

# Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

---

## Responses to Information Requests

---

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email [Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca](mailto:Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca).

15 May 2015

### COG105144.FE

Republic of the Congo: Violence against women, including sexual violence; state protection and support services (2013-April 2015)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Overview

Among the human rights violations committed in 2013 in the Republic of the Congo, the US Department of State's *Country Reports on Human Rights Practices for 2013* reports acts of discrimination and violence against women, including acts of domestic violence and sexual violence (US 27 Feb. 2014, 1). Amnesty International (AI) points out that [AI English version] "serious human rights violations" including cases of rape and other sexual violence occurred in 2014 in the Republic of the Congo (AI 2015). In correspondence sent to the Research Directorate, the Executive Director of AZUR développement, an association [in Brazzaville] located in nine departments in the country (AZUR développement n.d.) that aims to advance women's rights and fights violence against women (APC and AZUR développement Mar. 2015, 4), states that,

[translation]

[w]omen are subjected to various forms of violence daily, in particular, physical violence, such as beatings and injuries [...]; sexual violence (rape, sexual harassment [...]); [and] mental violence (insults, slander, verbal threats) (AZUR développement 14 Apr. 2015).

According to the Congolese Minister for the Promotion of Women and Women's Integration into Development (Promotion de la femme et de l'Intégration de la femme au développement), women and children are subjected to sexual harassment and psychological violence in their family, at school, at work or in the street on a daily basis (Republic of the Congo 5 Mar. 2013, 3).

#### 2. Types of Violence

##### 2.1 Domestic Violence

In March 2015, AZUR Development (AZUR développement) and the Association for Progressive Communications (Association pour le progrès des communications, APC), an organization that attempts to spread the use of information and communication technologies for human development (APC n.d.), published a report on domestic violence in the Republic of the Congo (APC and AZUR développement Mar. 2015, 1,2, 4). The project that led to the publication of the document consisted of compiling data on cases of domestic violence in Pointe-Noire and Nkayi [1] (ibid., 5, 9). Cases that were reported in 2013 in Pointe-Noire included rape, conjugal rape, physical violence, psychological violence and [translation] "other forms" of sexual violence (ibid., 12). For that same period, APC and AZUR développement noted in their report the same types of violence in Nkayi, as well as cases of [translation] "economic violence," without giving further details (ibid.).

According to *Country Reports 2013*, domestic violence against women, which includes rape and beatings, is "widespread" in the Republic of the Congo (US 27 Feb. 2014, 20). According to the report by APC and AZUR développement, the rate of domestic violence and incest across the country is [translation] "rather high," and "two thirds of all cases of violence reported to the police and the gendarmerie concerns various forms of domestic violence" (ibid., 5, 7).

## 2.2 Sexual Violence

According to sources, rape and sexual harassment are [translation] "frequent" in the Republic of the Congo (ibid., 20-21; APC and AZUR développement Mar. 2015, 7). The report by APC and AZUR développement states that the Republic of the Congo has just come out of a [translation] "decade of armed conflict," that sexual violence, including rape, has been used as a warfare weapon and that it is "still present" in the country, "particularly" in the areas affected by the conflict (ibid.).

According to *Country Reports 2013*, the government has no official statistics on rape and cases of sexual harassment (US 27 Feb. 2014, 20-21). However, according to the report by APC and AZUR développement, [translation] "more than 15,000 cases" of sexual violence were reported in the country in 2009, and "more than half" of the victims were under 18 years old (APC and AZUR développement Mar. 2015, 7). *Country Reports 2013* states that, according to a Congolese NGO, 260 cases of rape were reported to the authorities between January and September 2013 (US 27 Feb. 2014, 20). According to statistics presented in March 2013 before the United Nations (UN) Commission on the Status of Women, the Congolese Minister for the Promotion of Women and Women's Integration into Development stated that [translation] "in institutions of higher learning," 61 percent of young girls had been victims of sexual harassment, 37 percent had had "forced sexual relations," and 3 percent had been raped, and that this sexual violence led 29 percent of victims to abandon their education (Republic of the Congo 5 Mar. 2013, 3). The report by APC and AZUR développement also notes that sexual harassment [translation] "is very widespread in schools and universities" (APC and AZUR développement Mar. 2015, 7).

