

Query response a-7764 of 3 October 2011

DR Congo: 1) Situation of persons fleeing forced marriages; 2) Situation of victims of sexual and gender-based violence; 3) Situation of street children in Kinshasa

This response was commissioned by the UNHCR Protection Information Unit. 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.

Current information on the general situation in DR Congo can be found in documents published by the UN Office for the Coordination of Humanitarian Affairs (OCHA):

- OCHA - UN Office for the Coordination of Humanitarian Affairs: DR Congo (published on ReliefWeb)
http://reliefweb.int/taxonomy/term/1503?sl=environment-term_listing%252Ctaxonomy_index_tid_country-75

1) Situation of persons fleeing forced marriages

Among the sources consulted by ACCORD within time constraints, little specific information could be found with regard to persons fleeing forced marriage. The following reports were found on cases pertaining to individuals who fled forced marriage:

The Institute for War and Peace Reporting (IWPR) in April 2011 reports about a woman who chose to join the National Congress for the Defence of the People (CNDP), a militia, to escape a marriage that was being forced upon her by her parents:

“Joséphine, from Masisi in the eastern Democratic Republic of Congo, DRC, says that she chose to join the National Congress for the Defence of the People, CNDP, militia in order to escape a marriage that was being forced upon her by her parents.” (IWPR, 28 April 2011)

In November 2010, *Le Potentiel*, a Congolese daily, published an interview with Marie Nyombo Zaina, the national coordinator of RENADEF, a national network of women's rights NGOs.

Marie Nyombo Zaina says she was a victim of a forced marriage. She was abused by her husband, and when she fled him, all her family members pressured her to return to her husband. She finally decided to flee without the support of her family:

« Je me considère comme une survivante », déclare Marie Nyombo Zaina, coordinatrice nationale du RENADEF, un réseau national des ONG pour le développement de la femme.

[...] « J'ai été victime d'un mariage forcé. Toute ma famille m'a obligée à entrer dans ce ménage. Mon mari m'a violentée. Quand je fuyais chez moi, tous les membres de ma famille me poussaient à retourner auprès de mon époux. La première fois que je suis partie, il m'a retrouvée et a commencé à me tabasser, comme si il avait l'envie de me tuer », raconte-t-elle en montrant les cicatrices qui subsistent sur ses mains.

Décidée à quitter ce cercle infernal des violences conjugales, Marie a pris son envol, sans l'aide de ses proches. « J'ai emmené mon enfant avec moi. Je ne voulais pas qu'il subisse le même sort. Je suis partie au Katanga. Mon mari m'a suivie jusque- là. Je lui ai dit que c'était fini. Finalement, je suis allée encore plus loin, jusqu'à ce qu'il fasse demi-tour ». (Le Potentiel, 22 November 2010)

Jeunesse du Monde (JM), a christian organisation, states in an article of March 2011 that there have been cases of murder, rape, forced marriage and abduction around Wanyarukula in Maniema Province, perpetrated by the Mai-Mai militia and other armed groups. In September 2010, a woman was murdered by the militia because she had helped her daughter to escape her marriage with an influential local Mai-Mai leader. The marriage was contracted against her will:

“Violations de droits de l’homme dans la Province de Maniema

Toujours au même registre de violation de droits de l’homme signalons la situation qui se prévaut au Maniema, en République Démocratique du Congo où des actes similaires de viols collectifs, des mariages forcés, extorsions de biens, esclavage sexuel, extorsion de biens...le point focal de la Commission d’Education à la Paix, à la Démocratie et aux Droits de l’homme de l’ONG Jeunesse du Monde signale la situation que vit la population dans la localité de Wanyarukula en Province de Maniema sur la route Lubutu à Kisangani où des cas d’assassinat, viol, mariage forcé, enlèvement perpétrés par les miliciens Mai-Mai ainsi que d’autres groupes armés opérant dans cette région. Au mois de septembre 2010, Madame Mutangala Joséphine a été assassinée par les miliciens Mai-Mai au motif qu’elle aurait aidé sa fille Furaha Bahati à fuir le mariage qu’elle avait contracté contre son gré avec un chef Mai-Mai local du nom de Jean OTEYA. Ce chef milicien Mai-Mai qui est très influent dans la région continue de semer la désolation dans cette partie de la république. Il a transformé les villageois en esclave, les obligeant de creuser pour lui des minerais dont le coltan et la cassitérite qu’il vend à Walikale. Notre point focal a reçu le rapport faisant état de plusieurs cas de viols perpétrés par ces éléments aux femmes villageoises. Ces cas de viol n’ont jamais été rapportés parce que toute la population dans ces zones vit dans la terreur, pris au piège entre les éléments des rebelles du FDRL et les Miliciens Mai-Mai.” (JM, 4 March 2011)

The following sources report on the subject of forced marriage in general:

The April 2011 US Department of State (USDOS) Country Report on Human Rights Practices notes that forced marriages are prohibited by the law on sexual violence, enacted in 2006¹. The law raised the age of sexual consent to 18 years, although the family code provides that girls can marry at the age of 14:

"The law on sexual violence, enacted in 2006, broadened the definition of rape to include male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes not previously covered by law. It also increased penalties for sexual violence, prohibits compromise fines and forced marriage, allows victims of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality. It raised the age of sexual consent to 18 years old, although the family code establishes that girls can marry at the age of 14. The minimum penalty prescribed for rape is a prison sentence of five years." (USDOS, 8 April 2011, Section 6)

IWPR in December 2010 also reports that two men were sentenced for marrying young girls in Bukama, acts which were considered to be crimes of sexual violence under a new law which sets the age of consent at 18. IWPR also quotes the opinion of a person from Bukama concerning child marriage:

"Last month's violence blew up after two men were imprisoned for marrying a nine-year-old and a 13-year-old girl respectively, acts considered to be crimes of sexual violence according to a new Congolese law, which sets the age of consent at 18. [...]

