



FEMME AU FONE

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**Domestic violence against women
in the DR Congo.**

A guilty silence

Bukavu, South Kivu, DRC, May 2014

PRESENTATION

The great security and humanitarian crisis that the DR of Congo has suffered for many decades, in which the main victims have been women and children, has dramatically worsened the rights and opportunities of women, that was already precarious.

Domestic violence is a serious problem in the DR of Congo. Nowadays, there is no state protection measures for women who are victims of domestic violence.

There is not any reception centre¹ in which women could find refuge and escape from their marital homes. Furthermore, the legislation does not contemplate distancing measures against the alleged perpetrators of violence to prevent such acts happening again. There is an atmosphere of impunity and, in most of cases, the perpetrators remain unpunished, and the victims do not dare speak against them².

In its definition of «violence against women», the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) included «The physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation».

CONTEXT

The non-profit organisation «Nous pouvons » [We can], a social movement that fights to put an end to all violence against women points out that domestic violence is common in the DR Congo, where seven out of ten women suffer it.

The national coordinator of this NGO, Jeannine Gabrielle NGUNGU, points out that «the persistence of practices, habits and adverse laws for the women rights, the lack of awareness of the magnitude of the domestic violence and its consequences over the community life, the silence of women about the violence they are suffering, and a weak public opinion against the domestic violence are the main causes of this worrying problem».

The gender-based violence that Congolese women suffer daily is often related to customs, traditions and social practices in domestic life, to the low level of the school attendance ratio, and the disputable view that women have their rights. Moreover, we need to consider the armed conflict and other problems that have affected the DR Congo. Not only is domestic violence physical, but it is also psychological, cultural and economical³.

In addition, Criminal Code does not penalise marital rape. In this context, it's worrying to observe that a great number of people think marital rape is not a crime.

¹In some provinces, there are reception centres or «Houses for women», but they are basically places where women gather in order to develop income-generating activities. For instance, women can not spend one night in these houses, which are maintained by Non-Governmental Organisations. In South-Kivu there is a centre of the VDAY NGO, which is called «City of happiness» and aims to transform sorrow into power. This international organisation helps survivors of different ways of gender-based violence, as the domestic violence. VDAY intervenes in the South-Kivu and North-Kivu provinces, where they are playing a role of intermediary in the communities and they are carrying out enquiries to determine the beneficiaries of the "City of happiness" programme.

²Report about violence against women in South-Kivu and North-Kivu, in the Democratic Republic of the Congo ; alternative report for the Committee on the Elimination of Discrimination against Women, 55th session, 8 – 26 July 2013.

³<http://www.nouspouvonsrdc.org/a-propos-de-la-campagne/types-de-violences/>

METHODOLOGY

Via SMS, women from different territories and from the Bukavu city send data and information to the Femme au Fone system⁴; all these messages provide information about incidents that women must confront in their environment, activities and daily life. People who send these SMS may have suffered these incidents, they might know about them or they might have been witness to them.

These messages are automatically classified according to the keyword they include. Despite mistakes, these key words are copied exactly the way they were written by the people who sent the texts. For instance, the key words for domestic violence are: domestic violences, rape, inheritance, hits, injury; killing, looting, maternal health, education, éducatio, mortality, death, etc.

An acknowledgment of receipt is automatically sent to the sender of the message depending on their telephone network⁵. Every day two members of the editorial team work together to process the messages and to check whether the sender is already registered in the system. Otherwise, the FAF team call the sender to obtain more information⁶.

Information is then processed in order to check the submitted data. The team has to look for additional information, in order to know more about the facts, to determine who is closely or remotely involved, and to know how they can intervene to tackle the problem in case it is needed.

In order to get more information, FAF contact people who can confirm, and clarify the facts reported. Women are asked specific questions about the problems in their localities and the possible solutions. The main topic of the week is discussed in one or several broadcasts, and a member of the editorial team writes an article about it, collecting information from the messages that have been checked and the opinions of experts, authorities and members of civil society who were questioned about the topic.

In the last three months of the current year (2014), the messages received by the «Femme au Fone» system, coming from all over South Kivu province and from the city of Bukavu, refer to different cases of domestic violence that women have suffered.

