

Table of Content

Introduction.....	3
Background of the Conflict.....	4
<i>Background of the Sexual Violence in the DRC.....</i>	<i>5</i>
Consequences of the War Economy: Sexual Violence in Mines.....	7
Rape as a Weapon of War.....	8
Physical and Psychological Effects.....	10
Conclusion.....	11
Geneva International Centre for Justice.....	13

Introduction

The Democratic Republic of Congo (DRC) is facing a protracted genocide for decades. Despite the conflict and genocide causing 6 million deaths since 1998, the media infrequently addresses the gravity of the situation, and is never spoken about by major States.¹

A prominent yet unspoken aspect of the DRC conflict is sexual violence. The silence and unnamed nature of sexual violence has often been strategically accepted as an inevitable by product of war. However, sexual violence and rape are severe and separate violations of international law that must be treated and investigated on their own. Rape is considered a crime against humanity according to the International Criminal Court (ICC). The ICC provides four elements for the legal qualification of rape, where the term is agreed upon international scale. The first states that the perpetrators' invasion of an individual's body "*by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ*". Penetration includes "*any object or any other part of the body*".² Secondly, the invasion must be "*committed by force, or by threat of force or by coercion*", which could be caused by various factors, such as, detention, duress, violence, psychological oppression and more.³ The third and last elements assert that the sexual acts committed were done so "*as part of a wide spread or systematic attack directed against a civilian population*", and that the perpetrators were aware of these intended motives.⁴

Insecurity and violence in the eastern provinces has dramatically escalated since March 2022, with an exponential increase in sexual violence. The United Nations (UN) recorded a 50% increase in verified cases of conflict-related sexual violence last year.⁵

¹ 'Why is the Democratic Republic of Congo wracked by conflict?' October 2024 <https://www.amnesty.org/en/latest/campaigns/2024/10/why-is-the-democratic-republic-of-congo-wracked-by-conflict/#:~:text=More%20than%206%20million%20people,fighting%20across%20North%20Kivu%20province.>

² Carly Brown, 'Rape as a weapon of war in the Democratic Republic of the Congo', *Torture Volume 22, Number 1* (2012), 27: <https://www.corteidh.or.cr/tablas/r29631.pdf>

³ *Ibid*

⁴ *Ibid*

⁵ Alyona Synenko, 'When Rape in War is Seen as a Minor Transgression', *The New York Times*, December 2024: <https://www.nytimes.com/2024/12/02/opinion/sexual-violence-war.html>

Background of the Conflict

Tormented by conflict for more than 30 years, the DRC's instability is caused by complex and deep-rooted factors, involving local and foreign actors. Its post-colonial battles started when the country gained independence from Belgium in 1960.⁶ The current conflict has been ongoing since the 1990s, notably in the eastern province, which borders South Sudan, Uganda, Rwanda, Burundi and Tanzania. Inter-communal violence continues to break out in other regions like the central, southern and western regions of Kasai, Tshopo, Mai-Ndombe, Kwilu and Kwango. There are currently over a hundred active armed groups, most of which are local militias that protect their communities. Ethnic identities, economic interests and political manipulation generally decide loyalties and rivalries between groups

Here is a brief guide to the conflict provided by *Aljazeera*:⁷

- **1994:** Rwanda genocide - A major spillover of ethnic wars in Rwanda led to millions of people fleeing into the DRC, including armed fighters.
- **1996-2003:** First and second Congo wars - Uganda, Rwanda and Angola invade the DRC to target Rwandan Hutu fighters. Namibia, Zimbabwe, Eritrea and Sudan later got involved in the war.
- **1990s:** CNDP (later M23), ADF, and CODECO rebel groups emerge as neighbouring countries arm and counter-arm fighters. They are mainly active in the provinces of Ituri and North Kivu.
- **1999:** UN deploys its Stabilization Mission in the Democratic of the Congo (MONUSCO) peace forces. The unit is ends the practice.
- **2012:** M23 seizes Goma; however, a special UN force intervenes and successfully pushes back the rebels.
- **2022:** M23 reemerges, seizing territory in North Kivu and presses on Goma, a city of two million.
- **2023:** The East African Community's (EAC) November 2022 deployment of troops fails to terminate M23's advance. After violent protests, EAC and UN troops start withdrawing. Troops of the Southern African Development Community (SADC) Mission in the DRC (SAMIDRIC) are deployed in December.
- **2024:** M23 effectively encircle Goma, cutting off many supply routes and causing severe disruptions.

