



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

DRC - Researched and compiled by the Refugee Documentation Centre of Ireland on Friday 7 & Monday 10 December 2012

Information on rape and gender persecution countrywide; Information on rape in Goma/Information on gang rape by rebel groups in Goma

In December 2012 a report published by *Reuters* points out that:

“Goma lies at the heart of Congo's eastern borderlands which have suffered nearly two decades of conflict stoked by long-standing ethnic and political enmities and fighting over the region's rich resources of gold, tin, tungsten and coltan - a precious metal used to make mobile phones. Successive attacks by rebels, militias and government soldiers have made the region notorious for mass killings, recruitment of child soldiers and rape used as a weapon of war” (Reuters (3 December 2012) *Congo back in charge of Goma, U.N. fingers Rwanda again*).

The *United Nations News Service* in November 2012 notes:

“Eastern DRC has been hit this year by massive humanitarian needs triggered by the rise of the M23 and violence by more than two dozen other armed groups across the region, with widespread abuses against civilians including murder, rape and brutal reprisals” (United Nations News Service (21 November 2012) *Democratic Republic of the Congo : Security Council demands immediate withdrawal of M23 rebels from Goma*).

The Guardian in October 2012 states:

“The number of women and children raped in the Democratic Republic of the Congo has risen dramatically because of a surge in rebel militia activity, according to a local health organisation report” (The Guardian (19 October 2012) *Congo rape numbers rise dramatically*).

Commenting on violence in the Eastern DRC, a paper issued in November 2012 by the *UNHCR* notes:

“The violence has been marked by rape, murder and pillaging, and has given rise to an alarmingly dire humanitarian situation. Reports indicate that mass rape and other forms of sexual violence continue to be committed by parties to the conflict, including during attacks on villages, often in retaliation for the victims' alleged collaboration with armed groups or the national army” (UNHCR (15 November 2012) *UNHCR position on returns to North Kivu, South Kivu and adjacent areas in the Democratic Republic of Congo affected by on-going conflict and violence in the region*).

A report issued in December by the *Agence France Presse* states, commenting on the Eastern region that:

“Tensions remain high in the war-blighted region, and both government soldiers and rebels have been accused of civilian killings, rape and looting during the unrest” (Agence France Presse (7 December 2012) *UN confirms rapes in DR Congo unrest*).

A survey issued in November 2012 by *Oxfam* on violence in Eastern Congo states:

“Women were reported to be most vulnerable to sexual violence, particularly when walking along roads or going to their fields. Whoever the predominant armed actors in an area were, these were cited as the main perpetrators of rape and other acts of sexual violence. Armed groups were reported to have engaged in such acts during attacks on villages, and FARDC soldiers were reported to have carried out rape and other acts of sexual violence mostly during military operations. In more stable areas, most sexual violence is attributed to civilians, taking the form of rape, forced or early marriage, child prostitution, and domestic violence” (Oxfam (20 November 2012) *Commodities Of War, Communities speak out on the true cost of conflict in eastern DRC*, p.10).

The *United Nations Development Programme* in October 2012 points out that:

“...sexual violence that has become commonplace during the country’s long-running civil conflict” (United Nations Development Programme (25 October 2012) *Fighting sexual violence in the Democratic Republic of Congo*).

A report published in 2012 by the *Sonke Gender Justice Network & Promundo* commenting on violence in the Eastern DRC states:

“...that sexual violence has become a commonplace reality for women and girls...” (Sonke Gender Justice Network & Promundo (2012) *Gender Relations, Sexual Violence and the Effects of Conflict on Women and Men in North Kivu, Eastern Democratic Republic of Congo: Preliminary results from the International Men and Gender Equality Study (IMAGES)*, p.3).

Commenting on the report above, *Promundo* points out that:

“Initial findings from the International Men and Gender Equality Survey (IMAGES) reveal that sexual violence is just as prevalent in homes as it is in conflict in North Kivu, eastern Democratic Republic of Congo. A new study by Promundo and the Sonke Gender Justice Network conducted in Goma, eastern DRC finds that more than a third of men surveyed have carried out some form of sexual violence and more than three quarters hold deeply alarming attitudes about rape and women’s rights. The report reveals that sexual violence, while sometimes implemented as a weapon a war, more often reflects widespread acceptance of patriarchal norms and rape myths that justify and normalise rape, the everyday subordination of women, and men’s a sense of entitlement to women’s bodies” (Promundo (2012) *Sexual violence is more than just a weapon of war in the Democratic Republic of Congo*).

