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[Home](#) > Congo, Democratic Republic of (Kinshasa)

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Country:

Congo, Democratic Republic of (Kinshasa)

Year:

2014

FIW Status:

NF

PR Rating:

6

CL Rating:

6

Aggregate Score:

20

Combined Freedom Score:

6.0

Overview:

Violence and insecurity in the context of endemic official corruption and impunity persisted in the Democratic Republic of Congo (DRC) in 2013, though military and diplomatic advances were made against the M23 rebel movement in the country's eastern provinces. The M23 declared an end to its rebellion in November, and M23 leader Bosco Ntaganda surrendered to the International Criminal Court (ICC), signaling a victory for the international justice body. However, the ongoing presence of numerous other rebel groups in the DRC's eastern provinces continues to have a major destabilizing effect on the region. The national military continued to be implicated in human rights violations during the year, with little effective civilian control over its activities. Rule of law, especially regarding rampant sexual violence perpetrated by government and rebel forces, was almost entirely absent.

Massive corruption in the government, security forces, and extractive industries persists, paralyzing the proper functioning of the government and sustainable development efforts intended to raise the standard of living for the country's citizens. The DRC's membership in the Extractive Industries Transparency Initiative (EITI) was suspended in April. A new mineral certification program was implemented in July, although its effects remained to be seen as of the end of the year.

Journalists and human rights advocates continued to face threats, unlawful detention, and beatings by both state security forces and rebel groups around the country. Opposition

lawmakers were arrested and imprisoned for speaking out against the government.

In February, 11 Great Lakes regional states signed a new peace deal in Addis Ababa aimed at bringing stability to the DRC and the region at large. Signatories agreed to a policy of non-interference in Congolese affairs and to avoid supporting armed groups, while the DRC committed to strengthening its security sector, consolidating state authority, and promoting economic development. The agreement provided for the establishment of a regional oversight mechanism as well as a national mechanism by which to oversee the implementation of the deal.

In September, a national dialogue opened between the government, members of civil society, and opposition parties to address endemic problems of poverty and corruption, in keeping with the February agreement. The September conference was hampered, however, by a boycott by some opposition members, who cited grievances related to the disputed 2011 presidential election and claimed that President Joseph Kabila would use the platform to push a constitutional change and extend his mandate beyond two terms.

Political Rights and Civil Liberties:

Political Rights: 9 / 40 **[Key]**

A. Electoral Process: 3 / 12

The president of the DRC is elected for up to two five-year terms. The president nominates a prime minister from the leading party or coalition in the 500-seat National Assembly, whose members are popularly elected to serve five-year terms. Provincial assemblies elect the 108-seat Senate, as well as provincial governors, for five-year terms.

The DRC's November 2011 presidential and National Assembly elections were marked by a lack of preparation, changes in the structure and function of the electoral commission, and limited international logistical support. A number of changes to the country's electoral law were enacted prior to the elections despite opposition protests, including eliminating the requirement for a run-off if no presidential candidate won more than 50 percent of the vote in the first round. The amendment was seen by opposition parties as an intentional manipulation to secure Kabila's reelection. Kabila was declared the winner despite widespread criticism of the election by international observers, defeating longtime opposition figure Étienne Tshisekedi, 49 percent to 32 percent, according to the Independent National Electoral Commission (CENI).

The National Assembly elections suffered similar problems. Kabila's People's Party for Reconstruction and Democracy (PPRD) won 61 seats, down from the 111 seats it held prior to November 2011, while Tshisekedi's Union for Democracy and Social Progress (UDPS) took 41. Kabila's coalition, the Alliance of the Presidential Majority (AMP), won 260 of the 500 seats. Tshisekedi supporters protested the results, and numerous civil society groups called for new elections.

The legitimacy of CENI is questionable, as four of its seven members are appointed by the presidential coalition, and it does not include members of civil society. CENI was restructured and reestablished in June 2013, prompting hope that the electoral process might be

revitalized.

