

**UMANDE**



Téléphone : +243852018744  
Email: [umanderd@gmail.com](mailto:umanderd@gmail.com)

*To work in health, safety and without discrimination*

## **SHADOW REPORT TO THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

### **Regarding Female Sex Workers in the Democratic Republic of Congo**



**CEDAW 73rd Session**

**« SOCIAL ACCEPTANCE OF SYSTEMATIC VIOLENCE AGAINST SEX WORKERS IN THE  
DEMOCRATIC REPUBLIC OF CONGO »**

DEVELOPED BY :

- Miss Aimée NSHOMBO FURAHA/ UMANDE RD.Congo
- Miss Sylvie BUGUGU MUKUZU/ ACODHU-TS

## INTRODUCTION:

Over the last two decades, the Democratic Republic of Congo has emerged from a period of armed conflict and seen new election processes. This period has also been marked by serious violations of female sex workers' human rights.

It is now time for female sex workers in the Democratic Republic of Congo to raise their voices and present regionally and internationally the alarming situation that women who are sex workers, a forgotten community in the promotion of women's rights, are experiencing.

This shadow report presents the unique situation that female sex workers face in daily life in the context of survival sex, documenting evidence of human rights violations and abuses against sex workers and collecting recommendations to improve the quality of working conditions for female sex workers in the Democratic Republic of Congo.

## ORGANIZATIONAL AUTHORS:

This report was written with the support of the following organizations:

**UMANDE:** Female sex worker initiative, working to promote the rights of women who earn a living through sex work in the Democratic Republic of Congo. Comprised of 14 sex worker solidarity committees which serve as a framework for advocacy for the promotion of their rights. Working since 2014 under the authorization of the Ministry of Justice in the DRC. Represented by Aimée NSHOMBO FURAHA, General Manager, Phone: +243 85 2018 744, E-mail [umanderdc@gmail.com](mailto:umanderdc@gmail.com), Facebook: Umande RDC.

**ACODHU-TS:** The Congolese Alliance for Human Rights is a sex work project and a platform for organizations working to promote the rights of sex workers. It advocates for improvement of the health conditions and protection of female, male and transgender sex workers. It is headquartered in Bukavu, with a representative office in Kinshasa. Email: [alliancecongolaisets@gmail.com](mailto:alliancecongolaisets@gmail.com). Its leadership is located in Bukavu/DR.Congo, with a satellite office in Kinshasa.

E-mail: [alliancecongolaisets@gmail.com](mailto:alliancecongolaisets@gmail.com)

## METHODOLOGY:

### Organizations Which Developed the Report

To facilitate the collection of data, UMANDE's general director, legal advisor and the ACODHU-TS program manager implemented a questionnaire adapted for this report to facilitate the compilation of data.

## Methodology

The report's primary investigators, Aimee and Sylvie, are activists, human rights defenders, sex workers and members of the African Sex Workers Alliance.

They conducted interviews, dialogues and organized gatherings with different societal groups, including sex workers, women's civil society leaders, and state parties. We also consulted with security forces such as: the army and the police to gather their opinions. Female sex workers who are indigenous, prisoners, migrants and living with disabilities as well as those who also engage in other forms of work alongside sex work were also consulted. The data collected was then compiled in this report. The data was primarily collected in Bukavu town, Kabare territory, Kafulumaye and Uvira, but the report also includes evidence from other provinces.

## SUMMARY

### 1. LEGAL CONTEXT OF SEX WORK IN THE DEMOCRATIC REPUBLIC OF CONGO

Sex work in itself is not penalized under Congolese legislation. The following sex work-related offenses are penalized under Article 174 in Section III of Title VI of the Penal Code (Book II):

- Paragraph 2: Article 174 b; of pimping and procurement
- Paragraph 3: Article 174 c; of forced prostitution
- Paragraph 4: Article 174 of sexual harassment
- Paragraph 5: Article 174 of sexual slavery

By looking at what is penalized under Congolese law, we do not understand why there are so many arbitrary arrests and so much violence against sex workers by state forces responsible for protection. First, that forced prostitution is penalized in Congolese legislation should imply that the sale of sex between two consenting adult persons is allowed; and considering that the pimping and procurement is penalized, this suggests that sex workers are protected while they are not. All of the above supports the reality that there is a misinterpretation of Congolese legislation as it relates to the promotion of the rights of sex workers.

### Recommendations

Congolese laws must be reviewed to ensure that police recognize and respect female sex workers' rights.

### 2. PROBLEMS FACED BY FEMALE SEX WORKERS IN THE DRC

Female sex workers woman in the Democratic Republic of Congo are victims of systematic violence that is tolerated, normalized and accepted by society. Through our

consultation we have identified three levels of problems that affect female sex workers in the Democratic Republic of Congo which are most important.

