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## Adeline Nsimire Balika

*SAMWAKI, Sauti ya Mwanamke Kijijini*

DEMOCRATIC REPUBLIC OF CONGO (DRC)

Adeline Nsimire is Coordinator of SAMWAKI, a rural women's organisation established in 2002 in Mugogo, South Kivu province (DRC).

Sociologist by training and teacher by profession, Adeline discovered during her career that a big gap exists between the schooling of boys and girls in the rural areas of South Kivu. She decided to raise the awareness of her community on this issue by starting up “communication axes” – places for dialogue and exchange of ideas between women – and listeners' clubs for women and men to discuss development issues on the radio and in group, focusing in particular on the gender approach. In 2004, she established REFERUSKI, a network of rural women from South Kivu regrouping eight groups of rural women's organisations from the eight rural districts of the province. In her function as Coordinator of SAMWAKI, she is also in charge of leading “Radio Bubusa FM”, a community radio for rural women established in Mugogo by SAMWAKI in January 2008.

SAMWAKI is Dimitra's partner organisation in South Kivu.

# Reflection on gender inequality in access to land and its consequences for rural women in South Kivu

## 1. Introduction

In this article, we will discuss the issue of gender inequality, particularly gender inequality related to land access, and its consequences for rural women in South Kivu province (DRC). We will focus on the link between sexual violence, which is one of the results of gender inequality, and rural women's access to land. By way of conclusion, we will suggest some information and communication strategies for fighting gender inequality.

Generally speaking, women and girls in South Kivu neither have nor want access to land. As far as we know, women in the province have never launched an action to demand land rights. Once, in 2005, rural women's organisations from Miti, Kabare territory (around 30km from Bukavu) made some demands connected to land protection. The women, supported by a number of men, organised a peaceful march to contest a governmental decision allowing the division of the concession housing the Institut National d'Etudes et de la Recherche Agronomique (INERA – National Institute for Agronomic Study and Research) in Mulungu. The demonstrators walked 30 kilometres to Bukavu to submit a memorandum to provincial and land authorities. They felt that erecting buildings for the benefit of rich people in that location was a threat to the lives of almost 500 families who are dependent on agricultural production. They also thought it was unacceptable that experimental plots of land belonging to a renowned Central African research centre recognised for the outstanding quality of its services should be expropriated for the sole purpose of relieving the city of Bukavu.

We can confirm that there are no female landowners. South Kivu province has a total area of 64,829 km<sup>2</sup>, which is divided up between rich businessmen, powerful political figures and traditional chiefs – all of whom are male. Women are excluded from land ownership because of various constraints, summarised below:

### a) Customs

Custom dictates that the land is sacred and it belongs to the king, the Mwami. He distributes the land to his subjects in return for a fee known as Kalinzi in the tradition of the Bashi people, the biggest tribe in South Kivu. The Kalinzi normally takes the form of a dairy cow or a bull. The land must be allocated to a man. When he dies, his eldest son inherits all his land and automatically becomes the one who reports to the king. His brothers are each allocated some of the land, but girls are not entitled to anything as they are supposed to marry and be allocated fields by their new families. Hoes are always involved in the dowry ceremony to symbolise that a girl who is founding a family must, above all, know how to cultivate a field. Everyone watches her to see how well she uses the hoe. If she is deemed to be lazy, she will soon be cast off with no way to plead her case.

When a girl gets married, her husband allocates her some of his family's land. She works it and uses it to grow the food her family needs. If her husband dies, she can continue working her field if her father-in-law says so. However, her situation becomes very difficult if she does not have a son – she will be run off the land and she and her daughters will not be entitled to any property, which will be inherited by another man or boy in the family. We would like to point out that such practices, though extremely old-fashioned, are still used in some villages in South Kivu province and the DRC as a whole.

### b) Land laws

As society has evolved, written laws have emerged. However, as far as land is concerned, traditional law is still the most influential in the villages. This does not apply to land in mining towns, trade centres or large urban agglomerations, where there are public authorities in charge of allocating land.

Unfortunately, land laws have not been subject to enough repackaging and dissemination for rural populations, and women in particular, to be aware of their existence and benefit from their provisions. Land used to belong to the Mwami and now it belongs to the state – that is the only difference. The state can sell plots of land to people, and does so, which means that the state sometimes sells land that is occupied by people who obtained it according to customary law and believe that they own it. This is particularly the case in tea and cinchona plantations, for instance.

**c) Women's status**

In rural areas, which are governed by tradition, it is extremely difficult for women's status to improve. Women continue to be subjected to discriminatory treatment because this is what tradition dictates. A woman cannot own a cow, never

mind a field, which would be a taboo subject. The man owns both the cow and the field, and the woman must submit to him to be able to use these assets, even if she only wishes to rent them.

