



This briefing paper has been compiled using information included in the *Out of the Shadows Index*¹ and the *ECPAT Country Overview for the Democratic Republic of the Congo (DRC)*²

WHAT IS THE OUT OF THE SHADOWS INDEX?

The **Out of the Shadows Index**, developed by the Economist Intelligence Unit, measures how nations are addressing child sexual abuse and exploitation. Data released for the first 60 countries demonstrate that governments, the private sector and civil society need to do more to protect children from sexual violence and meet the commitments they made to Target 16.2 of the UN's Sustainable Development Goals.

The **Index** was calculated by assessing legislation, policies and responses by national governments. It covers critical issues that underpin child sexual exploitation and abuse, including education, reproductive health, victim support, law enforcement and risks from the online world. The **Index** also addresses environmental factors such as the safety and stability of a country, social protections, and whether norms permit open discussion of the issue. It also focuses on the engagement of businesses in the technology and travel/tourism sectors in fighting child sexual abuse and exploitation.

WHAT ARE THE ECPAT COUNTRY OVERVIEWS?

ECPAT Country Overviews comprehensively present all the existing, publicly available information, and a detailed analysis of the legal framework for sexual exploitation of children (SEC) in a country. They provide an assessment of achievements and challenges in implementation, current counteractions and they suggest concrete priority actions to advance prevention and response of child sexual exploitation.

DEMOCRATIC REPUBLIC OF THE CONGO



The Democratic Republic of the Congo (DRC) is ranked 60th out of 60 countries by the **Out of the Shadows Index** on the response to child sexual abuse and exploitation, with a score of 26.4.³ The country is placed at the bottom of the ranking behind Burkina Faso (28.6) and Pakistan (28.6).⁴

DRC's position on the **Index** can be explained by several factors, including its incomplete legal, policy and institutional frameworks to prevent and combat the sexual exploitation of children, a lack of hard data on the prevalence of these crimes as well as important practical deficiencies in access to justice and recovery for children who have been subjected to sexual exploitation.⁵ DRC's complex and unstable national environment exacerbates children's vulnerabilities to these crimes.

While limited, some steps towards combating the sexual exploitation of children in DRC deserve attention. For example, in 2019, the government set up a new specialised public body, the Agency for the Prevention and the Fight against Trafficking in Persons, and civil society organisations, though often with extremely limited financial resources, are initiating actions to raise awareness of the sexual exploitation of children, including online.⁶

DEFINING SEXUAL EXPLOITATION OF CHILDREN

Child sexual abuse refers to sexual activities committed against children, by adults or peers and usually involves an individual or group taking advantage of an imbalance of power. Force may be used, with offenders frequently using authority, power, manipulation, or deception.⁷

Child sexual exploitation involves the same abusive actions. However, an additional element must also be present - exchange of something (e.g., money, shelter, material goods, immaterial things like protection or a relationship), or even the mere promise of such.⁸

ENVIRONMENT

The **Out of the Shadows Index** assessed DRC as having an unstable environment, with a score of 36/100 on the instability indicator which looks at a range of social and political risks.⁹ Indeed, poor governance underlies the deep and complex humanitarian crisis affecting mainly the eastern DRC for decades.¹⁰

Chronic poverty is a pervasive problem in DRC,¹¹ which frequently underpins children's vulnerability to sexual exploitation.¹² In 2018, nearly 73% of the Congolese population lived below the international poverty line.¹³ Vulnerability to sexual exploitation for children living in poverty is aggravated by low access to education, child labour and overstretched social protection structures.¹⁴

Although no official government data exists, nearly 70,000 children were estimated to be in street situations in DRC, according to a 2018 report from the United Cities and Local Governments of Africa.¹⁵ To survive, they resort to theft, begging or active participation in their own exploitation through survival sex.^{16,17} Academic and civil society research has shown that children working near mining areas or as domestic workers are also at risk of being sexually exploited or abused.^{18,19}

Humanitarian crisis and internal displacements

DRC has the largest internally displaced population in Africa, amounting to 5.7 million people, including 3.34 million children as of September 2021.²⁰ The high level of food insecurity across the country is a recurring problem in DRC, with 27.3 million people estimated to be affected from February to July 2021,²¹ contributing to such massive internal displacement. The United Nations has reported that internally displaced girls may be forced into harmful survival strategies such as child marriage or sexual exploitation in prostitution.²²

Child trafficking for sexual purposes and forced marriages are also linked to persistent armed conflict, mainly in eastern DRC and the Kasai region.²³ In 2020, the Kivu Security Tracker counted, in the provinces of North Kivu, South Kivu, Ituri and Tanganyika, nearly 122 armed groups motivated by interethnic rivalries and the control of economic and mineral resources.²⁴ Such a complex context explains why DRC scored 0/100 for the Index's indicator on armed conflict.²⁵

From January 2018 to December 2020, the United Nations had identified 763 children, including three boys, who suffered sexual violence committed by armed groups and the national armed forces.²⁶ Girls abducted or recruited by armed groups were considered vulnerable to trafficking for sexual purposes and forced marriage.²⁷ The sexual violence against boys recruited by armed groups or in detention is likely to be underestimated due to stigma associated with it and barriers to their accessing of services.^{28,29}

