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# Responses to Information Requests

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15 April 2020

### COD200188.FE

Democratic Republic of the Congo: Traditional practices of tshibindi and tshibawu in Kasai, including the purpose of these practices and consequences of refusing to follow them (2012-March 2020)

Research Directorate, Immigration and Refugee Board of Canada

## 1. Tshibindi and Tshibawu

Sources report that tshibindi [*tsibindi*] and tshibawu [*tshibau*, *tsibawu*] are traditions in the region of Kasai (Culture Congo 20 Nov. 2019; Habari RDC 27 May 2019). These practices are associated specifically with the Luba ethnicity [Baluba] [1] (Culture Congo 20 Nov. 2019; Mubiayi Mamba 15 Sept. 2015, general introduction and Sec. 1). Sources report that these concepts, in the Luba culture, are related to social or customary [translation] “offences” or “prohibitions” (Culture Congo 20 Nov. 2019; Mubiayi Mamba 15 Sept. 2015, Sec. 1).

According to some sources, the term tshibindi means a [translation] “wrongdoing” or an action contrary to custom (Culture Congo 20 Nov. 2019; Mubiayi Mamba 15 Sept. 2015, c. 1, Sec. 1.1.2b). An article published on the cultural platform Culture Congo cites the following

situations as examples of tshibindi: a woman who commits adultery, a child who sees his parents naked, and spouses arguing (Culture Congo 20 Nov. 2019). An article from the Congolese daily *L'Avenir* provides examples of violations of customary laws: [translation] “a married woman who misbehaves, a mother who knocks on the door of her daughter’s room while her daughter sleeps with her husband, a father who takes his daughter’s dowry without sharing it with [his or her] brothers, and so on” (*L'Avenir* 18 Nov. 2018).

Other sources report that tshibindi refers to the curse placed on the person who committed the action (Culture Congo 20 Nov. 2019; Habari RDC 27 May 2019; Mubiayi Mamba 15 Sept. 2015, c. 1, Sec. 1.1.2b).

Tshibawu is, for its part, a social sanction to which one is subjected to atone for the wrongdoing or eliminate the curse (Culture Congo 20 Nov. 2019; *La Tempête des tropiques* 9 June 2017; Mubiayi Mamba 15 Sept. 2015, c. 2, Sec. 2.3). Associate Professor Augustin Mubiayi Mamba [2] explains, in his 2015 dissertation for a psychology diploma at the University of Kinshasa that the Luba are [translation] “very attached” to their customs, which have “many restrictions,” and that violating one of them may result in a social penalty (Mubiayi Mamba 15 Sept. 2015, c. 2, Sec. 2.2). The same source explained that in the case of tshibindi, the Luba seek out the reason and then try to atone for it by tshibawu (Mubiayi Mamba 15 Sept. 2015, Sec. 1). Journalist JeanHubert Bondo [3] states, in an article published on the Habari RDC website [4], that [translation] “[i]n Grand-Kasai traditions, impunity does not exist. Kasaiian soil is considered sacred. If you commit a crime or err in any way in society, you must expect sanctions, which range from physical abuse to [fines] and chores, all the way to capital punishment” (Habari RDC 26 Aug. 2018).

## 2. Adultery Among the Luba of Kasai

Sources report that tshibindi and tshibawu are related to adultery, particularly that of women, among the Luba (Culture Congo 20 Nov. 2019; Habari RDC 27 May 2019). Some sources state, however, that these concepts also apply to men (Habari RDC 27 May 2019; *L'Avenir* 18 Nov. 2018).

### 2.1 Tshibindi Related to Adultery

According to the Congolese journalist and blogger Eric Cibamba [5], tshibindi also refers to [translation] “a significant wrongdoing, according to customary laws, regarding sexual relations [involving a married woman] with a man other than her husband” and the “curse” inflicted upon that woman (Habari RDC 27 May 2019). The author of the Culture Congo article on tshibawu among the Luba, explains the following:

[translation]

The Tshibawu myth dates back to time immemorial and is passed down by tradition. It is a legacy curse inflicted on a woman who is caught committing an adulterous offence and who, sentenced to death for the impardonable offence committed, allegedly passes the same fate on to her future generations guilty of the same sort. (Culture Congo 20 Nov. 2019)

According to sources, the curse may impact not only the person who committed the wrongdoing but also their family, such as their husband and children (Culture Congo 20 Nov. 2019; *La Tempête des tropiques* 9 June 2017).