## 2.1. Regarding Violence by Police and State Security Services

Sex workers are constantly subjected to violence perpetrated by men in uniform who are sworn agents of the state. In November 2018, more than 300 female sex workers were abused, accosted and arrested by order of Provincial Government of Kinshasa by Polices in the course of an operation called “**UJANA**”<sup>1</sup>, which has now been expanded to all provinces. The police as well as security service agents, arbitrarily arrest women in public spaces, especially at night in dance clubs, pubs and hotels and check if they are wearing an underwear. In Bukavu, 53 sex workers have been violently arrested and humiliated for no reason.

We have registered multiple cases of rape, harassment, and sexual violence perpetrated against women sex workers perpetrated by the police, and in order to evade arrest and the accompanying violence, clandestinely has resumed its place in the life of sex workers. Among the cases of violence against sex workers which we can reference:

- R.D, a female sex worker, was arrested at night on November 22nd, 2017 in Nguba, violently assaulted by a group of so-called security service agents "ANR", for having distributed radio broadcasts on the rights and challenges of female sex workers. She was beaten up and abandoned for dead at the entrance of Sominki Avenue at 11PM. (Documented by Urgent Action Foundation).
- A.F.: Arrested after being reported to the police by a married woman who was allegedly the spouse of one of her clients. She was assaulted and raped at the station and released the following day.
- A.C.: Arrested and brought to the police station because she is a sex worker, raped and released after 24 hours, with instruction not to work beyond 9 pm under threat of a subsequent arrest.
- S.C.: Arrested by police during the ‘UJANA’ Operation and detained for 3 weeks, raped without condom at the police office in Lemba before being released.
- F.R.: Once abandoned by her client, has been repeatedly assaulted at night by the police and raped as a bargaining chip in exchange for release.
- C.M.: Arrested in a ‘UJANA’ operation for the sole reason of being in a nightclub waiting for customers. She was detained for 5 days in a Bukavu prison cell, repeatedly raped, and her wallet was almost stolen by the police.

---

<sup>1</sup> "UJANA" means 'youth' in Swahili. Under the guise of combatting underage prostitution, the Democratic Republic of Congo has launched widespread police operations against sex workers and young women. During ‘UJANA’ operations, young women and female sex workers in public spaces are arrested for offenses against public morality solely for occupying public spaces or their clothing.

- 4 Burundian sex workers and a maid in a bar in the square were raped and harassed by police officers before being deported near the Kanvivira border in Uvira.

On behalf the states security services and the police, the squadron leader said:

*“We are aware that the majority of cases of violence against sex workers are perpetrated by the police, and that our men are perpetrators ...in most cases of detainment, harassment, and imprisonment, there are abuses that often oversight mechanisms cannot control or are not aware of. As sex work is not penalized in the Congolese constitution, we refer to jurisprudence, culture and morality to act.”*

## **2.2. Regarding Justice for Sex Workers**

In addition to acts of violence perpetrated by state agents, sex workers are also victims of acts of violence perpetrated by other parties. When sex workers are abused, they are not assisted by the police or the courts. Various cases of indifference towards sex workers by the police and Congolese justice system have been recorded:

- S.B.: kidnapped, tortured, beaten, assaulted and barely escaped death at the hands of a client. She cried for help from the police and the police did not respond; she was half-dead until arrival at the hospital. (Her picture is on the cover page);
- On February 15, 2019 in Kinshasa, G., a female sex worker kidnapped, humiliated by a group of married women. The attack was published on social media. Complaints made by activists in the DRC had no effect, because she was a sex worker. Activists and human rights defenders in Belgium later lodged a complaint in Belgium because the author lives in Belgium, and she was finally arrested in Belgium for kidnapping, sexual violence, beatings and injury and naked humiliation on social networks, where she is serving her sentence.
- However, in the DRC, no action was taken by the police or the Congolese State was made in response to denouncements from human rights activists including UMANDE, ACODHU-TS, and AFIA MAMA about these acts of humiliation on social media that G. has been victim to at the hands of other women.

Complaints presented by female sex workers to the police and the prosecution are not considered or respected. The daily violence that sex workers face is regarded by the police and even security forces (*judicial police officer and army*) as what comes with their line of work.