Sources note that female genital mutilation is practiced in certain communities (UN 23 Mar. 2012, para. 21; US 27 Feb. 2014, 1, 23). *Country Reports 2013* states that it occurs among the indigenous population in Likouala Department (ibid.).

## 2.3 Violence Against Widows

In March 2012, the UN Committee on the Elimination of Discrimination Against Women noted the [UN English version] "persistence of [...] deep-rooted stereotypes" regarding women in the Republic of the Congo and stated that they "contribute to the persistence of violence against women as well as harmful traditional practices, including levirate and other abusive widowhood rites" (UN 23 Mar. 2012, para. 21). According to Congolese Feminists (Féministes congolaises), a group of young women who fight violence against women and girls that is supported by AZUR développement (Féministes congolaises 26 July 2010), some widows are subjected to abuse [translation] "in 'the name of tradition'" in mourning ceremonies and are deprived of their heritage by their in-laws (ibid. 25 Nov. 2013). A journalistic blog by Syfia International and the Centre for News Resources (Centre de ressources pour la presse, CRP) [2] provides the following corroborating information in an article on widows living in the Niari Department: [translation] "many" of them are subjected to "traditional rituals" and "mental and physical violence," and some are "chased from the conjugal house and ordered to take care of the children without any help from the in-laws" (Syfia international and CRP 27 Mar. 2015). The Committee on the Elimination of Discrimination Against Women also notes in 2012 that [UN English version] "customs and traditional practices [...] prevent[ed] widows from inheriting property" (UN 23 Mar. 2012, para. 43).

## 3. Legislation

Sources report the absence of legislation regarding violence against women (OCDH 16 Apr. 2015; AZUR développement 14 Apr. 2015). In addition, according to *Country Reports 2013*, there is no specific provision in the law on spousal violence (US 27 Feb. 2014, 20). The Committee on the Elimination of Discrimination Against Women also points out in 2012 [UN English version] "the absence of adequate sanctions" against domestic violence in the country's legislation (UN 23 Mar. 2012, para. 23).

Sources note that the legal tools available to protect women against violence in the Republic of the Congo are the Penal Code (Code pénal) and the Family Code (Code de la famille) (APC and AZUR développement Mar. 2015, 8; UN n.d.a, 33). According to the United Nations Children's Fund (UNICEF), articles 330 to 334 of section IV ([translation] "indecent assault") of the Penal Code of the Republic of the Congo punish perpetrators of sexual violence by fines, prison sentences and forced labour, depending on the type of offence (ibid.). Sources state that the law prescribes 5 to 10 years in prison for perpetrators of rape

(ibid.; US 27 Feb. 2014, 20). *Country Reports 2013* states that sexual harassment is punishable by two to five years in prison and that female genital mutilation is illegal (ibid., 21, 23).

Sources note gender inequality in legislation, including the lack of sanctions for spousal rape under the Penal Code, and the fact that the father is the head of the family (Family Code, art. 168) and that there is a disproportionate sanction applied to women in the case of adultery (Penal Code, art. 336-337) (ibid., 7; UN 23 Mar. 2012, para. 43). Sources state however that the Penal Code and the Family Code prohibit abuse against widows during the mourning ceremonies (Syfia international and CRP 27 Mar. 2015; Féministes congolaises 25 Nov. 2013). In addition, according to Féministes congolaises, the Family Code recognizes that 30 percent of the husband's inheritance goes to his widow (ibid.).