Vulnerabilities to child, early and forced marriage

Child, early and forced marriage in DRC remains widespread due to poverty, gender norms and armed conflicts.³⁰ In 2018, 29% of Congolese women aged 20 to 24 had been married or in an informal union before the age of 18, and 8% of them were married before turning 15.³¹ In DRC, child marriages are often religious or traditional unions without civil registration.³² In 2016, the DRC Family Code was amended to raise the minimum age of marriage for girls from 15 to 18.³³ Positively, the Criminal Code explicitly criminalises forced marriage but this is limited to instances committed by individuals with parental authority or guardianship over the victim, and does not apply to crimes perpetrated by other people such as, for example, the members of armed groups.³⁴

In the context of poverty, families are often forced to misconceive child marriage as a respite from severe financial hardships, including through the customary practice of dowry.³⁵ Nevertheless, child marriage can simply maintain poverty since it is usually associated with girls discontinuing their education and early pregnancy.³⁶ In 2018, 52% of teenage girls from the poorest households, within the age eligible for secondary school, were not enrolled.³⁷ During the COVID-19 pandemic, UNICEF documented an increase in the number of teenage girls forced into marriage in the east of the country after the closure of schools in March 2020.³⁸ When schools reopened in October 2020, a marked decline in girls' school attendance was evident.³⁹

WAY
FORWARD

DRC scales up programming that explicitly addresses sexual exploitation and victimisation for children recruited or abducted by armed groups, internally displaced children and children in street situations

DRC runs awareness raising initiatives dedicated to national legal provisions on child, early and forced marriage and the risks that it can bring. Community-based intervention addressing push factors such as economic hardship and gender inequalities should be aligned with this messaging

DRC amends the Criminal Code to criminalise forced marriage committed by any offender

DRC has ratified the main international and regional instruments on child rights, including the African Charter on the Rights and Welfare of the Child.⁴⁰ At national level, a set of codes and laws have been adopted on children's rights and sexual violence.⁴¹ The child protection law adopted in 2009 sets a comprehensive legal framework for children's rights, and covers some forms of the sexual exploitation of children,⁴² but despite its adoption, significant shortcomings remain in the legal framework on this issue. For example, the legal definition of child trafficking is not in line with international standards, the criminalisation of the sale of children for sexual purposes is not explicitly discernible, and a range of online forms of child sexual exploitation are unaddressed.⁴³

Child trafficking for sexual purposes

There have been promising recent steps in the formal response to trafficking in DRC. In 2019, the Agency for the Prevention and the Fight against Trafficking in Persons was created⁴⁴ and developed the first Strategic Plan to combat trafficking in persons (2020-2024), although not directly addressing trafficking of children for sexual purposes.⁴⁵

Furthermore, the law is fragmented on the topic and criminal provisions do not provide a comprehensive definition of what constitutes trafficking of children for sexual purposes according to the United Nations' Trafficking Protocol.⁴⁶ Moreover, the information available does not allow for assessment of whether and how relevant laws are ever applied by courts in addressing trafficking.⁴⁷ Such gaps explain why DRC only scored 0/100 for the legal indicators on the trafficking of girls and boys.⁴⁸

Online child sexual exploitation

While the Internet penetration rate in DRC is one of the lowest in the world at just 12.5% in 2019,⁴⁹ across Africa, Internet use has increased dramatically in recent years with the spread of smartphones.⁵⁰ In 2020, there were 45.5 mobile phone subscriptions per 100 DRC inhabitants, almost three times more than in 2009.⁵¹ The 2009 Child Protection Act and the Penal Code criminalise child sexual abuse material, but not specifically in the online environment.⁵² Other forms of online child sexual exploitation such as online grooming of children for sexual purposes, live streaming of child sexual abuse and online sexual extortion are not criminalised.⁵³ This context explains why DRC ranked 0/100 on the Index's indicator on the legislation specific to online grooming.⁵⁴

A draft bill on cybercrime was tabled at the Parliament on 7 February 2020,⁵⁵ but no public information was available on its content as of October 2021. A step in the right direction is the creation, in 2018, of an online reporting platform for online child sexual abuse, operated by the Internet Watch Foundation.⁵⁶

DRC amends and harmonises its legislation in order to adequately address child trafficking for sexual purposes and the sale of children for sexual purposes

DRC adopts a legal framework that explicitly and comprehensively criminalise conduct related to child sexual abuse material, online grooming of children for sexual purposes, sexual extortion, and live streaming of child sexual abuse

DRC does not have a national action plan dedicated to combating the sexual exploitation of children, but some forms of sexual exploitation of children are partially covered under national strategies and plans.⁵⁷ The 2009 law on child protection requires the creation of the National Council for the Child, a body tasked with implementing a national policy on children’s rights,⁵⁸ but it was not operational as of October 2021.⁵⁹