Matthieu Monga, from Bukama, who now lives in Lubumbashi, typifies local attitudes. 'I don't see what's wrong with these kinds of weddings,' he said. 'Where is the problem if someone marries a girl under 18? We have our traditions that we shouldn't lose.'

'Our grandfathers used to marry girls of 13, 14 or 15 and they had babies without any problem. Why should it be a problem today?'" (IWPR, 6 December 2010)

In June 2011, *La Prospérité*, a Congolese daily, refers to a survey conducted in December 2010 by a market research institution called "Les Experts" on violence against women in Kinshasa. According to the results of the survey, five per cent of the women and girls in Kinshasa have experienced forced marriage, a phenomenon which is described as being a very common phenomenon among the poor:

"Ces affirmations ressortent d'une enquête réalisée en Décembre 2010 et publiée au mois de janvier dernier, par l'Agence d'Études de marché et Sondages d'opinion, 'Les Experts'. Dénommée « Les violences faites à la femme ». Cette enquête révèle que, près de 5 kinois sur 10 affirment être victimes ou proches des victimes du viol, des coups et blessures.[...]

¹The 2006 law on sexual violence against women is available under the following link:
DR Congo: Loi n° 06/019 du 20 juillet 2006 modifiant et complétant le Décret du 06 août 1959 portant Code de Procédure Pénale Congolais, 1 August 2006 (available on the UN website)
<http://webapps01.un.org/vawdatabase/uploads/Loi%20No.%2006-019%20%282006%29.pdf>

Les personnes interrogées par cette institution de sondages soutiennent que, le viol (31%), le harcèlement sexuel (11%) et les coups et blessures (9%) sont les manifestations les plus importantes de violences subies par la femme et la jeune fille kinoise. Le mariage forcé, phénomène très en vogue dans un contexte socioéconomique faible, occupe 5%." (La Prospérité, 8 June 2011)

In December 2009, the Integrated Regional Information Network (IRIN) reports that child marriage remains common - particularly in the eastern part of the DR Congo:

"Few Congolese men have been co-opted into the global campaign to increase the use of condoms, and child marriage remains common, particularly in the eastern part of the country." (IRIN, 22 December 2009)

In March 2008, Radio Okapi remarks that women from Batiamaduka, a village 15 kilometres south of Kisangani, have accused certain local authorities and notables of being the cause behind the frequently occurring forced marriages of girls. Since these personalities are respected and wealthy, families do not refuse to give them their daughters for marriage, a president of a women's group in the region states. Girls are offered for marriage at an age between 13 and 17 without their own consent or the consent of their families:

"Les femmes de Batiamaduka, un village situé dans la collectivité secteur de Lubuya Bera, à 15 kilomètres au sud de Kisangani, accusent certaines autorités et notabilités de ce secteur d'être à la base des mariages forcés de jeunes filles. C'était jeudi à l'occasion d'une manifestation commémorative de la journée internationale de la femme, note radiookapi.net

Pour ces femmes, les jeunes filles de Lubuya Bera âgées de 13 à 17 ans sont souvent la cible des vieux notables de ce secteur. Celles-ci sont proposées en mariage dès leur tendre enfance moyennant des têtes de bétails. Cela, bien évidemment, sans leur consentement et encore moins celui de la famille.

Ces femmes déplorent aussi la priorité donnée à la scolarisation des jeunes garçons au détriment des filles. Georgette Kasusula, présidente des femmes de la collectivité secteur Lubuya Bera : « Nous sommes très contentes de connaître ces nouvelles lois. Venez souvent nous les apprendre. Ça nous a d'ailleurs révoltées. Désormais, nous n'accepterons plus le mariage forcé. Les filles doivent, elles aussi, étudier comme les garçons. Plus souvent les notables. Avant, nos filles n'étaient prédestinées qu'au mariage. Mais avec l'évolution, nous voyons que la fille peut aussi étudier et travailler pour aider sa famille. Avant, nous marrions nos filles à partir de 13 ans. Elles sont souvent enviées par des personnes très âgées, plus spécialement des notables. Ces derniers sont respectés et nantis, à tel point qu'on ne peut pas leur refuser la main de nos filles. Il faut que cette pratique cesse»." (Radio Okapi, 7 March 2008)

The British daily The Guardian mentions forced marriages in an article of June 2011:

"Women say they are treated as second-class citizens with few opportunities to enter politics and make a difference in gender relations. Forced marriages of girls under 18 remain a severe obstacle to education.

Fatuma Eugenie of ASAF, a non-governmental organisation (NGO) active in Mugunga, says: 'Justice is not fair. Policemen, soldiers and local authorities who could implement justice are the most pointed at in the forced marriage practices.'" (The Guardian, 15 June 2011)

Further information on forced marriage and sexual violence can be found in a report published by the UN Office of the High Commissioner for Human Rights (OHCHR) of March 2010:

- OHCHR - UN Office of the High Commissioner for Human Rights: Report of the Panel on Remedies and Reparations for Victims of Sexual Violence in the Democratic Republic of Congo to the High Commissioner for Human Rights, March 2011 (available on Refworld) <http://www.unhcr.org/refworld/docid/4d708ae32.html>

2) Situation of victims of sexual and gender-based violence

In April 2011, the US Department of State (USDOS) Country Report on Human Rights Practices provides the following information on legislation regarding rape and sexual violence, and the perpetrators and prevalence of such violence:

"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. Between January and December 2009, the UNFPA reported 12,838 cases of sexual violence against both adults and minors in North and South Kivu and Province Orientale, with a total of 17,507 cases across the entire country. According to the UN secretary-general's 27th report to the UN Security Council, more than 1,100 women and girls were raped each month in the east alone (see section 1.g.) [...]

