

→Lâm Đức Hiên

## Stop violence and impunity: justice for the women of the DRC!

In the Eastern Democratic Republic of Congo, women are the victims of extremely brutal and widespread sexual violence.

The reason? The presence of so many armed groups, the illegal mining of mineral resources, the weakness of the State, impunity, precariousness...

Women also face violence in the home and the workplace, throughout Congolese society. It is rooted in gender prejudices and discrimination.

The trade unions of the Congo are mobilising forces, with the support of the ITUC. We look at the situation today, and let women tell their own story.

# Congo: the worst place in the world to be a woman



Nyanzale, in North Kivu. The women have to be particularly vigilant when they are working in the fields, because that is often when they are assaulted. → Cédric Gerbehaye



**Solange Nzigire, a victim of sexual violence, had the courage to speak out. Eleven years after her ordeal she also created Christian Action for Abandoned Women and Children and for Development (ACAEFAD), of which she is president. ACAEFAD is affiliated to the UNTC.**

**“I** was 22 years old” says Solange Nzigire, now an activist in the national trade union centre the Union nationale des travailleurs du Congo (UNTC). “My mum had gone to Walikalé (north of Goma) to sell some small produce; she was robbed and raped. I found out what had happened to her; she needed help. I was preparing for my wedding, but I went there nonetheless. I managed to find my mum, but we then came across a group of soldiers. As I was the youngest, I was the first to be raped by four of them. In October 1995, I fell pregnant, but I couldn’t say anything about it, I kept it hidden. I married in December 1995 without saying anything about the pregnancy. Seven months later, I gave birth to a baby boy. It created a lot of problems with my husband’s family and my own family too. I had no choice but to tell the truth, and my husband left me. I fell ill, but thanks to God, I had not been infected with AIDS. I was also severely traumatised. (...) Two years after being abandoned, I found a second husband. But he did not want anything to do with the child born out of the rape (...).”<sup>1</sup>

*“One evening some soldiers came to attack us”* recalls a 13-year-old girl from Kabare in South Kivu. “This was in February or March 2008. They said they would kill our father. The soldiers were angry with my dad because he had stopped them from cutting down an avocado tree [for firewood]. (...) We stayed in the living room. Two soldiers raped my bigger sister. When he had finished, he injured her with a knife in the eye, and he did the same with my brother.... Then they left.”<sup>2</sup>

*“It was the morning of 1 January 2011. FARDC soldiers were still here. I had spent the night hiding in the bush and three soldiers found me. I was pulled out of my makeshift shelter and was beaten with rifle butts by three FARDC (Editor: Armed forces of the Democratic Republic of Congo) soldiers screaming in Kinyarwanda “come out”. They beat me all over my body, as well as my baby who I was carrying on my back. He was seriously wounded from blows to his foot (...). When we arrived in the village, I was taken before the “Capitaine” (...) He locked me in a house and raped me, along with three other soldiers .”<sup>3</sup>*

Fifteen years have passed since the first and last incident recounted here. But to the great despair of the population, insecurity is still rife.

## An unenviable world record for rape

Since 1994<sup>4</sup>, over one million women, girls and young girls have been the victim of sexual violence in the Congo, according to Marie-Ange Lukiana, Minister of Gender, the Family and the Child in the DRC<sup>5</sup>.

In 2008, according to the United Nations Population Fund (UNFPA), the UN agency that coordinates the work on sexual violence in the DRC, 15,996 new cases were recorded across the territory of the Congo, including 4 820 cases in the North Kivu province alone (see map p 4).

But this appalling figure only accounts for the victims who have spoken out about their ordeal or who have been



Using real-life stories, this training manual examines all the painful problems raised in the testimonies collected here about the violence suffered by women. It also tells the story of a week-long radio workshop attended by nine women journalists from the Great Lakes region.

The publication was produced as part of the Ondes des Grands Lacs (Great Lakes Waves) project implemented by the Panos Paris Institute. It throws light on the work of three women's media associations in the Great Lakes region – AFJO (Burundi), AFEM/SK (DRC) and ARFEM (Rwanda) – to use the media to reinforce the peace and reconciliation process in these three countries.

This impressive publication (in terms of both content and presentation) comes complete with its own CD. Worth getting as soon as it comes out.

For further information go to: *Sortir de l'ombre*, Institut Panos Paris: [www.panosparis.org](http://www.panosparis.org)

treated and had their case recorded by a medical institution. Many say nothing about their misfortune, for fear of rejection by society or even their own family. Hence these figures are only a tiny percentage of the total number of cases, as statisticians are keen to point out. It is a measure of the sheer difficulty of evaluating the real number of acts of sexual violence.

A recent study<sup>6</sup> by American scientists reveals mind-boggling figures, of up to 48 rapes an hour for the whole of the Congo in 2006-2007!

Amber Peterman, who led the research, stresses that the statistics it gives are "*a conservative estimate*" of the real situation, and are based on an official report on health and demographics from the RDC. The reality, she explains, is doubtless even more dramatic, owing to the shame felt by the victims and the stigmatisation and exclusion they suffer when their ordeal is made public. They only report violence if they have no choice (because of serious injury, for example). They feel they have everything to lose and nothing to gain from talking about an attack or making a complaint, owing notably to the very high level of impunity.

When it appeared in June 2011, this controversial study sent shock waves through national and international opinion. The government's spokesperson, Lambert Mende, was keen to point out that the higher rape figures were the result of improved methods of collecting information, notably by the ministries, not an increase in violence.

*"At any rate, the situation has not improved, quite the contrary in fact!"* notes Angélique Kipulu Katani, gender co-ordinator and vice-president of the Congo Trade Union Confederation (Confédération syndicale congolaise - CSC). *"The violence is constantly being repeated. Every time women go to the fields, they are prey to their tormentors. Rape is*

*carried out on girls and women of all ages, from babies to women of 80 years old and more. It is committed by the many armed groups (Interahamwe<sup>7</sup>, Mai-Mai, etc), present in the East, and by our army. These men go into a village, rape the women, and sometimes kidnap them and take them to the forest as their prisoners. There, they are raped daily. Some are tied to a tree and when their tormenters want to rape them, they untie them. They use horrific violence."<sup>18</sup>*

Dr. Denis Mukwege is a gynaecologist at the Panzi hospital in Bukavu. Specialised in surgical reconstruction for women victims of sexual violence, he was awarded the King Baudouin International Prize for Development in recognition of his admirable work. *"One day" he recalls, "the International Committee of the Red Cross brought a young girl aged 18 or 19 to me. She had been raped. The barrel of a gun had been placed in her vagina and shot. Her entire urogenital system was in shreds. I tried to put the pieces back together as best I could. It took six operations."<sup>19</sup>*

Over the last ten years, Dr. Mukwege and his team have treated over 30,000 victims. In addition to the atrocious injuries that blight the lives of numerous women, many are also infected with the AIDS virus. Some are also made pregnant by their rapists, with all the suffering entailed in having to bring up the son or daughter of their attacker.

Life can also be very difficult for the children concerned. *"Pregnancies resulting from rape are time bombs for society,"* warns Florine Moma, on the staff of the Congo Trade Union Confederation (Confédération syndicale du Congo - CSC), in the North Kivu province, where she is in charge of the Women Workers' Department. *"These children will never know who their father is and in most villages they are rejected. As nobody wants to look after them they often*

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→Cédric Gerbehaye





*find it difficult to take care of themselves and end up with behavioural difficulties. It is a serious threat for the future.*<sup>10</sup>

Another danger – and another drama – highlighted by Dr. Mukwege is the problem of the Hutu children who arrived in the DRC in 1994 and *"are now men capable of holding a gun, pillaging, raping and destroying. These children are all associated with those who carried out the genocide, and this is used as a pretext for persecuting them. These young people know that if they go back to Rwanda, they'll be risking their lives. If they stay here, they are prey to the incursions of Rwandese troops, sent in to hunt them down and kill them. (...) It's dreadful. The collective guilt placed on these young people is a time bomb. Even the children being born today are soon told that they are genocidal Hutus being hunted down by everyone."*

For both these children and the women victims of violence, social rejection is all too often accompanied by abject poverty. Many wives are forced out of the home by their husbands, especially if they have been kidnapped and held in the forest by the armed men. Very young girls who are raped often find it extremely difficult to find a husband later.

According to Radhika Coomaraswamy, the Special Representative of the United Nations Secretary General for Children and Armed Conflict, *"48 % of victims of sexual violence in the DRC are children"*<sup>11</sup>, and the great majority of those are female.

