

## Sexual violence in the Democratic Republic of Congo

For more than two decades, the Democratic Republic of Congo (DRC), and in particular its eastern regions, has faced a chronic and complex humanitarian crisis. Fuelled by ethnic resentment, impunity due to state fragility, and the profits from robbery and illegal exploitation of natural resources, armed groups proliferate, committing human-rights abuses of extreme severity. The award of the Sakharov Prize to Dr Denis Mukwege, a Congolese gynaecologist and women's rights activist, has again drawn international attention to the desperate plight of women who, according to Dr Mukwege, have become a 'battlefield' in this chronic and thus sometimes forgotten crisis.

### Endemic sexual violence

According to an April 2014 [report](#) of the UN High Commissioner for Human Rights, sexual violence remains 'extremely serious due to its scale, systematic nature and the number of victims'. [Human Rights Watch](#) talks about '**horrific levels of rape**' and other forms of sexual violence, used by all armed groups in the conflict which has been destabilising the country for several decades. Members of the **DRC armed forces (FARDC)** are among the main perpetrators: indeed half the cases reported to the United Nations Joint Human Rights Office in DRC between 2010 and 2013 can be attributed to the army and other state agents. The victims, in the majority **women (73%)** and **children (25%)**, endure rapes often associated with other atrocities such as mutilation, forced participation of family members in rape, gang rape and sexual slavery.

The majority of rapes are not reported, in particular due to the fear of **social stigmatisation**. Data are limited, but some scholars [estimated](#) in 2011 that between 1.69 and 1.80 million women have been raped during their lifetimes and 3.07 to 3.70 million have been abused by a partner. A [2014 survey](#) conducted in North Kivu Province showed that 22% of women and 10% of men were victims of sexual violence within the conflict. In addition, 50% of women have experienced sexual violence in a domestic context, evidence of the spread of what some call a 'rape epidemic'. Although the huge majority of perpetrators are male, [reports](#) of sexual violence perpetrated by women on women add to the general sense of anomie characterising social relations in large parts of the DRC affected by long-term insecurity and state fragility.

### A deeply rooted problem exacerbated by chronic conflict

The conflict-related sexual violence is just the tip of the iceberg, added to less severe but more common forms of sexual violence in communities and homes. Indeed it has been [demonstrated](#) that conflict-related sexual violence contributes to an increase in the levels of gender-based violence in general, and this lasts for generations if appropriate action is not taken.

In addition, the sexual violence epidemic in the DRC has found fertile ground in the broader context of gender relations in Congolese society. As stressed in the [Gender Country Profile 2014](#) of DRC society, characterised by **deep gender inequality**, 'women and girls are not valued as men and boys'. Gender inequality is translated into deeply **discriminatory social norms** and values in all spheres of life, manifesting itself in the uneven access of women to education, food, and healthcare as well as ownership and inheritance of land. In this context men's use of sexual violence has become considered 'normal' by a large percentage of men and women, which is manifested in the high level of **rapes occurring at home (by partners) and in schools (by teachers)**. The [survey](#) also found that women are often perceived to be 'provoking' rapes, by both male and female respondents. However, rape by a stranger is perceived negatively, as reducing the 'value' of the victim: 46% of men and 37% of women respondents consider that a husband should reject his wife after she has been raped by a stranger.

## Deficient implementation of the national legal framework

Article 15 of the [2006 Constitution](#) calls violence committed against any person in order to destabilise the family, or bring about the destruction of an entire people, as a crime against humanity. In addition an important modification of the Penal Code introduced in 2006 criminalises sexual violence and imposes a penalty of 5 to 20 years imprisonment for rape, However the **Family Code** contains some **discriminatory provisions** that can affect the fight against sexual violence: indeed the code stipulates that a woman has to obtain her husband's permission to access judicial institutions, as well as buy land, travel or accept a job. Marital rape is not explicitly criminalised in the DRC.

In spite of several high-level political commitments to address this impunity, a recent [report](#) concludes that some Congolese authorities on the ground make limited efforts to prosecute such crimes. This, coupled with **inadequate capacity** (for example, there are only 3 600 magistrates, of which 16% are woman) and widespread corruption, in practice give victims only a tiny chance to obtain justice and reparation.

Acts of sexual violence committed by the army, police and armed groups are under the **exclusive jurisdiction of the military justice system** that has enormous delays in arresting and prosecuting suspects. Particular concern arises from the impunity enjoyed by a number of high-ranking officers, and a lack of cooperation of the army's hierarchy with the judiciary. In some cases, even high-level members of illegal armed groups were not persecuted by the authorities, because of a fear that this would exacerbate tension and constitute an obstacle to peace deals.

## EU support

The largest donor in the country, the EU has [allocated](#) €620 million to the DRC for 2014 to 2020 in the framework of the [National Indicative Programme](#) of the 11th European Development Fund (EDF), compared to €569 million in 2008-2013. Among focus areas, **health system support (€150 million)** and **strengthening the rule of law (€160 million)** in particular through security and justice sector reforms, are of key importance in the fight against sexual violence and its consequences. In July 2013 a new programme focusing on causes of gender-based violence (GBV) was also launched in the western provinces with EU support of €20 million. Despite those efforts, a [European Court of Auditors report](#) of October 2013, assessing in particular the EU programmes supporting the DRC's judicial and security reforms, stressed that the Commission needs to be more demanding of the Congolese authorities.

In several of its [resolutions on the situation in the DRC](#), the most recent of 12 September 2013, the European Parliament has strongly condemned the human rights abuses, including sexual violence committed by all parties. Two specific resolutions were adopted on rapes in the DRC in [2008](#) and [2011](#). MEPs have acknowledged, in particular, the serious shortages of medical infrastructure that affect the access of victims to adequate medical care, and the inability of the DRC to bring to justice the perpetrators that foster a culture of impunity. The EP has called upon the Congolese government to consider the fight against mass rape and sexual violence as a national priority, and upon the Commission to make these issues one of main areas of bilateral cooperation.

## How to end the vicious circle?

Acknowledgment of the complex roots of gender-based violence, nourished by chronic conflict in the DRC, but going deep into the social fabric, is a prerequisite for tackling this human tragedy. Until now, most national and international [efforts](#) have concentrated on the **alleviation of women's suffering** and the consequences of violence rather than on the protection of women's rights and **prevention of the abuse** of those rights in all domains. The **reforms of the judicial and health sectors** [remain](#) the priority for international stakeholders involved in the DRC, in order to prevent impunity and ensure victims' access to care and justice. It is also recommended to increase the **representation of women in public institutions** and in particular in courts. However to address the causes of sexual violence the authorities are called upon to **scale up efforts to eliminate stereotypes** and harmful norms, through education and gender-sensitive training of public agents. Psychosocial support to children, who are exposed from an early age to multiple forms of violence, is [seen](#) as crucial to **stopping inter-generational transmission of gender-based violence**.

The EU is called upon to urge the DRC government to take concrete steps to reinforce women's rights, in particular by **eliminating all discriminatory provisions from legislation**. It is also requested to scale up, financially and geographically, the **specific programmes to fight the causes of gender-based violence** as well as to better integrate the gender issue in the justice programmes funded by the EDF.