Government security forces, nongovernmental armed entities, and civilians perpetrated widespread and sometimes mass rape against women and girls (see section 1.g.). In March 2009 the UN secretary-general reported to the UN Security Council that members of nonstate armed entities, the FARDC, and the police were responsible for 81 percent of all reported cases of sexual violence in conflict zones and 24 percent in nonconflict areas. The majority of cases were reported in North and South Kivu. The report cited a "disturbing increase of police personnel involved as perpetrators, especially against women in detention." The UNFPA, the agency coordinating efforts against sexual violence in the country, estimated that 200,000 Congolese women and girls had become victims of sexual violence since 1998. The number of rapes committed during the year increased, according to UN officials, foreign diplomats, and NGOs (see section 1.g.).

Statistical information on rape, often based on information from the judiciary and agencies providing services to victims, remained fragmented and incomplete. According to UN officials and NGOs such as HRW, most statistics on sexual violence represented a small percentage of the actual number and excluded victims who were unable, afraid, or ashamed to seek assistance. On August 4, the Journal of the American Medical Association published a study on sexual violence in Eastern Congo covering the last 15 years of conflict in North and South Kivu and Ituri, Orientale. According to the study, nearly 75 percent of individuals in these regions experienced sexual violence, and 35

percent of these cases were conflict-related, with nearly 40 percent of women in the conflict-related cases being the perpetrators, and more than 20 percent of victims being men. The study found that only 2 percent of the perpetrators of gender-based violence in the last 15 years were FARDC members and that overwhelming numbers of civilians in the conflict zone were suffering from symptoms associated with mental illness, ranging from post-traumatic stress disorder to depression." (USDOS, 8 April 2011, Section 6)

With regard to the prosecution of perpetrators of rape and sexual violence, the USDOS further notes:

"Prosecutions for rape and other types of sexual violence remained rare. According to HRW, between January and August 2009 the military justice system convicted 17 FARDC soldiers of crimes of sexual violence in North Kivu Province. HRW and several other human rights groups continued to criticize the government for failing to investigate and prosecute members of the state security forces, particularly high-ranking officers, who were responsible for rape (see section 1.d.). Of the 14,200 rape cases that were registered in South Kivu between 2005 and 2007, only 287, or 2 percent of the cases, were taken to court. Both victims and the UNHRC's special rapporteur on violence against women cited widespread impunity as the main reason for sexual violence. Most victims did not have sufficient confidence in the justice system to pursue formal legal action or feared subjecting themselves to further humiliation and possible reprisal.

In December 2009 several members of the UPRWG commended the government for adopting the 2006 law on sexual violence but expressed concern over the failure to implement the law and recommended increased efforts to train judicial and law enforcement officials in its application. Several members urged authorities to make greater efforts to investigate and prosecute individuals, including high-ranking members of the state security forces, who were responsible for rape.

In a report submitted in April 2009 to the UPRWG, the Women's Synergy for Victims of Sexual Violence (SFVS) and nine other North Kivu-based NGOs urged the government to modify an existing law that continued to make it extremely difficult for them to seek reparations for sexual violence. The law requires victims of sexual violence to pay the public treasury 15 percent of the amount of damages sought in advance of any judgment. According to SFVS, in the rare instances in which reparations were awarded, defendants bribed judges, resulting in 'lost' case files, effectively preventing the payment of reparations to victims. A group of special rapporteurs and representatives, including the UN special rapporteur on violence against women reported in March 2009 that the government had been ordered by multiple courts in the country to pay compensation to a number of women raped by state security agents; however, none of the rape survivors had received compensation.

In 2009 the UN special rapporteur on violence against women and the special representative of the UN secretary-general on children and armed conflict concluded that, while many perpetrators of sexual violence were armed actors (including members of the FARDC, police, and nonstate armed entities), a significant and increasing number were

civilians, not only in conflict zones but also in other regions. High-level UN officials deemed this development a consequence of the climate of impunity, absence of rule of law, and the normalization of violence against women." (USDOS, 8 April 2011, Section 6)

The USDOS further refers to the situation of victims of gender-based violence and domestic violence as follows:

"It was common for family members to pressure a rape victim to remain silent, even to health care professionals, to safeguard the reputations of the victim and her family. Victims of gender-based violence faced an enormous social stigma. After a sexual assault, many young women and girls were often labeled as unsuitable for marriage, and married women were frequently abandoned by their husbands. Some families forced rape victims to marry the men who raped them or to forego prosecution in exchange for money or goods from the rapist.

Domestic violence against women occurred throughout the country. For example, credible sources found that 86 percent of women in Equateur Province were victims of domestic abuse; however, there were few if any additional statistics available regarding the extent of domestic abuse. Although the law considers assault a crime, it does not specifically address spousal abuse, and police rarely intervened in domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.

Sexual harassment occurred throughout the country; however, no statistics existed regarding its prevalence. The 2006 sexual violence law prohibits sexual harassment, and the minimum penalty prescribed by law is a prison sentence of one to 20 years; however, there was no effective enforcement." (USDOS, 8. April 2011, Section 6)

A July 2011 Oxfam report on the situation of civilians in the eastern DR Congo notes with regard to sexual exploitation:

"In many of the communities surveyed, sexual exploitation of children is becoming increasingly the norm. In the north of South Kivu and in Haut Uélé, this was described as widely expected and even accepted. [...]

