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Sexual Violence Beyond the War: Dismantling and Addressing Domestic Violence in the  
Democratic Republic of Congo

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## ABSTRACT

### Sexual Violence Beyond the War: Dismantling and Addressing Domestic Violence in the Democratic Republic of Congo

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This thesis analyzes the issue of domestic violence in the Democratic Republic of Congo that is often overlooked due to the prevalence and coverage of war-related sexual violence. This paper aims to analyze the many factors that have made domestic violence so prevalent in the African region, followed by the factors unique to post-conflict DRC. Furthermore, it will be evaluating the services currently provided by local and national NGOs as well as other external actors and examine whether they address or have the potential to address issues of domestic violence. Lastly, programmatic and policy recommendations for addressing domestic violence will be drawn from an examination of best practices from current interventions. The objective is for this analysis to inform future remedies for domestic violence in the DRC that do not only treat “symptoms” but also address root causes of violence against women to ensure that interventions are strategic, targeted and that change is sustainable.

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## Introduction

Decades of conflict in the Democratic Republic of Congo has resulted in various human rights abuses with sexual violence against women being one of the most detrimental ones. Rape during the conflict was widespread and used as a systematic weapon of war to dehumanize and destabilize the communities, specifically in the eastern Congo region.<sup>1</sup> As such the focus of national and international actions regarding violence against women has been centered on providing services to women in the conflict region. However, outside the context of the war, sexual violence particularly in the domestic setting has become prevalent and is the most pervasive form of violence against women in the DRC.<sup>2</sup> A study by the DHS reported that the highest number of rapes reported in 2007 by women aged 15 to 49 was in Province Orientale, North Kivu, and Equateur and that spousal rape was particularly high in Equateur, Bandundu, Katanga and Kasai-Oriental.<sup>3</sup> Through initiatives such as mobile gender courts, the DRC has made strides in bringing measures of justice and reparation for those victims of sexual violence from the conflict.<sup>4</sup> However, cases of domestic violence are rarely reported and women that experience sexual abuse in their homes are often stigmatized by their communities, abandoned and rejected by their families and fear the authorities to whom they are supposed to report abuse.<sup>5</sup>

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<sup>1</sup> Peterman et al., *Estimates and Determinants of Sexual Violence Against Women in the Democratic Republic of Congo* (American Journal of Public Health, 2011)

<sup>2</sup> Amnesty International USA, "Democratic Republic of Congo Issue Brief", 2011

<sup>3</sup> Peterman et al., *Estimates and Determinants of Sexual Violence*, 2011

<sup>4</sup> Milli Lake, *Organizing Hypocrisy: Providing legal accountability for human rights violations in areas of limited statehood*, (International Studies Quarterly, 2014)

<sup>5</sup> Steiner et al., *Sexual Violence in the Protracted Conflict of DRC Programming for Rape Survivors in South Kivu* (Conflict and Health, 2009)

There appears to be a pattern of abuse in the DRC that is overshadowed by conflict-related violence but that trickles down to the communities, the homes and are sustained by patriarchal institutions and biased laws. The Congolese Constitution as of 2006 declares the government's commitment to eliminate all forms of discrimination and violence against women in both the public and private sphere.<sup>6</sup> However there is no mention of domestic violence in Congo's Family Code and no mention of spousal rape in the amendments made to the Penal Code. The new amendments to the Penal Code prohibits abuse that occurs in the domestic setting, however, Congolese culture does not recognize spousal rape and as a result it is still not prosecutable and this has led to high levels of underreporting.<sup>7</sup> Even as reforms are being made and new laws are enacted there seems to be little enforcement of the laws protecting women as attitudes have yet to change and tribal law still takes precedence in many Congolese provinces.<sup>8</sup> Sexual violence in Congo is not just a weapon of war, but it also "reflects widespread acceptance by a majority of men of patriarchal norms and rape myths that justify and normalize both rape and the everyday subordination of women and grant men a sense of entitlement to women's bodies."<sup>9</sup>

Domestic violence remains rampant in the DRC and has social, cultural and economic repercussions that cannot be ignored. This paper aims to analyze the many factors that have made domestic violence so prevalent in the African region, followed by the factors unique to post-conflict DRC. Furthermore, it will be evaluating the services

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<sup>6</sup> *The Constitution of the Democratic Republic of Congo, 2006*

<sup>7</sup> *Republique Democratique du Congo, Code Penal 2004*

<sup>8</sup> *Canada: Immigration and Refugee Board of Canada, Democratic Republic of Congo: Domestic and Sexual violence, including legislation, state protection, and services available to victims, (United Nations High Commissioner for Refugees, 2012)*

<sup>9</sup> *Wolfe, The Actual State of Sexualized Violence in the Democratic Republic of Congo (Women Under Siege, 2016)*

currently provided by local and national NGOs as well as other external actors and examine whether they address or have the potential to address issues of domestic violence. Lastly, programmatic and policy recommendations for addressing domestic violence will be drawn from an examination of best practices from current interventions. The objective is for this analysis to inform future remedies for domestic violence in the DRC that do not only treat “symptoms” but also address root causes of violence against women to ensure that interventions are strategic, targeted and that change is sustainable.

### Literature Review

The 2007 DRC Demographic and Health Survey (DHS) indicates that, nationally, 9.9% of women aged 15-49 years reported that their first sexual encounter was against their will, 4.2% reported sex against their will in the preceding 12 months, and 16% in their lifetime.<sup>10</sup>The study used population data from the 2007 study, as it was the most accurate and recent survey. The sample included 9995 women aged 15-49 across the 11 provinces and amongst that sample randomly assigned 3436 participants to the module for domestic violence. They distributed household surveys and the data collected was used to examine 3 classifications of sexual violence: history of rape, rape in the preceding 12 months, and history of Intimate Partner Sexual Violence (IPSV). IPSV here only includes married women and those who have cohabitated so it did not include rape from other members of the household.

In this Peterman et al. study national estimates were calculated from the results using additional population estimates from the *Annuaire Sanitaire* and the Expanded

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<sup>10</sup> Peterman et al., *Estimates and Determinants of Sexual Violence*, 2011

Program on Immunization (PEV) against the DHS estimates. Results correspond to 3.58 million women in DRC reported IPSV and occurrences were particularly high in Equateur, Bandudu, Katanga, and Kasai-Oriental provinces. Rates of Intimate Partner Sexual Violence were the lowest in Bas-Congo, Kinshasa and surprisingly Sud-Kivu.<sup>11</sup> Though the highest percentage of rape, in general, was in the conflict areas of Nord-Kivu and Sud-Kivu, these provinces did not have the highest rates of Intimate Partner Sexual Violence. It could be that different incidences of rape are harder to differentiate in those conflict areas or that domestic violence in those provinces do not always involve intimate partners but rather other household or community members. Outside of age, no other factors such as wealth, education level, or urban residence were predictors of rape.

This study shows that the prevalence of Intimate Partner Sexual Violence is extraordinarily high in DRC, roughly 1.8 times the number of women reporting rape. This is reflective of international research that indicates that the most pervasive form of violence against women is Intimate Partner Sexual Violence.<sup>12</sup> Regionally when compared to neighboring countries, Intimate Partner Sexual Violence in DRC was approx. 35%, while in Rwanda around 12% (2005 DHS), 13% in Malawi (2004 DHS) and 15% in Kenya (2003 DHS). Granted recent DHS could show varying results, however, the DRC remains relatively higher than neighboring countries. Marital rape is not prosecutable in the DRC, even with the 2006 new legislation on sexual violence. Women may also fear the authorities to whom they should report abuse and so underreporting remains a problem. The US and other governments like Canada and Belgium have pledged millions to help fight the rape

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<sup>11</sup> Ibid

<sup>12</sup> Heise L, Ellsberg M, Gottmoeller M. A global overview of gender-based violence. *Int J Gynaecol Obstet.* 2002; 78 (sup 1): S5-S14.



epidemic, however, it is suspected that the funds over the years have been solely allocated to conflict related rape interventions and programs.

The Kelly et al. study consisted of focus groups that examined views and attitudes towards rape (in general) from focus group discussions with both women and men in South Kivu.<sup>13</sup> 45 women participated in the focus groups with the average age of 37.5 years and 41 men with the average age of 35.6 years. One of the most salient points made from nearly all participants was that the rape epidemic was “brought” from foreign militia as early as the first Congo war in 1996. As a result of the first war and the subsequent ones rape was normalized in the communities and “Congolese men were increasingly prone to raping”.<sup>14</sup> Recent quantitative findings have shown a sudden rise in reported cases of civilian rape in South Kivu.<sup>15</sup> This article focused on the stigma and shame that survivors of rape (both men and women), many discriminated by their husbands, families and reinforced by customary practices. Many victims of domestic violence also face this stigma and shame, as they have to not only face their families but also the community.

The 2013 Kohli et al. study was conducted under a parent study, the Pig for Peace program that was a microfinance initiative in 11 villages in eastern Congo that made impact evaluations on the effect of microfinance on health, reduction of Intimate Partner Violence (IPV) and other forms of violence. From the parent study 13 women and 5 men from 3 villages participated in the study. These participants had reported having either experienced or perpetrated IPV during the baseline questionnaire. The small sample of this

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<sup>13</sup> Kelly et al., *If your husband doesn't humiliate you, other people won't: Gendered attitudes towards sexual violence in eastern Democratic Republic of Congo* (Global Public Health, 2011)

<sup>14</sup> Page 289

<sup>15</sup> Harvard Humanitarian Initiative and Oxfam International, 2010. *“Now, the world is without me”: An investigation of sexual violence in eastern Democratic Republic of Congo*. Boston: Harvard Humanitarian Initiative

study makes it challenging to generalize, however, it brings up interesting points on traditional community-based interventions for IPV. The ecological development framework used here is also of interest as it offers an effective way to understand the multi-level risks and outcomes of IPV and facilitates identifying opportunities for multi-level prevention and response interventions.