**d) The media**

While we do welcome the recent emergence of a number of radio stations in isolated rural areas, we are disappointed to note that they do not take account of gender in their broadcasts. Gender is not dealt with in a way that will inform and raise awareness of the issue among men, women and children. It must be said that one of the major obstacles preventing women from accessing land is a lack of awareness, which is caused by the difficulty in obtaining information on administrative procedures for access to land and other resources, loans, work or power.



## 2. Background information on South Kivu province

### a) Geography

South Kivu is one of the 11 provinces of the DRC. It is in the east of the country and shares a border with Tanzania and the Congolese provinces of Maniema and North Kivu. Its population is estimated at 3 million and it has an area of around 65,000 km<sup>2</sup>. It is a mountainous region with two main climate zones, the savannah and the forest. It rains for nine months of the year and is sunny the rest of the time. The province has considerable resources in water in the form of lakes Tanganyika and Kivu and the large rivers that make up the Congo River.

### b) Economic situation

South Kivu is an agro-pastoralist region with very low production, despite the fertility of the land. The main crops are cassava, rice, beans, sweet potatoes, potatoes and similar. Small-scale fishing is practised in the two lakes, of which one is considered to have the greatest variety of species in the world. People also fish in the rivers. Agricultural production has decreased dramatically since the recent wars, while there is a boom in the exploitation of mine products by large multinationals and local people.

The poor state of the roads and the unsafe nature of some areas of the province are major obstacles to economic activity, particularly small trade – in fact, activities have not been resumed everywhere. The situation is the same regarding the sale of agricultural products to isolated villages.

### c) Social situation

- Severe hunger;
- Widespread unemployment, particularly among young people;
- Civil servants' salaries are not paid, paid infrequently or are insufficient;
- Increased rural exodus towards towns and centres for the traditional exploitation of mine products;
- Extreme poverty, mainly affecting women;
- Spread of endemic diseases such as HIV/AIDS and other STIs;
- Fresh outbreak of rape and sexual violence against women and girls;
- Lack of education for children and young people because there is not enough money to pay teachers' salaries;

- Poor access to healthcare;
- Increasing illiteracy amongst women and girls;
- Absence or shortage of information and communication channels in rural areas, and limited access to their services where they do exist, particularly for women and girls;
- Proliferation of phenomena such as prostitution, sexual slavery, children born of rape and street children, early marriages and young “girl-mothers”.

### d) Legal and judicial situation

- Continuation of traditional practices that discriminate against women and girls;
- Land ownership rights held only by men, in accordance with customs;
- Lack of knowledge of national laws by rural populations, especially women, because of illiteracy, limited access to information and communication and the failure of the relevant government departments to repack-age and disseminate the laws;
- Failure to apply the law on gender equality at different levels;
- Rural populations are unfamiliar with their rights (protection, freedom of association, freedom of expression, inheritance, education, property, marriage, etc.) and the applicable legal provisions in each case;
- Judicial and prison administration in ruins;
- Impunity in cases of sexual violence against women and girls, despite the existence of a new law defining and punishing this crime.

### e) Decision-making

In the tradition that is common to all ethnic groups and tribes in South Kivu, women have long been viewed as inferior to men. This belief is still being perpetuated by some customs, even though considerable progress has been made in the area. However, it is regrettable that legal developments do not guarantee that women's situation and social status will improve. In our societies, the length of time it takes judicial bodies to enforce laws that have been duly voted upon and passed constitutes an obstacle in the relationship between women and men and increases discrimination against women and girls.

In our villages, all forms of gender-based discrimination have one thing in common: they exclude women from making decisions on their own fate or that of the village and



force women to comply with decisions made without their involvement, even if these decisions have negative effects for the women and do not contribute to development. For example, it is rare for women to participate in discussions about their daughters' dowries. If there are disagreements to be settled between neighbours or within families, the village chief will only summon the men to resolve the issue. And if a woman feels she is directly affected by the issue and insists on participating in the meeting, she is not allowed to speak.

After long years of dictatorship in the DRC, the image of women has deteriorated as the system has reduced them to objects of seduction rather than giving them responsibilities at the same level as men. There is still a long way to go for women to be able to exercise their full participatory role in decision-making bodies, whether traditional or political.

### 3. Consequences of gender inequality in land access

Lack of access to land is the most visible form of discrimination against women in the rural areas of South Kivu, where wealth and power are based on land. Without land, rural women have no wealth and no power – they have nothing. This situation contributes to the deterioration of women's social status and impedes their access to other resources such as information, training, loans, and so on. Rural women in South Kivu could be seen as having no identity because, as belief goes, *one is distinguished by one's assets, and primarily by the plot of land one owns*.