In other areas, such as Uvira, early marriage is widely prevalent and is used as a survival strategy and for protection. In South Kivu, the bride price is sufficient inducement for parents to marry off their daughters. A survivor of rape is often forced to marry the perpetrator if she falls pregnant, as the stigma of rape means that no one else will marry her and the family cannot afford to keep her and her child. In the Petit Nord and in Haut Uélé, marrying a daughter to a soldier exempts families from forced labour and gives them relative impunity – their own position to exploit within the community. In the Haut Plateau of Uvira, young people say that they join armed groups to avoid marriage: 'Once we are part of an armed group, even our parents start to be afraid of us and stop trying to impose their wishes.'" (Oxfam, 28 July 2011, p. 8-9)

A November 2010 article by The Guardian refers to violence against women as follows:

"A 14-year war that is, in effect, a continuation of the genocide that took place in neighbouring Rwanda has become a 'gynocide', in which rape is used to tear the bonds of a community apart and facilitate access to mineral wealth." (The Guardian, 14 November 2010)

In April 2010, Oxfam published the following detailed report on sexually motivated violence (location and timing of attacks, perpetrators, types of violence and trends over time) in the eastern DR Congo:

- Oxfam: 'Now, the World is without Me': An Investigation of Sexual Violence in Eastern Democratic Republic of Congo, April 2010

http://www.oxfam.de/sites/www.oxfam.de/files/20100414_Nowtheworldiswithoutme.pdf

In February 2010, the United Nations Children's Fund (UNICEF) reports that difficulties in the peace process, coupled with a resumption of armed activities in the former conflict areas have led to an increase in sexual and gender-based violence against children and women. More than half of the cases of rape reported in the eastern DR Congo between January and April 2009 were committed by members of the armed forces and rebel groups against girls under the age of 18:

"Des difficultés rencontrées dans le processus de paix, allant de pair avec une reprise des activités armées dans les anciennes zones de conflit, ont entraîné un accroissement de la violence sexuelle et sexiste contre les enfants et les femmes ; plus de la moitié des viols signalés dans l'Est du Congo entre janvier et avril 2009 ont été commis par les forces armées et des groupes rebelles contre des filles de moins de 18 ans." (UNICEF, February 2010)

Impunity for perpetrators of rape persists, Le Monde newspaper reports in an article of November 2009. In 2006, the Congolese government has adopted a law to curb sexual violence. But in Goma and elsewhere in the DR Congo, financial compensation, if awarded at all, is not paid because everyone is insolvent, according to the report. The Association of Women Lawyers (Association des Femmes Juristes) monitored judicial action taken by 66 women. Only 17 of them obtained a verdict, and in only six cases were the sentences in line with the provisions of the law (6 to 20 years in prison). Le Monde notes the absence of forensic physicians who could issue medical certificates:

"Et puis l'impunité pour les violeurs demeure, même pour ceux qui sont dénoncés par les plus courageuses. En 2006, le gouvernement congolais a adopté une loi pour réprimer le fléau des violences sexuelles. Mais, à Goma comme ailleurs, celles qui en ont la force devront déposer plainte dans les bureaux sans cloisons du major Bodeli ou dans celui, rempli de kalachnikovs récemment saisis, du militaire Joseph Mabilia. Si le dossier parvient jusqu'au procès, inutile d'espérer un huis clos, la salle du tribunal est un abri de bois, ouvert sur la rue. Les réparations financières, même prononcées, ne sont jamais payées. Tout le monde est insolvable.

Les statistiques sont aussi cruelles que les viols. A l'association des femmes juristes, une petite structure militante, sur 66 femmes suivies dans leur démarche judiciaire, 17 seulement ont obtenu un jugement et 6 des peines conformes à la réglementation, soit

entre cinq et vingt ans de prison. La faute à l'absence de médecins légistes pour établir des certificats médicaux. A l'infortune des évanouissements aussi, comme pour Chekambo, 27 ans, violée il y a six mois par des 'bandits', qui a perdu connaissance quand on lui a introduit un fusil dans le vagin." (Le Monde, 25 November 2009)

In June 2009 Médecins Sans Frontières (MSF) reports the following with regard to prosecution of perpetrators of rape:

"Rape is widespread, practiced by all sides of the conflict", said Dr. Bertrand Draguez, MSF medical director. 'The collapse of all legal structures makes any prosecution impossible'." (MSF, June 2009, p. 26)

In June 2011, the Integrated Regional Information Network (IRIN) remarks that laws against sexual and gender-based violence (SGBV), which had been revised five years previously, have had little impact on sexual violence in the DR Congo:

"Five years after the Democratic Republic of Congo (DRC) revised its laws against sexual and gender-based violence (SGBV), these crimes continue to go unpunished because of judicial inaction and a legal culture at odds with the changes. The laws, ignored and misinterpreted, have left escalating numbers of sexual violence survivors unprotected, and perpetrators free to violate again." (IRIN, 7 June 2011)

In February 2011, IRIN reports on mass rape in Fizi, South Kivu:

"More than 200 women, men and children have been treated for rape by the Médecins sans Frontières (MSF) since January 2011 in the Fizi region, South Kivu. While large-scale attacks on civilians, in which rape is used as a weapon of war, are a permanent feature of the conflict in eastern DRC, MSF said such repeated large-scale attacks on the same locations were unusual." (IRIN, 28 February 2011)

New cases of mass rape perpetrated by members of the army in the DR Congo are the result of the government's failure to bring human rights abusers to justice, Amnesty International (AI) states in June 2011. According to information obtained by AI, in the night of 11 June 2011, fighters belonging to a former armed group who had been integrated into the Congolese armed forces deserted from a military training camp and allegedly raped up to 100 women in the village of Nyakiele, near the town of Fizi in the east of the country. Members of this group had previously been involved in mass rape in the same area in January 2011. Investigations into atrocities committed in July and August 2010 have been proceeding slowly. More than 300 women, men, boys and girls were systematically raped in North Kivu during those two months:

„Les nouveaux viols collectifs commis par des éléments de l'armée de la République démocratique du Congo (RDC) résultent de l'incapacité du gouvernement congolais à traduire en justice les auteurs présumés d'atteintes aux droits humains. D'après de nouvelles informations parvenues à Amnesty International, dans la nuit du 11 juin des combattants d'un ancien groupe armé qui avaient été intégrés à l'armée nationale congolaise ont déserté un camp d'entraînement militaire, attaqué le village de Nyakiele, près de Fizi, dans l'est du pays, et violé un nombre de femmes qui pourrait s'élever à une

centaine. Certains membres de ce groupe armé avaient déjà précédemment été impliqués dans un viol collectif, dans la même zone, en janvier 2011. [...]