The ecological model examines four-level factors: 1. Personal; 2. Microsystem, (family, home, peer groups) 3. Exosystem (institutions and social structures such as work, neighborhood, social networks); 4. Marcosystem (cultural, historical and political context). Research objectives included: 1. Describing the social and behavioral risk factors for IPV perpetration and victimization 2. Describing the multiple and interrelated social, health and economic consequences of IPV on women and their families 3. Describing family and community driven response to IPV in rural villages.<sup>16</sup>

This study focused on the conflict areas of eastern Congo and looked at Intimate Partner Violence in terms of physical, psychological and sexual violence. A reoccurring theme from the study results was the male consumption of alcohol, financial stress and unemployment as being the cause for IPV and marital conflict in general. Furthermore, female participants often mentioned the use of IPV by their husbands as being a way for them to restore their place as the head for the family. What was intriguing was the fact that the participants regarded IPV as being expected or more so normalized and sustained in the community. Some women mentioned that even though IPV has negative outcomes for the entire family, men were entitled to be violent because of their gender and position in

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<sup>16</sup> Kelly et al., *If your husband doesn't humiliate you*

the household. Patriarchal values were further witnessed in the traditional interventions for IPV, when women were often held responsible for the IPV and advised to be more patient with their husbands. Traditional community-based interventions were the preferred intervention for IPV, however the lack of strong local leadership and lack of trust within families and community members posed a challenge.<sup>17</sup> Few women sought for legal-based punishment, as they feared the impact the imprisonment of their husbands will have on their economic resources and the upbringing of their children. The women wanted the violence to end, not their marriage. It is possible that in urban areas the idea of legal recourse could be more sought after, but that has yet to be examined.

Traditional responses to IPV engage the couple in prioritizing the family well being and planning for the future. These responses have shown to be effective in certain instances however the patriarchal undertones make it that the burden often lies on the woman and that IPV remains acceptable. Seeing that traditional community response is the preferred intervention, it would be important to design and implement culturally acceptable initiatives that involve both men and women and local leaders. If traditional infrastructures are strengthened and reform the would have the ability to ensure lasting changes to underlying risk factors of IPV and provide effective strategies for the prevention and response to IPV.

Due to the very low possibility for prosecution of marital rape and other forms of IPV and fear of reporting from the victims, traditional community-based interventions could be strengthened as a short-term response to domestic violence. Rebuilding

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<sup>17</sup> Ibid

traditional infrastructures, while adding gender-based educational components could supplement other efforts to address policy and legal interventions.

The Slegh et al. report shows the findings of an IMAGES conducted in the DRC in 2012 involving both quantitative survey data collected from 708 men and 754 women ages 18-59 in four survey sites and qualitative research consisting of eight focus group discussions and 24 in-depth individual interviews.<sup>18</sup>

The study found that both men and women in DRC strongly adhere to unequal social norms; with men generally skeptical of gender equality and women have internalized many of the norms that sustain their subordination to men. The study shows these inequitable gender attitudes affect sexual relations and violence against women. Men showed more equitable attitudes than women in regards to responsibilities in the home, violence to keep the family together and perceptions of sexuality. The women's responses may be in part a reflection of their lived experiences rather than they actually believe. Results also showed how power plays a key role in sexual relations. More women (62%) than men (48%) say that a man has a right to sex even if the woman refuses. This can be linked to fear and similar to what the Kohli et al. study states, women are more likely to tolerate violence because of they want to keep their family together. The survey supports this further by adding that 78% of women agree that they have tolerated violence to keep their families together, and 48% of women agree that women sometimes deserve to be beaten.

“Forty-seven percent of men report having perpetrated physical violence against a female partner (IPV) at some time, and 45 percent of women report having experienced it. However, men's and women's reports of IPV occurring in the past year differ greatly, with men reporting levels of perpetration that

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<sup>18</sup> Slegh et al., *Gender Relations, Sexual Violence and the Effects of Conflict on Women and Men in the North Kivu, Eastern Democratic Republic of Congo* (Promundo and Sonke Gender Justice, 2014)

are substantially lower than women's reported experience. Forty-nine percent of women reported ever having experienced sexual violence from male intimate partner or husband; men reported much lower rates of ever having used sexual violence against a female partner or wife".<sup>19</sup>

The study also reveals aspects of traditional practices that perpetuate the cycle of violence in the home. For instance, approximately 90 percent of men and women consider dowry as a way to create security for women and give value to the marriage but on the other hand some men have used the dowry to say that they have the right to have sex with their wives without consent or the use of a condom because they "paid for their wives".<sup>20</sup> This study also joins previous narrative from the Peterman et al. and the Kohli et al. articles that state that men who were affected by conflict are more likely to perpetuate intimate partner violence due to trauma, displacement, and exposure to violence and use of violence during the conflict. Additionally, binge drinking, having experienced violence as children and being older were all associated with men's use of intimate partner violence.

These studies, though limited in some aspects, present the main and most recent findings regarding sexual violence especially in the domestic setting. General themes emerging are the fact that domestic violence is still not considered a legitimate offense and it is either underreported or made out to be a topic of shame in the community. It is evident however, that domestic violence is still prevalent in the DRC and a problem that can have a detrimental effect for the families, the community and the nation.

## I. Landscape and Predictable Factors of Domestic Violence

### **Prevalence and Reporting**

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<sup>19</sup> Ibid p. 9

<sup>20</sup> Ibid p. 39

Globally, the World Health Organization (WHO) reports an estimate of 35 percent of women who experience physical and/or sexual intimate partner violence and national data from some countries show that up to 70 percent of women experience intimate partner violence in their lifetime.<sup>21</sup> In the WHO African region, about 36.6 percent of ever-partnered women experience intimate partner violence in their lifetime.<sup>22</sup> An estimated 45.6 percent of women in the African region report intimate partner violence and/or non-partner sexual violence.<sup>23</sup> Worldwide, the most common perpetrators of sexual violence against girls are current and former husbands, partners and boyfriends.<sup>24</sup> In a majority of countries with available data, only 40 percent of women victims of sexual violence seek help, and among those who do less than 10 percent seek help from the police.<sup>25</sup> Furthermore, women are more likely to seek help from family, friends and community members instead of formal institutions such as the police, health services and legal advisers.<sup>26</sup>

When it comes to sexual violence, especially in the domestic setting underreporting remains a challenge and a hindrance from having an accurate picture of the scope of the issue. In the case of the DRC, the discrepancies in reporting from various international agencies like MONUSCO<sup>27</sup> have made it challenging to have accurate numbers of rape cases. MONUSCO only reports on cases that have been “100 percent verified” and other UN

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<sup>21</sup> World Health Organization, *Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-partner Sexual violence* (World Health Organization, 2013)

<sup>22</sup> WHO, *Global and Regional Estimates of Violence Against Women*, p. 17

<sup>23</sup> Ibid. p. 20.

<sup>24</sup> UNICEF, “Hidden in Plain Sight: A Statistical Analysis of Violence Against Children,” (UNICEF, p. 167, 2015)

<sup>25</sup> United Nations Economic and Social Affairs, *The World’s Women 2015, Trends and Statistics*, p. 159, (United Nations, 2015)

<sup>26</sup> Ibid.

<sup>27</sup> United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO)

agencies such as UNFPA<sup>28</sup> do not investigate all the cases from the data they gather.<sup>29</sup> Additionally, the various international agencies and NGOs that collect data on sexual gender based violence do not always use the same methodology and may even change their methods from year to year.<sup>30</sup> Thus, not only is there underreporting in part of the women but even figures from data collected by the UN and international and local NGOs are to be approached with a bit of caution as they do not fully reflect the current landscape. There are several social, economic and cultural factors that contribute to underreporting of intimate partner violence, especially in the African region.

## **Fear and Shame**

In a May 2016 interview, Irma Van Duren, the Senior Women Protection Advisor for MONUSCO, stated that not only is the level of rape in the DRC very high but there is also a lot of underreporting because women are afraid of revenge.<sup>31</sup> When it comes to intimate partner violence reporting is especially low as several factors come into play. In the Kohli et al. study some women mentioned that even though intimate partner violence has a negative effect on their families the men's position as the head of the household legitimized the violence.<sup>32</sup> Many women are also unwilling to report because of the shame that it would bring to them and their families and the stigma they will experience from community members.<sup>33</sup> Women are also less likely to report the abuse to the local authorities, as they

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<sup>28</sup> United Nations Population Fund (UNFPA)

<sup>29</sup> Wolfe, *The Actual State of Sexualized Violence*, 2016

<sup>30</sup> Ibid.

<sup>31</sup> Wolfe, *The Actual State of Sexualized Violence*, 2016

<sup>32</sup> Kohli et al., *Family and Community Driven Response to Intimate Partner Violence in Post-Conflict Settings*, (Science Direct, 2015)

<sup>33</sup> Peterman et al., *Estimates and Determinants of Sexual Violence*, 2011

fear the impact the imprisonment of their husbands would have on their livelihood and the education of their children.<sup>34</sup>

Additional reasons for not reporting include fear of reprisal, the violence being deemed as a personal matter, belief that the police would not or could not do anything to help and not wanting to get the offender in trouble with the law.<sup>35</sup> In the African context, more specifically, domestic violence is regarded in many countries as a private matter to be resolved informally within the family or community.<sup>36</sup> As such, even though several countries have laws regarding violence against women, these legislations do not always include provisions on spousal rape.

### **Culture versus Legislation**

Given that marital rape is still not prosecutable in many African countries, another issue that arises is the fact that reporting cases do not always yield positive outcomes for the victim. Only five Sub-Saharan African countries have legislations that specifically address issues of domestic violence.<sup>37</sup> Domestic violence legislation was enacted in South Africa in 1993, in Mauritius in 1997, in Namibia it came into force in 2003, in Zimbabwe legislation was passed in 2006 and finally Ghana enacted a new statute criminalizing domestic violence in 2007.<sup>38</sup> Systematic and cultural barriers in many other African countries have prevented the enactment of domestic violence legislation and have

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<sup>34</sup> Kohli et al., *Family and Community Driven Response*, p. 280

<sup>35</sup> Ibid.

<sup>36</sup> Heidi Boas, *Understanding Cultural Perspectives on Domestic Violence in African Immigrant Communities*, (American Bar Association Commission, 2009)

<sup>37</sup> Record of the Association of the Bar of the City of New York, "Gender-based Violence Laws in Sub-Saharan Africa," 2008.

