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2008 Country Reports on Human Rights Practices - Democratic Republic of the Congo

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

The Democratic Republic of the Congo (DRC) is a nominally centralized republic with a population of approximately 60 million. The president and the lower house of parliament (National Assembly) are popularly elected; the members of the upper house (the Senate) are chosen by provincial assemblies. Multiparty presidential and National Assembly elections in 2006 were judged to be credible, despite some irregularities, while indirect elections for senators in 2007 were marred by allegations of vote buying.

Internal conflict in the eastern provinces of North and South Kivu, driven to a large degree by the illegal exploitation of natural resources, as well as a separate conflict in the western province of Bas-Congo, had an extremely negative effect on security and human rights during the year. The Goma peace accords signed in January by the government and more than 20 armed groups from the eastern provinces of North and South Kivu provided for a cease-fire and charted a path toward sustainable peace in the region. Progress was uneven, with relative peace in South Kivu and the continued participation of the South Kivu militias in the disengagement process. In North Kivu, what little progress was made in implementing the accords during the first half of the year unraveled with the renewed fighting that began in August, perpetuating lawlessness in many areas of the east.

On December 12, the UN Group of Experts on the Democratic Republic of Congo Report Pursuant to United Nations Security Council Resolution 1807 reported that Rwandan authorities have supplied military equipment and been complicit in recruiting soldiers, including children, to support the Congolese rebel National Congress in Defense of the People (CNDP), led by a former general of the Congolese Armed Forces (FARDC), Laurent Nkunda. In addition, the UN Group of Experts presented extensive and credible evidence that elements of the FARDC provided support to the Democratic Forces for the Liberation of Rwanda (FDLR), which committed numerous abuses in eastern Congo during the year and was composed primarily of Hutus from neighboring Rwanda, including some who perpetrated the 1994 Rwandan genocide. Also in December, the Rwandan and Congolese governments met to develop a joint strategy to eliminate the FDLR.

At year's end government control over many regions remained weak, particularly in North and South Kivu provinces. Civilian authorities generally did not maintain effective control of the security forces.

In all areas of the country the government's human rights record remained poor, and security forces continued to act with impunity throughout the year, committing many serious abuses including unlawful killings, disappearances, torture, and rape. Security forces also engaged in arbitrary arrests and detention. Harsh and life-threatening conditions in prison and detention facilities, prolonged pretrial detention, lack of an independent and effective judiciary, and arbitrary interference with privacy, family, and home also remained serious problems. Security forces retained child soldiers and compelled forced labor by civilians. Members of the security forces also continued to abuse and threaten journalists, contributing to a decline in freedom of the press. Government corruption remained pervasive. Security forces at times beat and threatened local human rights advocates and harassed UN human rights investigators. Discrimination against women and ethnic minorities, trafficking in persons, child labor, and lack of protection of workers' rights continued to be pervasive throughout the country. Enslavement of Pygmies occurred.

Armed groups continued to commit numerous, serious abuses – some of which may have constituted war crimes – including unlawful killings, disappearances, and torture. They also recruited and retained child soldiers, compelled forced labor, and committed widespread crimes of sexual violence and other possible war crimes.

RESPECT FOR HUMAN RIGHTS

1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed politically motivated killings.

On July 6, Kinshasa-based members of the Republican Guard (GR), an elite armed force under the control of President Joseph Kabila, killed Daniel Botethi, the vice president of the Kinshasa Provincial Assembly and a prominent figure of the opposition party Liberation of Congo (MLC), whose leader Jean-Pierre Bemba ran against Kabila for president in 2006. The soldiers shot and killed Botethi and his bodyguard at a roadblock in Kinshasa, near the site of an attack in May that injured opposition Senator Adolphe Onusumba. The MLC subsequently suspended its participation in government bodies to protest the killing. On September 22, the Military Tribunal of Kinshasa/Ngaliema sentenced four GR soldiers to death for their involvement in the killing. Although a soldier on trial for the murder testified that Kinshasa Governor Andre Kimbuta, an ally of President Kabila, ordered the killing, the connection was never proved.

In the east, security forces summarily executed civilians and killed civilians during clashes with illegal armed groups (see section 1.g.).

