



Democratic Republic of Congo - Researched and compiled by the Refugee Documentation Centre of Ireland on 3 September 2009

Forced prostitution in the Democratic Republic of Congo. Likelihood of harm to women who return to DRC

A report by the *US Department of State* under the heading '2008 Human Rights Report: Democratic Republic of the Congo' subheading 'Women' states:

"The constitution prohibits forced prostitution and bans prostitution of children under age 18. Although no statistics were available regarding its prevalence, adult and child prostitution occurred throughout the country, and there were reports of women and girls pressured or forced to engage in prostitution by their families. There were reports that members of the security forces harassed or raped women engaged in prostitution." (US Department of State (25 February 2009) *2008 Human Rights Report: Democratic Republic of the Congo*)

It also states:

"The government was ill-equipped to deal with large numbers of homeless children. Many engaged in prostitution without third-party involvement, although some were forced to do so. Citizens generally regarded street children as delinquents engaged in petty crime, begging, and prostitution and approved of actions taken against them. Security forces abused and arbitrarily arrested street children" (ibid)

It also states under the heading 'Trafficking in Persons'

"Several laws prohibited specific acts of trafficking in persons; however, there were credible reports of trafficking, particularly in the east. The laws that could be used by the government to prosecute cases against traffickers included the 2006 law on sexual violence, which prohibits forced prostitution and sexual slavery, as well as legislation prohibiting slavery, rape, and child prostitution. The constitution forbids involuntary servitude and child soldiering; however, existing laws do not prohibit all forms of trafficking." (ibid)

It also states:

"All armed rebel groups in the east increased efforts to recruit children, especially children who were former child soldiers, to serve as soldiers and sex slaves, according to the NGO Save the Children (see section 1.g.). The law specifically prohibits and provides penalties of 10 to 20 years' imprisonment for child and forced prostitution, pimping, and trafficking for sexual exploitation. There were no reported investigations or prosecutions of traffickers during the year" (ibid)

It also states:

“Child prostitution, including forced prostitution, was practiced throughout the country.” (ibid)

A report by the *United States Department of State* under the heading ‘Trafficking in Persons Report 2009 - Congo, Democratic Republic of the’ subheading ‘Prosecution’ states:

“Existing laws do not prohibit all forms of labor trafficking; however, the July 2006 sexual violence statute, Law 6/018, specifically prohibits and prescribes penalties of 10 to 20 years’ imprisonment for sex trafficking, child and forced prostitution, and pimping. The Child Protection Code, Law 09/001, enacted in January 2009, criminalizes and prescribes penalties of five to 20 years’ imprisonment for child trafficking and commercial sexual exploitation.” (United States Department of State (16 June 2009) *Trafficking in Persons Report 2009 - Congo, Democratic Republic of the*)

It also states:

“In March 2009, Bukavu police arrested a nightclub owner for allegedly prostituting 10 girls and seven boys in his facility; he was remanded to prison to await formal charges” (ibid)

A report by *Freedom House* under the heading ‘Freedom in the World - Congo, Democratic Republic of (Kinshasa) (2009)’ states:

“Despite constitutional guarantees, women face discrimination in nearly every aspect of their lives, especially in rural areas, where there is little government presence. Violence against women, including rape and sexual slavery, has soared since fighting began in 1994. In June 2008, more than 2,000 rape cases were recorded in North Kivu province, according to the Congo Advocacy Coalition.” (Freedom House (16 July 2009) *Freedom in the World - Congo, Democratic Republic of (Kinshasa)*)

A report by the *IRIN News* under the heading ‘DRC: The displaced just want peace’ subheading ‘Inadequate supplies’ states:

“Prostitution has also emerged as a by-product of the camp life.

“When, at the end of a day, I do not have enough to eat, I solicit for sex, often unprotected, in camps or outside, in exchange for 200 Congolese francs [US 40 cents], as long as I have enough to buy flour and a very small piece of meat for the evening for my son and myself,” said Tantine, 19 (not her real name). Hundreds of other women do the same, according to Tantine.” (IRIN News (22 January 2008) *DRC: The displaced just want peace*)

A report by the *IRIN News* under the heading ‘DRC: Sex workers in Bukavu run the HIV/AIDS gauntlet’ states:

“BUKAVU, 20 October 2006 (IRIN) - Conflict in the Democratic Republic of Congo's (DRC) eastern province of South Kivu is forcing thousands of women to sell sex in exchange for food and other basic necessities.” (IRIN News (20 October 2006) *DRC: Sex workers in Bukavu run the HIV/AIDS gauntlet*)

It also states:

“A decade of fighting between foreign-backed rebel movements, Congolese militia groups and the national army in the country's volatile eastern provinces caused widespread murder among civilians, the rape of women and children, and left many villages looted.

The violence displaced hundreds of thousands of people from rural areas to major towns. Bukavu's population has swelled to over half a million, with crowded, unhygienic slums covering the surrounding hills. Unemployment is high and prostitution is rife.

Displaced people, many of them single women and unaccompanied children in acute need of food and other basic necessities, are particularly vulnerable to being raped or coerced into sex.” (ibid)

A report by the *Home Office UK Border Agency* under the heading ‘Operational Guidance Note Democratic Republic Of Congo’ subheading ‘Returns’ states: (pg.20 - 5.2)

“BK (Failed asylum seekers) DRC CG [2007] UKAIT 00098. In a determination dated 18 December 2007, the Asylum and Immigration Tribunal (AIT) found that on return to the DRC failed asylum seekers do not per se face a real risk of persecution or serious harm or treatment contrary to Article 3 ECHR.”(UK Home Office (23 December 2008) *Operational Guidance Note Democratic Republic Of Congo*)

References:

Freedom House (16 July 2009) *Freedom in the World - Congo, Democratic Republic of (Kinshasa)*

<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7739>

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IRIN News (22 January 2008) *DRC: The displaced just want peace*

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<http://www.unhcr.org/refworld/docid/4a4214c5c.html>

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US Department of State (25 February 2009) *2008 Human Rights Report: Democratic Republic of the Congo*

<http://www.state.gov/g/drl/rls/hrrpt/2008/af/118995.htm>

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

All Africa

Amnesty International

Asylum Aid

European Country of Origin Information Network (ECOI)

Google

Human Rights Watch

Immigration and Refugee Board of Canada

Lexis Nexis

Minority Rights Group International

Refugee Documentation Centre Query Database

UK Home Office

UN Children's Fund UNICEF

UNHCR Refworld

US Department of State