Les enquêtes progressent lentement sur les atrocités commises dans le Nord-Kivu en juillet et août 2010, au cours desquelles plus de 300 femmes, hommes, garçons et filles ont été systématiquement violés." (AI, 23 June 2011)

In April 2008 the United Nations Population Fund (UNFPA) in an article cites its representative for the DR Congo as stating the following on sexual violence in the country:

"Sexual violence constitutes a plague in the DRC,' said Dr. Margaret Agama, the UNFPA representative for the country. 'Initially, rape was used as a tool of war by all the belligerent forces involved in the country's recent conflicts, but now sexual violence is unfortunately not only perpetrated by armed factions but also by ordinary people occupying positions of authority, neighbours, friends and family members.'" (UNFPA, 4 April 2008)

The European Parliament (EP) reports in January 2008 that it has adopted a resolution calling on the international community to take action against sexual violence in the DR Congo. The resolution describes the situation of violence against women as being 'the worst in the world':

"Le PE [Parlement Européen] a adopté une résolution appelant la communauté internationale à prendre des mesures contre le développement de la violence sexuelle en République démocratique du Congo (RDC), qui est décrite comme 'la plus grave au monde.'" (EP, 17 January 2008)

The Coalition for Women's Human Rights in Conflict Situations (CWHRC) reports the following in an undated article on its website: Sexual violence has a very serious impact on women's mental and physical health: they are highly at risk of transmitting sexually transmitted illnesses such as HIV/AIDS. Approximately 22 per cent of raped women are infected by the HIV virus. Their genital organs are often so severely mutilated that surgical intervention is necessary. Women may also be disfigured, mutilated or assassinated. The affected women suffer from the effects of post-traumatic stress such as anxiety disorders, insomnia and depression. In addition, unwanted pregnancies have significant psychological and physical effects, including on the well-being of children born of rape. The current climate of impunity further aggravates the situation and encourages violence:

"La violence sexuelle a des conséquences très importantes sur la santé physique et mentale des femmes: elles sont exposées au risque de transmission des maladies sexuelles, et notamment du VIH-SIDA. Environ 22% des femmes violées seraient porteuses du virus HIV. Leurs organes génitaux sont souvent si mutilés qu'il est nécessaire de recourir à une intervention chirurgicale, sans compter qu'elles peuvent être défigurées, mutilées ou assassinées. Elles souffrent des effets du Stress Post Traumatique tels que les crises d'angoisse, les insomnies, la dépression. Les grossesses non désirées ont également des conséquences physiques et psychologiques, y compris sur le bien-être de l'enfant né du viol. [...] Un climat d'impunité aggrave encore davantage la situation et encourage la violence actuelle." (CWHRC, undated)

Two articles by IRIN, both published in August 2011, refer to sexual violence against men:

- IRIN – Integrated Regional Information Network: DRC-UGANDA: Male sexual abuse survivors living on the margins, 2 August 2011
<http://www.irinnews.org/report.aspx?reportid=93399>
- IRIN – Integrated Regional Information Network: DRC-UGANDA: Luzolo, "He abused me. The pain was awful", 2 August 2011
<http://www.irinnews.org/report.aspx?reportid=93400>

Another detailed report on sexual violence in the DR Congo was released by Human Rights Watch (HRW) in July 2009:

- HRW - Human Rights Watch: Soldiers Who Rape, Commanders Who Condone - Sexual Violence and Military Reform in the Democratic Republic of Congo, 16 July 2009
<http://www.hrw.org/sites/default/files/reports/drc0709webwcover.pdf>

3) Situation of street children in Kinshasa

Around 30,000 children under the age of 18 live on the country's streets, with the majority in the capital, Kinshasa, UNICEF reports in June 2011. The number of girls living on the streets is increasing. Many of them work as prostitutes and some are only 10 years old. Poverty is the major cause for the increasing phenomenon of street children in urban areas:

"Environ 30 000 enfants de moins de 18 ans vivent dans les rues du pays, en majorité dans la capitale, Kinshasa. Avec un nombre croissant de filles - dont beaucoup travaillent comme prostituées, certaines ayant tout juste 10 ans.

Matondo Kasese et ses pairs souhaitent fournir à ces enfants un accès direct aux soins médicaux, à l'aide psychosociale, à la nourriture, de quoi se laver, un abri et une éducation. Encore qu'une solution durable dépende de la communauté entière et que la pauvreté soit la cause majeure du de la croissance en zones urbaines du nombre des enfants de la rue." (UNICEF, 16 June 2011)

On its webpage on the DR Congo (updated February 2009), UNICEF reports on its activities regarding street children:

"Through UNICEF's support to government and local organizations, almost 100 street children have been reintegrated into society." (UNICEF, updated 5 February 2009)

In April 2011, the US Department of State (USDOS) reports on the situation of street children as follows:

"In 2009, there were an estimated 8.4 million orphans and vulnerable children in the country; 91 percent received no external support of any kind, and only 3 percent received medical support. The country's estimated 50,000 street children included many accused of witchcraft, child refugees, and war orphans, as well as children with homes and families. During the year, according to UNICEF, there were more than 20,000 street children in Kinshasa, of whom 26 percent were girls. Many churches in Kinshasa conducted exorcisms of children accused of witchcraft involving isolation, beating and whipping, starvation, and

forced ingestion of purgatives. According to UNICEF, there was a practice of branding as witches children with disabilities or even speech impediments and learning disabilities; this practice sometimes resulted in parents abandoning their children. According to UNICEF, as many as 70 percent of the street children they assisted claimed to have been accused of witchcraft.