Sources state that the Republic of the Congo ratified the UN Convention on the Elimination of all Forms of Discrimination Against Women (APC and AZUR développement Mar. 2015, 8; UN n.d.a, 34; OCDH 16 Apr. 2015). According to sources, the government prepared a bill on sexual violence (Republic of the Congo 5 Mar. 2013; Congo-Site 26 Mar. 2015; CEAJ 16 Apr. 2015). In a telephone interview with the Research Directorate, a lawyer from the Legal Assistance and Call Centre (Centre d'écoute et d'assistance juridique, CEAJ), an NGO in Brazzaville that provides assistance to victims of violence and of human rights violations (Irénées.net Apr. 2011), stated that some NGOs, including the Association of Women Lawyers in the Congo (Association des femmes juristes du Congo), AZUR développement and the CEAJ, participated in developing the bill by conducting a nationwide public consultation (CEAJ 16 Apr. 2015). According to the CEAJ lawyer, the bill is waiting to be presented to Parliament (ibid.). According to the Director General of the Ministry for the Promotion of Women and Women's Integration into Development, the bill was [translation] "still" before the Secretariat-General of the government on 25 March 2015 (Congo-Site 26 Mar. 2015).

#### 4. State Protection

Sources state that women who are victims of spousal violence are not always aware that they could prosecute under the Penal Code (CEAJ 16 Apr. 2015; APC and AZUR développement Mar. 2015, 17). *Country Reports 2013* states that few rapes are reported to the authorities and that cases of spousal violence (including beatings and spousal rape) as well as sexual harassment are "rarely" reported (US 27 Feb. 2014, 20-21). The APC and AZUR développement estimate, based on their survey, that [translation] "only 10 % of cases [of sexual violence] are reported" (Mar. 2015, 7). Sources state that women victims of violence hesitate to turn to the authorities out of shame (CEAJ 16 Apr. 2015; APC and AZUR développement Mar. 2015, 5). Among the other reasons is a lack of confidence in the courts, and therefore women who are victims of spousal violence turn to the extended family and the village (US 27 Feb. 2014, 20) or to neighbourhood leaders (CEAJ 16 Apr. 2015; APC and AZUR développement Mar. 2015, 10). The report by APC and AZUR développement states that cases of domestic violence are often resolved informally, [translation] "especially when the aggressor is the partner," and adds that women "are the first to withdraw the complaints" mainly out of fear of no longer being able to meet their needs and out of pressure by their in-laws (ibid., 15-16). When a woman withdraws her complaint, the perpetrator of the domestic violence is set free (ibid.).

Sources note the slowness of the judicial system in dealing with proceedings, in particular because [translation] "criminal sessions" are not held regularly (ibid., 7; Congo-Site 26 Mar. 2015; CEAJ 16 Apr. 2015). The lawyer from CEAJ affirms that they are only held two or three times a year (ibid.), and the Director General of the Ministry for the Promotion of Women and Women's Integration into Development submits that they are "virtually never" held (Congo-Site 26 Mar. 2015).

*Country Reports 2013* states that "the government [has] not effectively enforce[d] the law" regarding rape and sexual harassment (US 27 Feb. 2014, 20-21). According to that same source, a Congolese women's group stated that "the penalties for rape ranged from as little as several months' imprisonment to rarely more than three years," and local and international NGOs have observed that "[f]ewer than 25 percent" of reported rape cases were prosecuted in 2013 (ibid., 20). The APC and AZUR développement note in their report that the victims that they accompanied [translation] "tended to have fewer problems with the authorities than the non-accompanied plaintiffs" (APC and AZUR développement Mar. 2015, 12). *Country Reports 2013* gives the example of a man suspected of raping and killing nine women; he was arrested in August 2010 but at the end of 2013, he was still awaiting trial (US 27 Feb. 2014, 20). However, the lawyer from CEAJ stated in April 2015 that in the [translation] "last two or three years," law enforcements and the judicial system had mobilized concerning violence against women, such that [translation] "when an aggressor is caught in the act, they are arrested" (CEAJ 16 Apr. 2015).