<sup>38</sup> Ibid. p. 51.



discouraged many women to report abuse and seek legal protection. In Nigeria for instance, a draft domestic violence bill was criticized under the basis that its provision on marital rape “is western and against the culture of Nigeria”.<sup>39</sup> Similarly, while drafting the domestic violence bill in Ghana, traditional rulers had comparable allegations of western values imposition and stated that such a law would be “destructive rather than helpful to family life within the cultural context of Ghana”.<sup>40</sup> In Kenya, the drafting of an amendment on a sexual violence bill seeking harsher penalties for perpetrators of sexual violence encountered similar challenges.<sup>41</sup> Some male legislators alleged that some provisions of the bill would criminalize men’s advances towards women. Male legislators constituted 204 out of 222 expected to vote on the bill and thus the chances for the bill to pass were already relatively low based on the low representation of women and the misogynistic attitudes of the men in parliament.<sup>42</sup>

Other contributors to domestic violence in African cultures are traditional marriage practices such as polygamy and the dowry. In countries such as Cameroon, polygamy is permissible by law, and in polygamous families arguments between wives may lead to violence by the husband towards one or both wives.<sup>43</sup> Furthermore, the traditional practice of paying the dowry remains a key marriage custom in many African countries. Slegh et al. report that approximately 90 percent of the men and women in the DRC study agreed with

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<sup>39</sup> Boas, *Understanding Cultural Perspectives on Domestic Violence*, p. 5

<sup>40</sup> Raymond Archer, *Ghanaian Women Demanding Protection from Domestic Violence*, (Women’s e-News, 2004)

<sup>41</sup> Takyiwaa Manuh, *African Women and domestic violence* (Open Democracy, 2007)

<sup>42</sup> Ibid.

<sup>43</sup> U.S. Department of State, *Country Report on Human Rights Practices: Cameroon* (U.S. Department of State, 2008)

the dowry system and stated that it gave value to their marriage.<sup>44</sup> On the other hand, the act of paying for the bride may increase men's entitlement to the woman's body and can be used to justify acts of sexual violence in the home. Cultural and legal barriers in several African countries have hindered many women from feeling empowered and justified to stand up against domestic violence and seek help.

### **Economic Stress and Domestic Violence**

Economic factors also contribute to the predictability of domestic violence, especially in the rural areas. The Peterman et al. study did not show wealth as being associated with lower rates of domestic violence, however other studies have shown how poverty and men's inability to provide for their families increases the likelihood of violence.<sup>45</sup> All participants in the Kohli et al. study highlighted the importance of male unemployment, household financial stress, male excessive alcohol consumption and male's desire to maintain his position as the head of the family as being risk factors for Intimate Partner Violence.<sup>46</sup>

Furthermore, economic imbalance between men and women grants men greater authority over the women in terms of household and financial decision-making.<sup>47</sup> Cantalupo et al., in their study on domestic violence in Ghana found that women are reluctant to leave their violent husbands if they are financially dependent on them.<sup>48</sup> This same dependence makes it impossible for women to have the funds to have access to the

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<sup>44</sup> Slegh et al., *Gender Relations, Sexual Violence and the Effects of Conflict on Women and Men in the North Kivu, Eastern Democratic Republic of Congo* (Promundo and Sonke Gender Justice, 2014)

<sup>45</sup> Peterman et al., *Estimates and Determinants of Sexual Violence Against Women*, p. 1066.

<sup>46</sup> Kohli et al., *Family and Community Driven Response*, p. 281

<sup>47</sup> Vetten, *Economics of Domestic Violence* (Centre for the Study of Violence and Reconciliation, 2000)

<sup>48</sup> Cantalupo et al, Report: *Domestic Violence in Ghana: The Open Secret*, (Gender & L, 2006)

services necessary to effectively prosecute a case against their husband.<sup>49</sup> Additionally, divorce or the imprisonment of the husband can lead to further economic hardship for the woman and her children. Congolese RFDA representative states ““if an accusation of domestic violence led to divorce, the woman would have no rights to shared property or wealth, would lose custody of her children, would be required to repay the bride price given upon marriage, and would be shunned by the community””.<sup>50</sup> In this kind of scenario, the cost of reporting is significantly higher for the woman than that of not reporting even if that means living in a violent environment. Women in the Kohli et al. study added that they wanted the violence to end and not their marriages.

These findings do not suggest that women living in wealthy households do not experience domestic violence, however the poverty and financial instability in households are often the source of dispute and may lead to acts of violence in the home.

### **History of Violence**

Another important factor to consider is the history of violence both on a personal, household and community level. Children that grow up watching their fathers abuse their mothers may believe that men are supposed to abuse their wives.<sup>51</sup> Perpetrators of violence against women typically “have a history of violent behavior, grew up in violent homes and often abuse alcohol and drugs”.<sup>52</sup> Some scholars attribute domestic violence to the alleged culture of violence in Africa, more specifically linked to the colonial heritage.<sup>53</sup>

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<sup>49</sup> Ibid.

<sup>50</sup> Canada: Immigration and Refugee Board of Canada, *Domestic and Sexual Violence*, 2012

<sup>51</sup> Itoro Eze-Anaba, *Domestic Violence and Legal Reforms in Nigeria: Prospects and Challenges* (bePress Legal Series, 2007, p. 30)

<sup>52</sup> Mary Kimani, *Taking on Violence against Women in Africa*, (Africa Renewal, 2012)

<sup>53</sup> Cynthia G. Bowman, *Theories of Domestic Violence in the African Context* (American University Journal of Gender Social Policy and Law 11, 2003, p. 857)

Nearly all participants in the DRC study by Kelly et al. mentioned that the rape epidemic was “brought” in by foreign militia as early as the first Congo War in 1996 and the subsequent wars normalized rape for civilians.<sup>54</sup> In South Africa for instance, post-Apartheid brought about a dramatic increase in violence especially against women, including rape and domestic violence all of sorts.<sup>55</sup> Furthermore, women in conflict-affected areas are more likely to experience sexual violence in general and in many instances are also exposed to heightened levels of domestic violence.<sup>56</sup>

## II. Unique to the DRC

### **Demographics, National and Regional Statistics**

Sexual violence is extraordinarily prevalent in the Democratic Republic of Congo.<sup>57</sup> According to the DRC Ministry for Gender, Family and Children more than a million women and girls in the DRC are victims of sexual violence.<sup>58</sup> The 2007 DRC Demographic and Health Survey (DHS) indicates that, nationally, 9.9 percent of women aged 15-49 years reported that their first sexual encounter was against their will, 4.2 percent reported sex against their will in the preceding 12 months, and 16 percent in their lifetime.<sup>59</sup> The study used population data from the 2007 survey, as it was the most accurate and recent

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<sup>54</sup> Kelly et al., *If your husband doesn't humiliate you, other people won't: Gendered attitudes towards sexual violence in eastern Democratic Republic of Congo* (Global Public Health, 2011, p. 288, 2011)

<sup>55</sup> Human Rights Watch Africa, South Africa, *The State Response to Domestic Violence and Rape* (Human Rights Watch, 1995, p. 50-57)

<sup>56</sup> Ibid

<sup>57</sup> Canada: Immigration and Refugee Board of Canada, *Domestic and Sexual Violence*, 2012

<sup>58</sup> Human Rights Watch, *Soldiers who Rape, Commanders who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo* (Human Rights Watch, 2009)

<sup>59</sup> Peterman et al., *Estimates and Determinants of Sexual Violence*, 2011

information on the extent of sexual and domestic violence in the DRC. The sample included 9995 women aged 15-49 across the then 11 provinces and amongst that sample 3436 participants were randomly assigned to the module for domestic violence.

Additionally, this study reveals that the prevalence of intimate partner sexual violence (IPSV) is extraordinarily high in the DRC, constituting roughly 1.8 times the number of reported cases of rape. This is reflective of international research that indicates that the most pervasive form of violence against women is IPSV.<sup>60</sup> The distributed household surveys and the data collected in the Peterman et al. study was used to examine three classifications of sexual violence: history of rape, rape in the preceding 12 months, and history of Intimate Partner Sexual Violence.<sup>61</sup> IPSV as it pertains to this study only included married women and those partners who have cohabitated, thus it excludes rape from other members of the household and other forms of domestic violence. As such, domestic violence for the purpose of this analysis will primarily refer to marital rape and sexual violence from intimate partners and will exclude violence from other household members.

Results from the Peterman et al. study revealed a high of 3.58 million women in DRC reporting IPSV and occurrences were particularly high in Equateur, Bandundu, Katanga, and Kasai-Oriental provinces. Rates of IPSV were the lowest in Bas-Congo, Kinshasa and surprisingly Sud-Kivu.<sup>62</sup> Though the highest percentage of rape, in general, was in the conflict areas of Nord-Kivu and Sud-Kivu, these provinces did not have the highest rates of IPSV. It could be that different incidences of rape are harder to differentiate in those

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<sup>60</sup> Heise et al., A global overview of gender-based violence (International Federation of Gynecology and Obstetrics, 2002, p. 78)

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

conflict areas or that domestic violence in those provinces do not always involve intimate partners but rather other household or community members. Furthermore, the high rates of sexual violence in the eastern region, as a result of the conflict, has led to an overwhelming number of NGOs, civil society groups and international donors providing services and support. In her account on human rights violation in limited statehood, Lake argues that the state fragility in the DRC has created openings for domestic and transnational actors to exert influence on the judicial system and in multiple levels of governance.<sup>63</sup> The influence that external actors have on domestic structures such as the judicial system has resulted in surprisingly progressive human rights outcomes in certain issues in eastern Congo, particularly on sexual violence cases. In Goma and Bukavu, increased attention on the issues of Sexual Gender-Based Violence (SGBV) has led to a great deal of resources allocated by domestic and international NGOs for community outreach and victim support. As a result, the local population there is more aware than other provinces of the possibility of facing charges for rape, especially after many were brought to trial through the mobile courts.<sup>64</sup> Thus, potentially making rates of domestic violence in eastern Congo lower compared to other provinces.

Additionally, the International Men and Gender Equality Survey (IMAGES) conducted in the DRC in 2012 showed that 49 percent of women surveyed reported ever having experienced intimate partner sexual violence and the men reported much lower rates of 13 percent.<sup>65</sup> This gap between the reporting of both genders could be a result of the varied conceptions they have towards what constitutes as rape between spouses or

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<sup>63</sup> Lake, *Organizing Hypocrisy*, 2014

<sup>64</sup> Ibid.