**During an interview one sex worker declared:**

*“Abusive allegations are commonplace for us, and it is clandestine work, so even if we meet a violent client, we are afraid of reporting it because others who have reported*

*before had bad experiences. Several sex workers have made complaints, but they were told the rape of a sex worker is considered to be part of the job of engaging in this work."*

**That is well known by high-level army and police officials, one of whom said:**

*"We are conscious of cases of violence against sex workers by the police, and that our men are perpetrators, but no one talks about it, they do not file a report, there is no plaintiff to bring a case, but many cases from other women's communities are reported to us and resolved. The IRC [International Rescue Committee] has trained thousands of police officers on how to involve the police on the sex worker's cause because of this UJANA incident. But the silence surrounding the work of sex does not help us."*

**A Representative of the Inspector General of the Police said:**

*"We receive various complaints that women sex workers are subjected to, for example, rape, group attacks, arbitrary arrests which we are not often made aware of and when we are aware (the case is well-known) we try to suppress this through SECAS [Services d'Education Civique, Patriotique et d'Action Social] because SECAS has expertise. It is also responsible for civic education, but there is also, let's say, we do not know who is responsible, we talk about it during parry sessions, but we do not pursue it because we do not have any evidence."*

**The Major of the 33<sup>rd</sup> Congolese Military Division said:**

*"Congolese legislation also promotes the abuse, because of the silence it takes. A lot of abuses are justified by this silence. It's difficult for justice officials—police, judicial police, chief-magistrates, judges, security services—to act or speak in defense of sex workers based on Congolese legislation. And Congolese justice does not doesn't facilitate sex workers' realization of their rights, sex workers' allegations are not taken into account, a blatant violation of human rights."*

### **2.3. Regarding Civil Society Organizations for Sex Workers**

Congolese civil society includes a branch of organizations fighting against violence against women, including women's organizations as well as general human rights organizations. There is serious discrimination against human rights organizations defending female sex workers' human rights.

They believe that a dignified woman cannot be a sex worker, the human rights initiatives they lead are specific to women but do not include sex workers, their activities do not focus on promoting the rights of sex workers and even when activities focus on sex workers, these activities are limited to pushing them to 'exit' sex work.

The advocacy undertaken by civil society organizations for the promotion of human rights and women's rights do not include sex workers, and therefore female sex workers receive no support from their peers when they are victims of human rights abuses.

Human rights defenders who are members of the civil society bureau consider sex workers to not only be outside of social norms but also immoral and as a form of community immorality. The 'valorization' of sex work is viewed as against our culture, and so no Congolese justice is favorable to sex workers. The following quotes are representative of civil society perspective on sex workers:

*"Sex work is a curse, but I consider it a crime and we must fight it together, women and children live in chaotic suffering because of the incivilities that it contains, cause many problems to the entire Congolese nation ... If the Congolese community cries out and is now suffering from sexually transmitted infections because of them, We are sure that they are the ones who are behind this evil spread and if we record deaths and victims because of what we had to tolerated."*

#### **Representative of the Civil Society Office**

*"The female sex worker is outside of social norms but also outside of morality and considered by the community as immorality. The valorization of sex work, this against our tribes, our beliefs. ... For the South Kivu Civil Society Office, in the same way that promoting prostitution is punished prostitution can also be punished. "*

At the same time, other members of government services working for the promotion of human rights state that we will not speak about the rights of the female sex workers until women's human rights defenders understand what the battle [for sex workers' rights] is and why it is being pursued and how to integrate all categories of women, including sex workers, into the process of advocacy for women's rights; otherwise speaking out for sex workers is useless. They have asserted that as long as women continue to fight against other women, in the context of a complicit legal silence, it is difficult to raise the profile of human rights abuses against female sex workers.

#### **Recommendations**

- The Congolese State can protect the rights of female sex workers in relation to specialized services, in particular the police, army, and security services, by discouraging impunity.
- A roundtable should be organized with all stakeholders to review Congolese legislation on sex work with the aim of protecting all who engage in sex work, as suggested by the Commander of the 33rd Military Region and the South Kivu Police.

## RECOMMENDATIONS AND CONCLUSION

In view of all the above, as a recommendation, we can conclude our alternative report by saying that in order to realize the rights of women who are sex workers, the government of the Democratic Republic of Congo must:

- Cease 'UJANA' Operations and commence a national dialogue for the development of a durable solution;
- Take measures to prevent violence against sex workers from state actors, including members of the military and the police, and to ensure that those who commit acts of violence are held accountable;
- Review legislation relating to the protection of sex workers to ensure that sex workers are not harassed, arrested or penalized during the enforcement of ordinances and national and local laws, and to ensure that sex workers have equitable access to justice;
- Promote measures to counter the stigma, discrimination and negative stereotypes faced by sex workers which fuel violence against them rather than promoting these stereotypes; and
- Integrate initiatives targeting female sex workers into the work of the Congolese state and partner with sex worker-led civil society organizations.

We hope that at the end of this 73<sup>rd</sup> session of CEDAW, the Member State, the United Nations and international organizations working in the Democratic Republic of Congo will take into account ours recommendations to enable the thousands of women who living through sex work, to live and work in safety and dignity.

For UMANDE RD.Congo  
**NSHOMBO FURAHA Aimée**  
General Director

For ACODHU-TS  
**BUGUGU MUKUZO Sylvie**  
National Coordinator