Children who are subjected to sexual exploitation in DRC face multiple obstacles in accessing justice and recovery- such as the costs of legal proceedings, few functioning courts throughout the country, ineffective free legal assistance and the absence of public psychosocial support services.⁶⁰

Children’s access to justice

In the DRC, the lack of courts in some provinces and the travel distances to reach those courts prevents children from accessing justice, particularly in remote areas.⁶¹ In such cases, mobile courts are sometimes set up in remote areas, but their costs remain high.⁶²

Children’s access to justice is also hampered by economic barriers such as mandatory court fees, including to open a case.⁶³ The Code of Criminal Procedure provides that free legal aid throughout the justice process should be available after obtaining a “certificate of indigence” which can exempt children from poor households from some fees, but in practice, this exemption is not always offered to victims.⁶⁴ In addition, while there is a “free consultation office” within each provincial bar association, that can provide free legal advice to victims,⁶⁵ these have patchy coverage with limited funding.⁶⁶ Although the 2020 National Strategy to Combat Gender-Based Violence provides for the creation of a fund to support access to justice and legal clinics,⁶⁷ these measures were not fully operational by October 2021.⁶⁸

*Although victims of crime have the possibility to receive compensation from the offenders,⁶⁹ this is rarely granted by courts and major shortcomings exist in the enforcement of such directives.⁷⁰ Hence, DRC scored 0/100 for the **Index’s** indicator on access to financial remedy and reparations.⁷¹*

Access to recovery for children subjected to sexual exploitation

Children who have experienced sexual exploitation in DRC are entitled to “special protection”, including state guardianship, foster care and other child welfare mechanisms.⁷² However, a 2018 assessment by the Bureau International Catholique de l’Enfance stressed that these services are not fully provided by government.⁷³

In the absence of publicly managed and funded specialised services to support children who have been subjected to sexual exploitation, non-governmental organisations such as Female Solidarity for Integrated Peace and Development⁷⁴ or the Panzi Foundation have set up a few one-stop centres for victims of sexual violence which provide medical, legal, psychosocial and socio-economic assistance in the same venue.⁷⁵ However, these services are rare across the country and depend on funding from international donors that can be unpredictable.⁷⁶ Since 2017, the Panzi Foundation has also facilitated the opening of four emergency shelters in Bukavu providing comprehensive support to girls aged from 10 to 14 who have been sexually exploited in establishment-based prostitution.⁷⁷

WAY FORWARD

DRC establishes the National Council for the Child, while ensuring that its agenda includes actions to combat the sexual exploitation of children

DRC implements a range of measures to facilitate child access to justice, including exempting child victims from court fees and guaranteeing them access to free legal aid

DRC increases funding to emergency shelters and psychosocial recovery services for children who have experienced sexual exploitation. This could include replicating the "one-stop centre" model throughout the country

While the role of civil society in DRC is crucial to reach children in need and sensitise communities to the risks of the sexual exploitation of children, non-governmental organisations regularly struggle to find the financial resources they need to operate.⁷⁸ Moreover, professionals in direct contact with children who have experienced sexual exploitation do not have access to sufficient training or guidance.⁷⁹ DRC scored 0/100 on the **Index's** indicator related to the availability of professional support and guidance for support welfare workers.⁸⁰ Knowledge-sharing initiatives on the topic that partner local media and civil society rarely exist.⁸¹

Civil society engagement

In DRC, civil society organisations focused on combatting child sexual exploitation struggle with funding limitations that constrain the extent of their awareness-raising and support actions.⁸² In December 2020, a roundtable was launched by ECPAT International and the Bureau International Catholique de l'Enfance, enabling discussions among the government and civil society on measures to combat the sexual exploitation of children.⁸³ Similarly, in March 2020, the African Children and Youth Network for Human Rights organised a workshop in Bukavu aimed at training social workers on online child sexual exploitation.⁸⁴

Although non-governmental organisations are also the sole entities to operate legal clinics and support services for children vulnerable to sexual exploitation, they do not receive public funding, making their capacity insufficient to meet the needs of all children.⁸⁵

Media industry engagement

In DRC, local radio programmes remain the main channels used by civil society to sensitise communities to children's rights.⁸⁶ In March 2021, the Agency for the Prevention and Fight against Trafficking in Persons launched a training for journalists to increase their knowledge on trafficking and how to sensitively cover these crimes.⁸⁷

The role of the media is a key solution given the low awareness of child sexual exploitation, in particular due to the lack of awareness of relevant legislation and policy.⁸⁸ Media in DRC can be instrumental in promoting the public engagement of children, thus, since 2013, UNICEF has been implementing the "Child Reporters" programme, in partnership with the Ministry of Gender, Family and Children, through which children produce radio, TV or online contents to sensitise the population on children's rights issues, including the harm of child marriage.⁸⁹ According to UNICEF, from 2013 to 2018, there were 830 child reporters.⁹⁰

DRC increases its support, cooperation, and access to funding opportunities for non-governmental organisations operating support services for children subjected to sexual exploitation

DRC engages the media sector in raising awareness about ways to prevent the sexual exploitation of children, including by encouraging child-sensitive media reporting on the issues

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