

DEMOCRATIC REPUBLIC OF THE CONGO 1993-2003 UN Mapping Report

Violence against women and sexual violence

Section II, Chapter 1 of the report (paragraphs 529-654) focuses on the terrible price paid by women and girls during the decade examined by the mapping exercise. It notes that violence in Zaire/Democratic Republic of the Congo (DRC) was accompanied by the systematic use of rape and sexual assault by all combatant forces, and highlights the recurrent, widespread and systematic nature of these acts. The mapping team was able to confirm massive incidents of sexual violence that had previously only been documented to a limited extent, or not documented at all, particularly the rape of Hutu refugee women and children in 1996 and 1997. Still, it notes, the incidents cited “only represent the tip of the iceberg” because many places still remain inaccessible, and many victims and witnesses died or are too ashamed to talk.

The report says the scale and gravity of sexual violence were primarily the result of the victims’ lack of access to justice and the impunity that has reigned in recent decades in Zaire/DRC. Moreover, it notes, the phenomenon of sexual violence continues today as a result of this near-total impunity, even in areas where the fighting has ended. And it has increased in those areas where fighting is still ongoing.

The report concludes that the majority of the incidents of sexual violence cited constitute offences and crimes under Congolese law, as well as under international human rights and humanitarian law.

Depending on the wider context in which the crimes are committed, rape, sexual slavery, enforced prostitution, forced pregnancy, forced sterilisation and any other form of sexual violence of a comparable severity can constitute crimes against humanity and war crimes.

The report notes that “The successive and concurrent wars in the DRC contributed to widespread sexual violence both during the fighting, during the withdrawal of combatants, after the fighting, in areas where troops were stationed, in occupied areas, during patrols, during reprisals against the civilian population and during raids conducted by isolated and sometimes unidentified armed groups. These acts of sexual violence “can be mainly attributed to armed actors in the field,” although civilians sometimes also took part. (531)

“Impunity, a lack of discipline, ethnic hatred, the normalization of violence, mystical beliefs, mental coercion exercised over child soldiers, the passive or active encouragement of the institutional and rebel military hierarchies all help to explain the widespread sexual violence to which women of all ages, from girls sometimes as young as five to elderly women, were subjected,” the report says, noting that men also suffered sexual violence, “albeit to a lesser extent.” The damage caused to the social fabric due to the collapse of national institutions and the repeated conflicts “contributed to fostering an atmosphere of impunity and chaos.” (532)

Between 1993 and 2003, the report says, “sexual violence was a daily reality from which Congolese women gained no respite.” The different, often extraordinarily grotesque, forms of sexual violence listed in the report “are neither exhaustive nor exclusive.” (630)

“Sexual violence was frequently used to terrorise and subjugate the population. The different armed groups committed acts of sexual violence that could be likened to veritable campaigns of terror. Public rapes, gang rapes, systematic rapes, forced incest, sexual mutilation, disembowelling (in some cases of pregnant women), genital mutilation and cannibalism were all techniques of war used against the civilian population.” (631-632)

Acts of sexual violence were committed in order to torture women and men because of their links to an opposition party, supposed or proven links to an enemy or to the former regime, or their involvement in the union movement or in politics or civil society. “Public rapes were thus committed to reinforce the humiliating nature of the torture, and gang rapes to inflict more humiliation, suffering and destruction. In many cases, the soldiers attempted to outdo each other in terms of the cruelty of the sexual violence to which they subjected their victims...” (633)

Other forms of sexual violence listed in the report include:

- Forced rape between victims, including close family members. (636)
- Deliberate policy of spreading HIV/AIDS, in order to infect a particular community. (637)
- Acts of sexual violence during victories or defeats: Retreating armies often committed rapes and abductions of the civilian population during their withdrawal. Conquering soldiers also committed rapes, with commanding officers sometimes “offering” rape as a reward to their troops. (638-640)
- Sexual slavery: Women were frequently abducted, viewed as the spoils of war, and forced into sexual slavery. As sex slaves, they were often kept in atrocious conditions. (641-642)
- Child soldiers: The acts of sexual violence committed against children associated with armed forces and armed groups were “particularly appalling.” (643-645)
- Sexual violence committed on the basis of ethnicity: From 1993 onwards, acts of sexual violence began to appear as a facet of inter-ethnic conflict. Women of some ethnic groups were targeted repeatedly by a succession of other groups. (646)
- Sexual violence committed in the name of ritual practices: “Some abject superstitions and beliefs claim that sexual relations with virgins, children, pregnant or breast-feeding women or even Pygmies can cure illnesses or make the perpetrator invincible.” Some groups even used the severed sexual organs of their victims as “charms and amulets.”(647-650)

Whilst most of the acts of sexual violence examined in the report “represent offences and crimes in national law, as well as in human rights and international humanitarian law, the level of impunity is striking. Very few cases of sexual violence ever reach the justice system, few of those that do result in decisions, and even fewer in convictions. Finally, in the rare cases of convictions, the defendants almost invariably escape from prison.” (537/651)

The report suggests that such brutalities “could not have taken place without the consent, at least tacit, of those people in positions of power who allowed impunity to become established. Acts of sexual violence were committed at roadblocks, near military camps, during patrols, during prison visits, at police stations and in the homes of both victims and perpetrators. People in positions of power, teachers, police officers and civil servants, also took advantage of the institutional decay and widespread impunity to commit rapes.” (652)

The report states that “There is absolutely no doubt that the scale and gravity of acts of sexual violence are directly proportional to the victims' lack of access to justice and that the impunity that has reigned in recent decades has made women even more vulnerable than they were before.” The high prevalence of sexual violence during and after the different conflicts “calls for transitional justice mechanisms to be established that take into account this issue, the needs of the victims and of their communities, and the need to rebuild a future for Congolese society in which women are stakeholders, and in which the traditional political and structural inequalities are corrected. Finally, to effectively combat sexual violence, reforms of the justice and security sectors will be necessary. To achieve this, however, firm political commitment and coordinated efforts will be required....” (653-654)