There were several occasions during the year when members of security forces arbitrarily and summarily killed civilians, sometimes during apprehension or while holding them in custody, and often for failing to surrender their possessions, submit to rape, or perform personal services. For example, according to the United Nations Joint Human Rights Office in the country (UNJHRO), on January 23, a Congolese National Police (PNC) officer in Bulukutu, Equateur Province, shot and killed a civilian who was serving lunch to a group of police officers because the victim had given a larger serving to his police colleagues. Authorities arrested the perpetrator but later released him, reportedly due to the lack of detention facilities. No further action had been taken by year's end.

According to the UNJHRO, on February 21, a policeman attached to the Provincial Mining Office in Kalukalanga, Katanga Province, shot and killed an artisanal miner because he did not have enough money to pay "an entry fee" into the local mining site. No action was taken against the officer.

On February 28, the government launched operations ostensibly to restore state authority in Bas-Congo Province. Members of the Bundu Dia Kongo (BDK), a political-religious group seeking greater provincial autonomy, had effectively taken over state functions in several villages and towns in Seke-Banza, Lukula, and Luozi territories to set up a parallel justice system where existing state authority was extremely weak. The arrival of security forces spawned violent clashes with the BDK, as well as the rape of local residents by the PNC (see section 1.c.). In June, after dispatching an investigative team to the province in late March, the UNJHRO published a report concluding that at least 100 persons, most of whom were members of the BDK, died during the operations launched by the PNC. The report concluded that the police used excessive force and in some cases committed arbitrary executions. Although it criticized the report, the government made a commitment to hold a judicial investigation, which had not begun by year's end. A report released in November by Human Rights Watch (HRW), which also cited instances of excessive force by security forces against the BDK in 2007, estimated that more than 200 BDK supporters and others were killed as a result of the clashes in March, which HRW believed were part of "a deliberate effort to wipe out the movement."

According to the UNJHRO, on March 22, a FARDC soldier shot and killed a civilian in Mahagi Port, Orientale Province, who resisted his attempt to extort money at a checkpoint. The victim's brother later stabbed the soldier to death.

There were no reports that authorities apprehended the police chief in Sota, Ituri District (Orientale Province), who escaped arrest in January 2007, after he and his assistant subjected a detainee to cruel and inhuman treatment, resulting in his death. It was unknown whether the assistant remained in detention or had been tried.

Authorities took no action against members of security forces who used excessive force, according to a UN report, during a January 2007 demonstration by the BDK, resulting in the killing of at least 105 persons.

According to the Bukavu-based nongovernmental organization (NGO) Volunteer Service Bureau for Children and Health, the Bukavu Military Court sentenced a soldier of the FARDC's 11th Integrated Brigade in March 2007 to 20 years in prison for the February 2007 killing of a civilian who refused to carry the soldier's personal belongings.

Authorities took no action against a navy corporal who shot and killed a university student in Goma, North Kivu Province, in April 2007.

Authorities took no action against those responsible for summarily executing and otherwise killing approximately 300 persons in March 2007 during armed confrontations in Kinshasa between forces loyal to President Kabila and rival forces loyal to former vice president Jean-Pierre Bemba. Authorities also took no action against FARDC and GR officers who arrested more than 200 persons following the confrontations and subjected many of them to cruel, inhuman, and degrading treatment. By July 25, after the vice minister of human rights identified several individuals being detained illegally, authorities had released more than half (107) of the 187 individuals who were still in detention at the beginning of the year as a result of the March 2007 Kinshasa fighting. According to the UN peacekeeping mission in the country (MONUC), by year's end authorities released the remaining 80, all former militia members of Bemba's protection force, and transferred them to Kamina, Katanga Province, to be integrated into the FARDC.

There was no information available regarding a policeman in Mabikwa, Maniema Province, who beat a man to death in July 2007 before going into hiding.

During 2007 there were reports of deaths in prisons resulting from physical abuse by members of security forces. No action was taken against the FARDC soldiers who tortured to death two suspects at Uvira Central Prison in South Kivu Province in October 2007, or against the Mobile Intervention Group (GMI) officers for the October 2007 killing of an inmate at Buluwo Prison in Katanga Province.

Authorities did not take any action during the year against several FARDC soldiers involved in the 2006 killing of 13 civilians in Kagaba, Ituri District (Orientale Province).

There were no reports that authorities had found the escaped FARDC soldier who was sentenced to prison in 2007 for the 2006 killing of an elderly man in Beni, North Kivu Province.