*"At times, I feel disheartened at having to operate and re-operate on women suffering repeated mutilations,"* sighs Dr Mukwege. *"It is the women that give us the strength to carry on: their ability to pick themselves up and fight for life, for themselves and their children, is admirable."* While this



Dr. Mukwege, gynaecologist at the Panzi hospital in Bukavu.

humanitarian response is essential however, it will not solve the problem. Dr. Mukwege points to the need for a political solution to the problem that will tackle the root causes of the violence: *"Pressure must be put on all the leaders in the Great Lakes region to face up to their responsibilities and be accountable for their actions. Human rights here are nonexistent. People kill, rape, pillage... with total impunity!"*

This situation has led to the DRC being described by several humanitarian activists and journalists as *"the worst place in the world to be a woman or a child"*<sup>12</sup>.

**Anne-Marie Impe**

1 Interview by Natacha David, editor-in-chief of Union View. To read the full interview go to: <http://www.ituc-csi.org/spotlight-interview-with-solange.html?lang=en>

2 Eyewitness account from a report by Human Rights Watch: Soldiers who rape, Commanders who condone. Sexual violence and military reform in the Democratic Republic of Congo, July 2009, 56 pages. Available online at: <http://www.hrw.org/reports/2009/07/16/soldiers-who-rape-commanders-who-condone-0>

3 Report on the Investigation missions of the United Nations joint Human Rights Office into the mass rapes and other human rights violations committed in the villages of Bushani and Kalambaho, in Masisi territory, North Kivu, on 31 December 2010 and 1 January 2011, MONUSCO and the Office of the United Nations High Commissioner for Human Rights, July 2011, pp 10-11. Available online at: [http://www.ohchr.org/Documents/Countries/ZR/UNJHROReportMassRapesBushani\\_en.pdf](http://www.ohchr.org/Documents/Countries/ZR/UNJHROReportMassRapesBushani_en.pdf)

4 The date of the genocide of Tutsis and moderate Hutus in Rwanda

5 Information given to Human Rights Watch by telephone on 9 June 2009.

6 "Estimates and Determinants of Sexual Violence Against Women in the Democratic Republic of Congo", Amber Peterman, PhD, Tia Palermo, PhD and Caryn Bredenkamp, PhD, *American Journal of Public Health*, June 2011, Vol 101, n°6. Available online at: <http://ajph.aphapublications.org/cgi/content/abstract/101/6/1060>

7 In kinyarwanda, the word means: *"those who fight together"*. It describes the hutus militia responsible for massacring the tutsis during the 1994 Rwandan genocide (see references).

8 From an interview by Samuel Grumiau.

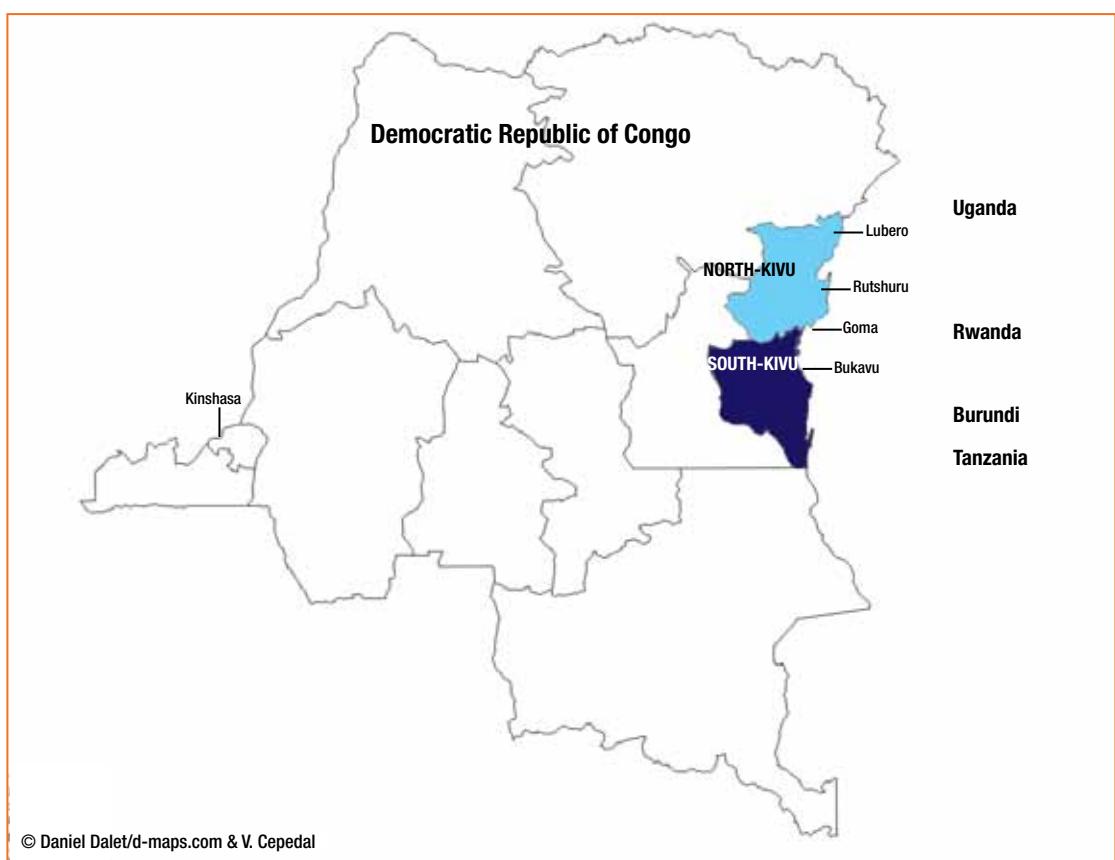
9 By Natacha David. To read the full interview with Dr Denis Mukwege to the ITUC website: <http://www.ituc-csi.org/spotlight-interview-with-dr.denis.html?lang=en>. Published online 15 October 2010.

10 From an interview carried out in Kinshasa on 27 septembre 2011, by the author of this article

11 "R. Coomaraswamy: 48% of the victims of sexual violence in the DRC are children" MONUC press article, 21 April 2009. <http://monuso.unmissions.org/Default.aspx?tabid=1042&currentpage=52>

According to international law, every person under the age of 18 is a child.

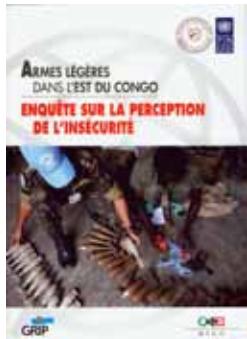
12 "Waiting for Their Moment in the Worst Place on Earth to Be a Woman", Helene Cooper, *The New York Times*, 16 November 2005; "Conflict makes Congo 'worst place to be a child'", Alertnet, 11 November 2008; "Congo 'worst place' to be woman or child", CTV.ca, 12 November 2008.



# Who are these "unidentified armed men"?



With little or no pay, the soldiers of the Armed Forces of the Democratic Republic of Congo (the regular army) frequently resort to pillaging villages. → Cédric Gerbehaye



Brussels, GRIP, 2011, 179 pages  
[www.grip.org](http://www.grip.org)

In addition to this very clear-sighted book, the Peace and Security Research and Information Group (GRIP) has also published: *La guerre du Kivu. Vues de la salle climatisée et de la véranda*, (The Kivu war. Seen from the air-conditioned room and the veranda), Jean-Claude Willame, 2010, 172 pages; "Les faiseurs de paix au Congo. Gestion d'une crise internationale dans un Etat sous tutelle" (Congo's peacemakers. Managing an international crisis in a protectorate), Jean-Claude Willame 2007, 217 pages and *Congo 1960. Echec d'une décolonisation* (Congo 1960. When decolonisation failed), a collective work with an introduction by Colette Braeckman, GRIP, André Ver-saille editor, 2010, 156 pages.

Ordered to secure the territory in advance of the presidential and legislative elections of 28 November, the Armed Forces of the Democratic Republic of Congo (FARDC) have launched major operations in the east of the country over the last few months, provoking clashes with militia groups. Pursued by the regular army, these groups have attacked many villages, displacing the population as they flee the gunfire and violence.

Armed groups carried out dozens of raids in September and October 2011. On 20 October, militiamen from the Ituri Patriotic Resistance Front attacked the towns of Aveba and Getty Etat, displacing 30,000 people<sup>1</sup>.

