

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	296
Land:	DR Congo
Kilde:	Freedom House.
Titel:	Freedom in the World 2013. Democratic Republic of the Congo (Kinshasa).
Udgivet:	9. maj 2013
Optaget på baggrundsmaterialet:	3. juni 2013



Freedom in the World 2013 - Congo, Democratic Republic of (Kinshasa)

Publisher [Freedom House](#)

Publication Date 9 May 2013

Cite as Freedom House, *Freedom in the World 2013 - Congo, Democratic Republic of (Kinshasa)*, 9 May 2013, available at: <http://www.refworld.org/docid/5194a2fc18.html> [accessed 21 May 2013]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

2013 Scores

Status: Not Free
Freedom Rating: 6.0
Civil Liberties: 6
Political Rights: 6

Overview

Instability and insecurity persisted in 2012, as a nascent rebel movement briefly occupied Goma, eastern Congo's most important city. The combination of entrenched corruption, foreign interference, and mismanaged mineral resources contributed to the lack of progress in ameliorating the country's extreme poverty. Meanwhile, the government continued to suppress civil society and independent media, with security forces threatening and attacking journalists critical of government officials.

In the late 19th century, the king of Belgium claimed a vast area of Central Africa as his private property, and the territory was exploited with extreme brutality. After achieving independence from Belgium in 1960, Colonel Joseph Mobutu seized power of the then Republic of Congo with backing from the United States in 1965. Mobutu changed the country's name to Zaire in 1971, renamed himself Mobutu Sese Seko, and assumed dictatorial powers.

Mobutu was formally stripped of most of his powers in 1992 in a national convention, and a transitional government was formed with a new prime minister, longtime Mobutu opponent Étienne Tshisekedi. However, Mobutu created a rival government, leading to a political standoff. In a compromise that marginalized Tshisekedi, the two governments merged in 1994, with Mobutu remaining head of state. Presidential and legislative elections were scheduled repeatedly but never took place.

After the 1994 genocide in neighboring Rwanda, the Rwandan and Ugandan governments turned their cross-border pursuit of Rwandan Hutu militia members into an advance on Kinshasa. Rwandan troops and the Alliance of Democratic Forces for the Liberation of Congo-Zaire (ADFL)

– a coalition led by former Zairian rebel leader Laurent-Désiré Kabila – took Kinshasa in May 1997. Kabila declared himself president after Mobutu fled, and changed the country's name to the Democratic Republic of Congo (DRC).

Relations between Kabila and his Rwandan and Ugandan backers deteriorated after he ordered all foreign forces to leave the DRC in 1998. Rwanda and Uganda each backed rebel groups, and other regional powers became involved on the side of the Congolese government. These rebel groups established control over large swathes of the DRC, and the country's vast mineral wealth spurred the involvement of multinational companies, criminal networks, and other foreign governments.

Military stalemate led to the signing of the Lusaka Peace Agreement in 1999, which included a ceasefire. Kabila was assassinated in 2001 and succeeded by his son Joseph, who revived the peace process. The 2002 Sun City Agreement led to the creation of a transitional government in 2003 and a formal end to the war.

In 2006, the DRC held its first multiparty polls since independence, and promulgated a new constitution. Kabila's People's Party for Reconstruction and Democracy (PPRD) gained a plurality of seats in the National Assembly, and Kabila defeated Jean-Pierre Bemba in the concurrent presidential poll that was fraught with irregularities.

In January 2008, a peace agreement was signed between the government and 22 armed groups, though it did not include the Rwandan government or the Democratic Forces for the Liberation of Rwanda (FDLR), an ethnic Hutu-dominated militia led by perpetrators of the Rwandan genocide who had fled to the DRC. Fighting broke out in August 2008 between government troops and rebel leader Laurent Nkunda's National Congress for the Defense of the People (CNDP), which allegedly received backing from Rwanda.

In late 2008, the DRC and Rwanda signed an agreement to begin a joint military operation against the FDLR and negotiations with the CNDP. The early 2009 operation coincided with the surprise arrest of Nkunda in Rwanda and a settlement with the CNDP, transforming the group into a political party and integrating its leadership into the DRC armed forces (FARDC). In March, Congolese and UN forces began a new military operation against the FDLR. Separately, the FARDC embarked on a joint military operation with Uganda from December 2008 to March 2009 to pursue the Lord's Resistance Army (LRA), a Ugandan rebel group then operating in northeastern Congo.

The impact of years of fighting on civilians is catastrophic, with over five million conflict-related deaths since 1998. The DRC was ranked lowest in the world on the UN Development Program's 2012 Human Development Index. The Senate in 2011 rejected a bill establishing a specialized mixed court to prosecute serious crimes, and by the end of 2012 had not reintroduced it.

In advance of the November 2011 presidential and National Assembly elections, a number of changes to the electoral law were enacted despite opposition protests, including eliminating the requirement for a run-off if no presidential candidate wins 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.