On February 29, the High Military Court in Kinshasa rejected a motion filed by victims' relatives to reverse the December 2007 decision by the Lubumbashi Military Court of Appeal. The December 2007 decision rejected the appeal request that had been filed challenging the acquittals of the original Kilwa trial. In the original June 2007 trial, a Katanga Province military court acquitted several FARDC soldiers and three employees of Anvil Mining of involvement in the 2004 massacre of 73 residents of Kilwa, Katanga; UN human rights officials subsequently expressed serious concern over the trial's verdict.

According to locally based African Association for the Defense of Human Rights (ASADHO), in April the governor of Katanga Province and the provincial minister of interior arbitrarily prevented local human rights activists and attorneys from an Australian law firm from traveling to Kilwa to gather information for a possible civil law suit in Australian courts against Perth-based Anvil Mining Company. Katanga authorities did not allow the group's aircraft to leave a Lubumbashi airport for Kilwa, citing a lack of official authorization, which the governor subsequently refused to grant due to regional "insecurity," although other flights that same day reportedly made the same voyage with no such authorization.

There were no reports of authorities taking action on the June 2007 killing of a police officer by civilians in Bukavu, South Kivu Province.

Illegal armed groups, including rebel groups and community militias, committed unlawful killings during the year (see section 1.g.).

A MONUC peacekeeper shot and killed a civilian during violent demonstrations in Goma on October 27 (see section 1.g.).

b. Disappearance

There were reports of politically motivated disappearances caused by government forces. According to a report released in January by the UN Working Group on Enforced or Involuntary Disappearances (UNWGEID), of the 52 cases of forced or involuntary disappearances reported to the UNWGEID since 1980, 43 remained unsettled as of November 2007. There were few, if any, reports that the government made efforts to investigate disappearances and abductions, including those in which security force members were accused of involvement.

There was no information about the whereabouts of three lawyers in Kinshasa who were abducted by three armed men in July 2007 and allegedly detained by the National Intelligence Agency (ANR).

Armed groups operating outside government control kidnapped numerous persons, often for forced labor, military service, or sexual services. Many of the victims disappeared (see section 1.g.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law does not specifically criminalize torture, and during the year there were many credible reports by informed sources that security services tortured civilians, particularly detainees and prisoners, and employed other types of cruel, inhuman, and degrading punishment. There were almost no reports of government authorities taking action against members of security forces responsible for these acts.

The UNJHRO reported several cases of torture and cruel, inhuman, and degrading treatment. For example, on January 7, two FARDC soldiers in Kalemie, Katanga Province, beat a civilian with the butts of their AK-47 rifles and stole his mobile telephone and 12,000 Congolese francs (approximately \$24). Authorities had taken no action against the soldiers by year's end.

On January 13, five FARDC soldiers severely beat a civilian in Mbuji-Mayi, Kasai Oriental Province, for resisting their efforts to steal his motorbike. Military authorities took no action against the soldiers.

On January 28, seven PNC officers in Bena-Leka, Kasai Occidental Province, subjected a civilian to cruel, inhuman, and degrading treatment because he had failed to install hygienic facilities in his home, as ordered by local authorities. They severely beat the victim, undressed him, and then forced him to walk naked to the local ANR office, which subsequently provided him with clothes and released him. Authorities took no action against the PNC officers.

On February 28, GMI officers in Mbuji-Mayi, Kasai Oriental Province, arrested a policeman and detained him in a GMI holding cell until March 13 while subjecting him to torture. Over several days a GMI lieutenant handcuffed the victim's hands behind his back and beat him on the buttocks and right shoulder with the backside of a machete and the wooden handle of a spade. The military prosecutor began an investigation into the case, but results remained unknown at year's end.

Authorities took no action against ANR agents who arrested a theft suspect in Beni, North Kivu Province, in January 2007 and, according to MONUC, subsequently beat the victim with sticks, including on his genitals.

During the year a police commander arrested one of his subordinates for the abuse of a theft suspect in February 2007 in Mbuji-Mayi, Kasai Oriental Province. At year's end the policeman remained in detention awaiting a court date.

Police took no action against members of security forces who, according to informed sources, committed the following acts of torture in 2007: the January torture of a judicial investigator by authorities in Orientale Province (see section 1.d.); the daily whipping of a man between April and June on the orders of a FARDC general in Kinshasa following a personal business dispute; and the November torture of seven suspected gang members, one of whom died from his injuries, by the GMI in the Bakwa Bowa police station in Kasai Oriental Province.

