



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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9 January 2006

### **COD100957.FE**

Democratic Republic of Congo (DRC): Whether forced marriages exist; if so, the frequency of such marriages, the people who organize them (maternal or paternal family), the regions and ethnic groups involved, the treatment of people who refuse such marriages and the state protection available to them (2004 - January 2006)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### **Practice and frequency**

According to two sources, approximately 74 percent of girls between the ages of 15 and 19 in the Democratic Republic of Congo (DRC) are already married (AI 5 Jan. 2005; United Nations 2005). Amnesty International also reported, without however naming the ethnic groups or the regions concerned, the existence of a [AI English version] "very high number of forced marriages" in the DRC (AI 26 Oct. 2004). An article posted on a DRC civil society Website, societecivile.cd, stated that early marriages are among the main problems that women face in the DRC (Societecivile.cd 6 July 2005).

An article on the [MFB1][[{"translation} "retrograde customs" hindering the emancipation of women from the province of Kasai, also posted on societecivile.cd, indicated, without however naming them, that in most ethnic groups, [translation] "marriage is a family affair," that in most cases, girls are [translation] "married against their will [or] practically sold" without being consulted, and their [translation] "consent matters little" (2 Feb. 2004). The same article explained that, as a consequence, women find themselves [translation] "at the mercy of the man and his family" (Societecivile.cd 2 Feb. 2004).

The president of Programs for the Call to Women's Action (Programme d'appui aux actions féminines, PAAF), a Congolese non-governmental organization, stated in correspondence sent to the Research Directorate on 5 January 2006 that forced marriages are still practised in the DRC, citing the case of a few ethnic groups, such as the Yansi, Bunda, Dinga, Ngole, and Mbanda (PAAF 5 Jan. 2006). The PAAF president also explained that members of both families, maternal and paternal, make the decision about this type of marriage and organize everything (ibid.).

### **State protection**

The PAAF president indicated that when a woman refuses a forced

marriage, she has no protection from the government authorities and that the law is silent on this subject (5 Jan. 2006). She also explained that a woman who refuses this kind of marriage is hated by her entire community and is perceived to have shamed her family, neighbourhood and community (PAFF 5 Jan. 2006).

Amnesty International, in referring to the DRC, indicated in its 26 October 2004 report that Article 352 of the Family Code sets the legal age for girls to marry at 15 whereas the legal age for boys is 18. According to the same report, [AI English version] "given the very high number of forced marriages, human rights organizations are campaigning for the law to be changed in favour of an equal age of marriage for both sexes" (AI 26 Oct. 2004). Amnesty International also explained that [AI English version] "in many areas of the DRC, custom predominates in gender relations, even when this is in contradiction to national law" (ibid.).

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 additional sources consulted in researching this Information Request.

#### References

Amnesty International (AI). 5 January 2005. Roland d'Hoop. "Les mariages forcés: un drame trop souvent ignorés!" <[http://www.amnestyinternational.be/article.php3?id\\_article=1062](http://www.amnestyinternational.be/article.php3?id_article=1062)> [Accessed 3 Jan. 2006]

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Programme d'appui aux actions féminines (PAAF). 5 January 2006. Correspondence from the president.

Societecivile.cd. 6 July 2005. "Les Kassapards et la santé de la reproduction." <<http://www.societecivile.cd/node.php?id=2378>> [Accessed 3 Jan. 2006]

\_\_\_\_\_. 2 February 2004. "Les coutumes rétrogrades qui freinent l'émancipation des femmes kasaïennes." <<http://www.societecivile.cd/node.php?id=1348>> [Accessed 3 Jan. 2006]

United Nations. 2005. United Nations Population Fund (UNFPA). *State of World Population 2005*. "Child Marriage Fact Sheet." <[http://www.unfpa.org/swp/2005/presskit/factsheets/facts\\_child\\_marriage.htm](http://www.unfpa.org/swp/2005/presskit/factsheets/facts_child_marriage.htm)> [Accessed 3 Jan. 2006]

#### Additional Sources Consulted

**Oral sources:** Attempts to contact the International Catholic Child Bureau (Bureau international catholique de l'enfance, BICE) in Kinshasa, the president of Christian Women for Democracy and Development (Femmes chrétiennes pour la

démocratie et le développement, FCDD) and the national coordinator of the National Committee for Women in Development (Comité national femme et développement, CONAFED) were unsuccessful.

**Publications:** *Africa Confidential*, *Africa Research Bulletin*, *Jeune Afrique/L'intelligent*, Resource Centre country file.

**Internet sites, including:** AllAfrica, Amnesty International, ASADHO, BBC Africa, The Danish Immigration Service, Demographic and Health Surveys, ECOI.net, Human Rights Watch (HRW), International Center for Research on Women (ICRW), International Federation for Human Rights (FIDH), IRIN, UNICEF, United Kingdom Immigration and Nationality Directorate, United Nations Development Fund for Women (UNIFEM), United States Department of State, Women Living Under Muslim Laws, Women's International League for Peace and Freedom.

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