The consequences of gender inequality as regards land access could have dangerous effects on women's ability to thrive, on their daughters' development and on the development of the community. These include:

- Increased poverty among women;
- Destitution in households and families;
- Dependence and subordination;
- Insufficient agricultural production;
- Poor management of agricultural production by men;
- Women being expropriated of land if their husbands die;
- Exclusion from important meetings on land access;
- Women becoming more vulnerable (to HIV/AIDS, domestic violence, sexual violence, violation of human rights, etc.).

### 4. Vulnerability of rural women in South Kivu to sexual violence

We will deal with this complex issue by attempting to explain manifestations of sexual violence before, during and after the wars that have been raging in the DRC since 1996, and we will study the connection between sexual violence and land access in South Kivu.

The tragedy of sexual violence in South Kivu has been widely discussed at both national and international level, so we do not claim to be contributing new information to existing analysis. However, as rural women living in the province and as victims of this crime, we feel it is our duty to take this opportunity to express our concern regarding the situation. We must ask how, when and by whom these crimes are being committed, and to do this, we must look at three distinct periods: before, during and after the war.

#### a) Sexual violence before the war

Before the outbreak of war in the DRC in 1996, people in South Kivu were not familiar with sexual violence. This does not mean that such crimes did not exist, simply that they may have been given a different name and were certainly managed and treated differently by the various community actors. No-one in our villages had ever heard such crimes being discussed, whether in conversations, books, or around the fire at night. Congolese legislation had not defined sexual violence – the only crimes covered by the law were rape and indecent assault.

However, some analysts confirm that isolated acts of sexual violence were committed in villages and within families, but that the incidents were kept quiet and very few people knew about them. There is a common expression in the area, *Kuberera endaha erunvi*, which means “Break gourds where no-one can see”, or “Hush up an incident before news of it spreads”. This is done to avoid scandal and preserve the honour of the family and the community.

In the relatively distant past, it sometimes happened that young men would lie in wait for a girl at night, carry her off and take her to one young man's hut so he could make her his wife. The next day, the families of the boy and girl would meet to officialise the marriage once the dowry had been paid. Women forbade their adolescent daughters from going near shepherds' rest areas, on the pretext that shepherds were known for “striking” girls. It would seem that the women knew about the shepherds' behaviour towards





girls – they would not just strike the girls with their staffs, they would also tear their clothes and take them by force. However, this was never explicitly mentioned in any reports on such incidents. In the same way, if a girl becomes pregnant in our villages, the boy is usually forced to marry her. No matter how old the two young people are, their parents will meet and make arrangements for a dowry.

This attitude can be explained by women's desire to observe the rule of silence, which aims to preserve the honour and credibility of the community.

#### **b) Sexual violence during the war**

The expression 'sexual violence' first appeared in 1996. At first, the term was not used very frequently, but it became widespread from 1998 onwards. It was discussed everywhere and the media broadcast stories of what soon be-

came the curse of an entire population, whose dignity has been severely affected. The country witnessed indescribably awful scenes where around ten men would take turns at raping a woman, dying old woman or little girl. Worse still, there were many reports of sexual mutilation: knives, bayonets and sharpened pieces of wood being driven into women's vaginas; sand, salt or chillies being put in the vagina or even bullets being shot into women's sexual organs. The procedure was sometimes concluded with the assassination of the victim and/or her family or the amputation of part of the victim's body (often a breast).

Is there anything more inhuman than forcing a man to have sexual relations with his daughter or mother, making a mother sleep with her own son or raping a woman or man in front of their own children or vice-versa? Accounts of sexual violence tell of unimaginably horrific scenes, of men

and women being forced to eat the flesh of their own baby, who had just been disembowelled.

### c) *Sexual violence since the war*

Sexual violence is still being inflicted upon women and girls in South Kivu, just as it was during the war. It had long been associated with armed groups, but now, more worryingly still, it has spread to other social groups, both armed and unarmed. For example, sexual violence is being perpetrated by FARDC soldiers, officers from the national police force, church officials, ore miners and other civilians.

At present, those assumed to be committing sexual violence are targeting unbelievably young girls. Analysis of the current situation shows that the criminals have one clear goal: destroying women's sexual organs. We would have to look far back into the history of war and devastating populations to understand the acts of savage cruelty that are rife in South Kivu today. These methods are being used everywhere, by the same perpetrators, with the same reason and strategy: to erode women's dignity and rob them of their ability to reproduce. Similar practices were used on women during the war. In other words, there is still war during 'peacetime'. There are many factors explaining the renewed outbreak of sexual violence, the main three being:

**Impunity:** This is the main reason for the continuation of sexual violence. The victims and the population as a whole are eager to see the application of law no. 06/019 of 20 July 2006 of the Congolese Penal Code, relative to sexual violence. If this law, which aims to "prevent and severely punish crimes relating to sexual violence and provide systematic support for the victims of such crimes", is not applied strictly, then no change will be possible. Quite the contrary, in fact – before, these crimes were only attributed to armed groups (both Congolese and foreign) but now soldiers in the Congolese national military, police officers, pastors, gold miners and other young men are the most frequently-mentioned perpetrators.