In correspondence sent to the Research Directorate in April 2015, a legal aid service program coordinator from the Congolese Observatory of Human Rights (Observatoire congolais des droits de l'homme, OCDH) highlighted that [translation] "for nearly two years," there have been cases of sexual violence involving "on duty police officers" (OCDH 16 Apr. 2015). Sources state that in April 2013, a video showing police officers sexually assaulting two women in Brazzaville made the news (US 27 Feb. 2014, 20; France 24 2 Apr. 2013).

According to the spokesperson for the Congolese police, interviewed by France 24, three men were placed in preventive detention in that case (*ibid.*). *Country Reports 2013* states that, according to the OCDH, the police officers who appear in the video were detained by the authorities for "approximately" 40 days, but that they "faced no judicial punishment" (US 27 Feb. 2014, 20). In September 2014, Amnesty International received information that Congolese police officers were responsible for raping Congolese women, including refugees and asylum-seekers in the Republic of the Congo (AI 2015). According to AI, [AI English version] "at the end of the year, no action was known to have been taken [...] to investigate the allegations" (*ibid.*).

Sources state that on 25 November 2012, the government of the Republic of the Congo launched a national campaign to fight violence against women called [translation] "Zero tolerance now" (Congo-Site 13 Dec. 2012; UN n.d.b; Republic of the Congo n.d.). According to the government of the Republic of the Congo, this campaign was to be carried out over a period of two years (*ibid.*; *ibid.* 5 Mar. 2013, 4). Information on the actual length of the campaign or its effectiveness could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the report published by APC and AZUR développement in March 2015, they are of the opinion that

[translation]

[t]he government's work has been insufficient in educating citizens and public servants with respect to human rights, prevention of violence and the treatment of victims.

Given the number and severity of the cases of sexual [and domestic] violence, the surveillance of the violations and the response from the legal and health sectors is clearly insufficient.

The two organizations add that the public health services are [translation] "insufficient" and that the public does not "in general," receive health insurance coverage (ACP and AZUR développement Mar. 2015, 17).

*Country Report 2013* states that the government of the Republic of the Congo opened two centres in Brazzaville to care for rape victims (US 27 Feb. 2014, 20). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 5. Support Services

According to the Executive Director of AZUR développement, the services provided by civil society organizations are [translation] "limited," in that they only exist for a defined duration and they are not provided to the entire country (AZUR développement 14 Apr. 2015). As an example and without providing further details, this source referred to legal aid centres and stated that there had been funding in this respect from the European Union and from the Congolese Ministry of Human Rights and Justice (AZUR développement 14 Apr. 2015). The lawyer from CEAJ stated that his organization provided, in Brazzaville, call centres and advice services for women who are victims of violence, as well as assistance in drafting complaints (CEAJ 16 Apr. 2015). According to the OCDH program coordinator, some NGOs, including AZUR développement, which provides medical assistance, and OCDH, which provides legal aid, help women victims of violence (OCDH 16 Apr. 2015).

In their project, APC and AZUR développement opened [translation] "help centres for victims of violence" in Pointe-Noire and in Nkayi; these centres are open from 9:00 a.m. until 3:00 p.m., Monday to Friday, and receive help from the police, the gendarmerie and the courts through liaison officers (APC and AZUR développement Mar. 2015, 12). In order to reinforce the financial independence of the women and encourage them to report the spousal violence of which they are victims, AZUR développement provided professional training workshops in 2013-2014 to [translation] "nearly" 200 women, with the financial contribution of the Embassy of France and the Virginia Gildersleeve International Fund (APC and AZUR développement Mar. 2015, 11).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

### Notes

[1] In addition to establishing [translation] the "high incidence" of violence against women in the family, the two organizations intended to document the follow up of cases of domestic violence by police forces, health care services and aid organizations, as well as offer assistance to victims by providing them with psychological support and helping them in their legal proceedings (APC et AZUR développement Mar. 2015, 8-9).

[2] The blog provides information on the project called [translation] "Reinforcing Congolese civil society by improving its visibility in media and its credibility," of which one of the objectives is to encourage dialogue between the authorities and women's organizations to gain respect for their rights (Syfia international and CRP 27 Mar. 2015). The project, a joint venture with the Syfia international news group and the CRP, receives support from the European Commission and the French Committee for International Solidarity (Comité français pour la solidarité internationale, CFSI) (*ibid.*). The CRP is a non-profit organization whose role is to recruit and train journalists, as well as coordinate activities (*ibid.*).