According to figures from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) there were still over one million displaced persons in the two Kivu provinces on 30 September 2011.

"*Every time the army launches an operation, the militia redouble their violence against civilians*," explains Marie-Jeanne Mutongo Zawadi, President of the Women's Department at the Democratic Confederation of Labour (Confédération démocratique du travail - CDT), in Bukavu in the South Kivu province. "*When the armed groups are attacked in an attempt to remove them they become ferocious and they rape*."

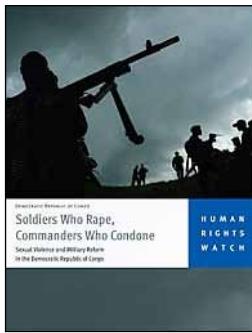
At "normal" times, she continues, "*civilians work out the best way of cohabiting with the militia. As the inhabitants' safety is not protected by the politico-administrative*

*authorities, they are obliged to abide by the laws of the armed groups. They don't bother going to the fields themselves, they hold the population to ransom: every Saturday each household has to give them two kilos of manioc and 500 or 1000 francs. And the villagers do it because they are frightened they'll be killed otherwise: they would rather not eat than not pay their "dues". With this kind of arrangement, there are few rapes.*"

## The people who make the guns do the talking

"*When the attacks take place, they always say they were committed by 'unidentified armed men'*," Marie-Jeanne Mutongo Zawadi explains to me. That is the phrase they use. But what is behind this label? Who are the armed groups still active on the ground today?

While some militia have agreed to be incorporated into the regular army, others are still in operation: in the Kivu and Maniema provinces the rebel Hutu groups belong to the Rwanda Democratic Liberation Force (FDLR)<sup>2</sup>, and the Mai-Mai (local self-defence militia, many of them but often with very few members) hold sway; in North Kivu, there are also members of the Democratic Allied Forces/National Liberation Army of Uganda (ADF/NALU); in the Eastern Province there are Ugandan "combatants" from the Lord's Resistance Army, which has scattered into small and very cruel groups, while in Ituri more specifically there are the



**Soldiers Who Rape, Commanders Who Condone. Sexual violence and military reform in the Democratic Republic of Congo**, Human Rights Watch, July 2009, 56 pages.

<http://www.hrw.org/reports/2009/07/16/soldiers-who-rape-commanders-who-condone-0>



militia of the Popular Front for Justice in the Congo (FPJC) and the Ituri Patriotic Resistance Fronto (FRPI). Added to that are the armed gangs who take advantage of the chaos to pillage, ransom and rape the population.

### Is the army the worst perpetrator of violence?

On the other side is the regular army of about 130,000 to 150,000 men,<sup>3</sup> whose task is to bring peace and security to this vast national territory. But the people have little faith in the army, firstly because it illegally exploits mining and forestry resources and secondly because at times it subjects the population to forced labour (see page 9) and finally because it attacks and pillages villages and harasses the inhabitants it is supposed to be protecting (see the account of the attack on two villages in the box attached).

The report *"Soldiers who rape, Commanders who condone"*<sup>4</sup> is particularly edifying in this regard. Human Rights Watch accuses the army of being the principal culprit of sexual violence and other forms of gender-based violence: *"Although other groups also commit brutal acts of sexual violence against women and girls, the sheer size of the Congolese army and its deployment throughout the country make it the largest single group of perpetrators,"* notes the international human rights organisation.<sup>5</sup>

Following the comprehensive and inclusive 2002 Peace Accord, which put an end to the second war in the Congo, the DRC began a process of restricting its army and integrating members of the rebel groups that wished to join it. It was a highly delicate operation, as the militias who had until then been fighting each other and the regular army now had to cohabit within it. The National Disarmament,

Demobilisation and Reintegration Programme (PNDDR), better known in the country as *"Brassage"* (integration), contained some safeguards: each combatant was identified, disarmed and had the choice of returning to civilian life or joining the army. If he chose the latter he had three months training before being incorporated into an *"integrated brigade"* composed of soldiers and officers from different regions, ethnic backgrounds and armed groups, in order to break up the pre-existing factions and their chains of command.

### Commit an atrocity and you'll be promoted

*"The PNDDR was reasonably successful as long as it was respected"* comments Andrew Philip, a former researcher at Amnesty International who worked on the DR Congo for over ten years<sup>6</sup>. He finds it deeply regrettable however that they later waived the rules to ensure speedier but therefore much more risky integration, notably the accelerated integration of thousands of combatants from the National Congress for the Defence of the People, the militia previous run by Laurent Nkunda.

These combatants, he continues, were integrated into the army without any training, without having to hand over their weapons (thereby enabling them to hide them in a safe place, should they ever need them!) and without removing the command structures of their former groups when they joined their new brigades.

*"Men suspected of war crimes found themselves with free access to the national army"* explains Andrew Philip. *"In this process, some were even promoted, notably Bosco Ntaganda, Chief of Staff in the CNDP who became an army general while being wanted by the International Criminal Court for war crimes!"*

Women build a hut in the Bulengo camp for displaced persons in North Kivu. →Cédric Gerbehaye



It was far from the only appointment of the kind. Colonel Zabuloni's case is typical. From being a former warlord of the Congolese Resistance Patriots (or Mai-Mai-PARECO), he was appointed as police chief for the Masisi district, where many witnesses have accused him of committing serious and repeated violent abuse against the local people. Faced with the mobilisation of civil society, which loudly protested its opposition to this appointment for three days, he finally received an order to transfer to Goma. In August 2011, however, he disobeyed orders and continued in parallel as policy commander in Lushebere (Masisi territory, North Kivu) where he decided to stay! Such insubordination is one of the many problems the political authorities and the Army commanders face.

The army has been in a process of reorganisation in both Kivu provinces since the beginning of 2011. But as Jean-Claude Willame, Professor Emeritus at the Catholic Uni-

versity of Louvain and a specialist in Central Africa points out *"The number of troops is very high and international military cooperation with the DR Congo is rather incoherent: MONUSCO and the countries (Belgium, United States, Angola) that have so far trained some of the Congolese army brigades have very different military traditions. Creating an army worthy of that name, with real dissuasive powers, can only be part of the long term perspective."*<sup>8</sup>

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<sup>1</sup> Radio Okapi, 20 October 2011.

<sup>2</sup> Its offensive capacity has greatly diminished according to MONUSCO (United Nations Organization Stabilization Mission in the Democratic Republic of the Congo).

<sup>3</sup> "Défis sécuritaires et politiques", Jean-Claude Willame, *Encyclopédie de l'état du monde*, Edition La découverte, [www.etatdumonde.com](http://www.etatdumonde.com).

<sup>4</sup> *Soldiers who rape, Commanders who condone. Sexual violence and military reform in the Democratic Republic of Congo*, July 2009, 56 pages. Available online at: <http://www.hrw.org/reports/2009/07/16/soldiers-who-rape-commanders-who-condone-0>

<sup>5</sup> Op. Cit. p. 4-5.

<sup>6</sup> *Congo in Limbo*, superb photographic essay by Cédric Gerbelhay, Éditions Le Bec en l'air, 2010. Postscript to the book, page 213. [www.congoinlimbo.com](http://www.congoinlimbo.com)

<sup>7</sup> He was arrested Rwanda in 2009, after previously enjoying strong support from Kigali.

<sup>8</sup> Interviewed by telephone 10 November 2011.

## When the national army creates insecurity.

A huge joint operation, led by MONUSCO (the United Nations Organisation Stabilisation Mission in the Democratic Republic of Congo) and the Armed Forces of the Democratic Republic of Congo (FARDC) was carried out in the Kimu-Ntando zone in Masisi territory in the North Kivu province from 31 December 2010 to 7 January 2011. Called "*Hatua Yamana*", which in Swahili means "*Formidable Reach*," its aim was to eliminate the presence of any armed groups in this area and restore security and the authority of the State. Five FARDC battalions took part with logistic and technical support from MONUSCO.

During the afternoon of 31 December 2010, while Bushani inhabitants were busy preparing New Year's Eve, at least 100 men in uniform, identified by various sources as FARDC soldiers, surrounded and gradually invaded the village. They accused the inhabitants of supporting "*enemy forces*" and asked them where they were hiding their weapons. When the villagers stated that there were no weapons, the soldiers beat them with whips and truncheons. The soldiers then split up into three groups. While the first two groups attacked civilians from Bushani who were hidden in the forest, the third stayed in the village to loot the houses.

