the Family Code provides the following:

Article 406: In cases where one or both spouses were underage, the nullity of the marriage must be declared. The marriage may be contested up until both spouses have reached the required age. The action may be undertaken, before the competent peace court, by the spouses themselves, by any person who has an interest in doing so and by the public prosecutor in the lifetime of both spouses<sup>10</sup>.

Even though the law criminalises forced marriage, the practise continues to exist. According to USDOS ‘many marriages of underage children took place. Bridewealth (dowry) payment made by a groom or his family to the relatives of the bride to ratify a marriage greatly contributed to underage marriage, as parents forcibly married daughters to collect bridewealth or to finance bridewealth for a son.’<sup>11</sup>

UNFPA stated that child marriage is very common practise in DRC as ‘for some, child marriage is seen as a way to secure protection from sexual violence – a girl’s husband becomes responsible for her safety [the possibility that her husband might be the perpetrator of such violence is often not considered]. In other cases, a girl is regarded as a tradable commodity with a shelf life’.<sup>12</sup>

The Borgen Project identified four pillars as the main reason for child marriage in the Democratic Republic of Congo. These pillars are poverty, armed conflict, adolescent pregnancy and cultural traditions.<sup>13</sup> Another reason for child/forced marriage is the unawareness regarding women’s and child’s rights.<sup>14</sup> The lack of knowledge on the law in areas such as North Kivu, where forced marriage is common, is considered for instance a cause for the persistence of this practice.<sup>15</sup>

Forced marriage is also categorised under ‘conflict-related sexual violence’ by the UN.<sup>16</sup> According to its March 2021 report, conflict-related sexual violence remained widespread in the provinces of North Kivu, South Kivu, Ituri and Tanganyika.<sup>17</sup> In its June 2021 report, the UN noted that conflict-related sexual violence throughout 2020 and 2021 ‘remained largely unpunished.’ The same source reported cases of women and girls abducted, raped and forced into marriage. In Bon Temple, Tuwo combatants abducted nine women and one 12-year-old girl, subjecting them to gang rape, and two of them were subjected to forced marriage. In Nyangaray, two women were abducted, raped and subjected to forced marriage by combatants.<sup>18</sup>

Freedom’s House report covering 2020 also stated that ‘rebel commanders have abducted girls into

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<sup>10</sup> DRC, Loi no 16/008 du 15 juillet 2016 modifiant et complétant la loi no 87-010 du 1er août 1987 portant Code de la famille, 15 July 2016, [url](#). English translation available at: Canada, IRB, Responses to Information Requests, Democratic Republic of Congo, Early or forced marriages, 1 April 2021, [url](#)

<sup>11</sup> USDOS, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021, [url](#), pp.36-37

<sup>12</sup> UNFPA, Helping women and girls claim their bodily autonomy in the Democratic Republic of the Congo, 9 June 2021, [url](#)

<sup>13</sup> Borgen Project (The), Combating Child marriage in the Democratic Republic of the Congo, 25 July 2020, [url](#)

<sup>14</sup> Johnson, B.B., in LSE Blog, Tackling the persistence and causes of child marriage in Goma, DRC, 14 August 2020, [url](#)

<sup>15</sup> Global Press Journal, Meet the Women Fighting Forced Marriages, 19 July 2020, [url](#)

<sup>16</sup> UN Security Council, Conflict-related sexual violence, Report of the Secretary-General, 30 March 2021, [url](#), p.3

<sup>17</sup> UN Security Council, Conflict-related sexual violence, Report of the Secretary-General, 30 March 2021, [url](#), pp.11-12

<sup>18</sup> UN Security Council, Letter dated 10 June 2021 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council, 10 June 2021, [url](#), p.21

forced marriages’ whereas ‘convictions for these offenses remain rare’.<sup>19</sup>

According to Amnesty International, ‘the closure of schools [on 19 March 2020 due to COVID-19] increased the risk for many children of recruitment into armed groups, as well as to sexual exploitation, early marriage and child labour in mines’.<sup>20</sup>

## **2. State ability to enforce the law on forced marriage, including information on the existence and effectiveness of dedicated units at the police stations**

According to USDOS, the Congolese National Police is the main institution responsible for the enforcement of the law. The Congolese National Police runs under the Ministry of the Interior of the Democratic Republic of the Congo.<sup>21</sup>

On 5 November 2019, after the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the Congolese Vice-Prime Minister and Minister of Interior, Security and Customary Affairs signed the Congolese National Police’s (PNC) Action Plan on the fight against sexual violence. The specific Action Plan ‘reaffirms the engagement of the Government of the DRC to ensure that there can be no impunity for these grave crimes and stresses the responsibility of commanders to prevent and sanction sexual violence perpetrated by PNC elements’<sup>22</sup>.