## References

Amnesty International (AI). 2015. "République du Congo." *Amnesty International - Rapport 2014-2015 : la situation des droits humains dans le monde*. <<https://www.amnesty.org/fr/countries/africa/congo/report-congo-republic-of/>> [Accessed 13 Apr. 2015]

Association pour le progrès des communications (APC). N.d. "À propos d'APC." <<https://www.apc.org/fr/node/790>> [Accessed 13 Apr. 2015]

Association pour le progrès des communications (APC) and AZUR développement. March 2015. Karen Higgs. *Cartographie en ligne de la violence domestique dans la République du Congo. Renforcer l'accès à la justice, la santé et la réinsertion sociale pour les survivantes*. <[https://www.apc.org/fr/system/files/CongoOnlineDVM\\_dig\\_fr.pdf](https://www.apc.org/fr/system/files/CongoOnlineDVM_dig_fr.pdf)> [Accessed 13 Apr. 2015]

AZUR développement. 14 April 2015. Correspondence sent to the Research Directorate by the Executive Director.

\_\_\_\_\_. N.d. "Missions." <[http://www.azurdev.org/index.php?option=com\\_content&view=article&id=43&Itemid=34](http://www.azurdev.org/index.php?option=com_content&view=article&id=43&Itemid=34)> [Accessed 10 Apr. 2015]

Centre d'écoute et d'assistance juridique (CEAJ). 16 April 2015. Telephone interview with a lawyer.

Congo-Site. 26 March 2015. Diane Ondélé. "Les femmes congolaises réclament l'application de la loi de l'esclavagisme féminin." <[http://www.congo-site.com/Les-femmes-Congolaises-reclament-l-application-de-la-loi-de-l-esclavagisme-feminin\\_a18788.html](http://www.congo-site.com/Les-femmes-Congolaises-reclament-l-application-de-la-loi-de-l-esclavagisme-feminin_a18788.html)> [Accessed 5 May 2015]

\_\_\_\_\_. 13 December 2012. Messilah Nzoussi. "Fin de la campagne de tolérance zéro sur les violences faites aux femmes." <[http://www.congo-site.com/Fin-de-la-campagne-de-tolerance-zero-sur-les-violences-faites-aux-femmes\\_a14117.html](http://www.congo-site.com/Fin-de-la-campagne-de-tolerance-zero-sur-les-violences-faites-aux-femmes_a14117.html)> [Accessed 17 Apr. 2015]

Féministes congolaises. 25 November 2013. Marien Nzikou-Massala. "Violences familiales : la loi protège les veuves contre les pseudos traditions." <<https://feministescongo.wordpress.com/tag/congo/>> [Accessed 4 May 2015]

\_\_\_\_\_. 26 July 2010. "Qui sommes-nous?" <<https://feministescongo.wordpress.com/qui-sommes-nous/>> [Accessed 1 May 2015]

France 24. 2 April 2013. "Une vidéo témoigne des abus sexuels commis par des policiers à Brazzaville." <<http://observers.france24.com/fr/content/20130402-video-temoigne-abus-sexuels-policiers-brazzaville-congo-violences-femmes-viol>> [Accessed 30 Apr. 2015]

Irénees.net. April 2011. Cyril Musila. "Centre d'écoute et d'assistance juridique (CEAJ)." <[http://www.irenees.net/bdf\\_fiche-acteurs-494\\_fr.html](http://www.irenees.net/bdf_fiche-acteurs-494_fr.html)> [Accessed 16 Apr. 2015]

Observatoire congolais des droits de l'homme (OCDH). 16 April 2015. Correspondence sent to the Research Directorate by a legal aid service program coordinator.