Jean-Hubert Bondo explains the following about tshibindi beliefs:

[translation]

Some tshibindi cases ... can result in death (unconfessed adultery of a married woman) ... . The woman guilty of tshibindi may experience repeated miscarriages, her stomach may expand without reason, her husband may see his business or health deteriorate, and so on. This continues until the sin is confessed. (Habari RDC 26 Aug. 2018)

According to the Culture Congo article, [translation] “the misfortune takes ... the form of an illness, sexual impotence, financial drought, job loss, wandering, insanity, and even death” (Culture Congo 20 Nov. 2019). Other sources also mention that according to that belief, the curse may result in death (*La Tempête des tropiques* 9 June 2017; Mubiayi Mamba 15 Sept. 2015, c. 1, Sec. 1.1.2b).

## 2.2 Tshibawu Related to Adultery

Sources state that the person given the tshibawu sanction is declared *mwena tshibawu* and must make amends (Culture Congo 20 Nov. 2019; Mubiayi Mamba 15 Sept. 2015, c. 1, Sec. 1.1.2b). According to a woman in her sixties from Kasai Oriental, interviewed for an article on tshibawu that appeared in the Congolese daily *La Tempête des tropiques*, a woman may seek redress by confessing her infidelity to her husband, who would in turn confess it to his family, which would then make it possible for the redress to occur (*La Tempête des tropiques* 9 June 2017). The woman added that the husband is [translation] “complicit in the infidelity of his wife because of his silence ... and will pay the cost of remaining silent” (*La Tempête des tropiques* 9 June 2017).

### 2.2.1 The Ritual of Purification

Augustin Mubiayi Mamba provides the following general description of the ritual of purification:

[translation]

For each situation, there is an appropriate ritual and well-appointed individuals for resolving the problem. The ritual is carried out using very specific rules that sometimes involve magic and religion. Such problems require an urgent response in a very short period of time. The practices used are likely to find a solution that is not immediate but in a very short period of time. ...

These [therapeutic] practices, [such as assistance with dying, in childbirth, and in rehabilitating frustrated individuals and the ritual of purification], use *speech* as the basis of the therapy, and it may be spoken or sung in the form of proverbs, anecdotes, poems, songs or simply through one's name. Sometimes certain ceremonial embellishments are added to the speech to provide significance. The practitioner adorns themselves with powders, ... clay and other accessories likely to raise awareness and magnify the scope of the ritual. (Mubiayi Mamba 15 Sept. 2015, Sec. 1, in bold and italics in the original)

The woman from Kasai Oriental stated that, for the adulterous wife to redeem herself, families living in urban environments have access to [translation] "an old woman familiar with the custom for presiding over the ceremony to free one of guilt" (*La Tempête des tropiques* 9 June 2017).

The same source noted that the adulterous wife must seek redress with her in-laws (*La Tempête des tropiques* 9 June 2017).

Sources state that tshibawu involves the adulterous wife providing or preparing a chicken (Culture Congo 20 Nov. 2019; *La Tempête des tropiques* 9 June 2017; Mubiayi Mamba 15 Sept. 2015, c. 4, Sec. 4.1.3.5). Augustin Mubiayi Mamba explains that in the Luba culture, [translation] "[t]here is the *nzolo wa bakishi*, which is the chicken that is prepared to give food to the ancestors or the dead to intercede for the living and forgive the *tshibindi* or the violation of ancestral precepts" (Mubiayi Mamba 15 Sept. 2015, c. 2, Sec. 2.4.7a). The same source describes as follows a part of the ritual imposed on a woman who confessed to her adultery during childbirth:

[translation]

And then the family got together and decided to repair the incest [sexual intercourse between a woman and her brother-in-law] (tshibindi/mukiya) at a later date. Since this could not be hidden, the news spread throughout the entire village. On Dday, ...[the adulterous woman] was to bring a chicken from her own family, and the husband's family was to do the same. (Mubiayi Mamba 15 Sept. 2015, c. 4, Sec. 4.1.3.5)

The woman from Kasai Oriental explained the following:

[translation]

“To have incited tshibawu, the future daughter-in-law is required by her in-laws to prepare a chicken.

Before providing them with the chicken, they must utter words without the fiancée knowing. Once the food has been prepared, the young girl will not eat any although it was she who cooked it.” (*La Tempête des tropiques* 9 June 2017)

In the Culture Congo article, the author reported that the adulterous wife, after confessing her infidelity, leaving her home and returning to her parents’ home, [translation] “is required to bring chickens and goats to prepare for the men” (Culture Congo 20 Nov. 2019).