On several occasions during the year police beat and arrested journalists who wrote or broadcast material they did not like (see section 2.a.)

There were continuing reports, including many from the UNJHRO, of rape of civilians by members of the security forces. Several of these reports concerned rape committed in the context of the conflict in the east (see section 1.g.). Other reported rapes by security forces occurred outside the conflict's context. For example, on February 26, a FARDC soldier in Rwindi, North Kivu Province, allegedly raped a three-year-old girl. Military justice authorities from the 9th Integrated Brigade later arrested and detained the perpetrator, although his status was unknown at year's end.

On March 19, a FARDC lieutenant in Gemena, Equateur Province, abducted a 14-year-old girl, took her to his house, and repeatedly raped her until he released her on March 23. The Office of the Military Prosecutor subsequently arrested him, although his status was unknown at year's end.

On April 15, the Mbanza Ngungu Military Tribunal in Luozi, Bas-Congo Province, sentenced two PNC officers to 20 years in prison for rape committed during PNC operations against the BDK in March (see section 1.a.).

On May 17, a group of policemen in Ngele, Equateur Province, raped 13 women and six girls, subjected male residents of the village to cruel, inhumane, and degrading treatment, and pillaged the entire village. The rapes were reportedly a planned response to a May 13 incident during which villagers threw stones at the police after two officers had severely beaten two young men. Authorities took no known action against the policemen.

In May 2007 FARDC soldiers of the 6th Integrated Brigade looted several houses near Jiba, Ituri District, raped four women, and forced 10 villagers to carry looted goods to their camp near Bule. They released the villagers several days later. Military authorities arrested two soldiers in connection with one of the rapes, but did not take any additional action.

Authorities took no known action against members of security forces responsible for the following rapes committed in 2007: the September rape of eight women, including three minors, in Yanonge, Orientale Province, by PNC officers reportedly acting on orders from their commander; and the November gang rape of a woman in Bongondjo, Equateur Province, by five FARDC soldiers.

According to the UNJHRO, on February 18, the Mbandaka Military Tribunal pronounced its verdict against six police officers accused of committing mass rape and other human rights violations in Waka, Equateur Province, in 2006. The court sentenced one of the officers to 20 years in prison for crimes against humanity. It sentenced two others to six months, already served, for extortion and looting. The court sentenced the remaining officers to three to five years in prison for arbitrary arrest and illegal detention.

According to ASADHO, in September a mobile court investigated the 2006 rape of 60 women and girls in Belongo, Equateur Province, but had not reached a verdict at year's end.

Prison and Detention Center Conditions

Conditions in most prisons remained harsh and life-threatening.

In all prisons except the Kinshasa Penitentiary and Reeduction Center (CPRK), the government had not provided food for many years – prisoners' friends and families provided the only available food and necessities. Malnutrition was widespread. Some prisoners starved to death. Prison staff often forced family members of prisoners to pay bribes for the right to bring food to prisoners.

Temporary holding cells in some prisons were extremely small for the number of prisoners they held. Many had no windows, lights, electricity, running water, or toilet facilities.

According to the UNJHRO, on January 17, inmates took the director of Kalemie Central Prison in Katanga Province hostage in protest against the chronic food shortage in the prison. The inmates had not eaten for three days. They released him the same day.

During the year many prisoners died due to neglect. For example, the UNJHRO reported in February that over a two-month period, 21 prisoners died from malnutrition or dysentery in prisons in Uvira, Bunia, and Mbuji-Mayi.

On April 17, local judicial authorities visiting Bunia Central Prison in Orientale Province observed that three prisoners had died that month due to malnutrition.

Between June 21 and 25, five inmates died of malnutrition in Mbuji-Mayi Central Prison in Kasai Oriental Province. The UNJHRO stated 12 other inmates were in critical condition.

The results of a public prosecutor's investigation into the October 2007 death of an

illegally detained man in Lodja, Kasai Oriental Province, were not known.

The penal system continued to suffer from severe underfunding, and most prisons suffered from overcrowding, poor maintenance, and a lack of sanitation facilities. According to the UNJHRO, almost 80 percent of inmates were pretrial detainees. Health care and medical attention remained grossly inadequate and infectious diseases rampant. In rare cases prison doctors provided care; however, they often lacked medicines and supplies. In August 2007 the UN Human Rights Council's independent expert on human rights in the DRC recommended that the parliament adopt a law to reform the prison system. However, as of year's end, neither the government nor the parliament had responded.