The government was ill equipped to deal with large numbers of homeless children. Citizens generally regarded street children as delinquents engaged in petty crime, begging, and prostitution and approved of actions taken against them. State security forces abused and arbitrarily arrested street children (see sections 1.c. and 1.d.).

There were numerous reports that street children had to pay police officers to be allowed to sleep in vacant buildings and had to share with police a percentage of goods stolen from markets.

In February 2009 the UNCRC underscored its concern over the frequency of sexual assaults committed against street children, as well as state security forces' regular harassment, beating, and arrest of street children. In addition the UNCRC expressed concern that 'violence against children accused of witchcraft is increasing, and that children are being kept as prisoners in religious buildings where they were exposed to torture and mistreatment, or even killed under the pretext of exorcism.' The UNCRC recommended that the government take effective measures to prevent children from being accused of witchcraft, including by continuing and strengthening public awareness-raising activities, particularly directed at parents and religious leaders and by addressing root causes such as poverty. The UNCRC further urged the government to criminalize accusing children of witchcraft, bring to justice persons responsible for violence against children accused of sorcery, and take steps to recover and reintegrate children accused of witchcraft.

Several NGOs worked effectively with MONUSCO and UNICEF to promote children's rights throughout the country." (USDOS, 8 April 2011, Section 6)

In its Trafficking in Persons Report 2010, published in June 2010, the USDOS notes:

"Katanga's provincial Ministry of Interior continued to provide funding for the Kasapa residential 'welcome center' in Lubumbashi to provide street children, including trafficking victims, with protective services and educational programming; it is unknown whether this center provided protective services to trafficking victims in 2009." (USDOS, 14 June 2010)

In June 2006, UNICEF reports on the situation of street children in Kinshasa as follows:

"Street children in distress An estimated 25,000 to 40,000 children live and work in the streets of Kinshasa, the capital of the Democratic Republic of Congo (DRC). Like Marie Paule, many tell of woes that began following their separation from or loss of a parent. Soon after being forced out, Marie Paule and her sister were violently attacked by a street gang. But somehow they lived through all the violence and abuse, and managed to get by. The older girl resorted to prostitution while selling water on the streets but one

day was hit by a car and badly injured. Unable to locate her sister after the accident, Marie Paule started begging to survive. Later, the two sisters met up again at a drop-in refuge for street children. There they heard about the non-governmental organization Solidarity Action for Children in Distress (SACD) located in Funa, one of the neighbourhoods in Kinshasa with the highest number of street children. The girls decided to get help from the UNICEF-supported programme." (UNICEF, 22 June 2006)

In February 2009, the UN Committee on the Rights of the Child (CRC) reports in its consideration of reports submitted by States Parties as follows on the situation of street children: "Street children

76. The Committee notes with interest the State party's efforts to address the issue of children living or working on the streets, including through the establishment in 2004 of a support commission for such children, the elaboration of programmes to assist street children in reintegration into their families and communities. Nevertheless, the Committee expresses concern at the very large number of children still living and/or working in the streets. The Committee is furthermore gravely concerned about reports that the military and police regularly harass, threaten, beat or arrest street children. The Committee is concerned that street children lack adequate access to shelter, food, health care, educational or rehabilitation services and are frequently victims of sexual assaults and abuse.

77. The Committee encourages the State party to strengthen its programmes aimed at supporting poor and fragile families, at preventing children from separating from their parents and at reintegrating street children into their families and communities. It also strongly urges the State party to ensure that the rights of street children are fully respected by State agents, such as the military and police. Furthermore, the Committee recommends that the State party take additional measures to protect street children from violence and sexual abuse and provide them with adequate food, shelter, education and health-care services. The Committee recommends that the State party involve street children in the planning, implementation and evaluation of programmes designed for them." (CRC, 10 February 2009, p. 17)

In September 2008, the Congolese Observatory on Human Rights (Observatoire Congolais des Droits Humains, OCDH) reports that there are no government-led centres for street children in the DR Congo. This is one of the causes for the high numbers of street children (about 40,000), 13,877 of whom live in Kinshasa, according to a 2006 census by Réseau des Educateurs des Enfants et Jeunes de la Rue (REEJER), an NGO working with street children. There are some private centres for street children but they are not registered and work in a uncoordinated manner. They are not controlled and are not supported by the government. Instead of considering children for need of protection, the government prefers treating them as adults and sends them to prison:

"Il n'existe pas de centre de placement appartenant à l'Etat en RDC. Ceci est l'une des raisons du nombre relativement élevé des enfants de la rue (environ 40.000) dont 13.877 à Kinshasa, suivant le recensement établi en 2006 par REEJER.

Il existe plutôt quelques centres de placement privés des enfants de la rue. Malheureusement, ils ne sont pas recensés et travaillent en ordre dispersé. Ils ne sont pas non plus contrôlés et ne bénéficient pas d'appui de l'Etat. Mais au lieu même de les placer dans ces centres vu leur jeune âge, le Gouvernement préfère plutôt les traiter comme des adultes en les jetant en prison." (OCDH, September 2008, p 45)

The OCDH further states that the number of children working or living in the street has reached the official figure of 40,000. The children have no access to school, shelter, medical services and material or financial support. They are victims of assaults and exploitation and their number is increasing significantly with the deterioration of the economic situation. According to the results of a survey conducted in the city of Kinshasa, over 13,877 children are living on the streets. 3,583 of these children are full orphans:

"Le phénomène enfants travaillant ou se trouvant dans la rue a atteint de niveaux insoupçonnés avec le chiffre officiel de 40.000 enfants affectés n'a accès ni à l'école, ni à l'abri (logement) ni aux services médicaux ni à une assistance matérielle et/ou financière. Au contraire, ils sont victimes de rafles et d'exploitation et leur nombre ne fait que croître avec la persistance de la dégradation de la situation économique.