The villagers' ordeal lasted two days. At least 47 women aged between 16 and 65 were subjected to sexual violence according to the report by MONUSCO and the Office of the United Nations High Commissioner for Human Rights (OHCHR).<sup>9</sup> Several of the women were pregnant. One hundred homes were ransacked and four of them burnt down. The assailants then went on to loot the village of Kalambahiro: houses, the church, school and health centre, stealing all the medical equipment and medicines.

In the village of Bushani United Nations investigators found food rations distributed by MONUSCO to battalions n°2331 et 2222 of the national army, who took part in operation Hatua Yamana.

FARDC officers were not interviewed by the military justice until three months after the events, deplores the MONUSCO investigators report which notes that *"This lack of cooperation by the Operation Amani<sup>10</sup> Leo command in North Kivu with the Congolese military justice is impeding the efforts to fight impunity for the alleged perpetrators of human rights violations committed against civilians in Bushani and Kalambahiro, as well as the implementation of the zero-tolerance policy decreed by the President of the Republic on 5 July 2009."*<sup>11</sup>

When questioned about this by the Office of the UN High Commissioner for Human Rights, Lambert Mende, the DR Congo government's spokesperson and Minister for Communications and the Media, denied that the FARDC had any responsibility for the attack: *"The atrocities carried out on New Year's Eve in Bushani cannot in any way be attributed to the FARDC, contrary to statements made by the Office of the High Commissioner. The government regret's the Office's propensity to denigrate its armed forces by manipulating figures and the deliberately confused accounts of security incidents in the country."*<sup>12</sup>

To date, complete impunity has surrounded this case. There has been no follow up to the investigation.

<sup>9</sup> Report on the Investigation missions of the United Nations joint Human Rights Office into the mass rapes and other human rights violations committed in the villages of Bushani and Kalambahiro, in Masisi territory, North Kivu, on 31 December 2010 and 1 January 2011, MONUSCO and the Office of the United Nations High Commissioner for Human Rights, July 2011, 17 pages. Available online at: [http://www.ohchr.org/Documents/Countries/ZR/UNJHROReportMassRapesBushani\\_en.pdf](http://www.ohchr.org/Documents/Countries/ZR/UNJHROReportMassRapesBushani_en.pdf)

<sup>10</sup> Launched on 1 January 2010, operation "Amani leo" («Peace Now», in Swahili), aims to eradicate the threat to civilians that the presence of armed groups, particularly the FDLR, constitutes.

<sup>11</sup> On 5 July 2009, President Kabila issued an edict defining a zero-tolerance policy for human rights violations, including acts of sexual violence committed by members of the armed forces", says the report on page 12.

<sup>12</sup> Press release of M. Mende, 26 January 2011.



# What are the causes of the violence?

What is the explanation behind such widespread and brutal atrocities against women?

The causes are clearly complex. However, three root causes do seem to emerge: firstly, the presence of numerous armed groups; secondly, the culture of lawlessness created by the illegal exploitation of rich mineral resources and thirdly, the weakness of the state and the consequent impunity. Added to this is the abject poverty that makes the population so vulnerable, and the very low status of women, without which the violence could never have escalated to this level.

## The presence of numerous armed groups

Half the population in Eastern Congo is under fifteen. They have therefore never experienced peace! Since 1994, the eastern part of Congo has been reeling under the aftershocks of the Rwandese genocide. When the Tutsi forces within the Rwandan Patriotic Front took over Kigali, putting an end to the massacres, tens of thousands of Hutus fled to Zaire. Among them were perpetrators of genocide and countless military personnel. They would launch attacks on the Rwandan territory from the refugee camps in Kivu.

Two wars followed. They were aimed at eradicating the threat posed by these Hutu armed groups for the entire Great Lakes region of Africa but also (less admissible and moreover never admitted) at plundering Congo's extremely rich mineral reserves.

During these dark years, the DRC was subjected to attacks on its own territory not only by the armies of six countries<sup>1</sup> but also those of foreign rebel militias seeking to set up their rear bases there. Not to mention the local militias financed and controlled by neighbouring countries and the infamous Hutu rebels of the FDLR whose presence poses a sustained security threat to both Kivus.

These conflicts involving large numbers of armed militiamen are among the main causes of the most extreme forms of violence against women. *"When trapped in a logic of war, your whole mindset is geared to destroying the enemy,"* explains Mrs Catherine Odumba Kombe, gender researcher at the University of Kinshasa. *"The atrocities carried out were aimed at the complete physical and psychological destruction of women, with all the consequences that entails for society. (...) A woman's body was once considered sacred in times of conflict in the Congo, but this perception has alas become a thing of the past."*



When the displaced persons camp where they had taken refuge was attacked, this grandmother tried to save her grandchildren but she was burnt when the roof of her hut was set on fire. → Cédric Gerbehaye



For anyone who wants to understand what led to such appalling violence against women in Eastern DRC, this report makes essential reading. It explains the context in which the violence took root, its link with minerals trafficking and the opacity of the supply chain. It helps give a clearer understanding of why traceability is so complex and why it is so difficult to apply the recent initiatives to put an end to illegal mineral mining.

It then has a particularly interesting chapter on the life and work of the small scale miners. It looks at health risks, forced labour, child labour and focuses in on the harsh living conditions faced by women, their activities and the sexual or gender-based violence they are subjected to.

Finally, it makes policy recommendations for putting an end to the violence.

Sexual violence has been used at times as a weapon of war in Eastern DRC as a means of destroying communities. It is still used at present to terrorise local populations, force them out of their villages, seize their lands and create a climate of insecurity conducive to the illegal exploitation of raw materials. For the second major cause of violence against women lies in the illegal exploitation of underground resources and the handsome profits they can generate.

## A culture of lawlessness created through the illegal exploitation of mineral resources

Eastern Congo abounds in mineral resources: gold, but also coltan (colombo tantalite), cassiterite and wolframite, particularly sought after by the aeronautical, automobile and electronic industries.

Today there are no big European mining companies active in either Kivu province. Apart from the Canadian holding company Banro, backed by the China Gold company, which has an enormous concession (gold, coltan) most of the mining is on a cottage industry scale. Tens of thousands of small informal sector diggers try their luck on the sites of the old companies (SOMINKI, notably). Across the country about 12.5 million people are eking out a living from small scale mining according to Nicholas Garrett.<sup>2</sup>

But this situation is changing. Many concessions have recently been granted to several mining companies. The

majority, however, are still under the control of militia groups who organise illegal small scale mining.

The path taken by the ore from its extraction from the mines to its arrival at its final destination (in Europe, the United States or in Asia) is opaque<sup>3</sup>. Many tonnes leave the DRC as contraband, and will never appear as exports in the official accounts of the Congolese administration.

*"Control over the mineral wealth is, at the same time, a goal of war and the fuel that enables armed groups to thrive in the highly volatile area of Kivu,"* notes Thomas Hofnung, journalist at French daily *Libération*.

In his report entitled *"Les grises mines du Congo"*<sup>4</sup>, he explains that bosses at the cassiterite trading houses in Goma paid a *"revolutionary tax"* to rebel General Laurent Nkunda, until his arrest in 2009. His armed movement, the CNDP (National Congress for the Defence of the People) also collected tolls on the various transportation routes under their control.

This practice allegedly persisted in spite of the enlistment of thousands of CNDP troops within the regular army. As the International Crisis Group confirms, the CNDP continues to control most of the territories in the southern area of North Kivu, where their former parallel administrative and taxation systems still operate and have even been extended to other zones in the two Kivus.<sup>5</sup>

In the meantime, the armed forces of the Democratic Republic of Congo are also deeply embroiled in illegal mining activities. Thomas Hofnung talks about the cassiterite mine in Bisiye, located within two days' walking distance from Walikale and controlled by the 85<sup>th</sup> brigade, where informal diggers were hired and hefty taxes were imposed on the minerals extracted. *"The 85<sup>th</sup> Brigade, under the command of Colonel Samy Matumo, whose fortune is a secret to no one in Kivu, is made up of veteran Mai-Mai combatants who have been integrated within the Congolese national army. According to an expert from the mining sector interviewed in Goma, troops under Colonel Matumo's command levy half a dollar (40 eurocents) per kilo of cassiterite. In other words, at a rate of 800 tons extracted monthly according to the figures provided by the mining authority in Goma, an estimated 400,000 dollars (€ 315,000) thus finds its way into army coffers..."* reveals the journalist. Looking at these figures, it comes as little surprise that army personnel refuse to be transferred elsewhere.

