



COI QUERY

Country of Origin	Democratic Republic of the Congo (DRC)
Title	Situation of LGBTIQ people; legislation and implementation; treatment by the state; treatment by society; availability of state protection; access to support services
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All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or 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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COI QUERY RESPONSE – DRC

Situation of LGBTIQ people; legislation and implementation; treatment by the state; treatment by society; availability of state protection; access to support services

The information provided in the query concerns the situation of LGBTIQ (lesbian, gay, bisexual, trans, non-binary, intersex and queer). However, sources might use other terms' variations due to the diverse terminology used across sources.

For further information see EUAA's Practical Guide, [COI Research guide on LGBTIQ](#).

Additional information on the situation of LGBTIQ people can be found in the EUAA Query [LGBT people in DRC](#), published on 9 September 2021.

1. Legislation and implementation

Same-sex consensual relations between adults are not criminalised in Democratic Republic of Congo (DRC).¹ However, LGBTIQ persons 'face legal discrimination under public decency laws and other broader legislation'² and certain provisions 'remain open to interpretations that lead to prosecutions and various violations of the rights of LGBTI people.'³ Sources indicated that the Criminal Code has been used to criminalize same-sex relationships⁴ under provisions including "insulting morals" and "offending modesty".⁵ Article 176 of the Congolese Penal Code indicates that [informal translation] 'Anyone who has publicly outraged morals by actions that injure modesty, will be punished with a penal servitude of 8 days to 3 years and a fine ... or only one of these penalties'⁶ The Penal Code also provides a five-year imprisonment for those accused of 'corrupting minors' by 'insulting the morals.'⁷ According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), the courts sometimes use religion to justify the criminalization of homosexuality and other LGBTIQ activity, which 'are often based on religious and cultural beliefs, particularly due to Christianity.'⁸

¹ Freedom House, Freedom in the World 2023 - Democratic Republic of the Congo, 2023, [url](#); UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 6; USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 43

² Reuters, As Pope Francis visits Congo, LGBT+ activists cheer for perceived ally, 1 February 2023, [url](#)

³ UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 6

⁴ UN ECOSOC, Concluding observations on the sixth periodic report of the Democratic Republic of the Congo, 28 March 2022, [url](#), p. 6

⁵ Freedom House, Freedom in the World 2023 – Democratic Republic of the Congo, March 2023, [url](#)

⁶ DRC, Penal Code, 30 November 2004, Article 176, [url](#)

⁷ DRC, Penal Code, 30 November 2004, Article 172-173, [url](#)

⁸ ILGA World, The impact of colonial legacies in the lives of LGBT+ and other ancestral sexual and gender diverse persons, 26 May 2023, [url](#), p. 10



Different sources mentioned that there are no specific provisions on the protection against discrimination based on sexual orientation.⁹ However, the law guarantees the right to employment, healthcare, and education ‘for all persons.’¹⁰ There are no laws allowing LGBTIQ persons to change their gender on their identification documents.¹¹ Regarding same-sex marriage, Equaldex, a website providing information on the rights of LGBTIQ persons, indicated that it is banned by the Constitution¹² while ILGA indicated that they ‘are not legally available.’¹³

A United Nations Development Programme (UNDP) report on the protection of rights for LGBTIQ people in Sub-Saharan Africa indicated that ‘Article 653 of the Congolese Family Code prohibits the adoption of a child by, among others, “homosexuals or transsexuals”. Also, article 20 of Law No. 09/001 of 10 January 2009 on the protection of the child prohibits the adoption of a child by a homosexual couple in the same way as paedophiles and persons with psychological disorders.’¹⁴

2. Treatment by the state

The US Department of State (USDOS), also noted in its 2022 Human Rights Report that public expressions of same-sex affection, like kissing, was sometimes prosecuted under ‘public indecency’ laws, ‘which rarely applied to opposite-sex couples.’¹⁵ According to ILGA World, ‘most of the Congolese judicial police officers use [the penal code and the Family code] to arrest and repress LGBTQIA+ and other ancestral sexual and gender diverse people in the DRC.’¹⁶ The UNDP report indicated that law enforcement officers can and have used Article 176 of the Congolese Penal Code to justify ‘arbitrary arrests, extortion, and blackmail’ of LGBTIQ people.¹⁷ A report by the Belgian Documentation Centre (Centre de documentation et des recherches, CEDOCA), cites a representative of Si Jeunesse Savait (SJS), a NGO based in DRC, as indicating that [informal translation] ‘several cases of serious human rights abuses are

