

## **UN expert on violence against women expresses serious concerns following visit to Democratic Republic of Congo**

Prof. Yakin Ertürk, Special Rapporteur of the United Nations Human Rights Council on violence against women, its causes and consequences, delivered the following statement on 27 July 2007:

"From 16-27 July 2007, I carried out an official visit to the Democratic Republic of Congo (DRC) at the invitation of the Government. Apart from Kinshasa, I visited the Ituri District and the provinces of South Kivu and Equateur. During the course of my mission, I met with senior government officials, including the Minister of Justice, the Vice Minister of Defence, the Minister on the Status of Women and Family, the Minister for Human Rights, the Vice President of the National Assembly and Parliamentarians who are members of the Gender Parity Network. I also spoke with local authorities, representatives of civil society, United Nations (UN) officials, women survivors of violence and female and male detainees in various prisons in the country.

In view of the seriousness and urgency of the situation in the DRC, my visit focused mainly on sexual violence, which is rampant and committed by non-state armed groups, the Armed Forces of the DRC, the National Congolese Police and increasingly also by civilians. However, I would like to caution against singling out sexual violence from the continuum of violence that Congolese women experience, which manifests itself in various forms in their homes and communities. Violence against women seems to be perceived by large sectors of society to be normal.

Tragically, in a resource rich country like DRC, poverty is all too striking and women disproportionately bear its hardships and burden. Empowerment and equality of women, socio-economic development and change of mentalities on gender must be prioritized as integral components of the reconstruction process if sustainable and just peace is to be achieved in the Democratic Republic of Congo.

I will submit a full report with my findings and recommendations to the UN Human Rights Council that meets in Geneva. At this point, I would like to focus on some preliminary observations relating to violence against women in the areas I have visited.

### **Sexualized Atrocities in South Kivu**

I would like to start by drawing attention to the situation in South Kivu Province, which is alarming and requires immediate action. From the perspective of my mandate, which focuses on violence against women, the situation in the Kivus is the worst crisis I have encountered so far.

The South Kivu Provincial Synergie on Sexual Violence, a body bringing together representatives from Government, UN and civil society, has recorded 4500 sexual violence cases in the first six months of this year alone. The real number of cases is certainly many times higher as most victims live in inaccessible areas, are afraid to report or did not survive the violence.

Most of the sexual violence in South Kivu is reportedly perpetrated by foreign non-state armed groups. A number of their members appear to have been implicated in the Rwandan genocide and subsequently fled to the DRC. Operating from forest

areas, these armed groups raid local communities, pillage, rape, sexually enslave women and girls and subject them to forced labour.

The atrocities perpetrated by these armed groups are of an unimaginable brutality that goes far beyond rape. The atrocities are structured around rape and sexual slavery and aim at the complete physical and psychological destruction of women with implications for the entire society. They are in many ways reminiscent of those committed by the Interahamwe during the Rwandan genocide. Women are brutally gang raped, often in front of their families and communities. In numerous cases, male relatives are forced at gun point to rape their own daughters, mothers or sisters. Frequently women are shot or stabbed in their genital organs, after they are raped. Women, who survived months of enslavement, told me that their tormentors had forced them to eat excrements or the human flesh of murdered relatives.

The Panzi Hospital, a specialized institution in Bukavu (South Kivu), receives annually about 3500 cases of women who suffer fistula and other severe genital injuries resulting from these sexualized atrocities. I spoke with a 10-year old girl at the hospital, who had been abducted together with her parents. She had to have an emergency operation, because the perpetrators had rammed a stick into her genital organs.

The FARDC has so far proven to be unable to stop the atrocities in South Kivu, which have been raging for several years. The international community, in collaboration with the Government, must immediately exercise its responsibility to protect and become fully engaged at all levels to end these atrocities.

### **Sexual Violence Perpetrated by Army and Police**

The FARDC, the National Congolese Police (PNC) as well as other State security forces continue to perpetrate sexual violence. In South Kivu and the Ituri, while non-state armed groups remain the main perpetrators of sexual violence, close to 20% of all cases of sexual violence are reportedly committed by the FARDC and the PNC. FARDC units are said to be deliberately targeting civilian communities suspected of supporting militia groups and pillage, gang rape and, in some instances, murder civilians. Individual soldiers or police also commit such acts, considering themselves to be above the law. These acts amount to war crimes and, in some cases, crimes against humanity. International law requires the Government to bring all perpetrators, including the bearers of command responsibility, to justice.

Sexual violence committed by the State security forces is not restricted to areas of armed conflict in the East of the country. The problem is exacerbated by the fact that the process of integrating former militia in the regular armed forces does not entail any mechanism to exclude the major perpetrators of grave human rights violations from the armed forces. Consequently, a number of such men have assumed high ranks in the FARDC.