DOMESTIC VIOLENCE

In one of the «Femme au Fone» broadcasts about domestic violence cases, Jacqueline Ngengele, head of the Provincial Division on Gender, Family and Childhood, pointed out she regularly attends to «a lot of women who report cases of violence that they suffer at home». Different types of domestic violence have been listed by the Provincial Division on Gender, Family and Childhood; and it happens in other organisations we have contacted such as Héritiers de la Justice, Action for the Promotion of the Defence of Rights of People Disadvantaged (Action pour la Promotion et la Défense des droits des Personnes Défavorisées, APRODEPED), Congolaise Institute for Peace and Justice (ICJP)⁷

⁴ www.femmeaufone.net

⁵ Four different telephone networks are used in NORTH-KIVU and SOUTH-KIVU : AIRTEL, ORANGE, VODACOM, TIGO. These networks are simultaneously used for a wide coverage of the system.

⁶ Her/his name, the territory or villages she/he is coming from, her/his employment or regular activity, her/his filiation and ethnic group (if she/he has one)

The messages in the system are also related with different types of domestic violence women are suffering, such as:

Psychological violence:

- Intimidation
- Restricting freedom of movement
- Insults
- Deprivation of freedom
- Threats;
- Humiliations and insults
- Stigmatisation, especially in the case of widowhood or sterility;
- Bullying

Physical violence:

- Bodily harm and injuries
- Torture
- Various mutilations
- Murder
- Work overload

Economic violence:

- Deprivation of resources;
- Control of the women resources
- Prohibition of work and income-earning activities
- Lack of husband participation in the household jobs
- Lack of women participation in the management of the household property
- Women exclusion from inheritance

Sexual violence:

- Restriction upon women's right of realisation of their sexual and reproductive rights
- Forced sex
- Rape and sexual abuse
- Sexual exploitation
- Harassment

Discrimination of the young women:

- Family rejection at birth
- Forbidden food
- Refusal to pay their tuition
- Early and / or forced marriage
- Restrictions for leisure activities
- Sexual abuse (incest, rape ...)

⁷Héritier de la Justice, APRODEPED and ICJP are human rights defense organisation in Bukavu that help victims in a vulnerable situation to obtain a «free» justice.

CASES AND TESTIMONIES

From 7 February to 29 April, the Femme au Fone system received 92 SMS that included key words such as «domestic violence», «lack of economic security», «rape», «conflict», «physical insecurity». 10 in those 92 SMS were sent from Kabare, 22 from Walungu, 11 from Kalehe, 8 from Idjwi, 12 from Mwenga, 8 from Shabunda, 2 from Fizi, 6 from Uvira and 11 from Bukavu city. Moreover, 2 in those 92 SMS were not identified due to system error. During February, March and April, Femme au Fone system received 30 messages per month on average. Those texts concerned domestic violence cases that occurred in the 8 regions of the South Kivu province.

Beyond different kind of domestic violence that women are suffering, some listeners from the based groups of SPR, audience groups of AFEM and of the Maendeleo radio club (local partners of FAF), have told us their story. Here are a few:

“I married due to customary rules, and I have four children. I have not studied and I have just spent all night sleeping out in the open. My husband does not allow me to work selling stuffs because he says it does not make sense my petty trading because we can not subsist anyway”

«My mother is 60 years old and she is suffering from mentally ill. A psychiatric prescription forces her to abstain from marital relations. But her husband, my father, harasses her every day. In order to seek refuge, she spends the night away from home».

«A husband throw her wife out of home because she had only girls. He told her that girls were no children. This woman is orphan and currently she lives with the neighbours»

«In my neighbourhood, there is a man who throw her pregnant woman out of the house, after ripping her clothes because of food. Two days later, the woman who was seriously pregnant, gave birth outside of her marital home. Her husband, who knew where all the family savings were kept, spent all his time drinking and wooing other women. He did not visit her wife there where she gave birth. They have six children and she is in charge of their family».

«I have 20 dollars. A cooperative gave me this microcredit to start a small business. My husband mistreats me a lot and tells me I have no right to buy nor underwear neither brassiere. I have six children and my husband said that we have no right to need anything. Every night, he comes back home very late and drunk, and if I refuse to have sex, he hits me like a snake. He used to hunt me where I worked, he abandoned us and he left to live with a girl».

«A husband accused his woman of cheating and he beat her to death. During she was on her way to the hospital, she was bleeding a lot and finally she died because of the wounds. The husband ran away and his whereabouts are unknown»

«A lot of years ago, my husband abandoned us to work in trading, he left me without money with seven children. When he left, I was pregnant of the seventh child. I have not heard from him. People who come from where he currently lives have let me know he has already another woman

and other three children. He sent me a message, saying that I should not dare to engage with other men and that he is coming back, but he does not arrive».