⁹ UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 7; Belgium, CEDOCA, Republique Democratique du Congo: Minorités sexuelles et de genre, 15 December 2023, [url](#), p. 10; USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 44

¹⁰ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 44

¹¹ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 44; Equaldex, LGBT Rights in Democratic Republic of the Congo, n.d., [url](#)

¹² Equaldex, LGBT Rights in Democratic Republic of the Congo, n.d., [url](#)

¹³ ILGA World, ILGA World Database – Democratic Republic of Congo, n.d., [url](#)

¹⁴ UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 6

¹⁵ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 43

¹⁶ ILGA World, The impact of colonial legacies in the lives of LGBTI+ and other ancestral sexual and gender diverse persons, 26 May 2023, [url](#), p. 10

¹⁷ UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 6



recorded, committed by men in uniform against sex workers and sexual minorities, reports and advocacy actions are made but the risk of reprisals is very high.¹⁸

The USDOS country report indicated that, according to a local NGO, ‘authorities rarely took steps to investigate, prosecute, or punish officials who committed abuses against LGBTIQ+ persons, whether in the security forces or elsewhere in the government.’¹⁹ Sources indicated that the government denied registration requests to LGBTIQ NGOs.²⁰

According to the UNDP report, DRC leaders ‘recognize the fundamental rights of all Congolese in general, which includes LGBTI people,’ but they do not explicitly recognize the rights of LGBTIQ people.²¹ The same source indicated that ‘rarely do politicians publicly attack LGBTI people,’ but they do not openly talk about them either.²² The USDOS country report also indicated that ‘[s]ome religious leaders, radio broadcasts, and political organizations played a key role in promoting discrimination against LGBTIQ+ persons.’²³ According to local NGOs, attacks against LGBTIQ persons are ‘rarely’ condemned.²⁴ Sources indicated that, in June 2023, the Superior Council for Audiovisual and Communication (Conseil supérieur de l’audiovisuel et de la communication, CSAC) advised the media to refrain from promoting LGBTIQ content and that those outlets that promote such content would be subjected to sanctions.²⁵ Additional information could not be found among the sources consulted by EUAA within the time constraints of this query.

3. Treatment by society

Sources indicated that identifying as a LGBTIQ is considered a ‘cultural taboo,’²⁶ and that LGBTIQ people are ‘marginalized and forced to hide their sexual orientation.’²⁷ According to ILGA World, criminalization of LGBTIQ activity in the DRC is ‘often based on religious and

¹⁸ Belgium, CEDOCA, République Démocratique du Congo: Minorités sexuelles et de genre, 15 December 2023, [url](#), p. 12

¹⁹ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 44

²⁰ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 45; Freedom House, Freedom in the World 2023 – Democratic Republic of the Congo, March 2023, [url](#)

²¹ UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 5

²² UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 5

²³ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 43

²⁴ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 44

²⁵ Actu30, RDC : Le CSAC met en garde les médias contre la promotion de l’homosexualité et du lesbianism, 19 June 2023, [url](#); Washington Blade, Congolese government cautions media not to promote LGBTQ-specific content, 23 June 2023, [url](#)

²⁶ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 43; UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 8

²⁷ Freedom House, Freedom in the World 2023 – Democratic Republic of the Congo, March 2023, [url](#); DW, RDC: la communauté LGBTQ+ inquiète avant les élections, 25 October 2023, [url](#)



cultural beliefs'.²⁸ The USDOS report similarly indicated that '[s]ome religious leaders [...] played a key role in promoting discrimination against LGBTQI+ persons.'²⁹ During the COVID pandemic, for example, LGBTQI+ persons faced violence, threats and discrimination as some religious leaders held the idea that the pandemic was "God's punishment" on society for the behavior of LGBTQI+ persons.³⁰ Reuters reported that LGBTQI+ individuals are also accused of being 'witches'³¹ or a 'corrupting force'.³² Le Monde reported that harassment, attacks and hatred against LGBTQI+ persons are 'rampant'.³³ The USDOS country report similarly indicated that 'crimes involving violence or threat of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons' continue.³⁴