Republic of the Congo. 5 March 2013. Catherine Embondza Lipiti, Minister for the Promotion of Women and Women's Integration into Development. "Déclaration de la délégation congolaise." Statement during the United Nations 57th session of the Commission on the Status of Women, New York, 4-15 March 2013. <<http://www.un.org/womenwatch/daw/csw/csw57/generaldiscussion/memberstates/congorep.pdf>> [Accessed 1 May 2015]

\_\_\_\_\_. N.d. Ministry for the Promotion of Women and Women's Integration into Development. "Campagne 'Tolérance zéro maintenant' contre les violences basées sur le genre." <<http://www.femmes-congo.cg/activites/campagne-%C2%ABto%C3%A9rance-z%C3%A9ro-maintenant%C2%BB-contre-les-violences-bas%C3%A9es-sur-le-genre>> [Accessed 17 Apr. 2015]

Syfia international and Centre de ressources pour la presse (CRP). 27 March 2015. Max Ferhynel Poudi. "Des veuves doublement victimes." Blogue Syfia Congo Brazza. <<http://syfia.over-blog.com/article-niari-des-veuves-doublement-victimes-125648700.html>> [Accessed 4 May 2015]

United Nations. 23 March 2012. Committee on the Elimination of Discrimination Against Women. *Observations finales du Comité pour l'élimination de la discrimination à l'égard des femmes*. (CEDAW/C/COG/CO/6) <<http://www2.ohchr.org/english/bodies/cedaw/cedaws51.htm>> [Accessed 5 May 2015]

\_\_\_\_\_. N.d.a. United Nations Children's Fund (UNICEF). Véronique Goblet. *Lutte et réponse aux violences sexuelles en République du Congo : analyse de situation*. <[http://www.unicef.org/wcaro/WCARO\\_Congo\\_Pub\\_AnalSit-ViolencesSexuelles.pdf](http://www.unicef.org/wcaro/WCARO_Congo_Pub_AnalSit-ViolencesSexuelles.pdf)> [Accessed 15 Apr. 2015]

\_\_\_\_\_. N.d.b. United Nations Population Fund (UNFPA). "Tous ensemble contre les violences faites aux femmes." <<http://www.unfpa-congo.org/index.php/actualite/171-tous-ensemble-contre-les-violences-faites-aux-femmes>> [Accessed 17 Apr. 2015]

United States (US). 27 February 2014. Department of State. "Republic of the Congo." *Country Reports on Human Rights Practices for 2013*. <<http://www.state.gov/documents/organization/220314.pdf>> [Accessed 1 May 2015]

## Additional Sources Consulted

**Oral sources:** The following people and organizations were unable to provide information: lawyer specializing in cases of sexual violence.

The following organization was unable to provide information within the time constraints: Comité national des droits de la femme.

Attempts to contact the following people and organizations within the time constraints were unsuccessful: Association congolaise de lutte contre les violences à l'égard des femmes et filles; Association congolaise pour la santé publique et communautaire; Comité national des droits de l'homme; Fondation Congo assistance; Republic of the Congo – Médiateur de la République du Congo, ministère de la Promotion de la femme et de l'Intégration de la femme au développement, ministère de la Santé, des Affaires sociales et de la Famille; Union pour l'étude et la recherche sur la population et le développement; United Nations – World Health Organization, Congo Office.

**Internet sites, including:** Association congolaise de lutte contre les violences à l'égard des femmes et filles; Comptoir juridique junior; Congopage; *Les Dépêches de Brazzaville*; ecoi.net; Factiva; Fonds africain de développement; *Jeune Afrique*; Juristes-Solidarités; Observateur indépendant FLEG-Congo; Radio France internationale; refugee-rights; Republic of the Congo – Embassy in Ottawa, Garde des sceaux, Médiateur de la République du Congo, ministère de la Justice et des Droits humains, présidence de la République, secrétariat général du gouvernement; Ritimo; United Nations – UN Women, World Health Organization, Refworld; World Association of Non-governmental Organizations.

[Tips on how to use this search engine.](#)

[Top of Page](#)

Date modified: 2014-06-11