«When he came back, my husband beat me and insulted me because, without his consent, I sent my parents a scarf with some corn from our harvest. My neighbours came to the aid of me».

«A woman was seriously beaten by her brother-in-law, who is living with her and her husband, because she did not take care of her husband when he arrived home late and the young brother-in-law opened the door; the woman had to go to hospital because of these wounds».

«After 15 years of marriage, my husband started to come back home very late and sometimes he spent a week away. Thanks to his friends, I found out he had another woman and he was trying to get rid of me. We ran a family business and he left with all our money. When he came home, he used to beat me, and he did not give me money to buy food. Finally, he stopped coming home. However, he and his family accused me of being a witch in order to throw me out my home and to force me to come back with my parents. It was a horrible agony. Where he lived with his other family, he fell seriously ill and they have told I had bewitched him. He wanted to get out of me. Fortunately, I got a credit and I started to take care of my eight children and to pray a lot. Three years later, he came back home almost dying and I took care of him and he promised that he would not leave home again».

These cases and testimonies are just some examples of the messages received by FAF received every week.

CONSEQUENCES

Several cases of death among women are related to the serious situation of abuse they suffer at home; finally, these women have cardiovascular disease and mental disorders. The long term consequences of domestic violence are multiple:

- Physical wounds which sometimes lead to disability
- illiteracy⁸
- psychological trauma,
- sexually transmitted diseases and HIV / AIDS
- family breakdown, divorce
- decline in living standards of women
- sudden death
- low self-esteem
- lack of control over:
 - her body
 - her future
 - the resources at community level

⁸The illiteracy is, at the same time, the main cause of domestic violence and a consequence of it. Firstly, because the lack of instruction and information on women rights deters their awareness and their capacity to prevent and take action against daily violence.

- Non-consolidation of women's leadership in many facets of life.

Cécile Mulolo, psychologist in the General Hospital of Panzi, told FAF that «many female victims of marital violence exhibited signs of post-traumatic stress disorder with an experience reiterative of events that arise as intrusive thoughts, flash-back or nightmares. Disorientation or mental confusion, with delusional or paranoid thoughts can also happen. We can also find psychotic problems, where the marital violence may reveal or exacerbate a prior state».

LAWS AND AGREEMENTS SIGNED BY THE DR CONGO :

The Democratic Republic of Congo has made several commitments to eliminate gender-based violence by signing the following treaties:

- The Universal Declaration of Human Rights,⁹ embodying the principle of equality between women and men in the two first articles.
- The preamble of the Constitution of 2006, supporting the principle of inequality between men and women¹⁰. The Articles 5,14 and 15 of this Constitution provide the legitimacy of all equality and equity policies in the DR Congo.
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹¹.
- The African Charter on Human and Peoples' Rights¹².
- The SADC Protocol on Gender and Development. This agreement promotes the legally binding and encourages to increase efforts for the gender-based equality in the country¹³.
- The Solemn Declaration on Gender Equality in Africa, in 2004, that adopt the gender dimension¹⁴.
- The Rome Statute of the International Criminal Court ¹⁵.
- Convention on the Rights of the Child¹⁶.

⁹ <https://www.un.org/en/documents/udhr/>

¹⁰ <http://www.presidentrdc.cd/constitution.html>

¹¹ <http://www.un.org/womenwatch/daw/cedaw/text/fconvention.htm>

¹² http://www.achpr.org/english/_info/women_en.html

¹³ <http://www.sadc.int/index/browse/page/465>

¹⁴ <http://www.africa-union.org/root/au/Conferences/Past/2006/October/WG/doc.htm>

¹⁵ <http://untreaty.un.org/cod/icc/index.html>

¹⁶ <http://www.unicef.org/crc/>

There are also many laws and codes in the DR Congo:

- The 1810 Penal code;
- The 1984 Family code;
- The 2010 law on child protection;
- The 2006 law on sexual violence.

This judicial framework offers protection for women and children, including survivors of violence.

Despite this juridical framework, it has been proven that access to justice is not easy for women and children who are victims of violence. Because, these treaties and laws are not always enforced due to the lethargy of judicial procedures and the ignorance of right holders, especially those survivors of violence. In addition, some laws dating back from several years ago have not been updated and amended, and lacks specific legislation on violence against women and children¹⁷.