A paper issued in July 2012 by the *Wageningen University* states, commenting on conflict that:

“While initially, reports concerned crimes committed by non-Congolese armed forces, in later years these were followed by reports of sexual abuse by the Congolese army or rebel groups and, more recently, by civilians. Sexual violence continues to have a high prevalence in the country” (Wageningen University (9 July 2012) *Fond de commerce? : Assistance aux victimes de violences sexuelles en République Démocratique du Congo*, p.15).

In November 2012 *Amnesty International* states:

“Tens of thousands of civilians fled in fear this week as the armed group M23 marched into the eastern Congolese city of Goma – worsening an already dire human rights situation. Following the city’s fall to the M23 on Tuesday, many more civilians are fleeing and are left with no assistance in an area where they are at significant risk of being caught in crossfire as hostilities intensify. Amnesty International has documented numerous crimes under international law and other human rights violations committed in the course of fighting between M23 and the Democratic Republic of Congo’s (DRC) army in recent months. For the past 15 years, civilians caught up in the conflict have suffered a range of abuses – women and girls in particular have been targeted, with rape and other forms of sexual violence being widely reported. “I was raped while I was collecting wood,” one woman from North Kivu province’s Rutshuru region recently told Amnesty International delegates when they visited her internally displaced persons (IDP) camp outside Goma, the provincial capital” (Amnesty International (23 November 2012) *Global campaign targets rape in conflict zones*).

This document also points out that:

“Stories like this are not uncommon in the eastern DRC, where the armed conflict has forced many women and girls to flee several times – often without adult male relatives, which places them at further risk of sexual violence. Some have also reported sexual harassment from security forces. In a bid to end such gender-based violence in North Kivu, Amnesty International has called on the DRC authorities to ensure its security forces are properly trained and fully vetted, especially in areas where civilians are at heightened risk of attack from armed groups. The United Nations Security Council has recognized the continued “widespread sexual and gender-based violence” in eastern DRC” (ibid).

Amnesty International points out in November 2012 that:

“Amnesty International has documented numerous crimes under international law committed by the M23 armed group that controls most of Rutshuru territory, North Kivu province, and which has recently taken control of the provincial capital of Goma. These crimes include forced recruitment of children, unlawful killings, rape and other forms of sexual violence, and forced labour” (Amnesty International (23 November 2012) *Democratic Republic of Congo: Letter to the five permanent members of the Security Council*).

A document issued in October 2012 by *BBC News* notes that:

“...a local hospital announced that more than 5,000 women have been raped since the beginning of the year in the eastern province of North Kivu alone” (BBC News (19 October 2012) *Dangers faced by Democratic Republic of the Congo women*).

Goma is in North Kivu.

In September 2012 *Human Rights Watch* notes:

“M23 rebels in eastern Democratic Republic of Congo are responsible for widespread war crimes, including summary executions, rapes, and forced recruitment” (Human Rights Watch (11 September 2012) *DR Congo: M23 Rebels Committing War Crimes*).

This report also states:

“Since June, M23 fighters have deliberately killed at least 15 civilians in areas under their control, some because they were perceived to be against the rebels, Human Rights Watch said. The fighters also raped at least 46 women and girls. The youngest rape victim was eight years old. M23 fighters shot dead a 25-year-old woman who was three months pregnant because she resisted being raped. Two other women died from the wounds inflicted on them when they were raped by M23 fighters” (ibid).

The report outlining a gang-rape notes that:

“On August 24, two M23 fighters raped a 12-year-old girl. They broke into her home, threatened her mother and aunt, and told the young girl to go outside. Some meters from the house, near the family’s latrine, they gang-raped her. “[She] was in a lot of pain, she cried out loudly, but these criminals had no heart or pity for anyone,” a witness told Human Rights Watch” (ibid).

Commenting on M23 a report issued in November 2012 by the *United Nations Security Council* notes:

“As M23 gained control over large parts of Rutshuru territory, many cases of human rights violations perpetrated by its elements, including summary executions, rapes, ill-treatment, forced labour and forced recruitment, were documented” (United Nations Security Council (14 November 2012) *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, p.10).