Opposition politicians and their supporters faced violence and harassment by police in the run-up to the polls. Kabila was declared the winner on December 9 and was sworn in on December 20, despite widespread criticism of the election by international observers. National Assembly elections suffered from similar problems. Kabila's PPRD won 61 seats, down from the 111 seats it held prior to November 2011, while the opposition Union for Democracy and Social Progress (UDPS) took 41. Kabila's overall coalition won 260 of the 500 seats. Tshisekedi supporters protested the results, and numerous civil society groups called for new elections.

In March 2012, former CNDP rebels who had joined the FARDC mutinied, claiming that the government had failed to fully implement the March 23, 2009 agreement that had integrated them into government forces. Several of the leaders of the March 23 Movement (M23) have been accused of committing human rights violations while serving with previous rebel movements. Most notably, General Bosco Ntaganda is wanted by the International Criminal Court (ICC) for alleged war crimes and crimes against humanity, and Sultani Makenga was allegedly involved in the recruitment of children and several massacres in the east. The M23, supplemented by subsequent defections from the FARDC, also reportedly recruited child soldiers and conducted summary executions. The M23 – which consisted of 1,500 to 2,500 men – created a political wing in July, established an alternative government, and began collecting taxes in areas in eastern Congo under its control. Also in July, rebels killed a UN peacekeeper and fired on a UN base. On November 15, after Kabila's government refused to enter into negotiations with the group, the M23 rebels broke the *de facto* ceasefire with the FARDC and advanced on Goma. In response, UN forces engaged in heavy bombardment of rebel positions. Nonetheless, the rebel forces occupied Goma on November 20 as UN forces stood by and the FARDC presence dissolved. Tens of thousands of civilians fled the area, bringing the rebels to the Rwandan border. The M23 withdrew from Goma on December 1 after the diplomatic intervention of East African nations, and peace talks began on December 9, though nothing substantive was agreed upon before the end of the year.

According to an October UN Security Council's Group of Experts report, Rwanda and Uganda were actively involved in providing material and command support to the M23 movement in the DRC in 2012, thereby violating the UN arms embargo. This support reportedly included direct troop reinforcements, and the provision of arms, ammunition, intelligence, and political advice. In November, Kabila met with Rwandan president Paul Kagame to pursue a diplomatic solution to the situation. The Security Council also placed global travel bans and asset freezes on three top military leaders of the M23.

Following the fall of Goma, antigovernment protests around the country severely weakened Kabila's already shaky credibility with the majority of Congolese. The upheaval caused by the M23 movement in the east also occupied national resources and attention, allowing various rebel groups to remain active in other parts of the country.

Political Rights and Civil Liberties

The DRC is not an electoral democracy. The 2011 elections were marked by a lack of preparation, changes in the structure and function of the electoral commission, limited international logistical support, and inadequate accountability and follow-through on irregularities. The legitimacy of the Independent Electoral Commission (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 has not yet been revised, despite calls for reform. The electoral calendar was postponed in June, and donors have made any future electoral financing conditional upon significant electoral reforms. Local and provincial elections originally to be held in early 2012 were not rescheduled during the year.

The president 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 the provincial governors, for five-year terms.

According to CENI, there are 445 political parties in the country. Political parties are often divided along ethnic, communal, or regional lines, and usually lack national reach. President Joseph Kabila's coalition, the Presidential Majority (PM), requires members to have national representation, ensuring that the PPRD remains in the majority within the coalition. Other major

parties include the opposition UDPS and Movement for the Liberation of Congo (MLC). Nearly 100 different parties and many independents are represented in the parliament.

Corruption and impunity continue to be serious problems in the DRC. The clandestine trade in mineral resources by rebel groups and elements of the FARDC help finance the violence and deplete government revenues from the sector. Recruitment for government posts is often determined by nepotism, and political interference is rampant. Despite incremental improvements in revenue reporting due to the Extractive Industries Transparency Initiative and International Monetary Fund requirements, there is little transparency in the state's financial affairs. 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. The country was ranked 180 out of 185 countries in the World Bank's 2012 Doing Business survey, and 160 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.

Although guaranteed by the constitution, freedoms of speech and the press are limited. Radio is the dominant medium in the country. Newspapers are limited mostly to 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. In November, China and the DRC agreed to have China launch a communications satellite within the next three years, making the DRC the second African country after Nigeria to acquire this technology.

Throughout 2012, there were multiple reports of security forces threatening, detaining, and attacking journalists critical of government officials. A total of six journalists were beaten and 23 threatened or harassed during the year, though no journalists were reported killed or disappeared. In June, the communications minister indefinitely banned the private daily *Le Journal* for an editorial accusing DRC-based Rwandans of promoting Rwandan interests, which he argued incited racism and tribalism. Radio Television Autonome du Sud Kasai was forced off the air in August after its owner was arrested over alleged links with a rebel leader; by December, the owner remained in custody. The Higher Council for Broadcasting and Communication (CSAC), the state media regulatory agency, announced its intention to indefinitely suspend broadcasters that aired content about the conflict between rebel groups and the government in the east; by November, three stations had been ordered off the air. Non-state armed groups have also targeted journalists. In July, the M23 took over community radio stations in Rutshuru territory, threatening staff and confiscating equipment. Local leaders, chiefs, journalists, and activists who denounced the abuses of the M23 rebels were also targeted and threatened. In December, UN-sponsored Radio Okapi's signal was jammed for four days for failing to submit a programming schedule to CSAC, and Radio France Internationale was suspended for broadcasting Étienne Tshisekedi's New Year's address.