<sup>65</sup> Slegh et al., *Gender Relations, Sexual Violence and the Effects of Conflict*, 2014

intimate partners. The IMAGES conducted in the DRC showed one of the highest rates of physical and sexual intimate partner violence committed by men compared to the ten other countries where the study was conducted. Regionally when compared to neighboring countries, reported intimate partner violence in DRC is approximately 35 percent as of the DHS 2007, while in Rwanda around 12 percent (2005 DHS), 13 percent in Malawi (2004 DHS) and 15 percent in Kenya (2003 DHS).<sup>66</sup> Neither of those neighboring countries have domestic violence legislation in place, thus further research will be required to assess what other factors other than the absence of domestic violence laws make Congolese women more susceptible to domestic violence.

Outside of age, no other factors such as wealth, education level, or urban residence were predictors of rape in the DRC based on the analysis of the results from the 2007 DHS survey. Older women from the reference group (25-34 years) were more likely to have a history of rape in their lifetime and experienced intimate partner sexual violence.<sup>67</sup>

However, a representative of the Congolese NGO *Reseau des Femmes pour la Defense des Droits et la Paix (RFDP)* stated that women in rural areas are much more vulnerable to sexual violence than women in urban areas because they are less informed about their rights and are isolated from security services.<sup>68</sup> Furthermore, some studies have shown that men and women with higher levels of education and those living in urban areas have more gender equitable attitudes than those living in military camps and rural villages.<sup>69</sup>

These more equitable attitudes could potentially result in less power imbalances within the

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<sup>66</sup> Peterman et al., *Estimates and Determinants of Sexual Violence*, 2011

<sup>67</sup> Ibid.

<sup>68</sup> Canada: Immigration and Refugee Board of Canada, "Democratic Republic of Congo: Domestic and Sexual violence", 2012

<sup>69</sup> Sleght et al., *Gender Relations, Sexual Violence and the Effects of Conflict*, 2014

household and thus lowers the likelihood for abuse; however, such inferences cannot be made with absolute certainty.

## **Legal Landscape**

Under Title II Chapter 1 Article 14 of the Congolese Constitution, the public authorities are to ensure the elimination of all forms of discrimination against women and ensure the protection and promotion of their rights.<sup>70</sup> The same article also mentions that authorities need to “take measures in order to fight all forms of violence against women in their public and private life”.<sup>71</sup> Furthermore, Article 14 closes stating that the law, however, determines the conditions for the applications of these rights. This last section of the article seems rather ambiguous, as it is not clear what exact law or aspect of the law is being referred to that dictates the ways in which the rights mentioned in article 14 are applied.

The only other mention of sexual violence in the Congolese Constitution is in Title II Chapter 1 Article 15 that states, “The public authorities are responsible for the elimination of sexual violence used as an instrument in the destabilization and displacement of families”. This article continues by stating that such acts of violence would be considered crimes against humanity punishable by law.<sup>72</sup> Thus, sexual violence is mentioned under Congolese law, however marital rape is not prosecutable by law and this coupled by local patriarchal attitudes poses a great challenge for women seeking justice for spousal violence. HEAL Africa representative also notes that in some provinces, Maniema in particular, tribal law is often the primary law and that women have “very few (if any) rights

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<sup>70</sup> *The Constitution of the Democratic Republic of Congo* (2006)

<sup>71</sup> *Ibid.* Article 14

<sup>72</sup> *Ibid.* Article 15



in that system”.<sup>73</sup> Additionally, an Enough Project representative also indicates that formal legal mechanisms in rural areas are virtually non-existent and informal settlements (“arrangements a l’amiable”) are used for sexual violence cases in lieu of formal court proceedings.<sup>74</sup>

Congo has signed and ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), that under General Recommendation 19, specifically states:

“States parties should ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity. Appropriate protective and support services should be provided for victims. Gender-sensitive training of judicial and law enforcement officers and other public officials is essential for the effective implementation of the Convention.”<sup>75</sup>

Specific recommendation 24 (r) adds that measures to address family violence should include criminal penalties where necessary and civil remedies in case of domestic violence.<sup>76</sup> These recommendations were made in 2003 and since then many African countries bound by CEDAW, including Congo have yet to establish appropriate legal and institutional mechanisms to address domestic violence. Without mentions of domestic violence within its own law, it would be challenging to expect that local judicial institutions and law enforcement to uphold recommendations within international human rights laws.

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<sup>73</sup> Canada: Immigration and Refugee Board of Canada, *Domestic and Sexual Violence*, p. 3

<sup>74</sup> Ibid

<sup>75</sup> CEDAW, General Recommendation 19, Article 16 (and article 5), Specific Recommendations 24 (b), 2003.

<sup>76</sup> CEDAW, General Recommendation 19, Article 16 (and article 5), Specific Recommendations 24 (r), 2003.

## Conflict and Associated violence

What makes the case of domestic violence in Congo particularly challenging is its long history of war and violence. From colonization to the First Congo war in 1996 to the proceeding wars in eastern Congo, the nation has been the setting for numerous human rights abuses, sexual violence against women being the most detrimental ones. Pratt and Werchick's study on sexual terrorism in Congo revealed that throughout the many conflicts, rape was committed virtually by all the armed forces and militia and that sexual violence came in different categories.<sup>77</sup> Nearly all participants in the DRC study by Kelly et al. mentioned that the rape epidemic was "brought" in by foreign militia as early as the first Congo War in 1996 and the subsequent wars normalized rape for civilians.<sup>78</sup> The influx of foreign militia that was also witnessed during the most recent conflicts in the past decade further corroborates this narrative. Several participants from the Kelly et al. mentioned the presence of the *Interahamwe*<sup>79</sup> in the eastern provinces as being the sources of the most brutal attacks on women.<sup>80</sup> Some Congolese men and women have mentioned that there was never a word for rape in their language until the Rwandans flooded the DRC after the 1994 genocide "bringing crime with them".<sup>81</sup> It was also suggested that Congolese men had become more prone to raping as being exposed to a decade of fighting and violence had normalized rape in the communities.<sup>82</sup>

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<sup>77</sup> Marion Pratt and Leah Werchick, *Sexual terrorism: rape as a weapon of war in eastern Democratic Republic of Congo* (USAID/DCHA Assessment Report, 2004, p.6-7)

<sup>78</sup> Kelly et al., *If your husband doesn't humiliate you*, p. 288

<sup>79</sup> Referring to the Rwandan Hutu rebels present in the region but also used interchangeably to refer to the politico-military group *Force Democratique pour la Liberation du Rwanda*

<sup>80</sup> Kelly et al., *If your husband doesn't humiliate you*, p. 288

<sup>81</sup> Wolfe, *The Actual State of Sexualized Violence*, 2016

<sup>82</sup> Kelly et al., *If your husband doesn't humiliate you*, p. 289

The Peterman et al. and the Kohli et al. articles both refer to the fact that men who are affected by conflict are more likely to perpetuate intimate partner violence due to trauma, displacement, and exposure to violence and use of violence during the conflict.<sup>83</sup><sup>84</sup> However, this does not mean that acts of violence did not exist prior to the conflict, especially in the domestic setting. It may have been that in the cases that occurred in the private home, rape was not considered a crime and thus not discussed and reported. While a great number of rape cases have occurred under the context of the ongoing conflict, a UNFPA representative in eastern Congo mentioned a drastic increase in civilian rape since 2011, reporting more than 77 percent of rape cases registered by UNFPA being perpetrated by civilians.<sup>85</sup> A 2010 Oxfam and Harvard Humanitarian Initiative study also reveals a shocking 17-fold increase in rape cases by civilians between 2004 and 2008.<sup>86</sup> This increase in civilian adoption of sexual violence could in part be due to the erosion of all constructive social and legal measures that ought to protect civilians from violence but also due to the ongoing environment of impunity in the country. However, it is important to note that although there had been a drastic increase in rape perpetrated by civilian in the conflict areas of eastern Congo, the highest cases of intimate partner violence were reported to be in regions geographically distant from the conflict zones.<sup>87</sup> This discrepancy suggests that the violence during the war may have in part “normalized” rape in eastern Congo, however it does not offer a holistic explanation for why domestic violence has been

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<sup>83</sup> Peterman et al., *Estimates and Determinants of Sexual Violence Against Women*, 2011

<sup>84</sup> Kohli et al., *Family and Community Driven Response*, 2015

<sup>85</sup> Wolfe, *The Actual State of Sexualized Violence*, 2016

<sup>86</sup> Oxfam America and Harvard Humanitarian Initiative, *Now, the world is without me': An investigation of sexual violence in eastern Democratic Republic of Congo* (Cambridge: Harvard Humanitarian Initiative and Washington DC: Oxfam America, 2010)

<sup>87</sup> Peterman et al., *Estimates and Determinants of Sexual Violence*, p. 1063

so prevalent in other provinces in the DRC that are not directly impacted by the conflict. As such, other aspects aforementioned such as age, educational level, socio-economic status and employment should be kept under consideration when examining predictable factors for domestic violence in the DRC.

## **Local Culture**

Sexual violence in Congo cannot only be seen under the context of the war but also as a result of gender inequalities persisting within the society. The Slegh et al. study found that both men and women in DRC strongly adhere to unequal social norms—with men generally skeptical of gender equality and women having internalized many of the norms that sustain their subordination to men.<sup>88</sup> Most men in this study saw gender equality are being “theoretical” and an external concept that is not relevant to Congolese culture or an idea put in place to bring disaccord between men and women.<sup>89</sup> Slegh et al., mention the role power plays in sexual relations and the control of resources in the household. Women’s knowledge of this power imbalance seems to influence the ways in which they view their role and their rights in the home. More women in the study, about 62 percent, than men, around 48 percent, stated that men had the right to sex with their wives even if she refuses.<sup>90</sup> This notion is further supported by the Kohli et al. study where men and women described “women’s marital duties to include sexual intercourse with a husband regardless of the wife’s circumstances (illness, pregnancy, fatigue) and desires.<sup>91</sup> The study further states that women are more likely to tolerate violence because they want to keep

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<sup>88</sup> Slegh et al., *Gender Relations, Sexual Violence and the Effects of Conflict*, p. 32

<sup>89</sup> Ibid. 31

<sup>90</sup> Ibid. 34

<sup>91</sup> Kohli et al., *Family and Community Driven Response*. p. 279

their family together. Slegh et al. reveal that 78 percent of Congolese women in their study agree that they have tolerated violence to keep their families together, and 48 percent of women agree that women sometimes deserve to be beaten.<sup>92</sup> Women having grown accustomed to notions of male superiority have gone on to also ascribe to these inequitable attitudes in order to avoid conflict, rejection, shame and further violence.