The *United Nations* in December 2012 points out that:

“Health centres recorded some 70 rapes in the area of Minova, according to an inter-UN agency assessment mission this week, while media reports said FARDC troops reportedly withdrew from Minova after losing Goma to the M23” (United Nations (7 December 2012) *Daily News*, p.3).

A publication issued in June 2012 by *Amnesty International* notes:

“Armed groups, including the LRA, the FDLR, Burundian National Forces of Liberation (Forces nationales de libération, FNL), the ADF/NALU and various Mayi-Mayi groups, have committed numerous human rights abuses against civilians using weaponry and munitions. This includes rapes, killings, looting and abduction, notably in Orientale, North and South Kivu provinces” (Amnesty International (12 June 2012) *The Democratic Republic of the Congo and the case for an effective Arms Trade Treaty*, pp.11-12).

A paper issued in November 2012 by *Actionaid* notes:

“The impact of DRC’s wider conflict on women is well documented, with one senior UN official going as far as to label it “the rape capital of the world” in 2010...The recent conflict between M23 and FARDC has seen an increase in human rights violations generally, but particularly in sexual and gender based violence targeting women and girls. Caught in clashes between government forces and rebel groups including M23, women have been subject to beatings, intimidation and SGBV.

Further to this, women cite specific protection issues, such as the inability to farm their land or go to the forest to collect firewood for fear of being attacked. Continuing stigma around survivors of sexual and gender-based violence means many women remain reluctant to speak out about rights violations, for fear of being ostracised by their families and wider communities. Health services and legal support for women survivors of SGBV are limited, and where they do exist, they are generally poor quality, leaving women without adequate measures to seek treatment and redress” (Actionaid (28 November 2012) *Women in conflict: DRC Position Paper*, p.5).

In October 2012 the *Human Security Report Project* states that:

“Horroric accounts of savage sexual assaults by rebels, militias, and government forces, particularly in the war-affected eastern part of the DRC, have become the focus of intense media scrutiny, numerous advocacy reports by NGOs (nongovernmental organizations), investigations by international agencies, and resolutions in the UN (United Nations) Security Council...the DRC has been described by the UN as “the rape capital of the world” “ (Human Security Report Project (October 2012) *Human Security Report 2012: Sexual Violence, Education, and War: Beyond the Mainstream Narrative*, Part 1 Sexual Violence, Education, And War, p.34).

In February 2012 *Women Under Siege* notes that:

“Four women are raped every five minutes in the Democratic Republic of Congo...” (Women Under Siege (8 February 2012) *Conflict Profiles: Democratic Republic of Congo*).

Research compiled and issued by the *Immigration and Refugee Board of Canada* in April 2012 states:

“Various sources indicate that the prevalence of domestic violence is a problem in the Democratic Republic of the Congo” (Immigration and Refugee Board of Canada (17 April 2012) *Democratic Republic of the Congo: Domestic and sexual violence, including legislation, state protection, and services available to victims (2006-March 2012)*).

This paper also points out that:

“Sources describe sexual violence against women in the DRC as “alarmingly” high...and “more common and increasingly brutal in recent years”...Some publications by human rights organizations and academic sources focus specifically on the prevalence of sexual violence in the eastern part of the DRC...a report by UN experts on the DRC submitted to the UN Human Rights Council in 2011 states that sexual violence is “a cause of major concern,” not only in the east but throughout the entire country...” (ibid).

It is also noted in this document that:

“Several sources indicate that rape is used as a “weapon of war” in areas of conflict in the DRC” (ibid).

In May 2012 a document issued by the *International Campaign to Stop Rape & Gender Violence in Conflict* states:

“Despite the war formally ending with a peace agreement almost a decade ago, the Democratic Republic of Congo continues to be embroiled in a violent and deadly conflict. Having claimed at least 5.4 million lives since the outbreak of war in 1998, the country has also received the unwelcome distinction as the rape capital of the world” (International Campaign to Stop Rape & Gender Violence in Conflict (3 May 2012) *Stop Rape In Democratic Republic Of Congo*).

This report also points out that:

“Rape and gender violence in The Democratic Republic of Congo has been marked by extreme brutality including rape, gang rape, genital mutilation, sexual slavery, and insertion of objects into cavities” (ibid).

