



Legal Challenges

Same-gender sexual activities for both men and women are legal in the Democratic Republic of the Congo (DRC). The age of consent is equal, regardless of gender. Homosexual acts have never been explicitly outlawed in the country's history, if not engaged in public displays, because of colonisation and past ruling by Belgium. However, homosexual relationships can be criminalised under the public decency provisions in the Congolese Penal Code, by 8 days to 3 years of imprisonment and/or a fine. Same-gender couples are not legally recognised and there has been a constitutional ban on same-gender marriage since 2006. There is no anti-discrimination law protecting sexual orientation in hate speech and violence. In DRC, LGBTQIA+ people and especially transgender persons and effeminate gay men are victims of arbitrary arrests or detentions. Police often extort people, asking them for money in exchange for not presenting criminal charges. Although government officials affirm that the "prosecution for homosexuality is very rare." Changing gender is legal, without the sterilisation surgery requirement.

Displacement

Some LGBTQIA+ people are forced to leave the country. UNHCR was trying to help some people facing a difficult situation in Congo. South Africa hosts some of these refugees. The others prefer to leave Africa for European or North American countries such as Canada and US.

Societal Challenges

Homosexuality remains a cultural taboo, even if not illegal and society favors the criminalisation of homosexuality. LGBTQIA+ persons are often not open about their sexual orientation because they are outcast by society; those who are open about their sexual orientation face hostility, widespread discrimination, rejection, social exclusion, and harassment. Gender-based violence and "corrective" rape of LGBTQIA+ people, as well as the State's failure to effectively investigate and prosecute those crimes, are common. Threats and arrests against human rights defenders, including by State agents, and violations of the right to freedom of association are reported. LGBTQIA+ people are discrimination against in different sectors, such as health, education, and employment.

Activism

The Group Hirondelles Bukavu (GHB) in South Kivu is the only support service for homosexuals in DRC.

FOCUS DROITS ET ACCES, Groupe Nyanza, Groupe de Défense et Promotion des Personnes Homosexuel Uvira-Fizi en RD Congo, Oasis RD Congo, Rainbow Sunrise Mapambazuko RSM, une Femme qui en Soulève une Autre are also registered in ILGA as being active in DRC to defend LGBTQIA+ people.

Resources

- [1] https://en.wikipedia.org/wiki/LGBT_rights_in_the_Democratic_Republic_of_the_Congo
- [2] https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf
- [3] https://ilga.org/civi_details
- [4] <https://www.refugeelegalaidinformation.org/democratic-republic-congo-lgbti-resources>
- [5] <https://www.refworld.org/docid/4db7c4272.html>