⁶ Shola Lawal, 'A Guide to the decades-long conflict in DR Congo', 21 Feb 2024, *Aljazeera* <https://www.aljazeera.com/news/2024/2/21/a-guide-to-the-decades-long-conflict-in-dr-congo>

⁷ Shola Lawal, 'A Guide to the decades-long conflict in DR Congo', 21 Feb 2024, *Aljazeera* <https://www.aljazeera.com/news/2024/2/21/a-guide-to-the-decades-long-conflict-in-dr-congo>

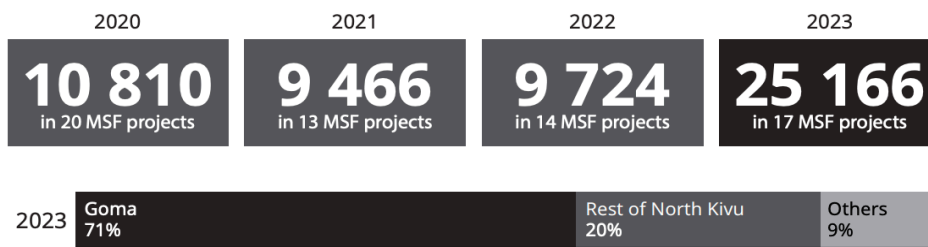


A Congolese soldier leading a session to enroll new recruits into the army to fight against the M23 rebellion in Goma, November 7, 2023. Alexis Huguet/Getty

Background of the Sexual Violence in the DRC

In recent years, there has been an explosion of sexual violence in the DRC. In 2023, Medecins Sans Frontieres (MSF) helped treat 25,166 survivors of sexual violence throughout the country, amounting to over two every hour. One in ten survivors were minors.⁸ This project was also supported by the Ministry of Health in five Congolese provinces, North Kivu, South Kivu, Ituri, Maniema and Central Kasai. This indicates an astonishing increase in comparison to the previous three years, where MSF treated around 10,000 victims per year.

⁸ 'DRC: MSF report reveals explosion of sexual violence in 2023', 1 Oct 2024, *Medicines Sans Frontieres (MSF)* <https://msf.org.uk/article/drc-msf-report-reveals-explosion-sexual-violence-2023>



Infographic showing the increase in sexual violence in the DRC. Medecins Sans Frontieres, MSF.

The report “We are calling for help”, presents the 2023 data and indicates that 91% of victims treated with MSF were admitted in North Kivu province.⁹ This is because there is an increasing amount of clashes between the M23 group and their respective allies since late 2021. As a result, more than half a million people are forced to flee, increasing the amount of displaced people to almost 7 million. Which is the highest figure of internally displaced people in Africa according to the UN.¹⁰ Around 17,829 victims were treated in displacements sites around the capital city of Goma which highlights the issue of sexual violence in displacement camps. The strong presence of armed men in and around these sites greatly attributes to the increasing rate of sexual violence. Another contributing factor is the dehumanizing living conditions in displacement sites. The inadequate sanitation and safe shelter for

⁹ ‘We are calling for help’, 2023 Annual Report, MSF
<https://msf.org.uk/sites/default/files/2024-10/EN%20-%20DRC%20SV%20Report%20-%20Print%20-%20Pages%20-%20V2.pdf>

¹⁰ ‘Democratic Republic of Congo Events of 2023’
<https://www.hrw.org/world-report/2024/country-chapters/democratic-republic-congo>

women and girls further places them in peril. The vulnerability of women and girls is worsened by the lack of food, water and income-generating activities. This may sometimes lead to victims of sexual exploitation for purpose to support their families.

Consequences of the War Economy: Sexual Violence in Mines

Next to ethnic tensions, imperialism, political rivalries and corruption, the conflict has also been greatly fuelled by the fight for control over the country's natural resources. The DRC holds the world's largest reserves of metals and rare earth minerals like cobalt, which are vital in lithium-ion batteries. Being one of the most mineral-rich countries, its mineral wealth is estimated to be at \$24 trillion, according to the US Agency for International Development (USAID). The valuable mineral resources played a role in the prolonged crisis as various armed groups battled to control mines and used their earnings to fund wars.

Over 2.1 million enslaved people are working in horrific conditions every day, the majority of whom are children. This is considerably attributed to the long-standing transnational war economy that the DRC is at the heart of. This refers to an economic system driven by conflict, where wealth-seeking government officials collaborate with rebel leaders, and multinational companies to perpetrate the illicit trading and exploitation of raw materials, all at the expense of the local populations. Since all parties have an interest in the natural resources of the DRC, they preserve the war economy that exploits Congo and its people.