Larger prisons sometimes had separate facilities for women and juveniles, but others generally did not. Male prisoners raped other prisoners, including men, women, and children. Prison officials held pretrial detainees together with convicted prisoners and treated both groups the same. They generally held individuals detained on state security grounds in special sections. Government security services often clandestinely transferred such prisoners to secret prisons. Civilian and military prisons and detention facilities held both soldiers and civilians.

On June 12, foreign diplomats visited the CPRK, which had a capacity of 1,500 but held 4,400 detainees and prisoners, almost 400 more than a year earlier. Pretrial detainees accounted for 65 percent of the CPRK's population. Of the 4,400, 1,864 were military prisoners. The women's wing housed 130 women and their infant children, who shared four toilets. The women suffered from frequent skin and vaginal infections and typhoid. In addition to the infants in the women's wing, the CPRK housed 64 juveniles. Access to the women's and children's wings was self-regulated and not secure.

The Kisangani Central Prison, originally built in 1927, was in a state of disrepair when foreign diplomats visited on December 4. Two wings of the interior of the prison appeared uninhabitable due to a collapsed roof and the absence of doors. Originally built for a capacity of 1,500 prisoners, the prison could only support a few hundred at the time of the visit. Of the 282 men being held, only 20 had been convicted; the rest were awaiting trial.

Not all the prison staff were being paid. The prison received very sporadic financial assistance. The prisoners received only three meals per week, largely through the Catholic Church; most days the prisoners either had to wait for handouts from relatives, if any lived nearby, or they did not eat.

A separate room, 20 feet by 15 feet, housed 31 military prisoners. As in the rest of the prison, there were no beds; prisoners had to sleep either on a grass mat or the bare concrete floor. Sanitary conditions were extremely poor, as there were only pit latrines and open sewer lines. There were no functioning showers. Rooms for civilian prisoners were more crowded, with 65-70 prisoners sleeping in rooms that were 15 feet by 30 feet. The medical unit was decrepit and austere with one box of medicine.

Escapes from Kisangani Central Prison were problematic. The red brick infrastructure crumbled easily by touch or by a blunt tool.

According to MONUC, fewer than 90 of the country's 230 prisons actually held prisoners; while there were no reports of the government officially closing prisons during the year, dozens of prisons that had not functioned for years remained closed. In some cases security personnel who were detained or convicted for serious crimes were released from prison by military associates or by bribing unpaid guards. Most prisons were dilapidated or seriously neglected. Prisoners routinely escaped from prisons in all provinces.

On April 1, 46 inmates escaped from Isiro Central Prison in Orientale Province after breaking down the main door in the absence of PNC guards. The escape reportedly was in protest of the unresponsiveness towards the prisoners' grievances, including lack of

food, inadequate sanitary conditions, and prolonged pretrial detention. None of the escapees had been recaptured by year's end.

Even harsher conditions prevailed in small detention centers, which were extremely overcrowded, had no toilets, mattresses, or medical care, and which provided detainees with insufficient amounts of light, air, and water. Originally intended to house short-term detainees, they were often used for lengthy incarceration. They generally operated without dedicated funding and with minimal regulation or oversight. Informed sources stated detention center authorities often arbitrarily beat or tortured detainees. Guards frequently extorted bribes from family members and NGOs to visit detainees or provide food and other necessities.

Despite President Kabila's 2006 decision to close illegal jails operated by the military or other security forces, there were no reports of illegal jails being closed during the year. According to MONUC the security services, particularly the intelligence services and the GR, continued to operate numerous illegal detention facilities characterized by harsh and life threatening conditions. Authorities routinely denied family members, friends, and lawyers access to these illegal facilities.

During the year the UNJHRO confirmed cases of torture in detention centers run by security services. For example, in April, six inmates in Musenze Central Prison in Goma, North Kivu, claimed that ANR agents tortured them in an ANR holding cell from March 29 to April 1, before transferring them to the prison. UNJHRO officers observed marks on their bodies that were consistent with their claims.