Power tensions seem to be at the center of gender relations and this idea of gender equality has created a competitive space in the household. It appears as though the idea of equitable partnerships between men and women in the household, especially when it pertains to decisions on finances threatens the man's sense of power and identity. Both men and women in the Kohli et al. study reported that men's gender and the need to maintain their place in the household entitles them to be violent.<sup>93</sup> A Congolese woman stated

“A wife should not confront the husband with her power. If she earned more money, it is better for her not to show that. She should just buy the things needed for the family”.<sup>94</sup>

In many cases men use intimate partner violence as a way to restore their place as the head of the family and boost their self-confidence, especially if they lack the financial means to effectively provide for their families.<sup>95</sup> Patriarchal biases remain prevalent throughout the various regions in the DRC and these biases have been further sustained by certain Congolese traditional practices and customs.

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<sup>92</sup> Slegh et al., *Gender Relations, Sexual Violence and the Effects of Conflict*, 2014

<sup>93</sup> Ibid. p. 279

<sup>94</sup> Slegh et al., *Gender Relations, Sexual Violence and the Effects of Conflict*, p. 34-35

<sup>95</sup> Kohli et al., *Family and Community Driven Response*, p. 280

## Traditional Practices

Some traditional practices in the DRC such as the dowry have revealed to possess both positive and negative repercussions for women. Slegh et al. report that approximately 90 percent of the men and women in the DRC study agreed with the dowry system and stated that provided the woman with a sense of security and gave value to the marriage.<sup>96</sup> However, the act of paying for the bride may give the man an elevated sense of ownership and can be used as a way to legitimize physical and sexual violence towards the wife. Other practices such as polygamy, which is permitted in some Congolese tribes, is also a source of violence for many women. Having multiple partners, whether legally married or not, has been associated with “traditional” definitions of masculinity in the DRC.<sup>97</sup> Polygamous relationships have been associated with higher risks of intimate partner violence for Congolese women.<sup>98</sup> Women have mentioned that disputes between wives often leads the husband to pick the side of his favorite wife and this often results in the other wife being beaten or sexually abused by the husband.<sup>99</sup> Some Congolese women fear that unresolved intimate partner violence would lead their husbands to seek a second wife and that this would only result in more violence or cause their marriage to end.<sup>100</sup> Women who report not knowing whether their husbands had other wives or partners were at higher risk of

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<sup>96</sup> Slegh et al., *Gender Relations, Sexual Violence and the Effects of Conflict*, p. 38,

<sup>97</sup> Abramsky et al., *What factors are associated with recent intimate partner violence? Findings from the WHO multi-country study on women’s health and domestic violence* (BioMed Central, 2011)

<sup>98</sup> Sarah Myers-Tlapek, “Women’s Status and Intimate Partner Violence in the Democratic Republic of Congo (Journal of Interpersonal Violence, 2014)

<sup>99</sup> Ibid.

<sup>100</sup> Kohli et al., *Family and Community Driven Response*, p. 280

intimate partner violence than women who knew, as their suspicions of infidelity are often a topic of conflict.<sup>101</sup>

In some Congolese tribes such as the Banyamulege in South Kivu province, women had long been considered as the private property of the clan and as such the men in her husband's family had the right to have sexual relations with her, with or without her consent.<sup>102</sup> Additionally, some tribes still follow the custom of levirate wherein the brother-in-law of a widow inherits her often against her will.<sup>103</sup> These traditional practices not only reduce women to the status of private property but also leads to the perpetuation of both physical and sexual violence towards them.

Alcohol consumption has also been a way for Congolese men to assert their masculinity. Heavy alcohol consumption has been associated with higher risk of intimate partner violence but has also reduced men's sense of responsibility for their violence when under the influence.<sup>104</sup> Alcohol consumption has also been a coping mechanism for men who are experiencing financial stress and worry about how their inability to provide for their families challenges their role as the head of the home.<sup>105</sup>

While traditional practices along with traditional norms of masculinity in Congo have led to higher risks of intimate partner violence, but interestingly enough both men and women resort to their traditional community for mediation. This demonstrates that despite its shortcomings, tribal remedies are respected and valued in local communities

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<sup>101</sup> Abramsky et al., *What factors are associated with recent intimate partner violence*, 2011

<sup>102</sup> Réseau des Femmes pour un Développement Associatif (RFDA), Réseau des Femmes pour la Défense des Droits et la Paix (RFDP), International Alert, *Women's bodies as a battleground: Sexual violence against women and girls during the war in the Democratic Republic of Congo, South Kivu (1996-2003)* (RFDA, RFDP and International Alert, 2005, p. 27)

<sup>103</sup> Ibid. p. 27

<sup>104</sup> Sarah Myers-Tlapek, "Women's Status and Intimate Partner Violence, p. 2536

<sup>105</sup> Peterman et al., *Estimates and Determinants of Sexual Violence Against Women*, 2011

and as such any actions towards addressing domestic violence in the DRC should include the involvement of traditional leaders.

### III. Main Actors and Interventions

#### **Non-Governmental Organizations (NGOs)**

Several national and international NGOs have attempted to make contributions towards the promotion and protection of human rights in the DRC, one way or another. The focus of many national women's groups, CSOs and NGOs have been on sexual violence in eastern Congo, rightfully so, however not many hold initiatives across all provinces. Milli Lake makes interesting observations about the role of NGOs, civil society groups and international organizations that dominate the capitals of the eastern provinces. Because the central government is absent from these local communities, these external actors and domestic NGOs perform their tasks and "have power to make decisions about policy, employ personnel and manage institutions".<sup>106</sup> This de facto assumption of power by the different actors has made it that they can enter and influence judicial processes by engaging in tasks that normally the national and local governments are in charge of. They maintain public order, pay fees to government personnel in lieu of their salaries, coordinate and implement trials and provide other services as needed.<sup>107</sup> Even though these activities are benefiting the population, they do not help build capacity and they have the potential to make the government lose incentive to engage in that work and reinvest their own time and resources into performing these functions. The saturation of these external actors can

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<sup>106</sup> Lake, *Organizing Hypocrisy*, 2014, p. 519

<sup>107</sup> Ibid



be better exploited if the focus was more on identifying the local institutions that have the burden of responsibility and properly allocating resources so they can build their capacity to execute their functions.

Currently, NGO initiatives vary in their aims, strategies, and implementation process, as well as in the level of effectiveness of the services they provide. Due to the recent decades of conflict services for women aim to assist those victims of sexual violence during the war but do not particularly cover those victims of abuse in the private sphere. Services provided range from counseling, medical and legal services, relevant data collection, research and capacity building.

## **Local NGOs**

### *Reseau des Femmes pour un Developpement (RFDA)*

RFDA, a national NGO located in eastern Congo is a collective of women's associations with the aim to empower Congolese women to participate in the reconstruction of the country.<sup>108</sup> One of their main initiatives is to provide support and assistance to women victims of violence and to fight against all forms of discrimination and injustice against women.<sup>109</sup> RFDA reckons that justice for victims of sexual and domestic abuse is especially challenging, as victims are often unable to pay for legal services and judicial procedures.<sup>110</sup> In a 2012 interview, RFDA representative stated that not only is domestic violence in Congo prevalent but that Congolese custom does not recognize

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<sup>108</sup> Reseau des Femmes pour un Developpement (RFDA), Actualités. RAFAL, 2012. <http://www.reseau-rafal.org/node/186>

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

domestic rape.<sup>111</sup> As such RFDA identifies victims, train social workers and provide social, medical and legal services. The organization works alongside the Women's Network for Community Development and together has been able to care for 800 victims of violence in its women's shelters.<sup>112</sup>

Additionally, the organization works towards educating the population on women's rights, hold trainings on gender and transformation post-conflict and reinforce capacities of their partner women organizations.<sup>113</sup> Furthermore, RFDA is actively engaged in research and data collection on violence and sexual abuse, especially as it pertains to the war in eastern Congo. RFDA focuses a great deal of its efforts in producing systematic documentation that could support programs and campaigns against sexual violence against women and girls in the DRC while also serving as a guide for policy and strategies to eradicate sexual violence and abuse.

#### *Coalition Contre les Violences Sexuelles/Coalition Against Sexual Violence (CCVS)*

The Coalition Contre les Violences Sexuelles is comprised of a network of five national organizations; Réseau des Femmes pour un Développement Associatif (RFDA), The Centre Olame, ADIF - Association pour le Développement Intégral des Femmes/Association for Women's Integral Development, UEFA - Union pour l'Emancipation des Femmes Autochtones/Union for the Emancipation of Indigenous Women and SAF - Service des Activités Féminines/Women's Activities Service.<sup>114</sup>

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<sup>111</sup> Canada: Immigration and Refugee Board of Canada, "Democratic Republic of Congo: Domestic and Sexual violence, including legislation, state protection, and services available to victims", 2012.

<sup>112</sup> RFDA, RFDP and International Alert, *Women's bodies as a battleground*, p. 57

<sup>113</sup> Réseau des Femmes pour un Développement (RFDA), *Actualités*. RAFAL, 2012

<sup>114</sup> RFDA, RFDP and International Alert, *Women's bodies as a battleground*, p. 57

This network was created with the aim to provide a central structure for organizations working in the field of human rights, more specifically operating in the area of violence against women. With this consolidated structure they hoped to increase dialogue between the various organizations and to raise their credibility and scope of impact on the national and international level. Their main strategy involves lobbying in both the national and international arena in order to get the resources necessary to provide victims of sexual violence with “comprehensive, systematic and effective assistance”.<sup>115</sup> Alongside lobbying activities, the network organizes weekly and monthly discussions with members of the organization and runs awareness-raising campaigns on the extent and consequences of sexual violence across provinces in Congo.<sup>116</sup> The strategy used by this network is more so to address larger scale systemic issues and not so much focused on working in direct contact with local communities. This macro-level approach could be due to the fact that they assume that the respective organizations are already mobilizing efforts and providing services on the local level and thus the goal of the network is to target larger national and international ground.