B. Political Pluralism and Participation: 4 / 16

According to CENI, there are about 445 political parties in the DRC. Political parties are often divided along ethnic, communal, or regional lines, and usually lack national reach. The AMP requires members to have national representation, ensuring that the PPRD remains in the majority within the coalition. Other major parties include the UDPS and Movement for the Liberation of Congo (MLC). Nearly 100 different parties and many independents are represented in the parliament. Opposition politicians and their supporters faced violence and harassment by police in the run-up to the 2011 polls.

There were cases of politically motivated arrests of opposition leaders in 2013. Eugène Diomi Ndongala, the president of the Christian Democrats opposition party and a Tshisekedi supporter, was detained in April on charges supporters say were politically motivated, and was still in custody at year's end as his trial continued. In August, lawmaker Muhindo Nzangi of the Social Movement for Renewal (MSR) was sentenced to three years in jail on the charge of threatening national security after making comments on the radio critical of the government. As a result, the MSR suspended its participation in the ruling coalition and boycotted September's national unity conference.

The majority of the DRC's indigenous population does not take part in the political process because of ethnic discrimination and lack of access to institutions in rural areas. The government does not effectively protect their political rights.

C. Functioning of Government: 2 / 9

Corruption and impunity continue to be serious problems. The clandestine trade in mineral resources by rebels and elements of the Armed Forces of the Democratic Republic of Congo (FARDC) help finance violence and deplete government revenues from the sector. Massive corruption in the government, security forces, and mineral extraction industries continues to paralyze the proper functioning of the government and sustainable development efforts intended to raise the standard of living for its citizens.

Recruitment for government posts is often determined by nepotism, and political interference is rampant. The complicated system of taxation and regulation has made bribery and corruption a regular aspect of business dealings. Hundreds of millions of dollars are embezzled every year. Beginning in 2012, civil servants and members of the military were paid electronically, with the aim of curbing corruption and ensuring regular, accurate payments.

Despite incremental improvements in revenue reporting, there is little transparency in the state's financial affairs. As a result, the EITI in April suspended the DRC's membership for one year. The law does not provide for public access to government information. The DRC was ranked 154 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.

D. Freedom of Expression and Belief: 7 / 16

Although guaranteed by the constitution, freedoms of speech and the press are limited. Radio is the dominant medium in the country, and newspapers are found mainly in large cities. The content of private television and radio stations is occasionally restricted, but lively political debate is growing in urban areas. The government does not monitor online communications or restrict access to the internet, but use is limited by lack of infrastructure.

Freedom of the press is significantly restrained through criminal defamation and libel laws as well as threats, detentions, and attacks against journalists; nevertheless, Kabila and his government are often criticized in the media. Journalists in the conflict-ridden east are frequently subject to threats, censorship, and violence. Government soldiers raided the Radio Tujenge Kabambare community station in January, confiscating equipment and detaining and beating two staff members; the station had previously aired reports critical of the military. In May, radio presenter Guillain Chanjabo was found murdered near the northeastern city of Bunia after having been missing for 12 days; local journalists staged peaceful protests and some media outlets suspended broadcasts to pressure the government to investigate his disappearance. In July, radio station manager Simplexe Musangu was detained and held for more than 100 days after rebel gunmen forced him to broadcast a message calling for the independence of southeastern Katanga province. The government ordered the radio station suspended for 30 days following the incident, though the suspension lasted for 37 days. In August, a radio journalist spent two days in solitary confinement for being late in reading an official government press release on the radio in Shabunda, in eastern South Kivu province.

In September, the DRC's state broadcasting regulator, the High Council for Broadcasting and Communication (CSAC), was ordered by a court to pay the owner of a private television station \$40,000 for damage done to his business interests by prolonged and repeated suspensions of his station's programs.

Freedom of religion is guaranteed by the constitution and generally respected in practice. Although religious groups must register with the government in order to be recognized, unregistered groups operate unhindered. There are no formal government restrictions on academic freedom.