Prosecution Support Units were created with the European Union’s support in order to help the civil and military authorities in bringing perpetrators of serious offences to justice, such as sexual violence crimes, which are often used as a strategy of war, to humiliate and demoralise enemies and destroy the social fabric. The project has helped to reinforce a justice system that lacked the resources, experience or technical expertise to prosecute perpetrators and according to programme analyst for the United Nations Development Programme (UNDP), Olivier Tshibola ‘to give the victims and communities back their dignity’.<sup>23</sup>

The 2020 USDOS report stated that the law is not enforced especially in cases of Sexual and Gendered Based Violence or human rights abuse.<sup>24</sup> Women for Equal Rights-Congo observed that regardless of the existence of the law, which prohibits forced marriages, ‘a great problem is weak law enforcement (often owing to corruption): the authorities responsible for implementing the law fail to prosecute the perpetrators’.<sup>25</sup>

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<sup>19</sup> Freedom House, Democratic Republic of the Congo 2020, n.d., [url](#)

<sup>20</sup> AI, Democratic Republic of the Congo 2020, 7 April 2021, [url](#)

<sup>21</sup> USDOS, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021, [url](#)

<sup>22</sup> Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, United Nations officials welcome the signing of an Action Plan to fight sexual violence by the Congolese National Police, 11 November 2019, [url](#)

<sup>23</sup> EEAS, EU-UN work jointly to end impunity for perpetrators sexual violence in conflict, 19 June 2021, [url](#)

<sup>24</sup> USDOS, 2020 Country Reports on Human Rights Practices: Democratic Republic of the Congo, 30 March 2021, [url](#)

<sup>25</sup> W4.org, WOMEN FOR EQUAL CHANCES – CONGO: ENDING CHILD MARRIAGE IS POSSIBLE!, 17 September 2019, [url](#)

### 3. Access to shelters, employment, and other basic services for single women with or without network

#### Access to basic services

The Committee on the Elimination of Discrimination against Women in its periodic report in August 2019 raised serious concerns regarding ‘the lack of access to reparations for victims of conflict-related sexual violence, the absence of a comprehensive national policy aimed at ensuring adequate reparations to victims and the complexity and high cost of the procedure, as well as the fear of stigma and reprisals for reporting cases of sexual violence, which prevent the victims from seeking reparations’.<sup>26</sup> The Committee said to be also deeply concerned about the lack access to humanitarian assistance, including food and health services for the majority of internally displaced women, including older women, in particular in Ituri Province. According to same source access for women and girls to sexual and reproductive health services and family planning services, especially among indigenous women and girls, is not adequate, and they also have no access to vaccinations. The aforementioned services are also non-approachable to rural women who also have limited access to education and safe and affordable contraceptive services. In addition, women, including widows, do not have equal access to inheritance, owing to persistent discriminatory customary practices that exclude women and girls from the inheritance of land and other family property.<sup>27</sup>

#### Access to shelters

Regarding access to shelters, in the EASO 2020 MedCOI Report on DRC, it is reported that local women’s organisations often provide support services for victims of rape, while international humanitarian and development organisations provide mental health and psychosocial support.<sup>28</sup>

In January 2021, Doctors Without Borders reported that displaced women in South Kivu avoided going to the health post since they had no money to pay for care, many gave birth in the camp and some died.<sup>29</sup>

A 2020 article by UN Women pointed out that, in general, the ability of service providers to respond to cases of violence was decreased due to the COVID-19 outbreak. Particularly in the Democratic Republic of the Congo, the Fund for Congolese Women’s project (FFC), which is a UN Trust Fund grantee, aims to prevent and reduce sexual violence against schoolgirls through education, training and collective advocacy’. As schools are closed due to the pandemic, activities are impacted. The Executive Director of the FFC, Julienne Lusenge, explained that ‘this pandemic will increase the precariousness of women’s and girls’ situations and heightens their vulnerability, emphasizing gender inequalities’.<sup>30</sup> Furthermore, the official website of FFC mentions that their aim is to ‘support grassroots women’s organizations to effectively promote Congolese women’s and girls’ rights’.<sup>31</sup>