Despite the willingness to respect the legislation (and certificates have been granted by the provincial division of social affairs to warrant free of charge judicial assistance)¹⁸ several interviews we held with lawyers and judicial defenders¹⁹ have shown women have problems to get access to justice.

The weak economic power of women is caused by poverty, lack of access to property and the insecurity in rural areas after armed conflict. As a result, women have frequent problems in completing legal processes they start or in which they take part. At certain points, financial problems arise and these women can no longer participate in legal action or accept any deal, even when not in their favour.

RECOMMENDATIONS

➤ **Women from the territories and local women:**

Women have sent SMS to the FAF system in order to suggest potential solutions and recommendations. They say it would be useful if the following were implemented:

- Increasing the awareness of women so they know their rights and they can be empowered to decide to take action, to denounce or, depending on necessity, to complain in order to reclaim for their rights.
- Law should punish those husbands who abuse their wives.
- Promoting the parental dialogue in the household.
- Raising awareness among community leaders on the protection of women rights and family life.
- Discriminatory customs that plunge women into the violence should come to an end.

¹⁷<http://www.leganet.cd/Legislation/Droit%20Judiciaire/AO.20.08.1979.htm>

¹⁸«Pro deo assistance» is a kind of judicial assistance that is free of charge for homeless in Congolese law: the Article 43 of the law 59/58 of 28/9/1979 establishes free counselling offices for homeless. The President appoints advocates to carry out judicial assistance for poor people.

¹⁹Lawyers are organized in offices and they defend their clients in all judicial levels, the advocates are organized in judicial defense bodies and they defend their clients in all levels of the Peace Courts and other places where they lent oath.

- Organising some commissions for the protection of families at local level.
- Analysing which specific causes and grounds cause violence against women.
- Breaking the silence surrounding violence against women: we must talk about it in our families, with our friends, colleagues and neighbours.
- Providing psychosocial support to women who are victims of violence.

➤ **Women from organisations**

- Christine Vumilla, who is a member of the organisation Support to Women and Family Professional Initiatives (SIPROFFA), says that «marital violence comes from women's precarious economic situation, which leads them to total dependence. Women are scared of being thrown out home or to leave their husbands, who support them. Women are generally poor, they have no access to economy, so one of the potential solutions to improve their social situation at home is to enhance their economies and their material independence».
- M'Bachu Fidèlie, one of the trainers of VDAY, states: «we can make aware women about the relevance to regularise their marital status; explaining what marriage means and what the family code says about it, which are married women's rights and why those who are not married should regularise their marriage. We need to prove that marriage is not the only purpose in life for women, specially with a person we don't love».
- Marie Rose Bintu, legal assistant for the Commission for Justice and Peace (CDJP/Bukavu), suggests that helping victims to follow a judicial route could be one of the solutions to release women from their torment. This process begins with psychosocial agents (APS) in the counselling offices of many parishes, where they receive women's complaints, giving them advice and playing the role of mediator. If it does not work, the case is transferred to the diocesan office in Bukavu for further mediation. Failed cases are redirected to the protective police, and expiry cases go to the court of justice.

Bintu has stated: «women must be aware of the domestic rules the family code establishes: confirmation of women can manage the household assets whether husband is away, which is a warranty for them²⁰. The code also confirm maintenance obligation to both husband and wife. However, in case the women is poor and her husband abandoned her, she can obtain a compensation by the court. Things could go even further, so the court might ask the employer of the husband to transfer directly some of the husband's salary to the woman».

- Capten Mbassu, member of the international assistance programme of International Medical Corps (IMC), says it is necessary to organise awareness-raising sessions with the couples - men and women on one side ; children on the other side «in order to let them know about their rights and what they can do when something happens,

²⁰According to this code, woman should accomplish all legal acts could be useful for her home. Woman carries out these acts, which involve marital property. Legally, these acts are agreements and engagements that you need for home. The domestic rule is exclusively restricted to domestic resources and its aim is to establish all the points related to women's necessities for covering domestic expenses. It depends on the social status of the partners. The domestic rule also includes women's expenses to cover her personal necessities.

or how to ask for help to their communities». She also suggests an exclusive work with men «Teaching men to deal with anger and to manage household with their wives, are some ways of reducing the dominance of men over women».

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