In October 2007 two ANR agents in Bishile, Katanga Province, arbitrarily arrested, detained, and subjected a civilian accused of facilitating prostitution to cruel, inhuman, and degrading treatment. The victim was admitted to the local hospital in critical condition. Authorities had taken no action against the ANR agents at year's end.

The law provides that minors may be detained only as a last resort; however, in part due to the absence of juvenile justice or education centers, authorities commonly detained minors. Many children endured pretrial detention without seeing a judge, lawyer, or social worker; for orphaned children, pretrial detention often continued for months or years.

In general, the government allowed the International Committee of the Red Cross, MONUC, and some NGOs access to all official detention facilities; however, it did not allow these organizations access to illegal government-run detention facilities.

On April 21, the ANR denied access by UNJHRO officers to holding cells in five provinces (Kinshasa, Bas-Congo, North Kivu, Orientale, and South Kivu), claiming that the directors of the cells were unavailable. According to the UNJHRO, this type of denial commonly occurred despite the fact that UN Security Council Resolutions related to MONUC's mandate state that UN Human Rights Officers are to be granted immediate and unhindered access to all holding cells and places of detention.

Armed groups outside central government control sometimes detained civilians, often for ransom, but little information was available concerning the conditions of detention (see section 1.g.).

Authorities took no action during the year against the mwami (local chief), other traditional leaders, or FARDC soldiers involved in the arbitrary and inhumane detention and ill-treatment of 57 civilians accused of witchcraft at the mwami's private residence in Luvungi, South Kivu Province, for four days in October 2007.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention; however, government security forces arbitrarily arrested and detained persons.

Role of the Police and Security Apparatus

The security forces consist of the PNC, which operates under the Ministry of Interior (MOI) and has primary responsibility for law enforcement and public order. The PNC includes the Rapid Intervention Police and the Integrated Police Unit. The ANR, overseen by the president's national security advisor, is responsible for internal and external security. Other agencies include the military intelligence service of the Ministry of Defense; the Directorate General of Migration (DGM), responsible for border control; the GR, which reports directly to the presidency; and the FARDC, which is part of the Ministry of Defense and generally responsible for external security, but which also carries out an internal security role.

Security forces generally remained ineffective, lacked training, received little pay, and suffered from widespread corruption. The government prosecuted and disciplined few security forces personnel for abusing civilians. Impunity in the security forces remained a severe, widespread problem. Investigating misconduct or abuses by the security forces is the responsibility of the military justice system. According to MONUC's Rule of Law Unit, there were a total of 265 investigators, 232 prosecutors, and 125 judges in the military system. However, they were poorly trained, had little or no resources for investigations, and limited, if any, access to legal codes.

Members of the FARDC and police continued to commit the majority of the country's human rights abuses, particularly acts of torture, according to MONUC. Although the UN independent expert on human rights in the DRC recommended in August 2007 that the government undertake fundamental security sector reform, including the development of mechanisms to effectively reduce impunity and end widespread sexual violence, the government had not undertaken significant steps by year's end. For example, it had yet to establish a vetting system for members of the security forces aimed at suspending officers who had committed past human rights abuses.

However, in August the government established joint military oversight committees with MONUC in several provinces. They were composed of military officers, military magistrates, MONUC human rights officers, and MONUC child protection officers. They met monthly to monitor, investigate, and develop strategies to combat sexual violence and other human rights abuses. Their effectiveness remained unclear at year's end.

FARDC naval forces in Equateur Province regularly engaged in illegal taxation and harassment of traders along the Congo River. They set up checkpoints to collect "taxes," often arresting individuals who could not pay the demanded bribes, and stole whatever food and money they could from them.

During the year the government continued to cooperate with MONUC and international donors on police training programs.

Arrest and Detention

By law, arrests for offenses punishable by more than six months' imprisonment require warrants. Detainees must appear before a magistrate within 48 hours. Authorities must inform those arrested of their rights and the reason for their arrest, and may not arrest a family member instead of the individual being sought. They may not arrest individuals for non-felony offenses, such as debt and civil offenses. Authorities must allow arrested individuals to contact their families and consult with attorneys. In practice security officials routinely violated all of these requirements.

Prolonged pretrial detention, often ranging from months to years, remained a problem. Trial delays were due to factors such as judicial inefficiency, corruption, financial constraints, and staff shortages. Prison officials often held individuals after their sentences had expired due to disorganization, judicial inefficiency, or corruption.