IRB (Immigration and Refugee Board of Canada) mentioned the presence of Regards de Femme, a French NGO, which focus on fighting stereotypes and violence and encourages gender parity and solidarity among women in DRC.<sup>32</sup>

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<sup>26</sup> UN CEDAW, Concluding observations on the eighth periodic report of the Democratic Republic of the Congo, 6 August 2019, [url](#), p. 3

<sup>27</sup> UN CEDAW, Concluding observations on the eighth periodic report of the Democratic Republic of the Congo, 6 August 2019, [url](#), p. 19

<sup>28</sup> EASO1, Medical Doctor and local consultant responsible for in-country data collection of the report, Email Correspondence, August-November 2020, cited in: EASO, Democratic Republic of Congo (DRC), Medical Country of Origin Information Report December 2020, 10 December 2020, [url](#)

<sup>29</sup> MSF, Democratic Republic of Congo, South Kivu: an endless fight, 28 January 2021, [url](#)

<sup>30</sup> UN WOMEN, Ending violence against women in the context of COVID-19, 24 March 2020, [url](#)

<sup>31</sup> FFC, Home page, n.d., [url](#)

<sup>32</sup> IRBC, Responses to information requests COD200505.FE, 8 April 2021, [url](#)

The Child Protection Working Group<sup>33</sup> in Kinshasa, in coordination with UNFPA, works to protect children from exploitation and abuse, including forced marriage.<sup>34</sup> Additionally, the Women for Equal Chances-Congo, with their program in North and South Kivu in DRC aims to end child marriage. Some aspects of their program include:

- educating local authorities and community leaders about national and international laws that prohibit child marriage
- support campaigns in schools, churches and other public spaces, as well as in the media, such as through radio shows, to raise awareness about the harms and repercussions of child marriage
- encourage parents and local authorities to be involved in the rehabilitation and socio-economic reintegration of women and child survivors of early and child marriage
- establishing Mutual Savings & Credit Funds to support families and help alleviate poverty, which is one of the primary underlying causes of early marriage.<sup>35</sup>

Another women's organisation, the Mumaluku, aims to raise public awareness on forced child marriages. Their activities include:

- education
- training and apprenticeships to encourage women into the workforce, so they don't have to rely on their families or husbands
- radio broadcasts and visits to youth associations, churches and schools to prevent potential forced marriages<sup>36</sup>.

Regarding support services for victims of early or forced marriage, the executive Secretary of Solidarite des Femmes Activistes pour la Defense des Droit Humains (SOFAD) indicated in correspondence with the Research Directorate of the Immigration and Refugee Board of Canada (IRBC) that relative support services are 'somewhat available throughout the country'.<sup>37</sup>

No information on the existence of any dedicated units in police stations could be found among the available consulted sources and within the time constraint for answering this COI Query.

### **Access to employment**

As mentioned above, discrimination against women in DRC is prohibited by the constitution, in practice women 'face discrimination in nearly every aspect of their lives, especially in rural areas'.<sup>38</sup>

The interest of young women to find a job outside of their house keeps increasing, especially in urban areas but 'when families are short on money to pay school fees, boys are often favored over girls to receive education'.<sup>39</sup> UN Women mentioned that very few Congolese women have access to decent jobs, while in general comparing to men, women and girls have less access to education, as

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<sup>33</sup> According to the Save the Children Resource Center, the CPWK is 'a global level forum for coordination on child protection in humanitarian settings. The group brings together NGOs, UN agencies, academics and others under the shared objective of ensuring more predictable, accountable and effective child protection responses in emergencies. In the humanitarian system, the CPWG constitutes an "area of responsibility" within the Global Protection Cluster'. Save the Children, CPWG, The Child Protection Working Group, n.d., [url](#)

<sup>34</sup> UNFPA, Helping women and girls claim their bodily autonomy in the Democratic Republic of the Congo, 9 June 2021, [url](#)