### *Synergie des Femmes pour les Victimes de Violences Sexuelles (SFVS)*

Synergie des Femmes pour les Victimes de Violences Sexuelles, similar to CCVS is a network comprising of over 20 other Congolese organizations working towards eradicating violence against women and providing assistance to women victims of sexual violence in

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<sup>115</sup> Ibid. p. 58

<sup>116</sup> Ibid. p. 58

the DRC.<sup>117</sup> This assistance includes psychosocial, medical, and legal defense services to the victims of sexual violence in the North Kivu province. SFVS has established 20 “Listening Homes” to serve as shelter for victims and also hold seminars on the effect of sexual violence and train counselors on trauma and family mediation.<sup>118</sup> The concept of “Listening homes” has also been used in other countries to serve different populations such as the homeless, the disadvantaged and lonely.<sup>119</sup> Furthermore, their legal defense section lobbies for gender justice while coordinating legal assistance for victims of violence and also train judges on sexual violence law.

#### *Foundation Chirezi (FOCHI)*

Foundation Chirezi is a Congolese NGO that works closely with the local communities and is particularly involved in the creation of community-led conflict resolution programs.<sup>120</sup> FOCI is funded by the *Allen and Overy Foundation* through the British NGO *Peace Direct*.<sup>121</sup> The organization is dedicated to providing education and health services to orphan children and economic empowerment to women victims of sexual violence.<sup>122</sup> A major program carried out by FOCI is the Baraza peace courts that serve to provide “fair, accessible and non-punitive justice, while successfully resolving small-scale conflicts before they turn violent”.<sup>123</sup> The Barazas<sup>124</sup> are led by democratically

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<sup>117</sup> Donor Direct Action, “*Synergie des Femmes pour les Victimes de Violences Sexuelles*”, <http://donordirectaction.org/activists/synergie/>

<sup>118</sup> Ibid.

<sup>119</sup> Listening House, *Home Page*. Accessed August 10, 2016. <http://listeninghouse.org/>

<sup>120</sup> Peace Direct, “Baraza Justice: A case study of community-led resolution in D.R. Congo”, 2014

<sup>121</sup> Ibid.

<sup>122</sup> Chirezi Foundation, accessed July 17, 2016. <http://chirezifoundation.webs.com/>

<sup>123</sup> Peace Direct, *Baraza Justice: A case study of community-led resolution in D.R. Congo, Summary of Report* (Peace Direct, 2014)

elected community members and offer an open dialogue and participatory approach to dialogue, mediation and reconciliation.<sup>125</sup> As part of the project, FOCHI facilitates the creation of mixed-gender peace court wherein women alone can hear women's issues that are considered private such as marital rape and other cases of sexual violence.<sup>126</sup> The strategies they used for the women in the community was centered on their empowerment and increasing their sense of self-worth. Women who have conflict with their husbands get to work with other women to find ways to solve their marital issues. This community-based approach, nonetheless should not serve as a replacement for national justice institutions but in cases such as domestic violence in DRC where community resolutions are often the preferred remedy it offers a good alternative to formal legal recourse.

#### *Panzi Hospital and Foundations*

The Panzi hospital, located in eastern Congo was founded as a response to the Congolese war in 1999 and has served as a General Reference hospital for that region.<sup>127</sup> Following a holistic five-pillar healing model, this medical facility offers “services that meet the full spectrum of [patients] needs: physical recovery, psychosocial and emotional support, community reintegration and legal assistance”.<sup>128</sup> Additionally, Panzi hospital makes strategic investments in local civil society organization to build their capacity in addressing issues of violence while promoting human rights and gender equality.<sup>129</sup> The primary service provided by the hospital is the physical recovery of victims of sexual

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<sup>124</sup> Baraza is a Swahili word for “gathering”

<sup>125</sup> Peace Direct, *Baraza Justice: A case study of community-led resolution*, 2014

<sup>126</sup> Ibid.

<sup>127</sup> Panzi Hospital and Foundations, *What we do*, accessed August 7, 2016

<http://www.panzifoundation.org/what-we-do/>

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

violence, however the other pillars are equally essential in the healing process of not only the victims but also the community as a whole. Alongside the hospital are two foundations, one based in the DRC and the other in the United States that implement programs serving survivors of sexual violence and the broader community. The foundations though separate legal entities from the hospital operates symbiotically to fund and implement healing activities outside of the physical recovery of the patients.

Programs such as the Panzi Legal Clinic work to enhance women rights by providing legal assistance and representation for women who wish to file complaints regarding sexual violence and gender-based violence in general.<sup>130</sup> The legal clinic also runs initiatives to raise awareness and understanding of human rights issues, particularly as it relates to Congolese law and international law. The Panzi Legal Clinic through advocacy with local and national authorities has managed to reduce the duration of time it takes to close most cases and obtain verdicts.<sup>131</sup> The Panzi team is also dedicated in training physicians and staff on conducting data-driven research and program evaluations in order to find root causes of violence and collect relevant data to provide policy recommendations.<sup>132</sup> Furthermore, the Panzi team has been a point of reference for several international organizations, researchers, and governments who seek to find ways to assess the extent of sexual violence in Congo and ways to address it. Over the years with the reputation that the facility has been able to build, it has raised sufficient resources to continue to provide services and expand its programs and initiatives.

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<sup>130</sup> Panzi Hospital and Foundations, *The Panzi Model: Legal Assistance*, accessed August 7, 2016 <http://www.panzifoundation.org/the-panzi-model-1/#legal-assistance>

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

## Legal Organizations

Organizations such as *Open Society Foundations (OSF)*, *Association of Women Lawyers in Congo* and *Avocats Sans Frontieres (ASF)* provide legal services of some sort primarily to victims of sexual violence in the conflict area. Open Society Foundation (OSF) supported the creation of mobile gender courts in 2012 that heard 186 cases of rape in remote areas in eastern Congo and resulted in a total of 94 convictions for rape and 41 convictions for other offenses.<sup>133</sup> These mobile courts showed that even with limited resources local institutions can bring about measures of justice for rape victims and break the cycle of impunity even under the most challenging circumstances.

Before OSF, the NGO *Avocats Sans Frontieres (ASF)* in 2003 launched the first mobile court initiatives that served as a blueprint for subsequent initiatives.<sup>134</sup> ASF has three locations in the DRC; Kinshasa, Bukavu and Bunia and through these offices provide various services such as legal aid clinics, support for local bar associations, legal assistance to victims of gender-based violence and mobile court hearings.<sup>135</sup>

The Congolese Female Lawyers Association works towards raising awareness on the role and position of women in Congo and seeks to improve the lives of sexually abused women in Congo.<sup>136</sup> The association advocates against the abuses of human rights in Congo and calls for the abolition of traditional practices that sustain the discrimination of

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<sup>133</sup> Open Society Foundation, *Justice in DRC: Mobile Courts Combat rape and impunity in eastern Congo* (Open Society Justice Initiative, 2013)

<sup>134</sup> Lake, *Organizing Hypocrisy*, 2014, p. 521

<sup>135</sup> Avocats Sans Frontieres, *ASF in the Democratic Republic of Congo*, accessed August 13, 2016 <http://www.asf.be/action/field-offices/asf-in-the-democratic-republic-of-congo/>

<sup>136</sup> Vital Voices Global Partnership, *Women Leaders at the forefront of change in the DRC* (Vital Voices Global Partnership, 2012)

women.<sup>137</sup> The association works to address larger scale systematic injustices and women rights abuses in the country.

## **International NGOs**

### *HEAL Africa*

HEAL Africa, over the past decade, under the Wamama Sector has implemented programs and projects directed at fighting against sexual and gender-based violence in the DRC.<sup>138</sup> HEAL Africa Hospital and its associated programs provide medical, counseling and legal services to victims of sexual and gender-based violence mostly in the eastern region. The organization's projects and advocacy initiatives aims to help the community, religious, political and administrative leaders understand the pervasiveness of sexual and gender-based violence with the hope to engage them in its prevention and in the support of victims.<sup>139</sup> In 2014, HEAL Africa provided services to over 2500 women in the Maniema and North Kivu provinces.<sup>140</sup> Their 2014 rape statistics identified more civilian perpetrators in Maniema and not too significant difference between civilian and military perpetrators in North Kivu.<sup>141</sup> Furthermore, they conducted a total of 2689 educational sessions in 2014 focusing on sensitizing the community about the need to fight against sexual and gender-based violence.<sup>142</sup> These educational sessions were held in North Kivu

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<sup>137</sup> Santosh C. Saha, "Dictionary of Human Rights Advocacy Organizations in Africa", (Greenwood Publishing Group, 1999)

<sup>138</sup> HEAL Africa, *Our Initiatives*, accessed June 17, 2016 [http://healafrika.org/our\\_initiatives](http://healafrika.org/our_initiatives)

<sup>139</sup> Ibid.

<sup>140</sup> HEAL Africa, *2014 Annual Report*, (HEAL Africa, 2014, p. 9)

<sup>141</sup> Ibid. p. 9.

<sup>142</sup> Ibid. p. 10.



and Maniema and reached 218,893 people 55 percent of which were women.<sup>143</sup> Through the Ushindi project for instance, HEAL Africa has been involved in improving local capacity to identify and effectively respond to sexual and gender-based violence.<sup>144</sup> This project is an 8-year program funded by USAID and in partnership with organizations such as the Panzi Foundation and the Program for the Promotion of Primary Health Care (PPSSP). HEAL Africa has several other initiatives for sexual and gender-based violence, however, not all of these projects' have reports outlining the goals, strategies and results of the activities. HEAL Africa receives funding for their projects from various international entities such as the World Bank, USAID, Switzerland and also religious and private donors and partners.<sup>145</sup> Like many of the organizations previously mentioned the majority of HEAL Africa's initiatives are concentrated in the conflict area of eastern Congo.

### *Promundo*

In 2015, Promundo launched a four-year program named Living Peace in the North and South Kivu provinces of the DRC. Working in partnership with the Institut Supérieur du Lac, Benevolat pour l'enfance and HEAL Africa, this program aims to address the root causes of violence in the region while providing activities to facilitate a non-violent path to healing for the families and communities.<sup>146</sup> The program's activities include training the health sector professionals, police and military, and religious leaders to understand and address gender-inequitable and violent norms within the community. They also provide

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<sup>143</sup> Ibid. p. 10.