Sources mention that the ritual requires the adulterous woman to strip in public (Culture Congo 20 Nov. 2019; *La Tempête des tropiques* 9 June 2017). Augustin Mubiayi Mamba describes another ritual to which the adulterous wife is subjected as follows:

[translation]

The popular sanction, characterized by heckling by the neighbourhood and other tribes, or fines (*tshibau*) that the individual who deserted [the marital home] is required to pay, constitutes the ritual of purification. The ritual somewhat resembles that of the adulterous wife, and the husband agrees to return to the marital home and continue the spousal life together, except in this case the wife is required to strip. (Mubiayi Mamba 15 Sept. 2015, c. 4, Sec. 4.1.4.6, italics in the original)

According to the same source, this ceremony, which consists of stripping in public to [translation] “seek redress for the infidelity” bears the name of *kudula lududu* (“removing one's clothing”) (Mubiayi Mamba 15 Sept. 2015, c. 4, Sec. 4.1.3.5). The woman from Kasai-Oriental described the tshibawu practiced in the villages as follows:

[translation]

[T]he guilty wife presents herself, half-naked, dressed only in plantain peels, while other women beat her while yelling “Mutu na Tshibawu” (person under the curse of tshibawu).

The entire village is alerted and made aware of the situation because she is made to walk everywhere. After these events, she returns to her home and continues her spousal life normally without any negative consequences and having been purified of the curse of tshibawu. (*La Tempête des tropiques* 9 June 2017)

The Culture Congo article describes a similar ritual of purification where [translation] “the guilty wife must be subjected to the humiliation of walking naked across the entire village and accept the heckling. Before that, the husband of the adulteress must get rid of the spousal bed, even if the offence was not committed in his home” (Culture Congo 20 Nov. 2019).

## 2.2.2 Prevalence of the Practice

Information on the prevalence of the practice of tshibawu was scarce among the sources consulted by the Research Directorate within the time constraint of this Response.

Jean-Hubert Bondo states that [translation] “[t]oday in Kasai, especially in the Luba tribe, the customary power has lost all (or almost all) its force by reason of its alignment with modern policy and civilization ... because the prohibited customs are not respected” (Habari RDC 26 Aug. 2018). However, the woman from Kasai Oriental stated in June 2017 that, [translation] “[d]espite the rural exodus, this practice has not entirely disappeared” and that “some families still [follow it]” (*La Tempête des tropiques* 9 June 2017). The article in *L’Avenir*, which partially repeats the information in *La Tempête des tropiques*, also stated in November 2018 that [translation] “[t]his practice has not disappeared in certain families because they still follow this Luba practice, such as in Mbuji-Mayi where it is very common and where there are still victims” (*L’Avenir* 18 Nov. 2018). The same source states that a pastor condemned the practice, [translation] “which has escalated in most Luba families” (*L’Avenir* 18 Nov. 2018).

## 2.2.3 Consequences of Refusing to Participate

According to Augustin Mubiayi Mamba, as long as the wrongdoing has not been corrected, the person remains marginalized and [translation] “everyone dissociates themselves from [her]” (Mubiayi Mamba 15 Sept. 2015, c. 1, Sec. 1.1.2b). The woman from Kasai Oriental reported that [translation] “[t]o escape the impact of this tradition, many unfaithful spouses have left the spousal home to evade the sanction” (*La Tempête des tropiques* 9 June 2017). Moreover, the Culture Congo November 2019 article states that there [translation] “seem to be many women [from the Luba tribe] who prefer not to marry men from their tribe because of excessively rigorous morals” (Culture Congo 20 Nov. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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] The Luba are one of the main ethnicities (approximately 18 percent) of the Bantu people, who represent the main ethnicity in the DRC (approximately 80 percent of its population) (*L’Aménagement linguistique dans le monde* 28 Nov. 2016).

[2] Augustin Mubiayi Mamba is an associate professor in psychology at the University of Kinshasa (Allied Academies n.d.); in 2015, he presented and defended a dissertation on the customs of the Luba in Kasai (Mubiayi Mamba 15 Sept. 2015).

[3] Jean-Hubert Bondo is a Congolese journalist and blogger, chief editor at Habari RDC (Bondo n.d.), and was the provincial vice-president of the Congolese National Press Union (Union nationale de la presse du Congo, UNPC) of Kasai Oriental (Radio Okapi 3 May 2016).

[4] Habari RDC is a website that gathers some hundred bloggers from all walks of life, including DRC [translation] “media professionals” who wish to inform about their country, and indicates that all articles on its website are “reviewed by a trained editorial team” (Habari RDC n.d.a). In 2018, Habari RDC won the first prize for innovation in media given by Radio France internationale (RFI), Reporters sans frontières (RSF) and the Organisation internationale de la francophonie (OIF) (RFI 23 Mar. 2018).

[5] Eric Cibamba is a journalist, including for Radio Télé Kyondo, and a blogger with a degree in information and communication sciences (Habari RDC n.d.b).

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