In an attempt to dismantle these mafia-style mining networks, after being strongly urged by the international community, President Kabila suspended the mining and export of minerals in both Kivu provinces and Maniema between September 2010 and March 2011. But without success. *"People got round the ban in many places and in many different ways,"* notes the ITUC which adds that during the suspension *"FARDC soldiers raided the village of Ndjingala at night and took away all the young people from the Bisiye mine. Wearing army uniform they were forced to work in the mine under armed surveillance. They weren't paid and it was impossible for them to escape."*<sup>6</sup>

Rebels, regular army troops, customs officials, high-ranking civil servants, local and foreign businessmen, members of parliament and ministers, not forgetting the Congo's neighbours: all have a stake in the profits derived from the illegal trade in mineral resources, which is nevertheless depriving ordinary citizens of their country's natural resources and is keeping them in a state of poverty that is all the more

unbearable knowing that natural riches are just beneath their feet.

Apart from the population, who dream of an end to the fighting, none of the other players has a real interest in peace.

The continued insecurity enables the armed wheeler-dealers and their accomplices from different origins to take advantage of the widespread chaos in order to continue their trafficking in total impunity.

Which brings us to the third major cause of violence against women:

### **The weakness of the state and its corollary, impunity.**

The illegal mineral trade is only possible because chaos reigns. But wheeler dealers of all stripes can rest easy: the State is not about to reassert its power over its vast territory overnight: the government's powerlessness was demonstrated once again when the President's attempt at suspending mineral exports failed so visibly.

For as long as the Congolese state remains weak (on the verge of total collapse), with no control over its army, its territory or whole swathes of the economy, trafficking and insecurity will remain rife.

Laws exist in the Congo to protect against sexual and gender-based violence. Yet they are rarely applied and the perpetrators are rarely punished, or even prosecuted.

*"Impunity is the norm rather than the exception,"* notes the ITUC.<sup>7</sup> Does the fault lie with the failings of the judicial authorities? Or is it a lack of political will? While the justice sector clearly needs to be reformed and refinanced, the messages sent by the government are contradictory: on the one hand, a new law on sexual violence was adopted in 2006 and in 2009 President Kabila decreed a policy of zero tolerance of human rights violations by the military: but on the other hand, there is constant interference by the political and military authorities in judicial affairs. Officers almost systematically protect their soldiers and prevent them from having to answer for their actions before the courts. And on the rare occasions that they are taken to court and sentenced, they are released under dubious conditions or they manage to escape from prison.

As Mrs. Odimba points out *"impunity is an incitement to violence"*. For as long as the perpetrators of sexual attacks and other human rights violations, be they civilian or military, believe they can carry out their misdeeds with impunity, the violence will continue.

The Congolese government must therefore make the fight against impunity a real priority - in actions not just legal texts or grandiose statements. As Mrs. Wallström, the United Nations Secretary General's Special Representative on Sexual Violence in Conflict quite rightly states: *"Prosecution is prevention".*<sup>8</sup>

**A.-M. I.**

<sup>1</sup> Rwanda, Uganda, Zimbabwe, Angola, Burundi and the DRC, not to mention the support of Namibia, Chad, Sudan and Libya.

<sup>2</sup> *The Extractive Industry Transparency Initiative (EITI) & Artisanal and Small-Scale Mining (ASM). Preliminary Observations from the Democratic Republic of Congo (DRC)*, Nicholas Garrett, 22 octobre 2007. [http://www.resourceglobal.co.uk/documents/Garrett\\_EITI\\_10\\_2007.pdf](http://www.resourceglobal.co.uk/documents/Garrett_EITI_10_2007.pdf)

<sup>3</sup> For further information see the report *Violence Against Women in Eastern DRC: Whose Responsibility? Whose Complicity?* ITUC and ICEM, October 2011.

<sup>4</sup> Published on the website of the French daily newspaper, 8 December 2008

<sup>5</sup> *Congo: No Stability in Kivu despite Rapprochement with Rwanda*, International Crisis Group, November 2010, pp. 14 and 15.

<sup>6</sup> pp. 13 and 19

<sup>7</sup> Op.Cit. p. 5

<sup>8</sup> In the Foreword to the ITUC report, Op.Cit.



#### Inform to protect

*"Many women workers don't know their rights," explains Brigitte Sharadi Mukonkole, a trade union official from the CSC and head of its Women's Department in Kinshasa. "Too many of them have lost their jobs because they didn't agree to lie down. But if they are the victims of sexual harassment, the trade union can advise and protect them. It is one of the roles of the department I work for."*



*Women: the human mules of Congo's gold mines*

A magnificent report paying tribute to these women whose incredible courage is underlined by the photographer Georgina Cranston. An absolute must-see on The Guardian website:

[www.guardian.co.uk/global-development/interactive/2010/nov/24/congo-women-gold-mines](http://www.guardian.co.uk/global-development/interactive/2010/nov/24/congo-women-gold-mines)

The report, which went online on the site on 24 November 2010, had earlier been published by the BBC at the end of 2007. It can also be viewed (without the audio commentary however) on the photographer's own website:

[http://www.georginacranston.com/?pageid=24&photocat\\_id=21&parent\\_id=1](http://www.georginacranston.com/?pageid=24&photocat_id=21&parent_id=1)

# There is violence in the workplace too

**Sexual harassment, the dismissal of pregnant women, inhuman working conditions: in the DRC violence is not only linked to conflict and the illegal exploitation of resources. It is rife at the workplace too.**

**S**exual harassment, the dismissal of pregnant women, inhuman working conditions: in the DRC violence is not only linked to conflict and the illegal exploitation of resources. It is rife at the workplace too.

Sexual harassment has been present in the workplace since the beginning of time, in every country in the world. But some States have taken forceful measures to combat it, setting in place an effective arsenal of legislative and repressive measures, accompanied by socio-economic measures to protect women. They have made significant progress.

## Sexual harassment at the workplace: where is the proof?

Sabine (her real name has been changed) works for a building company in Kinshasa. A Mother of two children, she was courted by her boss. He arranged to give her work just before the break. As soon as the other employees had left, he took advantage of the situation to make advances to her. Sabine complained, but she was asked for proof. She was discouraged. Fortunately a colleague who had also received unwanted attention from the same boss agreed to act as witness.

In the developed countries, where economic conditions are generally less precarious than in the developing world, it is (a little) easier to avoid the *"promotions couch"*. The poorer women are, the more vulnerable they are to advances from their hierarchical superiors.

## You won't succumb? Then you've lost your job!

When the woman is the only member of the household to be in salaried employment, she cannot allow herself to lose her job. Sometimes, therefore, she may end up giving in to advances from her boss in exchange for a pay rise or simply to keep her job. *"It's common practice in the DRC,"* says a trade union delegate.

For the same reason, a lot of women workers choose not to get pregnant, or to abort. Bernadette, who worked in a bank, is a case in point. Two of her colleagues were dismissed after they announced that they were pregnant. So when she "fell" pregnant, three times, she aborted the baby each time, in order to keep her job. But the repeated abortions took their toll on her health: she went on sick leave and when she returned she was sacked. Today she still hasn't found another job, and she is finding it difficult to conceive.

*"The more a woman worker needs her job, the more she is at the mercy of her employer,"* deplores Brigitte Sharadi Mukonkole<sup>1</sup>. As a full time trade union official working for the CSC, and responsible for the Women's Department in Kinshasa, she fights for real improvements in the working conditions of all women, be they in the formal or informal sector, and to protect their rights.

Congo Airlines (LAC) are currently going through a patch of

severe turbulence. *"At least 2000 workers (some of whom have worked for the company for 30 years) are going to be dismissed,"* explains Brigitte. *"But as the State doesn't have the means to pay their redundancy compensation, they will only get 15% of what they are due!"* When it comes to mass dismissals, women are often the first to go. Brigitte is negotiating to ensure that of the 500 or so people who will keep their jobs, 50% are women. And to ensure that sexual harassment is not used as a means of selecting candidates!