Many forms of human rights violations have occurred in these mines including child labour, arson and sexual violence. The expansion of mining operations has also led to forced evictions of communities, like in the city of Kolwezi where long-established communities were destroyed when the open-pit copper and cobalt mine was reopened in 2015.¹¹ Despite international and national due diligence guidelines, like the Organisation for Economic Co-operation and Development's (OECD)

¹¹ 'Democratic Republic of the Congo: Industrial mining of cobalt and copper for rechargeable batteries is leading to grievous human rights abuses', 12 September 2023, *Amnesty International* <https://www.amnesty.org/en/latest/news/2023/09/drc-cobalt-and-copper-mining-for-batteries-leading-to-human-rights-abuses/>

Responsible Minerals Guidance and the Great Lakes Region's Regional Certification Mechanism (RCM), sexual violence remains rampant in artisanal mining sites. An assessment by the Panzi Hospital in South Kivu with International Organisation for Migration (IOM), revealed rising human rights violations against women and children who silently suffer for fear of social apprehensions, reprisals, stigmatization and social exclusion.¹² The study also emphasised the sexual violence leading to unwanted pregnancies and early parenthood. All abuses happen at high rates especially around remote mining sites where laws and regulations are often disrespected. In fact, the results of the study “Artisanal mining, conflict, and sexual violence in Eastern DRC” conducted by Siri Aas Rustad, Gudrun Ostby and Ragnhild Nordas, indicate that women living in proximity of artisanal and small-scale mining are more likely to experience sexual violence.¹³

Rape as a Weapon of War

Addressing the hard-hitting facts of the crisis is not enough. It is imperative also to understand the reason behind the occurrence of sexual violence in the DRC, as it is not merely about sex but also asserting dominance. An important element of rape that is essential to examine in the context of war is the gendered power dynamics—the drive for power. According to social science advisor Marion Pratt and human rights advisor Leah Werchick’s assessment conducted in the DRC in 2004, sexual and gender-based violence increased due to its effectiveness as a weapon of war, as these acts can punish or take revenge upon communities.¹⁴ It was also revealed that the victims of sexual violence ranged from four months to 84 years.

¹² ‘Shattered Future: Sexual Violence and Child Exploitation in the Eastern Democratic Republic of Congo’

<https://www.iom.int/news/shattered-future-sexual-violence-and-child-exploitation-eastern-democratic-republic-congo>

¹³ Siri Aas Rustad, Gudrun Ostby and Ragnhild Nordas, ‘Artisanal mining, conflict, and sexual violence in Eastern DRC’, Volume 3 Issue 2, April 2016

¹⁴ Marion Pratt and Leah Werchick, ‘Sexual Terrorism: Rape as a Weapon of War in Eastern Democratic Republic of Congo’, *USAID/DCHA Assessment Report*, March 2004, 6: https://pdf.usaid.gov/pdf_docs/pnadk346.pdf

The conflict has formed dire circumstances that have perpetuated the existence of rape as a wartime weapon. Notably, the widespread poverty has created a culture of desperation. Women who are providers for their families must continue to work where they are at risk of sexual violence. It is evident that the lack of economic infrastructure and social development enhances the impoverishment of women in semi-urban and rural regions. For instance, in South Kivu, the position of women in economic terms is described as the “feminisation of poverty”, which is exacerbated by the lack of policies for women’s advancement and the delegitimisation of gender-based violence (GBV) by significantly increasing women’s vulnerability. This subordinate position of women generates the use of rape as a weapon of war and amplifies the consequences physically, psychologically, and socially.

It is clear that there is a patriarchal view that is underpinned by the patriarchal militarisation of the country. Sexual violence during wartime is motivated by the desire to exert control and power over women. These occurrences of rape are a by-product of a system of patriarchy where power relations are hierarchal and motivated by masculinity. Rape becomes a tool that reminds women of their place in society and how men are “above” them. Wartime rape is also very strategic as it is a tactic enforced by soldiers who serve a larger plan of objectives. The deliberate intention of rape transcends the physical into psychological and sociological, as it is used to intentionally terrorize, control and punish women for collaborating with the enemy. In this logic, rape is a mechanism to instil fear and discourage any interactions with the enemy.



Participant at the World March of Women in Bukavu, DRC. WITNESS Blog.