The USDOS country report indicated that, according to local LGBTQI+ organisations, LGBTQI+ persons who participate Pride Month activities 'were subjected to harassment, physical violence, and threats.'³⁵ The same source quotes a local NGO as indicating that other NGOs 'excluded and ostracized' LGBTQI+ organisations 'due to their religious beliefs or belief that LGBTQI+ rights do not constitute human rights.'³⁶

The USDOS country report indicated that, according to local LGBTQI+ NGOs, 'numerous cases' have been reported of LGBTQI+ persons being forcibly subjected to 'psychiatric treatment or religious rituals to "change" the person's sexual orientation or gender identity or expression,' often through physical violence.³⁷ Corrective rape of women and men has also been reported, with a local NGO documenting, between January and August 2022, 27 cases of corrective rape, mostly against lesbian and transgender women, and four cases of mutilation.³⁸

According to the UNDP report, the employment of LGBTQI+ persons is mostly concentrated in the informal sector as it is 'tolerated by society in general'; however, in the formal sector, LGBTQI+ persons prefer not to disclose their sexual orientation out of fear of dismissal from employment, and humiliation and isolation in the workplace.³⁹ Regarding education, there are

²⁸ ILGA World, The impact of colonial legacies in the lives of LGBTI+ and other ancestral sexual and gender diverse persons, 26 May 2023, [url](#), p. 10

²⁹ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 43

³⁰ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 43

³¹ UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 15

³² Reuters, As Pope Francis visits Congo, LGBT+ activists cheer for perceived ally, 1 February 2023, [url](#)

³³ Le Monde, In eastern DRC, homosexuals are forced into hiding, 17 January 2023, [url](#)

³⁴ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 2

³⁵ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 45

³⁶ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 44

³⁷ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 44

³⁸ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 44

³⁹ UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 15



reports of LGBTIQ persons being subjected to verbal and physical abuse in some educational institutions, and staff often ‘turn a blind eye and do not intervene.’⁴⁰ According to Equaldex, there are no protections for employment and housing discrimination.⁴¹ Corroborating information could not be found among the sources consulted by EUAA within the time constraints of this query.

Additional information, including on specific treatment of lesbian women, gay men, transgender and intersex persons in the DRC could not be found among the sources consulted by EUAA within the time constraints of this query.

4. Availability of state protection

Sources indicated that most LGBTIQ persons do not file complaints with authorities out of fear of reprisals and further targeting.⁴² The USDOS country report indicated that victims of rape, for example, including LGBTIQ persons, lack confidence in the justice system and fear being subjected to humiliation or reprisals.⁴³ The CEDOCA report cites the SJS representative as indicating that when an LGBTIQ person goes to the police to file a complaint, the police starts to question the complainant about their sexual orientation and telling the victim that same-sex relationships are banned in the country.⁴⁴ The USDOS country report indicated, generally regarding human rights violations including of LGBTIQ persons, that ‘[t]he government took some steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption, although there was impunity for many such abuses. Authorities often did not investigate, prosecute, or punish those who were responsible, particularly at higher levels.’⁴⁵

Additional information could not be found among the sources consulted by EUAA within the time constraints of this query.

5. Access to support services

Sources indicated that LGBTI people face stigmatization and discrimination, and barriers to access to employment, housing, health care, and education.⁴⁶ The USDOS country report

⁴⁰ UNDP, Inclusive Governance Initiative: Democratic Republic of the Congo Baseline Report, 2022, [url](#), p. 16

⁴¹ Equaldex, LGBT Rights in Democratic Republic of the Congo, n.d., [url](#)

⁴² Belgium, CEDOCA, Republique Democratique du Congo: Minorités sexuelles et de genre, 15 December 2023, [url](#), p. 13; USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 35

⁴³ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 35

⁴⁴ Belgium, CEDOCA, Republique Democratique du Congo: Minorités sexuelles et de genre, 15 December 2023, [url](#), p. 13

