

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email [Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca](mailto:Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca).

10 April 2014

**COD104763.FE**

Democratic Republic of the Congo: Prevalence and availability of fraudulent identity, administrative and legal documents (2011-February 2014)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### 1. Prevalence of Fraudulent Documents

In correspondence with the Research Directorate, the President of the Association for Peace, Human Rights and Justice (Ligue pour la paix, les droits de l'homme et la justice, LIPADHOJ), a Congolese NGO that promotes human rights and works for the protection of victims' rights (VRWG n.d.), stated that there were [translation] "a lot" of fraudulent identity, administrative and legal documents in the Democratic Republic of the Congo (DRC) (LIPADHOJ 14 Mar. 2014).

The President of the Congolese Association for Access to Justice (Association congolaise pour l'accès à la justice, ACAJ), a Congolese human rights NGO that is made up primarily of lawyers and that promotes security and justice reform (ACAJ Jan. 2013), stated in correspondence with the Research Directorate that [translation] "criminal networks exist and secretly issue the falsified documents" (ibid. 20 Mar. 2014). In correspondence with the Research Directorate, a representative of the Embassy of Canada in Kinshasa also stated that it is [translation] "easy" to obtain falsified documents (Canada 26 Mar. 2014).

According to the President of ACAJ, the prevalence of fraudulent documents [translation] "is mainly due to the dysfunction of the public administration, and to corruption, influence-peddling and the prevailing culture of impunity" (ACAJ 20 Mar. 2014). In correspondence with the Research Directorate, the Director of the Centre for Human Rights and Humanitarian Law (Centre des droits de l'homme et du droit humanitaire, CDH), an NGO located in Lubumbashi, in the province of Katanga, stated that fraudulent documents are being produced by government employees who [translation] "often erase any traces of their crimes, with a few exceptions" (CDH 30 Mar. 2014). The representative of the Embassy of Canada in Kinshasa also stated that there is [translation] "a thorny problem of impunity at all levels, with an unwieldy and ineffective bureaucracy" (Canada 26 Mar. 2014).

### 2. Examples of Document Fraud

The representative of the Embassy of Canada provided the following details regarding cases of fraudulent documents dealt with at the embassy:

[translation]

- Passports: Rare cases that we deal with once or twice a year and, very often, photos are substituted ...
- Acts/certificates/attestations of birth: Twenty percent of cases are falsifications: The documents are not recorded in the civil status register .... [Because of the weaknesses of the civil status system,] it is easy for an individual to obtain false documents.
- Death certificates and marriage certificates: One out of every two death certificates received last year for verification was falsified, [that is,] not recorded in the appropriate register, and two out of every three

marriage certificates received last year were falsified, given that there was no information in the register for the year indicated.

- Notices to appear and search/arrest warrants from Kinshasa: These cases are rare. Last year, we received only one false document of this kind. There was no information in the appropriate register, the stamp and the signature were both false, and the name of the signing authority was incorrect. ... the Inspector General of police stated that he would open an investigation to identify the culprit and take legal action against them.
- Police certificates: We received four last year and two were falsified: no information in the identification register and the name of the signatory was incorrect.
- Bank statements: A number are falsified. In five out of ten cases received, either the account number was correct but the amounts were incorrect, or neither the number nor the client's name existed. (ibid.)

After consulting the American and British embassies in Kinshasa, the representative of the Embassy of Canada also stated that 70 percent of marriage documents received by the Embassy of the United States and approximately 50 percent of civil status certificates obtained by the Embassy of the United Kingdom are falsified (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3. Efforts by the Authorities to Combat Fraudulent Documents

According to the President of LIPADHOJ, the authorities do not make any effort to combat fraudulent documents (14 Mar. 2014). The President of ACAJ also stated that the authorities make little effort to stop the production of fraudulent documents, adding that [translation] "the police and justice do not have enough logistical means to dismantle the networks that are profiting from this situation" (ACAJ 20 Mar. 2014). The President of ACAJ stated that, although some of the perpetrators of this type of fraud are [translation] "arrested, tried and convicted," this occurs [translation] "to a negligible degree" (ibid.).

According to the Congolese daily newspaper, *Le Phare*, members of a forgery ring were identified by the police in Kinshasa in October 2012 (*Le Phare* 25 Oct. 2012). This ring included officials from various government agencies who had falsified voter cards and government employee cards in order to allow non-government employees to receive wages from the government (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Congolese daily newspaper, *Le Potentiel*, a forgery ring producing voter cards was dismantled by the authorities in South Kivu in November 2012 (*Le Potentiel* 6 Nov. 2012). According to *Le Potentiel*, voter cards serve as identity cards in the DRC (ibid.). *Le Potentiel* also indicated that false cards and false duplicates of cards were distributed to government employees who used them to illegally receive wages in Mbandaka, in Equateur Province (ibid.).