Physical and Psychological Effects

According to Human Rights Watch (HRW) and MSF, torture takes place before, during and after rape, with as many as 30% being sexually mutilated, outlining the physical traumas women experience.¹⁵ The physical and mental scarring is axiomatic, as International Alert found that in their sample of survivors interviewed, 91% suffers from one or more rape-related physical or psychological issues.¹⁶ One of the most common physical injuries is fistulas, which occur when the walls between the vagina, rectum and bladder have been destroyed, leading to no control of bowel movements. Another health concern is HIV and other sexually transmitted diseases. International Alert reports that around 60% of combatants involved in the conflict are HIV-positive, putting women in great peril of acquiring it.¹⁷ Due to the lack of medical staff and treatment available, most women are forced to sustain these devastating effects for the rest of their lives. The brutality these women are subject to has

¹⁵ Carly Brown, 'Rape as a weapon of war in the Democratic Republic of the Congo', *Torture Volume 22, Number 1* (2012), 33

¹⁶ *Ibid*

¹⁷ *Ibid*, 34

sometimes sadly led to their death. The Economist has reported that some women have been murdered by bullets fired into their genitals.¹⁸

In terms of the psychological impacts, Harvard Humanitarian Initiative has reported that 26% of survivors they interviewed suffer from continued anxiety they experience about the sexual violence they faced.¹⁹ According to The Economist, rapes were executed in front of families or whole communities; male relatives were forced at gunpoint to rape their own daughters, mothers or sisters; women were used as sex slaves and forced to eat excrement or the flesh of murdered relatives.²⁰ The lack of counselling, the stigma around sexual violence, and the emotional scarring of such events have lingering effects on women and families, becoming disintegrated due to the insurmountable feelings of guilt and shame. Communities are torn apart, uncertain of how to recover from what they have witnessed. The psychological implications caused by rape clearly add to the strategy of its use as a weapon of war, by stripping women of their dignity. The savagery and sheer violence of these rapes demonstrate how the conflict is not merely being waged on the grounds of Congo, but also on Congolese women. The land may well one day recover from the atrocities. However, many, if not most, women, will never experience such relief.

Conclusion

Despite the gut-wrenching consequences of the crisis, little to no remedies have been met for the victims of the conflict who have sustained sexual violence. The reason is quite simple. There is no effective route to justice. Impunity for human rights abuses, plus war crimes and crimes against humanity, has infected the region. Due to weak governance, corruption and the lack of cooperation from the international community, perpetrators have been able to evade accountability. Impunity remains the norm, and justice is the exception. Furthermore, the lack of

¹⁸ *Ibid*, 34

¹⁹ *Ibid*, 34

²⁰ *Ibid*, 35

judicial capacity and social stigma often lead to victims being denied the justice that is required to break the cycle of violence.

Acknowledging the pain millions of Congolese suffer is the start of ensuring the world hears their stories. As difficult as it may be for us to hear, read, or watch, the truth is that Congolese women do not have the privilege to turn away or escape these stories—it is their reality. We owe it to them to hear and make known their suffering. So, let these real-life stories serve as a reminder of the true cost of war. Despite the geopolitical complexities, it is vital for perpetrators of crimes under international law to be investigated. Like any ordinary person who commits a crime, it is mandatory to ensure they are liable under the rule of law. Other solutions can be found by international or local organisations that provide a holistic set of essential services specifically for women, from medical care, psychological support, economic reintegration, legal representation and more. These efforts require long-term funding for the improvement medical training, the supply of post-rape kits to care facilities, legal training, hiring lawyers and more. Effectively implementing long-term focused programmes that help improve living conditions on both mining and displacement sites is essential. Providing access to food, water, income-generating activities, proper sanitation and safety shelter can drastically improve the situation. The women of Congo have the right to be free and seek justice, and it is our duty to help them.

Geneva International Centre for Justice (GICJ) urges the international community to take a stance, enforce pressure and pay closer attention to the violations endured by Congolese women and children. The media's neglect and the indifference of major States have left much of the public unaware of the situation. Legal and humanitarian action must be taken to treat and help the crisis effectively.

Geneva International Centre for Justice
Independent, non-profit, non-governmental organisation

GICJ is a non-profit, non-governmental organisation dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; Reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non- discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work with NGOs

GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the Globe. Through these channels, GICJ is able to receive documentation and evidence of human rights violations and abuses as they occur there. GICJ continues to bring this information to the attention of the relevant UN bodies in order to gain justice for all victims.

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