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.

The constitution guarantees freedoms of assembly and association, though these are limited in practice. The government has restricted the activities of opposition groups, particularly the UDPS. In February, the secretary general of the UDPS was arrested by immigration officials and held for 22 hours before release. Police prevented UDPS members from entering their local headquarters in April. In July, police arrested the deputy secretary general of the UDPS on what officials and supporters claim were politically motivated and arbitrary charges; he was released after two days.

Groups holding public events must register with local authorities in advance, and security forces occasionally act against unregistered demonstrations and marches. There are about 5,000 registered nongovernmental organizations (NGOs) in the country, 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 January 2012, the home of a human rights defender was burned down under suspicious circumstances after he publicly criticized the recent election results; no charges were filed by the end of 2012. Dr. Denis Mukwege, a noted human rights activist and the director of a hospital that treats victims of sexual violence, narrowly escaped an assassination attempt in September and fled the country. In 2011, eight national police officers were sentenced for the June 2010 murder of prominent human rights activist Floribert Chebeya Bahizire. The eight were back on trial in 2012 when the plaintiffs demanded that former police chief John Numbi be considered the prime suspect in the murder. In October, the military court trying the police officers determined that Numbi would not be required to appear in court, and several plaintiffs withdrew from the case in protest.

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. In May 2012, Kinshasa's largest private transportation syndicate organized a city-wide strike for two days, after which the government announced measures to improve public transportation. Some labor leaders and activists face harassment.

Kabila appoints members of the judiciary, which remains subject to corruption and political manipulation. The courts, which lack both trained personnel and resources and reportedly often grant favorable verdicts for the highest bribe, 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. 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, and demobilized combatants who were not successfully integrated into the civilian economy have again taken up arms as part of the M23. Most government and government-allied forces enjoy apparent impunity for even the most heinous crimes. There are notable exceptions; in March 2012, four soldiers were sentenced to death, and 10 others to various prison sentences by a military tribunal for rape and sexual violence. In September, National Deputy Adolphe Onusumba was convicted of rape and sentenced to one year in prison and a \$100,000 fine.

The UN extended its peacekeeping operations mandate for 12 months in June 2012. By the end of the year, there were 19,000 peacekeepers, military observers, and police in the country under the mandate.

The ICC continues to pursue cases in the DRC, including against rebel leader Germain Katanga, who was awaiting a verdict at the end of 2012, as well as the ongoing trial against MLC leader Jean-Pierre Bemba. Mathieu Ngudjolo Chui, a rebel leader accused of war crimes, was acquitted in December. In the court's first verdict, General Thomas Lubanga was convicted in March of recruiting child soldiers. In 2008, the ICC issued a warrant for the arrest of General Bosco Ntaganda, who allegedly committed war crimes and crimes against humanity while serving under Lubanga. Despite the warrant, Ntaganda, formerly of the CNDP, openly served as a general in the FARDC after the 2009 integration of the CNDP and through March 2012. The ICC issued another warrant for his arrest and expanded the charges against him in July.

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 Kivus have been the victims of violence and hate speech for decades.

Although the law provides for freedom of movement, security forces seeking bribes or travel permits restrict this right in practice, and foreigners must regularly submit to immigration controls when traveling internally. In conflict zones, various armed groups and soldiers have seized private property and destroyed homes, as well as stolen crops and livestock. By the end of 2012, 2.4 million Congolese were internally displaced due to violence in the east. Human Rights Watch documented the forced recruitment of young men and boys by M23 forces, as well as by Rwandan military officials on behalf of the M23. The M23 also reportedly forced civilians to work for them, and at times imposed tolls on vehicles passing through their territory. Congolese armed forces have also been implicated in human rights abuses in eastern DRC, including arbitrary arrests, the mistreatment of detainees, and widespread looting. The LRA was responsible for theft and looting in Orientale Province in 2012, contributing significantly to the displacement of local populations.

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. 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 2012, 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 5 percent of the Senate, and 16 percent of government and vice ministers are women. In 2012, the government entered a UN-backed plan to end the use of child soldiers in the FARDC, and the government made significant progress towards reducing their numbers in the military. 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.

Copyright notice: © Freedom House, Inc. · All Rights Reserved

Search Refworld

by keyword

and / or country

All countries



Clear

Search

[Advanced Search](#) | [Search Tips](#)

Countries

- [Congo, Democratic Republic of the](#)

Topics

- [Armed groups / Militias / Paramilitary forces / Resistance movements](#)
- [Corruption](#)
- [Extreme poverty](#)
- [Freedom of expression](#)

- [Security forces](#)
- [Security situation](#)