## Toilet breaks banned

A few years ago she also had a fight on her hands...for the women to get permission to go to the toilet. *"Among the small shopkeepers, largely Indo-Pakistanis, the women at the checkout were not allowed to leave their post and were obliged to urinate on the spot, in a plastic bag,"* she recounts, indignantly. *"In 2007 there was a big rebellion: the workers in this sector had no breaks, no fixed hours and often had to work more than 18 hours a day, including Saturdays. They organised a huge march to denounce their working conditions and won a one-hour daily break. The problem in the Congo is that although labour legislation exists, many employers don't apply it. And as they know the labour inspectors will be on their side..."*

## Indecent working conditions

The evidence is there: violence at work happens many times, in many ways: in addition to sexual harassment and sacking pregnant women against the law, the conditions in which women have to carry out their work are often inhuman. In the informal sector it is even rarer for them to be unionised and sometimes their health – even their life – is at risk.

In the outskirts of Bunia (in the Ituri province in North Eastern Congo), women work in disused gold mines. Men break stones in the old galleries and women load the stones into bags that they take out from deep underground.

## Male trade unionists don't always set a good example

*"As a woman, it is very difficult to get accepted as a full time trade union official"* complains Angèle.\* *"Because of popular stereotypes, our male colleagues find it hard to accept that this work can be done by a woman."*

*"It's also complicated with employers. When you talk about some issues, you might be asked to shut up, simply because you are a woman."*

Angèle was also harassed by her line manager, within the union! Since she refused to give in to his advances, her views are systematically denigrated.

A change of mentality is obviously needed in the trade unions too!

\* Her name has been changed.

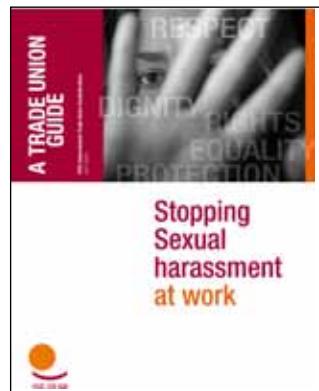
"Those bags can weigh up to 60 kg", says Georgina Cranston. The English photographer, who carried out a photo-reportage on their work, explains that she was unable to lift up the bags even a single centimetre. And yet the women have to carry them for kilometres through narrow, slippery tunnels where they have to push, drag and heave these heavy loads that they sometimes have enormous difficulty in moving, to the outside of the mine. It is heavy and very dangerous work, because some of the galleries are flooded and the walls are in such a dilapidated state that they could crumble at any moment. Then, like beasts of burden, they transport the bags on their backs until they reach the gold washers who check whether the stones contain any of the precious metal.

They are paid according to the weight of the stones and the distance travelled: back-breaking work that quickly ruins their health and only earns them a tiny wage: "These women live in abject poverty, yet there is immense wealth just under their feet," says Georgina Cranston indignantly.

The exploitation of women workers, reducing them to misery and subjecting them to inhuman tasks – these are all major forms of violence.

1 Interviewed by Anne-Marie Impe, 28 September 2011.

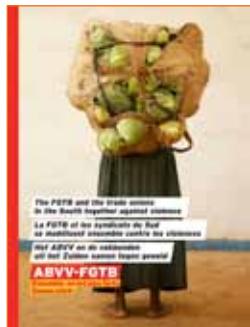
## Stopping sexual harassment at work



This clear and practical trade union guide explains what sexual harassment means and how to put an end to it at the workplace.

It sets out a model procedure for dealing with complaints of sexual harassment.

ITUC, International Trade Union Confederation, April 2008, 11 pages. Available online at: [http://www.ituc-csi.org/IMG/pdf/Harcelement\\_ENG\\_12pgs\\_BR.pdf](http://www.ituc-csi.org/IMG/pdf/Harcelement_ENG_12pgs_BR.pdf)



Recalling that *"inequality is often a source of violence against women"*, this awareness-raising brochure, which contains stunning photos from the "Heavy Burdens" (Lourds fardeaux) exhibition (see attached) is a call to action for greater equality between women and men, in the South as in the North.

FGTB, November 2011. Can be seen online at: <http://www.fgtb.be/international> ou <http://www.fgtb.be/egalite-femmes-hommes>

This photograph comes from the "Heavy Burdens" (Lourds fardeaux) exhibition by the Parity in the DRC Observatory, a Congolese NGO. Dedicated to women porters in Kivu, this series of photographs will be used as part of a campaign to raise awareness of the need for equality between women and men called Tugawe (Let us share), <http://www.observatoiredelaparite.org/spip/index.php>



→Eliane Beeson et François Vaxelaire

# Combating the patriarchal system and changing mentalities

Violence against women is rooted in gender prejudices and discrimination. It arises from a value system based on an unequal balance of power between men and women.

**"In the Congo, a certain type of violence has always existed within households and in communities,"** says Catherine Odimba Kombe, gender researcher at the University of Kinshasa<sup>1</sup>. "A man hitting his wife was almost something to boast about, it was considered a sign of love and seen as normal, by both men and women. The women themselves legitimised the situation."

"We live in a patriarchal culture where the male sex dominates over the female sex," confirms Jeanine Gabrielle Ngungu<sup>2</sup>, national coordinator of the campaign: "We can end all violence against women." "The man has the power to dominate, and the woman has the duty to submit. This mindset, rooted in our social norms, generates violence. I am not trying to say that all our traditions are bad, but most of them do not promote women as human beings, as deserving of dignity."

## Change begins with me

If the situation is to change, then people's mentalities have to change, by tackling the prejudices and stereotypes that devalue women. That is what the "We can" campaign intends to do. Launched in 2007 and supported by NOVIB and Oxfam Quebec, it is based on the concept of agents of change. "To become an agent of change" explains Jeanine Ngungu, "you have to not only commit to no longer perpetrating or tolerating violence and discrimination in your

own life, you must also encourage ten other people to make the same commitment. By starting with individual awareness (one of our slogans is 'change begins with me') we are trying to provoke a chain reaction which will generate a vast movement of social change that will have the potential of putting an end to violence against women. So far 85,000 people have already agreed to become agents of change in the DRC. And we don't mean to stop there!"

When she presented the "We can" campaign to a workshop of women trade unionists in Kinshasa (see p. 15) on 27 September 2011, Jeanine Ngungu won their enthusiasm. And she promised to support them when they organised their trade union campaign to fight against violence. "The trade union world is a strategic partner," she said. "If the message is carried through far enough, it will bear fruit."

"Statistics show that two out of three women in the DRC suffer domestic violence on a daily basis," says an indignant J.Ngungu. "That means two out of every three women are not really participating in the construction of our society. That is a very significant mass of people reduced to silence. If this country is to really develop, the place of the woman, her role, her dignity, must be recognised."

A.-M. I.

<sup>1</sup> Mrs Odimba is also President of the Gender Researchers' University Network  
<sup>2</sup> Interviewed by Anne-Marie Impe on 27 September 2011.



Jeanine Ngungu

## What is domestic violence?

Any act of violence committed on a woman or girl within the private sphere (family, home...) that undermines her integrity and her dignity.

## What forms does domestic violence take?

**Psychological violence:** intimidation, threats, humiliation and insults, restrictions on movement, deprivation of freedoms...

**Physical violence:** excessive workload, bodily harm, torture, mutilation, murder...

**Economic violence:** deprivation of resources, banning a woman from carrying out paid employment, the non-participation of the husband in domestic tasks, controlling the woman's resources, excluding the woman from inheritance...

**Sexual violence:** forced sexual relations, sexual exploitation ...

**Discriminations against girls:** rejection at birth, refusal to pay for their education, early or forced marriage, sexual abuse (incest, rape...)

Extract from the leaflet Comprendre les violences domestiques pour agir. Un engagement de chacun et de tous, Nous pouvons. (Understanding domestic violence in order to take action. A commitment by one and all. We can.)

Contact: nouspouvonsrdc@yahoo.fr. Tel.: +243 99 20 48 683. website: www.nouspouvonsrdc.com

## Forms of discrimination that must be abolished

"The public authorities will ensure the elimination of all forms of discrimination against women and will ensure the protection and promotion of women's rights. They will take all necessary civil, political, economic, social, cultural and other measures to ensure the full development of women and their full participation in the development of the nation. They will take measures to fight against all forms of violence against women in public and private life. Women have the right to equal representation within national, provincial and local institutions." Constitution of the Democratic Republic of Congo, Article 14.

Reading this text you would think that life is good for the women of the Congo. If this article were applied in reality, their daily lot would be transformed.

There are many other texts however that are far less favourable to women. The Congolese Labour Code, for example, includes clear discrimination against them: it demands that they seek their husband's permission before entering paid employment.