Suivant les résultats de l'enquête menée dans la ville de Kinshasa, sur les 13.877 enfants vivant dans la rue: 3.583 enfants soit 25% sont des orphelins de père et de mère." (OCDH, September 2008, p. 66)

A list of reports concerning street children in DR Congo can be found on the website of the Consortium for Street Children (CSC). To download the reports, a login is required:

- CSC – Consortium for Street Children: Search by Region; Central Africa, undated
<http://cfsc.trunky.net/content.asp?pageID=29®ionID=13>

In June 2011, Radio Okapi reports that the World Bank is budgeting USD 10 Million for a project concerning street children in Kinshasa (Radio Okapi, 17 June 2011)

An article by the Institute for War and Peace Reporting (IWPR) from June 2010 covers the topic of street children in the city of Lubumbashi:

- IWPR - Institute for War and Peace Reporting: A Lubumbashi, les enfants reprennent le chemin de la rue, 30 June 2010
<http://iwpr.net/fr/report-news/lubumbashi-les-enfants-reprennent-le-chemin-de-la-rue>

In March 2010, Oeuvre de Reclassement et de Protection des Enfants de la Rue (ORPER), a Christian charity working with street children in Kinshasa, published its annual report on its activities. The report is available in English and French:

- ORPER - Oeuvre de Reclassement et de Protection des Enfants de la Rue: Annual Report 2009, March 2010
http://www.orper.org/docs/2010/Rapport%20Annuel%202009%20_2_%20_Anglais-definitif_.pdf
- ORPER - Oeuvre de Reclassement et de Protection des Enfants de la Rue: Rapport Annuel 2009, March 2010
<http://www.orper.org/docs/2010/Rapport%20Annuel%202009.pdf>

Detailed information on NGO assistance work for street children in Kinshasa can be found in a report by Réseau des Educateurs des Enfants et Jeunes de la Rue (REEJER) covering the period between January and June 2010:

- REEJER - Réseau des Educateurs des Enfants et Jeunes de la Rue: Rapport Sur La Situation Des Enfants De La Rue A Kinshasa; De janvier à juin 2010, June 2010
http://www.enfantsdesrues-reper.org/IMG/pdf/etude_reejer_juin_2010.pdf

References: (all links accessed 3 October 2011)

1) Situation of persons fleeing forced marriages

- DR Congo: Loi n° 06/019 du 20 juillet 2006 modifiant et complétant le Décret du 06 août 1959 portant Code de Procédure Pénale Congolais, 1 August 2006 (available on the UN website)
<http://webapps01.un.org/vawdatabase/uploads/Loi%20No.%2006-019%20%282006%29.pdf>
- The Guardian: The worst places in the world for women: Congo, 15 June 2011
<http://www.guardian.co.uk/world/2011/jun/14/worst-places-in-the-world-for-women-congo>
- IRIN - Integrated Regional Information Network: DRC: Lowering maternal mortality rates is a tough bet, 22 December 2009
<http://www.irinnews.org/report.aspx?ReportID=87530>
- IWPR - Institute for War and Peace Reporting: Storm Over Congolese Child Brides, 6 December 2010
http://www.ecoi.net/local_link/151075/252447_en.html
- IWPR - Institute for War and Peace Reporting: Grim Prospects of DRC's Female Child Soldiers , 28 April 2011
http://www.ecoi.net/local_link/159489/262362_en.html
- JM - Jeunesse du Monde: Violences faites à la femme en RDC: cas des viols collectifs, mariage forcé, esclavage sexuel, 4 March 2011 (published on societecivile.cd)
<http://www.societecivile.cd/node/4503>
- OHCHR - UN Office of the High Commissioner for Human Rights: Report of the Panel on Remedies and Reparations for Victims of Sexual Violence in the Democratic Republic of Congo to the High Commissioner for Human Rights, March 2011 (available on Refworld)
<http://www.unhcr.org/refworld/docid/4d708ae32.html>
- Le Potentiel: La violence conjugale, un fléau au pays, 22 November 2010 (available on AllAfrica)
<http://fr.allafrica.com/stories/201011221758.html>
- La Prospérité: Agence "Experts" - « 31% de Kinois sont victimes de viol », 8 June 2011 (available on AllAfrica)
<http://fr.allafrica.com/stories/201106080573.html>
- Radio Okapi: Lubuya Bera: les femmes dénoncent la multiplication des mariages forcés, 7 March 2008
<http://radiookapi.net/sans-categorie/2008/03/07/lubuya-bera-les-femmes-denoncent-la-multiplication-des-mariages-forces/#more-12070>
- USDOS - US Department of State: Country Report on Human Rights Practices 2010, 8 April 2011 (available on ecoi.net)
http://www.ecoi.net/local_link/158147/275082_de.html

