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Human Rights and Democracy 2012
The 2012 Foreign & Commonwealth Office Report

Democratic Republic of Congo

Updates for this section are available [\[http://www.hrdreport.fco.gov.uk/?page_id=2363\]](http://www.hrdreport.fco.gov.uk/?page_id=2363)

In 2012, the human rights situation in the Democratic Republic of the Congo (DRC) was dominated by the conflict in the east of the country. DRC security forces and illegal armed groups continued to commit human rights violations and abuses against the country's civilian population. The human rights situation in areas such as North and South Kivu deteriorated throughout the year. As well as the conflict, underlying factors include lack of state authority, weak institutions, poor implementation of legislation and impunity from punishment of those guilty of abuses. Violations include arbitrary arrests, summary executions, torture and forced recruitment, including of children, by armed groups. Sexual violence remains widespread. The DRC authorities did take some positive steps to try to address the situation in 2012, including the adoption of a draft law on establishing a national human rights commission, and signature of an UN/DRC action plan on child soldiers, but much more needs to be done. Thomas Lubanga's conviction by the International Criminal Court (ICC) was a welcome development.

Our main human rights objectives for 2012 were to focus on the core issues that underlie the majority of human rights violations and abuses in DRC: conflict, impunity and the state's lack of capacity to address human rights issues. We pushed for the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to fulfil its remit effectively and played an important role in the renewal of its mandate, which was extended until 30 June 2013. We worked to ensure that the mission continued to prioritise the protection of civilians. We also pressed the DRC government to bring the perpetrators of human rights violations to justice. Our Embassy in Kinshasa regularly raised concerns about human rights violations with the DRC government, including with the Minister for Justice and Human Rights in June.

The UK continued to call for the implementation of the International Criminal Court arrest warrants for Bosco Ntaganda, leader of the March 23 Movement (the M23), a rebel military group he launched after mutinying from the DRC Army in April. The Secretary of State for International Development raised this with President Kabila in April. The DRC government's focus has shifted to tackling the M23 as a whole and regaining control of part of eastern DRC where M23 and Ntaganda are now located.

In 2012, the International Criminal Court (ICC) delivered its verdict on the case of Thomas Lubanga, who was found guilty of recruiting and using child soldiers in the DRC and sentenced to 14 years imprisonment. In December, the second ever ICC verdict lead to an acquittal for Matthieu Ngudjolo-Chui. He had been charged with war crimes in the DRC in 2003.

The UK worked through the Department for International Development (DFID) in 2012 to strengthen the rule of law, support institutions and build democracy. We sought in particular to ensure that peaceful and credible provincial assembly elections took place. These have been delayed because of the debate on the future of the Independent National Electoral Commission. Some progress was made in December with the adoption of draft legislation by parliament to reform the commission. This legislation is now with the President for promulgation.

The current conflict has highlighted the urgent need for security sector reform. DFID is implementing a programme focused on community policing, one of the key principles of which is improving respect for human rights. As plans for security sector reform develop, we will work to ensure that respect for human rights and addressing impunity are at their core.

We will also continue to press the DRC government to bring the perpetrators of human rights violations to justice. The prevention of sexual violence will be a priority in 2013. We will work with the Justice and Gender ministries, the UN, NGOs and civil society groups to address this.

Elections

The disputed elections which took place in November 2011 continued to exercise an impact in the first three months of 2012, raising in particular concerns about freedom of expression (described in more detail below). In their final reports on the elections, both the [Carter Center](http://www.cartercenter.org/news/pr/drc-121011.html) [http://www.cartercenter.org/news/pr/drc-121011.html] and the [EU Observation Mission](http://www.eeas.europa.eu/eueom/missions/2011/congo/) [http://www.eeas.europa.eu/eueom/missions/2011/congo/] said that the results lacked credibility. In a number of meetings with the DRC government and opposition leaders, including President Kabila and Etienne Tshisekedi, leader of the main opposition party, the UK Ambassador raised concerns and called for all sides to reach a peaceful resolution. Since the elections, we have discussed reform of the Independent National Electoral Commission with the DRC government and with the opposition. We will continue to do this to ensure progress on reform and that the concerns around the 2011 elections are addressed and local and provincial elections take place in 2014.

Freedom of expression

Freedom of expression remained an area of concern throughout 2012. In the post-election period in early 2012, the government banned a major demonstration by the Catholic Church, and the security forces used tear gas to disperse crowds. Three radio and two television stations also had their signals jammed. In December, the government suspended the broadcast in Kinshasa of UN-sponsored Radio Okapi, claiming that they had not complied with administrative requirements. The EU issued statements condemning both these incidents:

- [Statement 1](http://www.eeas.europa.eu/delegations/congo_kinshasa/press_corner/all_news/new:)
[http://www.eeas.europa.eu/delegations/congo_kinshasa/press_corner/all_news/new:]
- [Statement 2](http://www.eeas.europa.eu/delegations/congo_kinshasa/documents/news/20121204)
[http://www.eeas.europa.eu/delegations/congo_kinshasa/documents/news/20121204]

Human rights defenders

Following the murder of prominent human rights defender Floribert Chebeya in 2010, the EU continued to lobby for improvements in the trial and subsequent appeal. The trial resumed in 2012 and we are continuing to monitor developments. The EU called for the

DRC government to ensure there was justice
http://www.eeas.europa.eu/delegations/congo_kinshasa/press_corner/all_news/news/2017/20170516_drc_government_to_ensure_there_was_justice.htm

There was also a ban on a film by Thierry Michel examining the Chebeya case, and Mr Michel was refused entry to DRC. The ban on Mr Michel and his film has now been lifted. In 2012, the EU issued statements on the Chebeya trial.