This document also notes:

“As the conflict is fought within communities, violence occurs mostly in homes, villages, and in the fields where people work. Communities are often targeted for conspiring with the enemy or are looted after a skirmish. The Congolese security forces have also been known to loot (and commit acts of sexual violence on the civilian population) due to unpaid salaries or during mutinies against officers. All sides in the conflict have committed systematic rape and gender violence including the foreign-backed groups, local rebels, community-based militia—the Mai Mai, as well as the Congolese state forces. Reasons for rape by armed men, whether belonging to the government army, rebel group or foreign-backed group, are varied. These include systematic humiliation to counter men's growing frustration at deteriorating status in society, to breed insecurity and fear in communities, and Mai Mai members have additionally stated that rape provides "magical powers" before combat. The incidence of rape remains highest in areas where military operations take place, yet there has been a sharp rise in gender violence throughout the whole of the country. The severe gender imbalance, with prevailing impunity, has allowed for a society where rape is acceptable and unpunished. Domestic violence, rape by former troops living within communities, and by men in positions of power—including police officers—is common. Survivors still lack comprehensive support, and are often too ashamed and fearful to come forward” (ibid).

A report by *Freedom House* in September 2012 states:

“Women are guaranteed fundamental rights by the 2006 constitution. However, the lack of implementing laws and the dominance of custom in many areas of life has allowed deep-rooted discrimination to persist” (Freedom House (20 September 2012) *Countries at the Crossroads 2012 - Democratic Republic of the Congo*).

Commenting on events of 2011, a report issued in May 2012 by the *United States Department of State* points out that:

“The law criminalizes rape, but the government did not effectively enforce this law, and rape was common throughout the country and especially pervasive in conflict areas in the East” (United States Department of State (24 May 2012) *Country Reports on Human Rights Practices for 2011, DRC*, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons/Women).

This report also notes:

“Domestic violence against women was common throughout the country” (ibid).

This document also states:

“Discrimination: Women did not possess the same rights as men under the law or in practice” (ibid).

In August 2012 a report published by *Social Institutions and Gender Index* notes that:

“Although there are no official statistics, domestic violence against women, including spousal rape, appears to be common, and domestic violence has high levels of social acceptance” (Social Institutions and Gender Index (9 August 2012) *Democratic Republic of Congo Country Profile*).

References

Actionaid (28 November 2012) *Women in conflict: DRC Position Paper*
<http://reliefweb.int/sites/reliefweb.int/files/resources/ActionAid%20Position%20Paper%20on%20DRC%20Conflict%20-%2028%20Nov%202012.pdf>
Accessed Monday 10 December 2012

Agence France Presse (7 December 2012) *UN confirms rapes in DR Congo unrest*
<http://reliefweb.int/report/democratic-republic-congo/un-confirms-rapes-dr-congo-unrest>
Accessed Monday 10 December 2012

Amnesty International (23 November 2012) *Global campaign targets rape in conflict zones*
<http://www.amnesty.org/en/news/global-campaign-targets-rape-conflict-zones-2012-11-23>
Accessed Friday 7 December 2012

Amnesty International (23 November 2012) *Democratic Republic of Congo: Letter to the five permanent members of the Security Council*
<http://www.amnesty.org/en/library/asset/AFR62/015/2012/en/941eb460-31d0-4600-be1c-c0a9ca04141d/afr620152012en.pdf>
Accessed Friday 7 December 2012

Amnesty International (12 June 2012) *The Democratic Republic of the Congo and the case for an effective Arms Trade Treaty*
<http://www.amnesty.org/en/library/asset/AFR62/007/2012/en/cdd8cdd9-913f-4dc5-8418-71d2eedbdde0/afr620072012en.pdf>
Accessed Friday 7 December 2012

BBC News (19 October 2012) *Dangers faced by Democratic Republic of the Congo women*
<http://www.bbc.co.uk/news/world-africa-20012151>
Accessed Friday 7 December 2012

Freedom House (20 September 2012) *Countries at the Crossroads 2012 - Democratic Republic of the Congo*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=505c1733c>

Accessed Friday 7 December 2012

The Guardian (19 October 2012) *Congo rape numbers rise dramatically*

<http://www.guardian.co.uk/world/2012/oct/19/congo-rape-number-rise-rebels>

Accessed Monday 10 December 2012

Human Rights Watch (11 September 2012) *DR Congo: M23 Rebels Committing War Crimes*

<http://www.hrw.org/news/2012/09/11/dr-congo-m23-rebels-committing-war-crimes>

Accessed Friday 7 December 2012

Human Security Report Project (October 2012) *Human Security Report 2012: Sexual Violence, Education, and War: Beyond the Mainstream Narrative*