The media also point out that the M23 rebel movement seized equipment used to produce voter cards, which were produced in the Kivu region (Radio Okapi 17 Nov. 2013; *Le Potentiel* 6 Nov. 2012). According to Radio Okapi, a man accused of falsifying cards, who was arrested in November 2013 in North Kivu, allegedly falsified [translation] "several hundred" cards; the man stated that he had acted under the threat of the rebel movement, which had provided him with the necessary equipment (17 Nov. 2013).

### 4. Challenges Related to Verifying Authenticity of Documents

According to the President of LIPADHOJ, the authenticity of official documents [translation] "is difficult to verify" because there are "thousands" of offices, such as communal offices, that issue these documents each in its own way and, as a result, it is difficult to distinguish falsified versions from authentic versions (14 Mar. 2014). The representative of the Embassy of Canada stated that the law does not set any particular time frame for responding to document authentication requests and that, consequently, it is difficult to know how long it will take to receive a response to an authentication request (Canada 26 Mar. 2014). According to the representative, it is also difficult to follow up on requests with police offices and information services (ibid.).

The President of ACAJ pointed out that there are financial barriers to verifying official documents because one must either pay verification fees or travel long distances to visit the office that issued the document requiring authentication (20 Mar. 2014). The representative of the Embassy of Canada also stated that certain government services, such as communal offices or hospitals, charge fees for verifications (26 Mar. 2014). She added that the communication infrastructure is not reliable in the DRC, which complicates this task (Canada 26 Mar. 2014).

According to the Director of the CDH, there is no sophisticated or automated equipment in the DRC for verifying document authenticity, nor are there archiving services to store official documents (30 Mar. 2014). The President of ACAJ also stated that the lack of an archiving system, a situation that is [translation] "widespread" in the country, is a barrier to document verification (ACAJ 20 Mar. 2014). He explained that the lack of archives was partially due to [translation] "the pillaging that occurs during political violence and the various wars that the country has suffered for over 20 years," to "the small proportion of automation in the services that issue these documents" and to "the self-destruction of the registers because of poor storage conditions" (ibid.). The representative of the Embassy of Canada stated that there were [translation] "no automated services at any level," except in the case of the Migration Branch (Direction générale des migrations), which is in charge of the borders (26 Mar. 2014).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

Association congolaise pour l'accès à la justice (ACAJ). 20 March 2014. Correspondence from the President to the Research Directorate.

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<[http://www.droitcongolais.info/files/Rapport-annuel-2012-de-l-ACAJ\\_-la-justice-est-privatisee.pdf](http://www.droitcongolais.info/files/Rapport-annuel-2012-de-l-ACAJ_-la-justice-est-privatisee.pdf)> [Accessed 31 Mar. 2014]

Canada. 26 March 2014. Embassy of Canada in Kinshasa. Correspondence from a representative to the Research Directorate.

Centre des droits de l'homme et du droit humanitaire (CDH). 30 March 2014. Correspondence from the Director to the Research Directorate.

Ligue pour la paix, les droits de l'homme et la justice (LIPADHOJ). 14 March 2014. Correspondence from the President to the Research Directorate.

*Le Phare*. 25 October 2012. "Bancairisation de la paie des agents de l'État." (Factiva)

*Le Potentiel*. 6 November 2012. "Trafic de cartes d'électeur au Sud-Kivu - Six personnes aux arrêts." (Factiva)

Radio Okapi. 17 November 2013. "Nord-Kivu - Un falsificateur des cartes d'électeurs détenu dans un cahot à Goma." (Factiva)

Victims' Rights Working Group (VRWG). N.d. "Ligue pour la paix, les droits de l'homme et la justice."

<<http://www.vrwg.org/le-gtdv/lipadhoj>> [Accessed 31 Mar. 2014]

## Additional Sources Consulted

**Oral sources:** Attempts to contact representatives of the Centre des droits de l'homme et du droit humanitaire and the association Toges noires were unsuccessful.

**Internet sites, including:** AllAfrica; Australia – Refugee Review Tribunal; Congo Forum; Democratic Republic of the Congo – Commission électorale nationale indépendante, ministère de l'Intérieur, Sécurité, Décentralisation and Affaires coutumières; DH.be; Digital Congo; eci.net; European Union Missions in the Democratic Republic of the Congo; *L'Express*; France – Cour nationale du droit d'asile; Freedom House; *Le Millénaire*; *Le Monde*; News from Africa; Panapress; Transparency International; United Kingdom – Home Office; United Nations – Refworld; United States – Department of State.

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