Access to justice and the rule of law

The judicial system lacks resources, independence and capacity. Corruption permeates all levels. Few cases reach court and impunity for the perpetrators of human rights crimes remains a serious problem. There was progress, however, in the reform of the national police and there were some small positive steps in 2012 in combating impunity. With MONUSCO support, judicial inspections and mobile court hearings took place to help deal with backlogs, and juridical authorities opened investigations into human rights violations committed by DRC Army officers. In 2012, the British Embassy at Kinshasa agreed funding to MONUSCO in support of their Military Criminal Law Programme and the Prosecution Support Cells (PSC) within that. The PSC are mainly based in the east of DRC. They were established to provide advice, monitoring, on-the-job training and logistical support to the Congolese military police investigators and magistrates.

Death penalty

The DRC retains the death penalty and military courts still hand down the death sentence, although there has been a moratorium on carrying it out since 2003. A bill to abolish the death penalty was rejected by the Congolese National Assembly in November 2010. We continue to lobby, with EU partners, for abolition, but it is unlikely that any progress will be made towards this while the country remains in conflict.

Torture

We welcomed the adoption in July 2011 of the law criminalising torture. In 2012, the Congolese Vice Minister of Justice undertook joint visits with MONUSCO to several parts of the DRC to conduct awareness-raising of the law by explaining the content and application of the law to provincial governors, magistrates and civil society. We remain concerned by anecdotal reporting of the security forces using torture, however, and have encouraged further work by the government to ensure full implementation of the law.

Conflict and protection of civilians

Civilians have suffered the impact of the renewed conflict in the east. The M23 militia's assault on Goma in November displaced an additional 140,000 people in and around the town. There were 2.4 million internally displaced persons across the country at the end of 2012, up from 1.7 million at the end of 2011; 420,000 people have fled into neighbouring countries. Many are living in squalid conditions and are vulnerable to human rights abuses and violence. The UK is a major humanitarian donor to DRC. DFID provided £18 million in humanitarian support in response to the crisis in eastern DRC. This is in addition to the £135 million package of humanitarian funding in the DRC over the next five years, supporting the 2.1 million emergency interventions each year.

In May, the DRC Army human rights code of conduct was launched. This was part-funded by the UK. It is aimed at improving discipline in the army and reducing the number of human rights abuses committed by Congolese soldiers against civilians. The UK has also provided funding to MONUSCO to establish a scheme under which expert

prosecutors from around the world will mentor prosecutors and judges in eastern DRC on tackling impunity.

We worked hard in 2012 to achieve strong UN Security Council resolutions on the situation in DRC. UNSCR 2076 and 2078 (which renewed the UN sanctions regime) both called for all perpetrators, including individuals responsible for violence against children and acts of sexual violence, to be apprehended, brought to justice and held accountable for violations of applicable international law. In November, the UN Sanctions Committee, of which the UK is a member, imposed sanctions on three leaders of M23. On 31 December, two further leaders were added to the list, as well as the M23 as a group and the militia group Forces Démocratiques de Libération du Rwanda (FDLR).

Women's rights

Women and girls in DRC face extremely high levels of sexual violence, including rape and domestic abuse. They also suffer widespread disempowerment, lack of access to education, reduced political participation and severe poverty. The UK has continued to support programmes to improve women's rights and address issues including sexual and gender-based violence. The DRC is a priority country for the Preventing Sexual Violence Initiative, which will consider what further action can be undertaken to support national and international efforts to tackle sexual violence. The second review of the UK's National Action Plan to address women's peace and security in the DRC is available online.

Lesbian, gay, bisexual and transgender rights

Culturally, homosexuality is not widely accepted in the DRC. A draft law which would criminalise homosexuality was introduced in parliament in 2010. The bill made no progress in 2012. We continue to monitor this and will lobby strongly against the bill should it make any progress.

Children's rights

Poor infrastructure and high levels of poverty mean that children in the DRC face serious challenges, including lack of access to education and healthcare. DFID continues to address the needs of children through a variety of programmes, including provision of healthcare and supporting development of infrastructure and schools.

The recruitment and use of child soldiers by illegal militia groups and the presence of child soldiers in the Congolese army remains a problem. The UN and DRC government signed an Action Plan on 4 October to end the recruitment of children into the Congolese armed forces and security services.

UK and Democratic Republic of Congo

- [UK and DRC \[http://ukindrc.fco.gov.uk/en/\]](http://ukindrc.fco.gov.uk/en/)
- [Human Rights and DRC \[http://ukindrc.fco.gov.uk/en/about-us/working-with-congo/human-rights/\]](http://ukindrc.fco.gov.uk/en/about-us/working-with-congo/human-rights/)
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