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Fråga-svar

Demokratiska republiken Kongo. Kvinnors situation

Fråga

1. Hur ser det ut för kvinnor utan manligt (eller socialt) nätverk?
Hur ser polisväsendet ut, korruption, professionalism, utbildning, MR-övergrepp, straffrihet?
Hur ser lagstiftningen ut, samhällsställning, våld i hemmet, vikten av familjen gällande kvinnor?
2. Finns det kvinnojourer, kvinnoorganisationer eller liknande för utsatta kvinnor?

Svar

1. Kvinnors situation

Norge. Landinfo (2015):

Representanter for MONUSCOs kontor med ansvar for menneskerettigheter pekte også på særlige utfordringer for kvinner – som utbredt voldsbruk, både fysisk og seksualisert vold, manglende tilgang på utdanning og vansker med å nå fram hos politi og rettsapparatet fordi det blir sett på som et mannsdomene. Selv om det har blitt gjennomført kursing av blant annet politi for å gjøre dem mer oppmerksomme på hvordan de

for eksempel skal forholde seg til anmeldelser av voldsbruk mot kvinner, har det hatt liten virkning.(sid. 21)

Refugees International (2015):

... At the same time, there has been backlash (as seen in media reports and academic research³) against the international attention focused on sexual violence, which has led to the perception amongst some observers that the attention on sexual violence in the DRC is overblown. In addition, some critics say that these investments have failed because, five years later, sexual violence in eastern DRC continues to occur. The DRC also suffers from the extremely poor perception on the part of some policymakers both inside and outside of the DRC that the conflict is intractable and thus misery for the population is unsolvable.(sid. 5)

...Impunity for sexual violence (not to mention all other types of crimes) remains a serious impediment to the DRC's economic and political development. Yet the assumption on the part of some donors and international policymakers that (limited numbers) of prosecutions will prevent future crimes remains unproven, despite the relative success of some judicial services initiatives such as mobile courts.²² Indeed, serious barriers to justice for rape survivors remain.(sid. 20)

I sin årsrapport skriver US Departement of State om mänskliga rättigheter, straffrihet, polis och säkerhet, korruption, utbildning, samt mycket om kvinnors situation i hela rapporten.

US Department of State (2014):

Impunity was a serious problem. Some mechanisms existed to investigate SSF abuses and address internal discipline problems, and the government increasingly used these mechanisms to prosecute and discipline security force personnel for abusing civilians...(sid. 6)

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity...(sid. 21)

Women

Rape and Domestic Violence: The law on sexual violence criminalizes rape, but the government did not effectively enforce this law, and rape was common throughout the country. The law defines rape to include male survivors, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes but not spousal rape. It also prohibits compromise fines and forced marriage, allows survivors of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality. The minimum penalty prescribed for rape is a prison sentence of five

years...(sid. 24)

Education: The constitution and law provide for free and compulsory primary education to age 16. Primary school education, however, was not compulsory, tuition-free, or universal. Public schools generally expected parents to contribute to teachers' salaries, and parents typically funded 60 percent or more of school expenses with an average of 11 percent of family spending going to education costs. These expenses, combined with the potential loss of income from their children's labor while they attended class, rendered many parents unable or unwilling to enroll their children.(sid. 27)

Freedom House beskriver rättssäkerheten.

Freedom House (2014):

F. Rule of Law: 0 / 16

Kabila appoints members of the judiciary, which remains subject to corruption and political manipulation. The courts are concentrated in urban areas, leaving the majority of the country reliant on customary courts. Military courts are often used, even in civilian cases, and are subject to interference by high-ranking military personnel. The judiciary is susceptible to bias against opposition party members and civil society. Prison conditions are life-threatening, and long periods of pretrial detention are common.

Civilian authorities do not maintain effective control of the security forces. The FARDC are largely undisciplined, and soldiers and police regularly commit serious human rights abuses, including rape and torture

Despite constitutional guarantees, women face discrimination in nearly every aspect of their lives, especially in rural areas. There is no equality for women either in practice or in law. Violence against women and girls, including sexual and gender-based violence, has soared since fighting began in 1994, though sex crimes often affect men and boys as well. The M23 rebels and FARDC soldiers have been implicated in kidnappings, killings, and rape. Mass rapes continued in 2013, and convictions remain rare. Abortion is prohibited, and women's access to contraception is extremely low. Women are also greatly underrepresented in government, making up only 9 percent of the National Assembly and 6 percent of the Senate. Women must have their husband's permission to seek employment, engage in legal transactions, and often for access to family planning services.

United Nations Population Fund skriver om kampen mot sexuellt våld.

United Nations Population Fund . UNFPA (2013):

But this conflict did not create the scourge of sexual violence we face in DRC today. The roots of such widespread and rampant violence – specifically women’s inequality and the abuse of power – have been there for centuries. In the DRC and worldwide, gender-based violence is the most pervasive, yet least reported, human rights abuse. Conflict brings violence, insecurity and an environment of impunity, which in turn exacerbates the prevalence of sexual violence.

IOM beskriver bl.a. kvinnors situation i sin översikt gällande Kongo.

International Organization for Migration. IOM (2013):

VI. GENDER ISSUES

Although some women do work in high positions in the companies, generally speaking women are foremost housewives who take care of the children and the husband. Women are often considered an “aide” to the man. Women are usually enjoying greater opportunities in big cities than in rural areas where minds tend to be strongly ingrained with traditional customs. The parliament voted a law to recognize gender equality between men and women, but women have to fight a lot to arrive to the gender equality.