Another injustice: "Reports show that women received 57 per cent of the remuneration men enjoy and that women are considerably underrepresented in managerial and highly paid positions," notes the ITUC<sup>3</sup>.

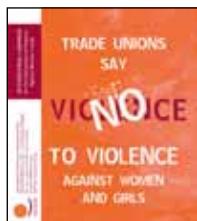
Some discrimination comes not from the law but from local customs and usage; the number of girls enrolled in school for example is far lower than the number of boys, which has led to "a literacy gap between men and women that stands close to 40 per cent" reveals the ITUC. Similarly, in North Kivu, there is a belief that the presence of women in mines is bad for the extraction of minerals. In some mines, such as Bisiye, they are actually banned from entering and have to resort to the small mines the men aren't interested in. Their profits are tiny.

Many forms of discrimination that the trade unions are determined to eliminate.

<sup>3</sup> Internationally recognised core labour standards in the Democratic Republic of Congo. Report for the WTO General Council Review of the trade policies of the Democratic Republic of Congo (Geneva, 24 and 26 November, 2010) ITUC, p. 4. [http://www.ituc-csi.org/IMG/pdf/final\\_DR\\_Congo.pdf](http://www.ituc-csi.org/IMG/pdf/final_DR_Congo.pdf)

# What must be done? 8 recommendations for action

Given the severity of the situation, it would be tempting to give up the fight. But there are solutions, and even a few rays of hope recently. Here are eight proposals for a brighter future.



*"Violence against women and girls is perhaps the most socially tolerated of human rights violations"* recalls the brochure produced by the ITUC in 2008 to mark the launch of the "Decent Work Decent Life for Women" campaign. This carefully designed brochure examines a range of issues linked to violence against women: the power imbalance in the workplace, human trafficking, forced labour networks, the often disastrous working conditions in the export processing zones...

But the guide also contains, above all, tools and guidelines for reinforcing trade union policies and lists the actions that trade unions can take.

Available online at : <http://www.ituc-csi.org/trade-unions-say-no-to-violence.html?lang=en>

1. End the illegal mining and trading in minerals from the DRC, by means of certification, marking, checks on materials leaving the country and a strict monitoring of the supply chain. Set up a proper policy for the legal mining of mineral resources which will genuinely benefit the country and its inhabitants.
2. Combat bad governance and corruption and strive to strengthen the State of Law and all the administrative machinery surrounding it.
3. Continue the reorganisation of the security forces, ensuring that soldiers are paid, that they are better trained and supervised and that members of former militia groups are widely dispersed across the army to break up their old allegiances. Punish all human rights violations and all acts of failing to obey orders from superior officers.
4. Reform the legal system and promote the real application of the law to combat impunity more effectively.
5. Organise an international conference bringing together the leaders from the Great Lakes and the countries that have economic and strategic interests in the region to find a lasting and effective solution to the presence of Hutus from the FDLR on Congolese territory. Ensure that those responsible for genocide are brought to justice and invite other Hutus to return to the country, guaranteeing them a warm welcome and helping them to reintegrate.
6. Combat violence at the workplace: sexual harassment, the dismissal of pregnant women and inhuman working conditions.
7. Promote human rights – including women's rights – by including in school programmes awareness raising courses about respecting the dignity of all people, regardless of their sex, ethnic origin, nationality, language or religion.
8. Improve the status of women by make sure laws are better applied and setting up a vast awareness-raising campaign about non-violence and gender issues.

Mission impossible, you might think when reading these recommendations? No chance of achieving them? Some concrete progress can be seen, although the effects on the different players still has to be assessed. Here are three examples.

## Introducing international traceability and certification mechanisms

Although it has taken some time, awareness-raising has had an impact on international public opinion, thanks to multiple campaigns carried out by many associations. The result? The international community has finally decided to take steps: *"Unable to ensure the legal mining of minerals in Eastern Congo, some international players are now seeking to prevent 'conflict minerals' from reaching the raw materials market,"* notes Thierry Vircoulon, Director of the International Crisis Group's Central Africa programme<sup>1</sup>.

To achieve this, several traceability and certification mechanisms have been put in place, as well as incentives to encourage importers to buy certified minerals. Until last year however, these non-binding "due diligence" <sup>2</sup> measures were like a voluntary code of conduct that was not widely applied in reality.

## The adoption of the Dodd-Frank law in the United States

In July 2010 changed the rules of the game. At least, it will if its rules on implementation are enacted, because there is fierce pressure to stop the law ever coming into force (see box). Section 1502 stipulates that companies listed on the US stock exchange are legally obliged to disclose the origin of their minerals. And if they come from the DRC, they will have to supply the US Securities and Exchange Commission with an annual report indicating the measures taken to exercise their duty of due diligence. *"Even before this new law has come into force in the US, the market has reacted: importers turned their backs on minerals from the Eastern Congo from the beginning of 2011, to the extent that the DRC authorities complained that it was tantamount to an embargo,"* explains M. Vircoulon.

The Congolese authorities found themselves with their backs to the wall, urged to set in place a policy of legal mineral mining or risk losing their customers. It was all the more urgent given that Europe had already announced it wanted to introduce a similar law, and its example would very probably be followed by many other players in the international market.

It will be important to ensure, however that the small-scale operators don't lose out as a result of these attempts to regulate the supply chain, since *"a whole popular informal mining economy has grown up over the last twenty years,"* explains Jean-Claude Willame, Professor Emeritus at the Catholic University of Louvain.<sup>3</sup>

So far, *"the way companies have carried out due diligence has not improved the working and living conditions of the population of Eastern DRC,"* says the IPIS report.<sup>4</sup> *"Indeed, these processes may have made matters worse. Important*



On the occasion of the World March of Women in Bukavu, October 2010, the public expresses its desire for peace.  
→Gwenn Dubourthoumieu



end-users of minerals, such as the producers of mobile phones and computer hardware, have reacted to the adoption of the Dodd-Frank Act by officially distancing themselves from all minerals originating from the conflict-affected provinces in Eastern DRC. This has negatively affected economic activity in the region and reduced the livelihood of many artisanal miners for whom minerals are the only source of income.

*The disclosure obligation under the Dodd-Frank Act is an important step in the right direction,* believe the authors of the report. *However, at this stage, it is not clear whether the due diligence measures provided under the Act sufficiently address the interests of the miners and their families.*

**Restoring relations between Congo and Rwanda using the media for maximum publicity.** 82 tonnes of illegally mined minerals (cassiterite, coltan...), seized by the Rwandan police were returned to the DRC at the beginning of November. The handing back of this precious cargo – in five lorry loads – was turned into an official ceremony on the border and became a very high profile pledge to improve relations between the two countries who had been enemies for so long. Rwandan troops had twice invaded the Congo over the last 15 years to fight Hutu rebels according to Kigali, but in fact also to pillage the DRC's rich mineral reserves, as many international reports testify. One memorable episode was the 'diamond war' (1999) during which Rwandan and Ugandan troops clashed in the centre of Kisangani over the control of the precious stone. Reconciliation between Congo and Rwanda took another ten years.

Through this highly publicised return of minerals, Rwanda, which has long been singled out as one of the principal beneficiaries of the illegal trade in its neighbour's resources,



## Solutions? Three women's rights activists give their views

### A more coherent response from the international community

*"The international community roundly condemns the violence against women in Eastern Congo, and we are thankful for that, but we would also like it to be just strong in its criticism of the illegal exploitation of natural resources. The companies that profit from illegal mining operations – thereby putting in place the mechanisms that lead to violence – often come from the same countries that condemn this violence, and even send us people to help the women who have been raped!"* Jeanine Gabrielle Ngungu, National Coordinator of the « We can » campaign.

### A strong state

*"The Congolese State has not yet been built. Until we have a strong State, all these multinationals, all these powers who want to get their greedy hands on our resources aren't going to be stopped. All the more so because at the internal level the administrative capacity does not exist to manage these resources autonomously and responsibly. For as long as the State remains virtually non-existent, I doubt that we can achieve lasting peace."* Catherine Odimba Kombe, gender researcher at the University of Kinshasa.

### Stabilise the region and deal with the problem of the armed men

*"There is an urgent need to establish peace and stabilise the whole region. A conference must be organised for all the Great Lakes countries: Rwanda, Burundi, Congo, Uganda. The presidents should sit down and decide once and for all to tackle the issue of all the armed men in the forests. They are human beings, they are not all guilty of genocide. Some of them are virtually being held hostage in the hills by their chiefs, others are frightened they will be killed if they go home. It's time to stop all these little military operations that just shift the problem from one place to another, as the men run away and create insecurity elsewhere. It's time there was real political will at last to deal with the insecurity."* Marie-Jeanne Mutongo Zawadi, President of the Women's Department of the Democratic Confederation of Labour (CDT) in the South Kivu province, in Bukavu.