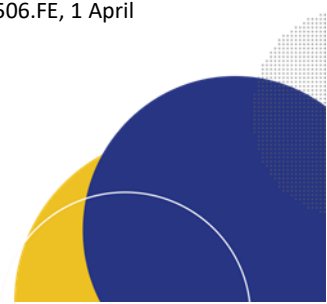
<sup>35</sup> W4.org, WOMEN FOR EQUAL CHANCES – CONGO: ENDING CHILD MARRIAGE IS POSSIBLE!, 17 September 2019, [url](#)

<sup>36</sup> Global Press Journal, Meet the Women Fighting Forced Marriages, 19 July 2020, [url](#)

<sup>37</sup> Executive Secretary, Solidarite des Femmes Activistes pour la Defense des Droits Humains (SOFAD), 26 February 2021, correspondence with the Research Directorate, as cited in: IRBC, Responses to information requests COD200506.FE, 1 April 2021, [url](#)

<sup>38</sup> Freedom House, Freedom in the world 2021: Democratic Republic of Congo, 3 March 2021, [url](#)

<sup>39</sup> Freedom House, Democratic Republic of the Congo 2020, n.d., [url](#)



well as higher rates of illiteracy.<sup>40</sup>

Regarding women's access to employment the Committee on the Elimination of Discrimination against Women noted in its periodic report in August 2019 that 'new laws have been adopted that, inter alia, allow women to work at night under the same conditions as men and to be recruited without their husbands' consent.' The Committee is, however, concerned that, compared with men, women have less access to remunerated jobs in the informal sector, and they have no access to legal protection or social security even though they comprise the majority of workers.<sup>41</sup>

That is also confirmed in a 2020 country report by USDOS, where it is reported that even though legislation permits women to participate in economic domains without approval of male relatives, women experienced economic discrimination. Legal restrictions on women in employment—including limitations on occupations considered dangerous—exist, but there were no known restrictions on women's working hours. The labour code establishes equal pay for men and women for equivalent work, the government therefore did not enforce this provision effectively. According to the ILO, women working in the private sector often received less pay than men doing the same job and 'rarely occupied positions of authority or high responsibility'. Furthermore, there were known 'legal restrictions on women's employment in occupations deemed arduous'.<sup>42</sup> It is also reported that young women continue to face disparities in wages and promotions as they are increasingly seeking professional work outside the home, particularly in urban centres.<sup>43</sup>

As laws don't limit participation of women in the political process, women held 10 percent of seats in the National Assembly (52 of 500) and 10 percent in the provincial assemblies (72 of 690). Jeanine Mabunda was named president of the National Assembly in April 2019, and that was the second time a woman has held that position. There were also 23 women among 108 senators and 12 women among the 66-government vice prime ministers, ministers, ministers of state, vice ministers, and minister delegates, and that indicated an increase in the total number from that of the previous government. Some observers believed that women were prevented from participating in political life to the same extent as men due to cultural and traditional factors.<sup>44</sup>

An article by Reuters mentioned the existence of a project by a local NGO aimed at helping single mothers and women mostly victims of sexual and domestic violence to find paid work and building skills. This organisation is based in the outskirts of Goma, the capital of the North Kivu region of DRC - a region devastated by long periods of ethnic conflict which have particularly affected women.<sup>45</sup>

#### **Related EASO COI Query Responses:**

[DRC: Women without network in Kinshasa \(2017-2019\), 5 December 2019](#)

[DRC: Treatment of widows and single women, 7 November 2019](#)

[DRC: Sexual and gender-based violence, 10 July 2019](#)

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<sup>40</sup> UN Women Africa, Democratic Republic of Congo, n.d., [url](#)

<sup>41</sup> UN CEDAW, Concluding observations on the eighth periodic report of the Democratic Republic of the Congo, 6 August 2019, [url](#), p. 11

<sup>42</sup> USDOS, 2020 country reports on human rights practices: Democratic Republic of the Congo, 30 March 2021, [url](#)

<sup>43</sup> Freedom House, Freedom in the world 2021: Democratic Republic of Congo, 3 March 2021, [url](#)

<sup>44</sup> USDOS, 2020 country reports on human rights practices: Democratic Republic of the Congo, 30 March 2021, [url](#)

<sup>45</sup> Reuters, Congolese abuse survivors rebuild lives, brick by brick, 4 September 2020, [url](#)



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