<sup>144</sup> IMA World Health, *Ushindi: A holistic approach to supporting survivors of sexual and gender-based violence in DR Congo*, accessed September 4, 2016 <http://imaworldhealth.org/ushindi/>

<sup>145</sup> HEAL Africa, *Financial Report 2014: Audited Report on Projects*, (HEAL Africa, 2014)

<sup>146</sup> Promundo, *Living Peace: Scaling up healing after conflict in the Democratic Republic of Congo* (Promundo-US, 2015)

training for community members to be “Living Peace Mediators” that facilitate discussions on the effect of war and conflict and help individuals develop more constructive coping mechanisms.<sup>147</sup> The program also holds couples and family therapy to engage them in discussions on violence in the home, family planning, and sexual and reproductive rights. Living Peace is also involved in advocacy through media campaigns to help change community norms that sustain men’s use of violence against their partners and children and to advance gender equality and prevent sexual and gender-based violence.<sup>148</sup> Furthermore, the program works towards strengthening the capacity of local civil society organizations and NGOs to allow them to take ownership of the program through an establishment of a permanent Living Peace Institute. The institute will allow Congolese-run NGOs to lead training, research and capacity building throughout the region and the country thus not only ensuring the sustainability of the program but also its expansion.

### **Other External Actors**

UN agencies such as the United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), UN Women and the UN Refugee Agency also work towards collecting data on the extent of sexual and gender-based violence in the DRC. In 2014, UNFPA recorded 11,769 cases of sexual and gender-based violence in the provinces of North Kivu, South Kivu, Orientale, Katanga and Maniema, with only 39 percent of which were directly related to the conflict.<sup>149</sup> In addition to the other services they offer in the

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<sup>147</sup> Ibid

<sup>148</sup> Ibid

<sup>149</sup> United Nations, “Democratic Republic of Congo: Report of the Secretary-General to the Security Council”, 2015

regions, UNFPA has also supplied treatment centers with equipment and post-rape kits.<sup>150</sup> UNDP and UN Refugee Agency have funded and conducted data on cases regarding sexual violence especially in the conflict areas of eastern Congo.<sup>151</sup> While UN Women in the DRC carries out activities with women's groups and support local organizations. The agency also works to enhance the government's capacity to implement international and national laws regarding women, peace and security and ending violence against women. These activities funded and/or supported by UN Women do not specifically tackle issues of domestic violence, but they do address greater systematic and cultural barriers that increase the likelihood of women being subjected to violence.

The United States and other governments like Canada, Belgium and Switzerland have pledged millions to help fight the rape epidemic, however, it is suspected that the funds over the years have been solely allocated to conflict related rape interventions and programs.<sup>152</sup> In 2009 the U.S. committed to a 17 million dollars investment in rape survivor services and programs in the DRC.<sup>153</sup> The European Union being the largest donor in the country, invested 20 million euros in 2013 for the launch of a new program focusing on causes of gender-based violence in the DRC.<sup>154</sup> Most of these funds are either filtered through partner NGOs or the Congolese government and as the aforementioned discussion of services demonstrates, most if this aid is used to fund programs providing medical care, counseling and legal services for women victims of war-related sexual violence.<sup>155</sup>

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<sup>150</sup> Ibid

<sup>151</sup> Wolfe, *The Actual State of Sexualized Violence*, 2016

<sup>152</sup> Human Rights Watch, *Soldiers Who Rape, Commanders Who Condone*, 2009.

<sup>153</sup> Amnesty International USA, "Democratic Republic of Congo Issue Brief", 2011

<sup>154</sup> Martha Latek, *Sexual Violence in the Democratic Republic of Congo* (European Parliament, 2014)

<sup>155</sup> Amnesty International USA, "Democratic Republic of Congo Issue Brief", 2011

#### IV. Best Practices

Many of the organizations mentioned, both local and international are providing similar services to victims of sexual violence and many of those are saturated in the conflict region of eastern Congo. Congo continues to be a recipient of various humanitarian aid yet there seems to still be a deficiency in resources necessary to adequately address issues such as domestic violence in the DRC. This could be in part due to the fact that though many are aware of how rampant domestic violence is in Congo, they have yet to figure out proper measures to address it. As such, without an understanding of what the most cost-effective remedies could be it remains challenging to know how external donors, local NGOs and national institutions can relocate already limited resources towards fighting domestic violence.

#### **Reallocation of Resources and Expansion of Services**

The DRC is still in need of humanitarian aid from the international community despite the progress towards peace.<sup>156</sup> As such many external governments and international organizations continue to fund several peace-building programs and other services that respond to the needs of the populations in the conflict region. This aid is often funneled through government institutions or through the various NGOs on site. While some organizations such as FOCHI and the Panzi Hospital and Foundations have international donors and partners that help fund several of their initiatives, other local NGOs do not always have adequate resources to operate in the extent that will create the greatest impact. The main challenges that RFDA, CCVS and many other primarily self-funded

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<sup>156</sup> Swedish International Development Cooperation Agency, "Ongoing Humanitarian crisis: Our humanitarian assistance in the Democratic Republic of Congo", (SIDA, 2016)

national NGOs face is that of insufficient funding, lack of structural support and social resources to effectively serve the women victims of sexual violence. Providing legal, medical and social assistance is costly especially when serving women in remote areas. Not all cities and villages have these facilities readily accessible and as such victims either have to travel to other locations or the services need to be brought to them, all of which requires funding.

Legal services seem to be essential, however the cost of providing these services is very high. The legal services provided by NGOs may be free but other factors such as transportation fees to and from courts/police departments, court fees, some police officers ask for a fee to move legal processes along, etc.—all of which needs to be factored in as well. Additionally, while some organizations such as HEAL Africa provide medical care for victims of rape in eastern Congo free of charge, not many organizations have their own hospitals where they can waive the cost of care. As such many of these organizations either have to join forces or rely on external actors to provide them with financial support in order to increase their capacity and to assist them with advocacy both on the national and international level.

In addition to the necessity for an increase in funding allocation, services provided by these organizations need to be expanded to meet the needs of all types of women victims of sexual violence. The majority of NGOs mentioned that provide services for victims of sexual violence appear to all deliver similar services; medical care, psychosocial services, legal services and in some cases shelters. Domestic violence is the most common form of

violence against women, however funding and the programs being implemented do not specifically cater to those victims.<sup>157</sup>

Furthermore, many of the organizations that provide services for victims of sexual violence are more focused on war related sexual violence and not those that occur in the home. This might be in part due to the fact that women being abused in their homes do not report the violence and do not seek help from these organizations. Another factor could be, as mentioned by FOCHI, that the women consider it too much of a private matter to involve outside parties. Thus for instance, when NGOs provide shelter for victims of sexual violence, women who are victims of domestic violence and may want to escape from their matrimonial homes might not be eligible to seek refuge in these centers or even know it is accessible to them. Additionally many of these organizations primarily operate in the conflict areas of eastern Congo and thus the services rendered are limited to that region. As the Peterman et al. study showed, eastern Congo has the lowest rate of domestic violence while the highest rates are in provinces such as Equateur, Bandudu, Kasai Orientale and Katanga. This could be a result of the oversaturation of aid and services available in the east because of the war that has allowed women to be more aware of their rights. Another explanation could be the fact that a number of sexual violence perpetrators from the conflict have been prosecuted and as such men in the east are more fearful of the consequences of committing acts of violence even in their homes. What is for certain however is that even though the focus is on victims of sexual violence from the war, many of the local organizations recognize that domestic violence is indeed a serious problem in

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<sup>157</sup> Ngungu, *The Problematic of Violence against Women: A major challenge in the national reconstruction process and in the promotion of good governance in RD Congo* (WILPF/RDC Parallel side event CSW54, 2010)

the DRC and that the state needs to take measures to protect women victims of this violence.

Thus, instead of creating entirely new programs, it would be more cost-effective to expand on preexisting programs to include services that take into consideration the needs of women victims of domestic violence as well. This can be executed by having NGOs advertise their services as being open to all victims of sexual and gender-based violence, offering couples and family counseling alongside psychosocial services, opening their shelters to women who do not feel safe in their homes and extending legal services to those who wish to file complaints.

### **Strengthening Traditional and Community Remedies**

Traditional and community remedies appear to be the preferred recourse for issues of domestic violence for most Congolese women, especially in rural areas.<sup>158</sup><sup>159</sup> Most women do not want their marriages to end, just the violence and traditional forms of mediation are the remedy they deem most effective to keep their families together.<sup>160</sup> However, this recourse has its shortcomings. Many women are often excluded from the mediation discussions with the traditional leaders regarding their disputes with their husbands.<sup>161</sup> It is not only counterproductive to only have one party to the dispute during mediation but it also subjects the woman to further discriminatory outcomes. Women in the Kohli et al. study mentioned how the lack of strong traditional leaders and distrust

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<sup>158</sup> Kohli et al., *Family and Community Driven Response*, 2015

<sup>159</sup> Canada: Immigration and Refugee Board of Canada, "Democratic Republic of Congo: Domestic and Sexual violence, including legislation, state protection, and services available to victims", 2012.

<sup>160</sup> Slegh et al., *Gender Relations, Sexual Violence and the Effects of Conflict*, 2014.

<sup>161</sup> Kohli et al., *Family and Community Driven Response*, 2015

among families and community members have come in the way of effective solutions for cases of domestic violence. Often times the women end up getting blamed for the violence and are asked to be more patient and to respect their husband's demands.

Traditional response to intimate partner violence should engage the couple in prioritizing the family wellbeing and safety and planning for the future. Seeing that traditional community response is the preferred intervention, it would be important to design and implement culturally acceptable initiatives that involve both men and women and local leaders. If traditional infrastructures are strengthened and reformed they would have the ability to ensure lasting changes to underlying risk factors of domestic violence and provide effective strategies for its prevention and adequate response. As such, traditional leaders need to be educated on the extent of domestic violence and the consequences this could have on the physical, psychosocial and economic wellbeing of the family and the community. Community leaders need to challenge their own patriarchal biases and also offer the opportunity for other women in the community to lead mediations in order to have a more inclusive perspective. Thus, NGOs such as Promundo and RFDA who hold trainings on sexual and gender-based violence could also include traditional leaders in their sessions and expand their training to include issues of domestic violence and not just war related violence.