2) Situation of victims of sexual and gender based violence

- AI – Amnesty International: République démocratique du Congo: de nouveaux viols collectifs, 23 June 2011
<http://www.amnesty.fr/AI-en-action/Violences/Justice-internationale/Actualites/Republique-democratique-du-Congo-viols-collectifs-3013>
- CWHRCs - Coalition for Women's Human Rights in Conflict Situations: Les violences sexuelles à l'est de la RDC, undated
<http://www.drcsexualviolence.org/site/en/node/44>
- EP – European Parliament: Violences sexuelles en RD Congo : les "plus graves au monde", 17 January 2008
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+IM-PRESS+20080117IPR19103+0+DOC+XML+V0//FR>
- HRW - Human Rights Watch: Soldiers Who Rape, Commanders Who Condone - Sexual Violence and Military Reform in the Democratic Republic of Congo, 16 July 2009
<http://www.hrw.org/sites/default/files/reports/drc0709webwcover.pdf>
- IRIN - Integrated Regional Information Network: DRC: Mass rapes escalate in Fizi, South Kivu, 28 February 2011
<http://www.irinnews.org/report.aspx?reportid=92062>
- IRIN - Integrated Regional Information Network: Analysis: New laws have little impact on sexual violence in DRC, 7 June 2011
<http://www.irinnews.org/report.aspx?reportid=92925>
- IRIN - Integrated Regional Information Network: DRC-UGANDA: Male sexual abuse survivors living on the margins, 2 August 2011
<http://www.irinnews.org/report.aspx?reportid=93399>
- IRIN - Integrated Regional Information Network: DRC-UGANDA: Luzolo, "He abused me. The pain was awful", 2 August 2011
<http://www.irinnews.org/report.aspx?reportid=93400>
- Le Monde: Violences sexuelles : au Congo, des maisons pour le dire, 25 November 2009
http://www.lemonde.fr/afrique/article/2009/11/25/violences-sexuelles-au-congo-des-maisons-pour-le-dire_1271857_3212.html
- MSF - Médecins Sans Frontières: Shattered Lives Immediate medical care vital for sexual violence victims, June 2009
<https://www.msf.org.br/arquivos/Doc/Publicacoes/60.pdf>
- Oxfam: 'Now, the World is without Me': An Investigation of Sexual Violence in Eastern Democratic Republic of Congo, April 2010
http://www.oxfam.de/sites/www.oxfam.de/files/20100414_Nowtheworldiswithoutme.pdf
- Oxfam: 'We Are Entirely Exploitable': The lack of protection for civilians in eastern DRC, 28 July 2011
http://www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/bn-protection-civilians-eastern-drc-280711-en.pdf
- The Guardian, The doctor who heals victims of Congo's war rapes, 14 November 2010
<http://www.guardian.co.uk/world/2010/nov/14/doctor-mukwege-congo-war-rapes>
- UNFPA - United Nations Population Fund: Campaign Says 'No' to the Sexual Violence that Rages in DRC, 4 April 2008
<http://www.unfpa.org/public/cache/offonce/home/about;jsessionid=8723E28CAB85735E05B14B7C6530921C.jahia01>
- UNICEF - United Nations Children's Fund: Le Rapport 2010 Action humanitaire, February 2010
http://www.unicef.org/french/har2010/index_drcongo.php

- USDOS - US Department of State: Country Report on Human Rights Practices 2010, 8 April 2011 (available on ecoi.net)
http://www.ecoi.net/local_link/158147/275082_de.html

3) Situation of street children in Kinshasa

- CRC - UN Committee on the Rights of the Child: Consideration of Reports submitted by States Parties under Article 44 of the Convention; Concluding observations: Democratic Republic Of Congo [CRC/C/COD/CO/2], 10 February 2009 (available on ecoi.net)
https://www.ecoi.net/file_upload/470_1254733849_crc-c-cod-co2.pdf
- CSC – Consortium for Street Children: Search by Region; Central Africa, undated
<http://cfsc.trunky.net/content.asp?pageID=29®ionID=13>
- IWPR - Institute for War and Peace Reporting: A Lubumbashi, les enfants reprennent le chemin de la rue, 30 June 2010
<http://iwpr.net/fr/report-news/lubumbashi-les-enfants-reprennent-le-chemin-de-la-rue>
- OCDH - Observatoire Congolais des Droits Humains: Les Droits de l'Enfant Toujours Mis a Rude Epreuve en République Démocratique du Congo, September 2008 (available on CRIN website)
http://www.crin.org/docs/DRC_OCDH_NGO_Report_FR.pdf
- ORPER - Oeuvre de Reclassement et de Protection des Enfants de la Rue: Annual Report 2009, March 2010
http://www.orper.org/docs/2010/Rapport%20Annuel%202009%20_2_%20_Anglais-definitif_.pdf
- ORPER - Oeuvre de Reclassement et de Protection des Enfants de la Rue: Rapport Annuel 2009, March 2010
<http://www.orper.org/docs/2010/Rapport%20Annuel%202009.pdf>
- Radio Okapi: 10 millions USD de la Banque mondiale pour un projet d'encadrement des enfants de la rue à Kinshasa, 17 June 2011
<http://radiookapi.net/actualite/2011/06/17/10-millions-usd-de-la-banque-mondiale-pour-un-projet-d%20%80%99encadrement-des-enfants-de-la-rue-a-kinshasa/>
- REEJER - Réseau des Educateurs des Enfants et Jeunes de la Rue: Rapport Sur La Situation Des Enfants De La Rue A Kinshasa; De janvier à juin 2010, June 2010
http://www.enfantsdesrues-reper.org/IMG/pdf/etude_reejer_juin_2010.pdf
- UNICEF - United Nations Children's Fund: Marie Paule's story: Surviving life on the streets of Kinshasa, DR Congo, 22 June 2006
http://www.unicef.org/infobycountry/drcongo_34658.html
- UNICEF - United Nations Children's Fund: En RD du Congo, la pauvreté pousse des milliers d'enfants à vivre dans les rues de Kinshasa, 16 June 2011
http://www.unicef.org/french/infobycountry/drcongo_58942.html
- UNICEF - United Nations Children's Fund: At a glance: Congo, updated 5 February 2009
http://www.unicef.org/infobycountry/congo_2686.html
- USDOS - US Department of State: Trafficking in Persons Report 2010, 14 June 2010 (available on ecoi.net)
https://www.ecoi.net/local_link/140574/240991_en.html
- USDOS - US Department of State: Country Report on Human Rights Practices 2010, 8 April 2011 (available on ecoi.net)
http://www.ecoi.net/local_link/158147/275082_de.html