E. Associational and Organizational Rights: 3 / 12

The constitution guarantees freedoms of assembly and association, though these are limited in practice. Groups holding public events must register with local authorities in advance, and security forces occasionally act against unregistered demonstrations and marches. In April 2013, 12 people were sentenced to 20 years in jail each for planning to hold a demonstration protesting mismanagement by local authorities. The charges were eventually reduced to between 5 and 12 months, and the judge who issued the original verdict was suspended for failing to justify his ruling.

Authorities often target human rights activists and opposition political party members who are critical of the government. In August, a peaceful sit-in by supporters of Muhindo Nzangi—a member of the National Assembly who had been sentenced to three years in prison for

publicly criticizing the government's management of the conflict in the east of the country— was violently interrupted by police, who arrested five demonstrators.

There are about 5,000 registered nongovernmental organizations (NGOs) in the DRC, though they often have narrow scopes devoted to ethnic and local concerns. NGOs are generally able to operate, though domestic human rights advocates are subject to harassment, arbitrary arrest, and detention. In June, the National Assembly approved a law establishing a forum for civil society to express their views on government policies and actions.

Congolese who fulfill a residency requirement of 20 years can form and join trade unions, though government employees and members of state security forces are not permitted to unionize. It is against the law for employers to retaliate against strikers. Unions organize strikes regularly. Some labor leaders and activists face harassment.

F. Rule of Law: 0 / 16

Kabila appoints members of the judiciary, which remains subject to corruption and political manipulation. The courts are concentrated in urban areas, leaving the majority of the country reliant on customary courts. Military courts are often used, even in civilian cases, and are subject to interference by high-ranking military personnel. The judiciary is susceptible to bias against opposition party members and civil society. Prison conditions are life-threatening, and long periods of pretrial detention are common.

Civilian authorities do not maintain effective control of the security forces. The FARDC are largely undisciplined, and soldiers and police regularly commit serious human rights abuses, including rape and torture. Low pay and inadequate provisions commonly lead soldiers to seize goods from civilians. Most government and government-allied forces enjoy apparent impunity for even the most heinous crimes. In May 2013, 12 senior FARDC officers were suspended and 11 were arrested for their alleged involvement in a mass rape in November 2012. Between February and June, at least four soldiers were found guilty of acts of torture.

The ICC continues to pursue cases in the DRC, including the trials of rebel leader Germain Katanga and Jean-Pierre Bemba, a former DRC vice president and the leader of the MLC. Both trials continued through the end of 2013.

In February, the M23 split into factions, with Sultani Makenga taking over the larger group and Ntaganda taking the smaller. In March, Bertrand Bisimwa was announced as the M23's new president by Makenga's faction. The same month, Ntaganda, along with several hundred combatants, fled to Rwanda, where he turned himself in to stand trial before the ICC on charges of war crimes and crimes against humanity, leaving Makenga's group as the sole M23 faction.

According to a 2012 UN Security Council report, Rwanda and Uganda have been actively involved in providing material and command support to the M23 rebels. In August 2013, Rwanda, with a temporary seat on the UN Security Council, blocked a proposal to impose sanctions on two M23 commanders accused of human rights violations in eastern Congo, arguing that doing so would compromise regional peacemaking efforts. Rwanda was reportedly providing supplies to M23 fighters as late as September 2013.

In January, the UN Security Council approved the use of unmanned drone aircraft to provide

better military reconnaissance for its peacekeeping force, the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The drones were to be deployed in August, but procurement difficulties delayed this until December. In March, the United Nations created a new intervention brigade comprised of 3,000 troops from three African countries and charged with confronting and disarming armed groups in the DRC's eastern region, including the M23. The brigade has the strongest mandate ever given for such a force, and brings the total number of uniformed personnel in MONUSCO to about 22,000.