## The US Chamber of Commerce sabotages the law against "blood minerals"

The Dodd-Frank Act has aroused fierce opposition in the US Chamber of Commerce, with attempts to dilute the new control and traceability measures drawn up by the US Securities and Exchange Commission (SEC) and to delay its implementation. Although these measures had been due for adoption in April 2011, they had still not come into force by November. The Chamber of Commerce also threatened to take court action against the SEC in the event of the adoption of the new measures.

This sabotage campaign has divided the corporate world however: while some major companies support the Chamber's initiatives, others have sided with the NGOs in demanding the immediate implementation of the law and the control measures it entails.

is also seeking, above all, to convince the international community that it means to take part in the efforts to make this trade more transparent. *"All minerals that aren't 'tagged' will be returned,"* stated Mr. Biryabarema, Deputy Director for Natural Resources in Rwanda.

Surely a few steps in the right direction?

A.-M. I.

1 "Minerais au Congo. De la non-gouvernance locale à la gouvernance mondiale", 2012. Les Etats submergés?, edited by Thierry de Montbrial and Philippe Moreau Defarges, Paris, IFRI, 2011, p. 203.

2 To find out more about due diligence see the ITUC report "Violence Against Women in Eastern DRC: Whose Responsibility? Whose Complicity?" pp 13-17

3 Interviewed by telephone 10 November 2011

4 ITUC Report. Op.Cit. p. 15

# Trade unions say STOP! to all forms of violence against women

Faced with such unbearable violence, the trade unions have decided it is time to take action. They are particularly well placed to take on this fight. Their role in tackling violence at the workplace goes without say: combating sexual harassment and campaigning for decent working conditions are an integral part of their mission.

Some may question however what specific role trade unions can play in fighting other forms of violence against women, be it conjugal violence or the violence arising from conflict such that in the Eastern Congo.

We put the question to Kattia Paredes Moreno from the International Trade Union Confederation's (ITUC) Equality Department: *"Domestic violence obviously has repercussions on women's welfare, but it also affects their ability to do their work: therefore it is logical that trade unions should be concerned. It is part of their mandate,"* she explains.

## Unique expertise

*"Thanks to their privileged position among workers, trade union organisations also have a key role to play, be it in conflict prevention or building and consolidating peace,"* she continues. *"Trade unions are experienced players in conflict management. The signing of hundreds of thousands of collective agreements around the world proves it: negotiated by the unions, these agreements make concrete improvements to the lives and working conditions of millions of union members and their families."*

*"Violence against women is a theme that both women and men still refuse to talk about openly"* says Claire Courteille, Director of the ITUC Equality department. *"Trade unions can break the silence. The presence of women trade unionists within companies gives the women victims someone to confide in and the trade unions the possibility of making the problems visible, which is the first step towards developing solutions."* And, she concludes, *"Violence against women is an urgent problem cloaked in silence. Trade unions can and must break this taboo."*

Working groups during the "Gender and Violence" workshop, Kinshasa, September 2011.

## What is the World March?

The World March of Women was an initiative of the Fédération des femmes du Québec (Quebec Women's Federation). It takes place every five years and the 2010 march in Bukavu was the third. Its aims? To draw the whole world's attention to the poverty in which so many women live and to fight against the causes of the violence they are faced with.

## The Bukavu Declaration

Titled *Women Trade Unionists: at the Centre of Conflict Prevention, Management and Resolution*, it was drawn up by the ITUC, ITUC Africa and their affiliated organisations

To read it online go to: <http://www.ituc-csi.org/women-trade-unionists-at-the-centre-of-conflict-prevention-management-and-resolution.html?lang=en>

Thanks to their high membership, trade union organisations constitute a unique awareness-raising force and a powerful pressure group. They are one of the few forces capable of organising campaigns on a large scale, at both the local, national and also the international level. These are all essential assets for tackling the problem of violence against women in Eastern Congo, many of the causes of which, as we have seen, are international.

## The journey so far

What strategies has the ITUC used thus far to prevent and combat all forms of violence at the workplace and in society?

Every year, on the International Day for the Elimination of Violence Against Women, on 25 November, the ITUC mobilises its affiliated organisations to throw the spotlight on this issue. A range of actions (conferences, exhibitions, media campaigns or marches) are organised around this day to put pressure on governments and employers to face up to their responsibility for applying national and international legislation, and put in place concrete measures to prevent and combat violence within the existing social dialogue framework.

The ITUC is not inactive the rest of the year however. As Kattia Paredes Moreno insists, *"The question of violence has been one of the ITUC's permanent priorities since it was created, in 2006. Within the framework of the campaign 'Decent Work, Decent Life for Women' launched in 2008, the ITUC seeks to highlight the fact that violence against women is a violation of human rights. A constant appeal is being made to governments, employers and society at large to eliminate all forms of violence."*

At its World Congress in Vancouver, in June 2010, the ITUC adopted a resolution on gender equality and supported the UNIFEM<sup>1</sup> campaign "Say No – Unite to end violence against women". It also insists at every opportunity on the need to firmly implement resolutions 1325 and 1820 of the UN Security Council adopted in 2000 and in 2008, the former aimed at strengthening the participation of women in conflict prevention and resolution and the latter to prevent and address acts of sexual violence. It calls for the respect of other international Conventions too, in particular the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

In October 2010, the ITUC and its affiliated organisations took part in the World March of Women which ended in Bukavu, in the South Kivu province. The town was of course selected for a reason. Women from throughout the world had decided to gather there to draw the international community's attention to this region where violence against women, and poverty, are particularly cruel and widespread. It was an intense experience that will stay in the memory of all the participants.

A conference took place at the same time and in the same place as the World March of Women, on the role of trade union women in conflict prevention and management, and





## Put an end to impunity

Sharan Burrow, General Secretary of the ITUC: "There must be an end to impunity and justice must be done for the numerous women victims of these conflicts. The vested interests arising from the region's rich natural resources can no longer take precedence over the respect of women's lives and dignity."

peace building.<sup>2</sup> As a follow-up to this conference and the World March, an action programme was established, including two workshops on "gender and violence" held in Kinshasa.

The first workshop was held in May 2011 and the second from 26 to 28 September of the same year. Organised by the ITUC, ITUC-Africa and their three Congolese affiliated organisations the CSC, CDT and the UNTC<sup>3</sup>, they brought together 18 women trade union officials, 12 of whom came from Kinshasa and 6 from the Kivu provinces.

Alternating presentations with working groups, the training had two main goals: improving the skills of the trade union officials on gender issues and looking at how to design and

organise a trade union information and awareness-raising campaign against violence against women.

The three days of intense work allowed for fruitful exchanges between the trade union women from Kinshasa, Brussels and the two Kivus. There were some high points, including several brilliant interventions from Congolese women's rights activists and a short and very moving piece of theatre played by a woman student from the National Arts Institute depicting the revolt of a woman who had been raped.

During the workshop the women looked at what they wanted to do with their campaign: what were their objectives and their target group? What means of communication should they use to reach them (leaflets, songs, cloth printed with campaign slogans, demonstrations...)? What would the messages be? All questions that led to lively exchanges and debates.

The big challenge now is to implement the campaign. It is due to be launched on 8 March 2012, International Women's Day.

**A.-M. I.**

<sup>1</sup> United Nations Development Fund for Women, now part of UN Women.

<sup>2</sup> This meeting took place thanks to the support of three Belgian trade union organisations, the FGTB, the CSC and the CGSLB, of the Belgian Foreign Affairs Ministry, the ITUC, the ITUC-Africa and three ITUC-affiliated trade union organisations in the DRC : the CSC, UNTC and the CDT.

<sup>3</sup> CSC = Confédération syndicale du Congo; UNTC = Union nationale des travailleurs du Congo; et CDT = Confédération démocratique du travail.

### Revulsion and admiration

*"On the fringes of the workshop, I interviewed many trade union women about the difficulties they face during their working day and about violence against women. They spoke with great courage and often very poignantly. I found myself constantly torn between revulsion at the situation of women in the country and admiration for their daily struggle."*

Anne-Marie Impe, journalist.