In some instances however traditional mediations have resulted in men showing more restraint and coping with their anger before it leads to violence.<sup>162</sup> In many cases heavy alcohol consumption has been associated with the violence and thus staying away

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<sup>162</sup> Ibid.



from alcohol proved to reduce conflict in the home.<sup>163</sup> Additionally, community courts such as FOCHI's Barazas offer an alternative to formal legal recourse and are held at almost similar standards by the community. These mixed-gender courts allow for women to have a voice as they get to be heard by other women and together come up with ideas to solve their marital disputes. Traditional remedies could also involve the woman temporarily moving to her family or in-laws house while mediations are ongoing between the couple. The issue with this option, however, is that women fear their husbands will get a second wife while they are away.<sup>164</sup>

Due to the very low possibility for prosecution of marital rape and other forms of intimate partner violence and fear of reporting from the victims, traditional community-based interventions could be strengthened as a short-term response to domestic violence. Rebuilding traditional infrastructures, while adding gender-based educational components could supplement other efforts to address policy and legal interventions. However, as effective as traditional and community remedies have the potential to be they still operate under patriarchal biases that put the women at a constant disadvantage. Furthermore, in cases where the woman fears for her life and wishes to escape her matrimonial home and file a legal complaint traditional responses may not be the most appropriate solution. Thus, alongside traditional remedies legal measures need to be in place to ensure that women can file complaints and that their allegations will be taken seriously by local officials and is supported by legislations.

## **Legal Reform**

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<sup>163</sup> Sarah Myers-Tlapek, "Women's Status and Intimate Partner Violence, p. 2536

<sup>164</sup> Kohli et al., *Family and Community Driven Response*, 2015

The fact that marital rape is not prosecutable in the DRC poses a great challenge for women who seek to file complaints against their husbands. So far, only five sub-Saharan African countries have legislation that specifically addresses domestic violence.<sup>165</sup> The Congolese Constitution as of 2006 declares the government's commitment to eliminate all forms of discrimination and violence against women in both the public and private sphere, however the law is not clear on what specific public authorities they mention are responsible for the promotion of women's rights and the protection of women against sexual violence. There is no mention of domestic violence in Congo's Family Code and no mention of spousal rape in the amendments made to the Penal Code.<sup>166</sup> Additionally, any legislation will require cooperation with those actors that are supposed to implement and enforce it. Thus, police officers and to some extent the military has to believe in the criminality of spousal rape and other acts of domestic violence and be willing to take adequate measures to address it. Several women have mentioned how they feared the authorities they ought to report intimate partner violence to.<sup>167</sup> A report from the Special Rapporteur on Violence Against Women showed that 16 percent of rapes reported in South Kivu were carried out by the military and police force. Thus, women may not feel comfortable reporting intimate partner violence to law enforcement as they may fear to be further victimized or since marital rape is not recognized by law their allegations might not be taken seriously. Furthermore, despite there being more female police officers than female soldiers, the numbers are still significantly lower than male officers and thus the

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<sup>165</sup> Record of the Association of the Bar of the City of New York, *Gender-based Violence Laws in Sub-Saharan Africa* (New York City, 2008)

<sup>166</sup> *The Constitution of the Democratic Republic of Congo (2006)*, article 14 and 15

<sup>167</sup> Kohli et al., *Family and Community Driven Response*, 2015

probability of being able to report violence to a female officer who could be more sympathetic are low.<sup>168</sup>

Hence, a major part of legal reform in the area of domestic violence in the DRC will have to include the sensitization of not only local and national officials but also the population as a whole. The attempt to pass domestic violence laws should connect to the lived realities of women in Congo and the communities they are a part of. As witnessed during the drafting of domestic violence legislation in other African countries like Ghana and Nigeria, many officials that were in the position to change legislation did not believe that marital rape was a crime. This mentality poses a great challenge for any advancement towards the criminality of domestic violence, as it would be impossible to create a law that half the population does not consider legitimate. As such educational initiatives and advocacy on the extent and consequences of domestic violence need to take place in the local, regional and national level and be adapted to different audiences.

### **Community Advocacy**

Many local NGOs such as CCVS, RFDA and SFVS advocate, lobby and run campaigns on sexual violence especially as it pertains to the conflict, however the issue of domestic violence specifically is not always on the forefront. Multi-level educational initiatives need to take place not only to expose the fact that domestic violence is so prevalent in the DRC but also to establish preventative measures. Countries such as Liberia have held successful campaigns against gender-based violence by bringing together NGOs like Oxfam, the Forum for African Women Educationalists and several schools from various parts of the country to

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<sup>168</sup> Germain N. Tshibambe, *Peacekeeping Contributor Profile: Democratic Republic of the Congo*, (University of Lubumbashi, 2016)

raise awareness about new laws regarding sexual violence.<sup>169</sup> Other effective campaigns against sexual violence have relied on public media, social media, television and the film and music industry to create innovative approaches to raise awareness.<sup>170</sup> In Egypt for instance, initiatives have leveraged on so-called social contracts and public collective commitments wherein particular social and traditional groups made commitments to end a certain practice. This approach was successful especially in reaching positive results in the fight against female genital mutilation in the region.<sup>171</sup> Another important aspect of advocacy against issues of gender inequality and gender-based violence is drawing the attention and participation of men in awareness-raising efforts. Palmeiri argues that there is great value in placing male champions at the forefront of gender commissions as giving them this ownership will not only challenge their own views but they could also serve as advocates in male dominated spaces where gender issues are overlooked.<sup>172</sup> Legal reform and institutional change must be accepted and endorsed by men who are not only the majority in parliament and law enforcement but who also shape the norms, culture, processes, rules and assumptions within institutions and the community as a whole.

Furthermore, studies have shown how domestic violence can have a negative effect on the social, psychological and economic wellbeing of families and communities.<sup>173</sup><sup>174</sup>

Positive change can be achieved by changing societal attitudes by emphasizing on the wider social and economic benefits that gender equality and the elimination of gender-

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<sup>169</sup> Record of the Association of the Bar of the City of New York, *Gender-based Violence Laws*, 2008.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> Sonia Palmeiri, "Sympathetic Advocates: Male Parliamentarians Sharing Responsibility for Gender Equality (Gender & Development Vol, 21, 2013)

<sup>173</sup> Sleght et al., *Gender Relations, Sexual Violence and the Effects of Conflict*, 2014

<sup>174</sup> Kohli et al., *Family and Community Driven Response*, 2015

based violence can yield for both women and men. If people have an understanding of the consequences of the violence, and the legal repercussion that can follow they are more likely to avoid committing abuse. Initiatives will have to include the buy-in and leadership of traditional and community leaders, religious leaders, educational institutions, law enforcement and coordination from local and national government.

### **Government Ownership**

Those organizations that have managed to provide adequate services and have run successful programs have in some form unintentionally taken the burden of responsibility from the government. The involvement of international organizations in micro-level governance activities such as legal services, medical care and housing has somewhat relieved the Congolese government from providing those services themselves. While the resources that some of these organizations receive from external donors have afforded the opportunity to engage in targeted programs and promote peace and human rights it has also created dependency.<sup>175</sup> As a sovereign state, Congolese government institutions need to be on the forefront of the coordination and implementation of programs regardless of whether the funding is coming from the international community.

The government should facilitate the creation of legislation on domestic violence in the DRC, to give legitimacy to victims' legal complaints. Legislation should be complemented with institutional reforms especially in the judicial, law enforcement and medical sector. Institutional reform should address issues of corruptions within the court system and the police departments to ensure the respect of due process and speedy trials.

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<sup>175</sup> Lake, *Organizing Hypocrisy*, 2014

Often times women fear the authorities to whom they are meant to report the domestic violence and thus this reform should include the training of judges, police officers, and other local officials on women rights and gender-sensitivity. In addition to institutional change, the government needs to invest in building infrastructure in order to facilitate victims' access to services. Adequate roads and affordable modes of transportation could potentially cut the cost of receiving and providing services and accessing facilities such as courts, police departments and hospitals. Furthermore, the government should take greater ownership of current NGO initiatives by providing them with funding where possible and fostering cooperation between the respective ministries and the organizations.

Lastly, there is a tremendous gap in research and national data concerning domestic violence in the DRC. The last national data collection conducted that covered domestic violence was administered in 2007, and thus an accurate understanding of the extent of the violence across all provinces will require investing in the collection of valid, reliable and current data.<sup>176</sup> Such extensive data collection would involve the coordination of various national institutions and the government in order to facilitate the administering of the surveys and interview especially in areas of the country that are not easily accessible. Progress towards the fight against domestic violence and other forms of gender-based violence cannot be achieved without the ownership, cooperation and coordination of the Congolese government.

## **Conclusion**

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<sup>176</sup> Peterman et al., *Estimates and Determinants of Sexual Violence*, 2011

Only five sub-Saharan African countries have managed to pass domestic violence legislation, however many African countries have coined it as another ruse from the west to corrupt their culture. As essential as laws are in setting a national standard, legislation alone will not be enough to address the issue of domestic violence if it falls short in the implementation phase. As such legislation will need to be coupled with other strategic actions that can support and enforce current interventions. Many local and international NGOs as well as other external actors have invested resources and provide services to support women victims of sexual violence in the conflict areas. These services including legal assistance, medical care, counseling and shelters are remedies that can be extended to women victims of non-conflict related sexual and gender-based violence across the nation. In order to achieve a cost-effective remedy to domestic violence in the DRC, there will need to be a reallocation of national and international funds streamlined through the NGOs, an extension of the services provided to include non-conflict related victims of sexual violence and support and coordination from the Congolese government. Additionally, efforts to address domestic violence should include national sensitization initiatives on gender equality, women rights and the extent and impact that domestic violence has on the communities. Most women who experience abuse in their homes express the fact that they want the violence to end while still keeping their families together, hence why they opt for mediation from family members and traditional leaders. As such national initiatives should leverage on the major role that traditional and community leaders play and invest on their buy-in to ensure that they are well equipped to address these issues within their communities. Finally, interventions in the DRC must shift from short-term immediate humanitarian actions to long-term and sustainable responses that take into consideration

roots causes of sexual and gender-based violence against women and challenge current patriarchal structures. Legislation reform will not bear the intended results as long as local attitudes continue to legitimize and normalize acts of domestic violence.

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