In August, M23 launched an assault on the eastern city of Goma. The UN brigade and the Congolese army took action against the group on August 21, responding to rebel aggression with artillery fire, arrests, and the recovery of firearms in the surrounding security zone. During the fighting, one UN peacekeeper was killed and several others wounded. Three days later, however, demonstrators in Goma demanded that UN troops take a more aggressive stance against M23 rebels. The protests turned violent and led to the deaths of several civilians, though reports differed as to whether UN forces or the FARDC were responsible for the deaths.

The combined operations of the UN brigade and government troops represented the most significant military victory since the beginning of the rebellion, and forced the M23 to announce a unilateral ceasefire and resume negotiations in September. The government rejected an amnesty for senior rebels allegedly responsible for human rights violations. The M23 declared an end to its rebellion in November, though prospects for long-term peace in the eastern region are hampered by the presence of several other rebel groups. These included two Ugandan groups—the Lord's Resistance Army (LRA) and the Islamist Allied Democratic Forces (ADF)—as well as the Democratic Forces for the Liberation of Rwanda (FDLR) and the Mai Mai Bakata Katanga. Most armed group activity occurred in North and South Kivu, Katanga, and Orientale Provinces.

The impact of years of fighting on civilians has been catastrophic, with over five million conflict-related deaths since 1998. The DRC was ranked 186 out of 187 countries in the UN Development Programme's 2013 Human Development Index.

Ethnic discrimination, including against indigenous populations, is a major problem. There are reports of indigenous people being kidnapped and forced into slavery. Rwandophone minorities in the Kivu provinces have been the victims of violence and hate speech for decades.

The constitution prohibits discrimination against people with disabilities, but they often find it difficult to find employment, attend school, or access government services. There are no laws specifically prohibiting same-sex sexual relations, but individuals can still be prosecuted for these acts under public decency laws.

G. Personal Autonomy and Individual Rights: 1 / 16

Although the law provides for freedom of movement, security forces seeking bribes or travel permits restrict this right in practice. In conflict zones, various armed groups and soldiers have seized private property and destroyed homes. As of mid-2013, 2.6 million Congolese had been internally displaced due to violence in the east.

The Congolese economy, reliant on the extraction of natural resources, has grown an average of 6 percent over the past decade, and expanded by 8.5 percent in 2013, though only 4 percent of Congolese are employed in the formal economy. A new mineral certification program aimed at stopping armed groups from benefiting financially from the lucrative mineral trade took effect in July. Property rights are recognized in the constitution, but the expropriation of private property is common. The majority of land in the DRC is held through customary tenure, and this lack of legal title to the land leads to regular confiscation of property.

Despite constitutional guarantees, women face discrimination in nearly every aspect of their lives, especially in rural areas. There is no equality for women either in practice or in law. Violence against women and girls, including sexual and gender-based violence, has soared since fighting began in 1994, though sex crimes often affect men and boys as well. The M23 rebels and FARDC soldiers have been implicated in kidnappings, killings, and rape. Mass rapes continued in 2013, and convictions remain rare. Abortion is prohibited, and women's access to contraception is extremely low. Women are also greatly underrepresented in government, making up only 9 percent of the National Assembly and 6 percent of the Senate. Women must have their husband's permission to seek employment, engage in legal transactions, and often for access to family planning services.

The law prohibits all forced or compulsory labor, though this still occurs commonly around the country, including forced child labor in mining, street vending, and agriculture. The forced recruitment of young men and boys by M23 forces, as well as by Rwandan military officials on behalf of the M23, has been documented. The M23 has also reportedly forced civilians to work for them, at times imposing tolls on vehicles passing through its territory. The recruitment and use of child soldiers by other rebel groups is also widespread.

In 2012, the government entered a UN-backed plan to end the use of child soldiers in the FARDC, and has made progress toward doing so. Several hundred child soldiers forcibly recruited to rebel forces were freed in 2013 with the help of UN peacekeepers. The DRC is both a source and destination country for the trafficking of men, women, and children for the purposes of labor and sexual exploitation.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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