

Query response a-6816 of 15 July 2009

DR Congo: Situation of the minority group Twa (Batwa¹/Bambuti²) in the Equateur province

This response was commissioned by the UNHCR Status Determination and Protection Information Section. Views expressed in the response are not necessarily those of UNHCR.

This response was prepared after researching publicly accessible information currently available to ACCORD within time constraints and in accordance with ACCORD's methodological standards and the *Common EU Guidelines for processing Country of Origin Information (COI)*.

This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status, asylum or other form of international protection.

Please read in full all documents referred to.

Non-English language information is comprehensively summarised in English. Original language quotations are provided for reference.

Following, the ethnic group's name that has been used in the original quotation will be used in the respective summaries. Twa, Batwa and Bambuti will be used synonymously, whereas "Pygmies" refers to hunter-gatherer indigenous peoples that include, among others, the Twa.

According to a joint April 2008 report by the NGOs Centre d'Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables and Forest Peoples Programme (CAMV/FPP), Batwa, who generally live in Equateur province and are part of the DR Congo's Pygmy population, are socially and economically marginalised and subject to human rights violations:

"There are still groups of "Pygmy"³ peoples who live for part of the year in DRC's forests, including the Mbuti in the Ituri region and the Twa in the Lake Tumba region of Equateur. These communities have managed to maintain their traditional customs and way of life as hunter-gatherers with some success, as far as is possible during the ongoing conflict. However, these peoples are threatened with continual encroachment on their lands by extractive industries and a programme of State forestry reforms. [...] Without access to their traditional lands and forests, "Pygmy" peoples experience very high levels of poverty

¹ Name in Rutwa with plural suffix „Ba-“.

² „The term Batwa is used to cover a number of different cultural groups, while many Batwa in various parts of the DRC call themselves Bambuti.“ (MRG, undated)

³ „'Pygmy' is a disputed term that some people consider derogatory, although it is widely used in DRC, including by indigenous peoples themselves. To avoid causing offence the authors use it in this report in its anthropological sense and correct form in inverted commas with a capital "P". We use this term to describe all hunter-gatherer indigenous peoples in DRC, including the Mbutis, Twa, Cwa and Aka.“ (CAMV/FPP, April 2008, p. 8)

and illness. Their lack of access to social services exacerbates the cycle of poverty: „In DRC, the situation for Batwa people is identical to that for Batwa in Rwanda, Burundi and Uganda. They live in extreme poverty.... Children growing up in these conditions remain poor forever.“ Furthermore, “Pygmy” peoples chased from their forests encounter high levels of discrimination from other sectors of Congolese society, who despise them for their “Pygmy” origins. The Commission [African Commission on Human and Peoples’ Rights; *comment by ACCORD*] has noted that “Pygmy” peoples are: „marginalised from society and victims of the same discrimination as those in Rwanda and Burundi. They are considered to be immoral, dirty, dishonest and uncivilised and their children are seen as good for nothing“. Discrimination, prejudice and stereotypes have resulted in gross violations of “Pygmy” peoples’ rights. They are subjected to specific physical and sexual attacks because of their ethnic identity, including rape, murder and even cannibalism.” (CAMV/FPP, 30 April 2008, p. 10f)

According to the Country Reports on Human rights Practices of February 2009 by the US Department of State (USDOS), Pygmies - among them Twa - were socially discriminated against and sometimes forced into slavery:

“The country had a population of between 10,000 and 20,000 Pygmies (Twa, Mbuti, and others), believed to be the country's original inhabitants; societal discrimination against them continued. Most Pygmies took no part in the political process and continued to live in remote areas. During the year fighting in North Kivu between armed groups and government security forces caused displacement of some Pygmy populations. In some parts of the country, traditional leaders (mwami) and wealthy persons were known to capture Pygmies and force them into slavery. Those captured were known as "badja" and were considered the property of their masters. During the year the World Peasants/Indigenous Organization conducted a three-month campaign to free such individuals. On August 18, 96 Pygmies who had been held as slaves were released; 46 of the group belonged to families that had been enslaved for generations. No action was taken against PNC officers who in November 2007 arrested a Pygmy and subjected him to cruel, inhuman, and degrading treatment for no known reason.” (USDOS, 25 February 2009, Sec. 5)

CAMV/FPP reports in April 2008 about marginalisation, stereotyping and human rights violations against Batwa, among them murder, summary executions, kidnappings, sexual violence, looting and cannibalism:

“The Commission has observed that discrimination against “Pygmy” peoples gives rise to cruel and degrading treatment, which is strongly linked to their marginalisation: “Throughout Central Africa, the Batwa/Pygmies are victims of discrimination. They can neither eat nor drink with their neighbours, they are forbidden to enter their houses and are not permitted to have sexual partners other than from their own ethnic group. The Batwa/Pygmies live on the outskirts of other people’s settlements. This exclusion is less within towns, although serious prejudice does still persist against the Batwa/Pygmies, particularly in terms of derisory comments.” Due to prejudice and stereotyping, “Pygmy” peoples are one of the groups worst affected by the decades of conflict in DRC, and the

various armed factions have committed gross violations of their human rights, including murder, summary executions, kidnappings, sexual violence, looting and cannibalism. This violence is often linked to perpetrators' prejudiced belief that as inhabitants of the forest, indigenous peoples have special powers." (CAMV/FPP, 30 April 2008, p. 15)

According to a report by the Institute for War and Peace Reporting (IWPR) of May 2009, Pygmies in Equateur province are said to have been affected by crimes committed by Jean-Pierre Bemba's Movement for the Liberation of Congo (MLC):

"Soldiers from ICC indictee Jean-Pierre Bemba's Movement for the Liberation of Congo, MLC, were also said to have abused pygmies in the northern Equateur province. Human rights groups called on the ICC to investigate the allegations which included cannibalism. Bemba was eventually arrested in 2008 for different crimes allegedly committed by the MLC in the neighbouring Central African Republic, CAR. He denies all the charges." (IWPR, 23. Mai 2009)

In its annual report of March 2008, Minority Rights Group International (MRGI) points out that Batwa were among minority populations suffering particularly from the continuing conflict in North and South Kivu and Ituri:

"Among minority populations suffering particularly from the continuing conflict in the east are the Congolese Batwa/Bambutu. In South Kivu, continuing attacks by Rwandan rebel forces in the countryside outside Bukavu have had a grave effect on the Batwa/Bambutu as on other communities. Pillage, torture and killings are common, and there is a particularly high incidence of rape and extreme sexual violence. In North Kivu, some Batwa/Bambutu communities have been caught in the large waves of displacement caused by the ongoing fighting between forces loyal to Nkunda, Congolese Mai-Mai and the Congolese armed forces. Further north in Ituri, the situation in areas where Bambutu live was calmer during the course of 2006-7, although some parts of the district are threatened by the presence of hardcore FRPI fighters who have refused to join the demobilization programme. Throughout the region, the chronic poverty and marginalization experienced by Batwa/Bambutu communities is exacerbated by the security situation. Control over forest resources continued to be of critical importance to the Batwa/Bambutu. In late 2007, a leaked report from a World Bank Inspection Panel said that the bank had backed the Congolese government in planning the extension of commercial logging in the DRC without consulting with the Batwa or considering the impact on their communities or the environment." (MRG, 11 March 2008, p. 66f)

According to CAMV/FPP of April 2008, legislation recognising the rights of the Batwa people has not been implemented so far:

"In its 2003 Concluding Observations on DRC, the Commission strongly advised the State to "to put in place as quickly as possible legislation recognising the rights of the Pygmy/Batwa people." However, the State has not implemented this legislation and still does not recognise these rights. As a result, indigenous peoples experience violations of their human rights on a daily basis." (CAMV/FPP, 30 April 2008, p. 7)

The Committee On The Elimination Of Racial Discrimination (CERD) reported in August 2007 that their land rights were not guaranteed:

“The Committee notes with concern that the rights of the Pygmies (Bambuti, Batwa and Bacwa) to own, exploit, control and use their lands, their resources and their communal territories are not guaranteed and that concessions are granted on the lands and territories of indigenous peoples without prior consultation.” (CERD, 17 August 2007, p. 4)

References: (all links accessed 14 July 2009)

- CAMV/FPP - Centre d'Accompagnement des Autochtones Pygmées et Minoritaires Vulnérables/ Forest Peoples Programme: Supplementary Report on the Democratic Republic of Congo's Periodic Report to the African Commission on Human and Peoples' Rights (State Party Report dated June 2007) – The rights of indigenous “Pygmy” peoples in the Democratic Republic of Congo, 30 April 2008 (published on the FPP website)
http://www.forestpeoples.org/documents/africa/drc_achpr_supp_rep_apr08_eng.pdf
- CERD - Committee On The Elimination Of Racial Discrimination: Consideration Of Reports Submitted By States Parties Under Article 9 Of The Convention – Concluding observations of the Committee on the Elimination of Racial Discrimination [CERD/C/COD/CO/15], 17 August 2007
<http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.COD.CO.15.pdf>
- IWPR - Institute for War and Peace Reporting: Democratic Republic of Congo: Persecuted pygmies driven from forest home, 23. Mai 2009 (published on AfricaFiles)
<http://www.africafiles.org/article.asp?ID=20906>
- MRGI - Minority Rights Group International: State of the World's Minorities 2008, 11 March 2008
<http://www.minorityrights.org/download.php?id=459>
- MRGI - Minority Rights Group International: Batwa and Bambuti, undated
<http://www.minorityrights.org/5090/democratic-republic-of-the-congo/batwa-and-bambuti.html>
- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 – DR Congo, 25 February 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/af/118995.htm>