**Practitioners of traditional medicine:** In the mining areas of South Kivu, it is no longer surprising to see an adult male caught in the process of raping a young child, regardless of her age (as young as 2 or 4 years old). Most of the men causing young children so much suffering are blindly obeying the instructions of their fetish priests, who promise them supernatural powers that will allow them to find mines full of gold or other ores. For this to happen, the men must sleep with a girl who has never slept with a man before.

**False beliefs regarding HIV/AIDS:** In South Kivu, many people believe that having sexual relations with a girl who is a virgin can cure HIV/AIDS. Since most people believe that adolescent girls are usually no longer virgins, HIV/AIDS sufferers turn to younger girls instead.

### 5. **What are the connections between women's land ownership and their vulnerability to sexual violence and HIV/AIDS?**

- Land is the only resource available to rural people, most of whom depend on agriculture for survival. Without this vital resource, many women and girls have to leave the areas they come from to earn money for their survival. The easiest solution is to move to centres for the exploitation of mining products or trading centres. They are driven into prostitution, which obviously puts them at risk of HIV/AIDS and brings them into contact with all sorts of violence, particularly sexual violence.
- Many men abandon their wives if they have been subjected to sexual violence. Other women simply flee their villages for fear of being stigmatised, but also because they do not have a plot of land where they can find stability and live off what the land produces.
- The region is full of children born of sexual violence, who are not accepted by the community. Their safety can depend on whether or not their mothers own plots of land that they can give them, since they will not be granted fields by a family that does not recognise them as family members.
- AIDS orphans are often dispossessed of their fields after their father dies because the fields are considered to be family property. A field acquired by a mother will remain the children's property and will secure their futures.
- A field, as an asset, increases women's power and improves their social status. The produce from a woman's field boosts her independence and contributes to reducing her vulnerability to HIV/AIDS and sexual violence.

### 6. **Information and communication strategies: the role of the media**

- Build the capacities of journalists on community radio stations as regards gender sensitive communication by using modular training programmes on different subjects;



- Provide support to rural community radio stations in the form of equipment or material;
- Set up community radio stations in isolated villages that do not receive media broadcasts;
- Establish radio listeners' clubs in isolated villages with a view to informing the population and raising their awareness of gender inequality and its impact on development;
- Create a permanent framework for journalists from community radio stations, members of radio listeners' clubs, civil society and local judicial bodies to meet and exchange ideas and information;
- Create venues for cultural activities in rural areas;
- Produce participatory programmes and messages on gender and land access, to be disseminated on community radio stations and through other channels (songs, theatre, posters, television, puppet shows, video, etc);
- Identify, analyse and lead radio debates on discriminatory laws and traditions that limit the power of rural women, particularly as regards land access and gender equality, with a view to abolishing or revising them;
- Repackage and disseminate the land code and the forest code, using local languages;
- Inform and lead debates in local languages on legal texts, such as those concerning human rights, the family code, inheritance, marriage, land access, gender, sexual violence and gender equality.
- Interview people, institutions and households that are strongly involved in gender promotion, with a view to reducing the different forms of discrimination against women;
- Cover all meetings organised by the community to deal with agriculture and development with a view to finding the best practices as regards gender;
- Disseminate local content on the fight against poverty, with a particular focus on the spread of poverty among women.

## 7. Conclusion

Continuing gender inequalities in the rural communities of South Kivu prevent both the women and that region of the DRC from thriving. Women's lack of access to land is a sign of the excessive marginalisation of women. As a result, sexual violence against the region's women and girls is a manifestation of the war 'without firearms' that planners and perpetrators are waging, with new strategies, new targets and new stakeholders. Strategies to inform and place responsibility on community members must be implemented to help the community to avoid the current tragedy and its future effects, with the aim of ensuring that everyone is involved in initiatives to fight gender inequality and sexual violence. Building the capacities of and empowering women could lead the community to provide fair access to land. If the media take appropriate actions and are committed to development, they can make a highly effective contribution to realising such a change.

We would like to thank all of the men and women who, directly or indirectly, contributed to this reflection by sharing their experiences and knowledge with us and those who are using appropriate methods to give and/or return to the women of South Kivu their dignity as women and mothers, stakeholders in concerted development and bearers of the same rights as their partners of the other sex: men.