VII. SUPPORT TO NGO’s

There are many associations and NGO’s around Kinshasa and major cities. They are involved in support to raped women, orphans, street children and single mothers.(sid. 23)

FIDH rapporterar om kvinnor, straffrihet, rättssäkerhet.

International Federation for Human Rights. FIDH (2013):

”Sexual violence...a daily reality from which Congolese women [have] no respite. Whether schoolgirls or mothers, engaged, married or widowed; simple farmers or wives of political leaders, former army members or civil servants, opposition party activists, humanitarian workers or members of non-governmental organisations, they were all subjected, regardless of social class or age, and for a variety of reasons, to the most diverse forms of sexual violence.”¹

United Nations High Commission for Human Rights,
Report of the Mapping Exercise (sid. 3)

...The former UN Special Rapporteur on violence against women,

its causes and consequences has echoed these comments: “Sexual violence in armed conflicts in the DRC is fuelled by gender-based discrimination in the society at large”.16(sid. 12)

...Women who have been raped also often suffer from social rejection, stigmatisation from their communities and families and isolation. They are often humiliated and ostracised. Many women are rejected by their husbands and are forced to leave their families or communities. The risk of rejection and isolation is greater if the woman gets pregnant as a result of rape.(sid. 13)

There are several key instruments for the protection of the rights of women and children which have not yet been ratified by DRC, namely the African Charter on the Rights and Welfare of Children and the Optional Protocol to CEDAW, which enables individuals and groups to submit complaints to the CEDAW Committee when justice cannot be obtained at the national level. Finally, DRC has not yet ratified the Protocol to the African Charter on Human and People’s Rights on the establishment of an African Court on Human and People’s Rights.(sid. 34)

2.3. National legislation on sexual and gender-based violence (SGBV) and its interpretation Several national legal reforms have sought to increase protection against sexual violence, but laws remain largely unimplemented. Furthermore, many provisions of national laws are profoundly discriminatory against women, in particular in the area of the family, thereby contributing to persisting inequalities and increased vulnerability of women.(sid. 40)

Se bl.a. sid. 9”Support to security sector reform and police reform” i FNs rapport.

UN Security Council (2013):

During the reporting period, MONUSCO, in collaboration with the International Organization for Migration and the Congolese national police, organized two workshops in Kisangani with the aim of sensitizing 300 female police personnel on methods to fight sexual and gender-based violence and sexual exploitation and abuse. Also in Kisangani, four police commissariats of the special police for the protection of women and children were established...(sid. 9)

Country of Origin Research and Information. CORI (2013):

Kapitel 8 om kvinnors situation, rättssäkerhet, diskriminering, sexuellt våld, våldtäkt och möjligheter till skydd finns att läsa på sid.45-57.

8.1 Legal Status

Articles 14 and 15 of Chapter 1 of the 2006 Congolese Constitution states that public authorities are responsible in overseeing the elimination of all forms of discrimination against women including sexual violence and ensure the protection and promotion of their rights...(sid.45)

In 2010 the Women's International League for Peace and Freedom (WILPF), which has offices in the DRC and the UK published a report analysing inheritance laws and traditional practices that discriminate against women. WILPF report that in cases where a court of justice rules a husband absent or he is deceased the wife must share the running of the household with a male member of her husband's family.²⁷⁸ Article 758 of the Family Code gives preferential treatment to the children and does not discriminate between women and men as the second category of heirs. However, in most traditions and tribes, a widow must share the running of the household with a male relative of her deceased husband. WILPF reported that this was in part to compensate for the widows lack of legal capacity. WILPF stated that in many cases the house and some belongings are confiscated from the widow.²⁷⁹(sid. 46)

IRB har gjort en sammanställning av information om utsatta kvinnors situation i Kongo.

Kanada. Immigration and Refugee Board. IRB (2012):

... Another study of Panzi Hospital records from 2004 to 2008 reported that single, married, widowed, and pregnant women, and women of all ethnicities in the region, were targets of sexual violence (HHI Apr. 2010, 35). Peterman et al., in their analysis of the 2007 DHS data, found that "[sexual] violence is somewhat random" and that education, wealth, and place of residence (urban or rural) did not affect women's vulnerability to sexual violence (June 2011, 1066). However, in her telephone interview with the Research Directorate, the RFDP representative said that women in rural areas were much more vulnerable to sexual violence than women in urban areas because they were less informed about their rights and were isolated from security services (1 Mar. 2012).

One source indicates that there is "very little enforcement" of the laws protecting women (HEAL Africa 29 Feb. 2012) while others note that the laws have not had very much impact (*The Economist* 13 Jan. 2011; *FMR* Nov. 2010, 13). The representative of HEAL Africa also noted that in Maniema in particular, tribal law is often the primary law and that women have "very few (if any) rights in that system" (29 Feb. 2012).

2. Kvinnoorganisationer

GBV Prevention Network presenterar följande organisationer i Kongo:

Action pour la Promotion des Femmes – APfemme

<http://preventgbvafrica.org/member/action-pour-la-promotion-des-femmes-apfemme/>

AFPDE asbl

<http://preventgbvafrica.org/member/afpde-asbl/>

Kuleana Youth Alliance (KUYA)

<http://preventgbvafrica.org/member/kuleana-youth-alliance-kuya/>

Sauve La Femme et La Jeune Fille de Katanga

<http://preventgbvafrica.org/member/sauve-la-femme-et-la-jeune-fille-de-katanga/>

SOS Femmes en Danger ” SOS FED “

<http://preventgbvafrica.org/member/sos-femmes-en-danger-sos-fed/>

Women’s Advocacy and Communication Network (WANET)

<http://preventgbvafrica.org/member/womens-advocacy-and-communication-network-wanet/>

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

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