<http://hsrgroup.org/docs/Publications/HSR2012/2012HumanSecurityReport-Part1-SexualViolenceEducationandWar.pdf>

Accessed Monday 10 December 2012

Immigration and Refugee Board of Canada (17 April 2012) *Democratic Republic of the Congo: Domestic and sexual violence, including legislation, state protection, and services available to victims (2006-March 2012)*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=4f9e5e532>

Accessed Monday 10 December 2012

International Campaign to Stop Rape & Gender Violence in Conflict (3 May 2012) *Stop Rape In Democratic Republic Of Congo*

<http://www.ein.org.uk/members/country-report/stop-rape-democratic-republic-congo>

This is a subscription database

Accessed Monday 10 December 2012

Oxfam (20 November 2012) *Commodities Of War, Communities speak out on the true cost of conflict in eastern DRC*

<http://www.oxfam.org/sites/www.oxfam.org/files/bp164-commodities-of-war-drc-protection-201112-en.pdf>

Accessed Monday 10 December 2012

Promundo (2012) *Sexual violence is more than just a weapon of war in the Democratic Republic of Congo*

<http://www.promundo.org.br/en/news/sexual-violence-is-more-than-just-a-weapon-of-war-in-the-democratic-republic-of-congo/>

Accessed Monday 10 December 2012

Reuters (3 December 2012) *Congo back in charge of Goma, U.N. fingers Rwanda again*

<http://www.reuters.com/article/2012/12/03/congo-democratic-idUSL5E8N3H9T20121203>

Accessed Friday 7 December 2012

Social Institutions and Gender Index (9 August 2012) *Democratic Republic of Congo Country Profile*

<http://www.ein.org.uk/members/country-report/democratic-republic-congo-country-profile>

This is a subscription database

Accessed Monday 10 December 2012

Sonke Gender Justice Network & Promundo (2012) *Gender Relations, Sexual Violence and the Effects of Conflict on Women and Men in North Kivu, Eastern Democratic Republic of Congo: Preliminary results from the International Men and Gender Equality Study (IMAGES)*

<http://ww1.prweb.com/prfiles/2012/12/04/10202493/IMAGES%20DRC.pdf>

Accessed Monday 10 December 2012

United Nations (7 December 2012) *Daily News*

<http://www.un.org/news/dh/pdf/english/2012/07122012.pdf>

Accessed Monday 10 December 2012

United Nations Development Programme (25 October 2012) *Fighting sexual violence in the Democratic Republic of Congo*

<http://reliefweb.int/report/democratic-republic-congo/fighting-sexual-violence-democratic-republic-congo>

Accessed Monday 10 December 2012

UNHCR (15 November 2012) *UNHCR position on returns to North Kivu, South Kivu and adjacent areas in the Democratic Republic of Congo affected by on-going conflict and violence in the region*

<http://www.unhcr.org/refworld/pdfid/50a369022.pdf>

Accessed Monday 10 December 2012

United Nations News Service (21 November 2012) *Democratic Republic of the Congo : Security Council demands immediate withdrawal of M23 rebels from Goma*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=50af4b8c2>

Accessed Monday 10 December 2012

United Nations Security Council (14 November 2012) *Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*

http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/838&Lang=E

Accessed Monday 10 December 2012

United States Department of State (24 May 2012) *Country Reports on Human Rights Practices for 2011, DRC*

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

Accessed Friday 7 December 2012

Wageningen University (9 July 2012) *Fond de commerce? : Assistance aux victimes de violences sexuelles en République Démocratique du Congo*

<http://reliefweb.int/sites/reliefweb.int/files/resources/2012%20Sexual%20violence%20response%20in%20DRC%20Douma%20and%20Hilhorst.pdf>

Accessed Monday 10 December 2012

Women Under Siege (8 February 2012) *Conflict Profiles: Democratic Republic of Congo*

<http://www.ein.org.uk/members/country-report/conflict-profiles-democratic-republic-congo>

This is a subscription database

Accessed Monday 10 December 2012

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

Amnesty International
BBC News
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
Internal Displacement Monitoring Centre
International Crisis Group
IRIN News
Lexis Nexis
Minority Rights Group International
Online Newspapers
Refugee Documentation Centre E-Library
Refugee Documentation Centre Query Database
Reliefweb
Reuters
United Kingdom Home Office
United States Department of State
UNHCR Refworld