In Equateur Province, I was shocked to find out that the PNC and FARDC frequently respond to civilian unrest with organized armed reprisals that target the civilian population and involve indiscriminate pillaging, torture and mass rape. In December 2006, for instance, the PNC assembled about 70 police officers from duty stations across the region to take revenge for the burning of the police station in Karawa. The PNC officers pillaged the town, tortured civilians and raped at least 40 women, including an 11-year old girl. So far not a single police has been charged or arrested in relation to the Karawa atrocities. There are allegations that FARDC carried out

similar punitive operations against the civilian population in Bonyanga (120 km south west of Gemena) in April 2007 and in Bongulu (90km north of Bumba) in May 2007.

### **Sexual Violence Perpetrated by Civilians**

Sexual violence is increasingly also committed by civilians. Some of these crimes are said to be committed by demobilized militiamen, who generally received no psycho-social rehabilitation in the reinsertion process.

More fundamentally, the widespread use of sexual violence in the armed conflict seems to have become a generalized aspect of the overall oppression of women in the DRC. Such behavioural norms will therefore remain a serious problem in the future – regardless of the security situation, unless Government and society are willing to make a serious effort to fundamentally change the prevailing gender relations that subordinate and devalue women. As a starting point, the National Assembly can play a key role by undertaking basic legal reforms. The Family Code, for instance, effectively declares women to be minors under their husband's guardianship. While the new Constitution foresees gender parity, a Gender Parity Law to implement Article 14 of the Constitution has yet to be enacted.

### **Impunity**

In July 2006, the Congolese Parliament passed the Law on the Suppression of Sexual Violence, which foresees strengthened penalties and more effective criminal procedures. In practice, however, little action is taken by the authorities to implement the law and perpetrators continue to enjoy impunity, especially if they wear the State's uniform.

The justice system is in a deplorable state. It is overwhelmed even by the limited number of cases, in which women brave all obstacles and dare to report sexual violence. Reports of corruption and political interference in the judicial process are widespread. In cases involving the FARDC or the Police, senior officers are said to shield the men under their command from prosecution and deliberately obstruct investigations. This results in impunity for perpetrators of mass rapes and other crimes against humanity.

I would like to acknowledge with admiration that there are some committed justice officials, who display a willingness to uphold the rule of law. In February 2007, for instance, the Military Tribunal of the Ituri Garrison, convicted 15 officers and soldiers in connection with a FARDC massacre in Bavi Village, Ituri. The commanding officer of the responsible unit was also convicted of rape and sentenced to life imprisonment. Such judgements, however, remain rare exceptions defying the rule of impunity, which prevails in the DRC.

### **State of Penitentiary System**

Perpetrators of grave human rights violations, whether convicted or awaiting trial, seem to have no difficulty in escaping from prison. The penitentiary system is in a scandalous state and I was glad to hear from the Minister of Justice that the Government envisages a comprehensive reform of the penitentiary system.

Minimum standards for the humane treatment of prisoners were not even remotely upheld in any of the prisons I visited. Except for Makala Prison in Kinshasa, no prison receives funds from the Government to provide inmates with food. As a result, some prison directors have no choice but to allow inmates to leave the prison during the day to look for food and drinkable water.

In many cases of "escapes", there is also reason to believe that detainees simply walked out of prison with the complicity of those in charge. In April 2006, for instance, the Military Tribunal of Mbandaka Garrison convicted seven FARDC officers for crimes against humanity and sentenced them to life imprisonment. The officers were among a group of FARDC soldiers that raped at least 200 women and girls in Songo Mboyo (Equateur) in late December 2003. All seven perpetrators have since escaped from prison under most dubious circumstances.

### **Insufficient Support for Victims**

Many rape victims are re-victimized because they are rejected by their own communities, families or husbands due to the stigma attached to rape, while the rapists enjoy impunity. Deprived of social support networks, these women are destitute and struggle for their mere physical survival. The problem is compounded by the fact that most survivors grapple with grave medical and psychological problems. The plight of the babies born of rapes is another serious concern yet to be addressed.

Provincial Synergies on Sexual Violence, bringing together dedicated local officials, civil society and the UN, have launched programmes that try to provide victims with the necessary medical, psycho-social, legal and economic support. However, these laudable initiatives must deal with a magnitude of needs with limited funds made available by international donors.

In a handful of cases, including the atrocities perpetrated by FARDC soldiers in Songo Mboyo and Bavi, courts have ordered individual perpetrators as well as the Congolese State to pay modest reparations to the victims. To this day, the Government has not paid reparations to a single victim who has suffered sexual violence at the hand of State agents."

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