⁴⁵ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), pp. 2-3

⁴⁶ UN ECOSOC, Concluding observations on the sixth periodic report of the Democratic Republic of the Congo, 28 March 2022, [url](#), p. 6; USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), pp. 43-44



indicated that LGBTIQ persons who experience gender-based violence have reported ‘societal barriers’ accessing emergency care.⁴⁷ LGBTIQ persons have also been pressured to “change” their LGBTIQ status when seeking access to health care.⁴⁸

The SJS representative interviewed by CEDOCA indicated that there are legal clinics to assist LGBTIQ persons, but these clinics lack resources and lawyers working at the legal clinics are not inclusive.⁴⁹

Representatives of local civil societies referred to CEDOCA that hormone therapy is not accessible in DRC.⁵⁰

NGOs that provide support to LGBTIQ persons include:

- OASIS RD Congo, [informal translation] ‘a non-profit association bringing together feminists and sexually minority women working in the promotion of gender-sensitive human rights, female leadership, sexual and reproductive health’⁵¹;
- The Movement for the Promotion of Respect and Equality of Rights and Health (Mouvement pour la promotion du respect et égalité des droits et santé, MOPREDS), a ‘movement of LGBTI people and allies, aiming to promote respect for the rights of LGBTI people in the DRC’⁵²;
- Rainbow Surprise Mapambazuko (RSM), an organization that provides awareness campaigns on HIV/AIDS and human rights, care for sexually transmitted infections, and voluntary counseling and testing, among others⁵³;
- Savie ASBL, ‘a non-profit community organization dedicated to resisting anti-LGBTQ+ harassment and oppression, combating sexual and gender-based violence and promoting social awareness of Queer identities on the workplace’⁵⁴; and
- Jeunialissime, a NGO that ‘provides medical and psychological support to LGBTI individuals.’⁵⁵

⁴⁷ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), p. 36

⁴⁸ USDOS, 2022 Country Report on Human Rights Practices: Democratic Republic of the Congo, 20 March 2023, [url](#), pp. 44-45

⁴⁹ Belgium, CEDOCA, République Démocratique du Congo: Minorités sexuelles et de genre, 15 December 2023, [url](#), p. 13

⁵⁰ Belgium, CEDOCA, République Démocratique du Congo: Minorités sexuelles et de genre, 15 December 2023, [url](#), p. 13

⁵¹ OASIS RD Congo, A propos de nous, n.d., [url](#)

⁵² MOPREDS, Mopreds Congo, n.d., [url](#)

⁵³ RSM, About Us, n.d., [url](#)

⁵⁴ Savie ASBL, À propos, n.d., [url](#)

⁵⁵ Canada, IRB, Democratic Republic of the Congo: Treatment of individuals based on their sexual orientation, gender identity and expression, and/or sex characteristics (SOGIESC) by society and authorities, including legislation, state protection and support services (2020–February 2022), COD200957.E, 22 March 2022, [url](#)

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ADDITIONAL SOURCES CONSULTED

Actualite.cd; Africa Gay Rights; Agence congolaise de presse; Agence d'information d'Afrique Centrale; Agir ensemble pour les droits humains; Al Jazeera; AllAfrica; amera International; Amnesty International; ASTRAEA Lesbian Foundation for Justice; Australia – Department of Foreign Affairs and Trade; Austrian Centre for Country of Origin and Asylum Research and Documentation; Canada – Immigration and Refugee Board; Columbia University – Mailman School of Public Health; Danish Refugee Council; ECOI.net; Erasing 76 Crimes; European Union – EUAA COI Portal; France – Office français de protection des réfugiés et apatrides; France24; GlobalGayz.com; Human Rights Watch; International Federation for Human Rights; Jeune Afrique; Komitid; Le Devoir; Listening2Lesbians; Lokuta Mabe; MambaOnline; OMCT World Organisation Against Torture; Outright International; PinkNews; Plateforme ELSA; The East African; The New Humanitarian; UK – Home Office; UN – Human Rights Council, Refworld; US – Agency for International Development, Central Intelligence Agency, Overseas Security Advisory Council; Voice of America