Government security forces sometimes used the pretext of state security to arbitrarily

arrest individuals and frequently held those arrested on such grounds without charging them, presenting them with evidence, allowing them access to a lawyer, or following other aspects of due process.

Police often arbitrarily arrested and detained persons without filing charges, often to extort money from family members. Authorities rarely pressed charges in a timely manner and often created contrived or overly vague charges. No functioning bail system existed, and detainees had little access to legal counsel if unable to pay. Authorities often held suspects in incommunicado detention and refused to acknowledge their detention.

According to the UNJHRO, on January 4, a FARDC soldier attached to the Office of the Military Prosecutor arbitrarily arrested a woman in Bandundu, Bandundu Province, in place of her son. She paid 14,000 Congolese francs (approximately \$28) for her release. Military authorities took no action against the perpetrator.

On February 28, the military prosecutor of Kolwezi, Katanga Province, arrested and detained a woman and her one-year-old baby, since she was the sister-in-law of the owner of a residence that the prosecutor tried to occupy illegally the day before. He released them the same day. Authorities took no action against the prosecutor.

In March the commander of the Karawa police station in Equateur Province arrested and detained a man for attempted arson. The commander later illegally took the man from the PNC holding cell and locked him up in his private residence because the victim refused to pay him a bribe. Over a three-month period, the commander unlawfully detained and mistreated the man in his home, which resulted in his death on July 8. The commander admitted the charge of unlawful detention before the military prosecutor, but rejected the accusation of causing his death. A trial date had not been set by year's end.

On May 3, the vice minister of human rights visited the CPRK prison, and after noting that 174 inmates were illegally detained, he ordered the immediate release of 40 of them. According to the UNJHRO, on July 25, authorities released 116 of the remaining 134 inmates after determining that they were illegally detained for political/security reasons. The fate of the remaining 18 prisoners was not known at year's end.

In January 2007 the district police inspector of Buta, Orientale Province, arrested the wife of a judicial investigator, alleging that the investigator was inciting the population against the police. According to the UNJHRO, the inspector released the investigator's wife after three days of detention and took the investigator into custody. The inspector released the investigator after having him tortured and after his family paid a large sum of money. No action was taken against the inspector.

Security personnel detained perceived opponents and critics of the government during the year (see section 2.a).

The Goma peace accords envisioned a general amnesty for acts of war and insurrection committed in North and South Kivu by groups that signed the accords, covering the period from June 2003 to the date of the promulgation of the amnesty. The amnesty bill had not been passed by the parliament by year's end. The proposed amnesty bill specifically excluded war crimes, crimes against humanity, and genocide.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; in practice, judges who were poorly compensated, remained subject to influence and coercion by officials and other influential individuals.

For example, on February 9, while the laws to create new constitutionally mandated judicial institutions were under parliamentary consideration, the president began to

reorganize the judiciary. President Kabila signed seven presidential decrees throughout February appointing 28 new magistrates, most notably a new chief justice of the Supreme Court and prosecutor general, and forced into retirement 89 other magistrates, despite a severe shortage of judges. The new magistrates were appointed to positions beyond their qualifications. According to the UNJHRO, the Magistrates' Union staged a one-week strike to protest the alleged unconstitutionality of these decrees.

In April the UNJHRO observed that high-ranking military officers in North and South Kivu provinces were adjudicating cases in which their own soldiers were implicated. Their alleged interference resulted in several out-of-court settlements regarding rape cases. For example, a FARDC commander in Muhangi, North Kivu Province, admitted having facilitated an out-of-court settlement involving the April 6 rape of a 14-year-old girl by a FARDC warrant officer.

Despite investigations launched by authorities late in 2007, no action was taken during the year against General Jean-Claude Kifwa, commander of the 9th Military Region and a cousin of President Kabila, and his security detail for arresting and severely beating two military magistrates in Kisangani, Orientale Province, in September 2007. They allegedly arrested the magistrates for objecting to two pending cases being tried in the military instead of the civilian court system.

Judicial corruption remained pervasive, particularly among magistrates. The judicial system was funded with less than one percent of the national budget and was poorly staffed, with a very limited presence outside of Kinshasa. There were only 2,000 magistrates (judges who serve in the lowest level courts) serving the entire population (one magistrate for every 30,000 citizens), and two-thirds of them were located in Kinshasa, Matadi (Bas-Congo Province), and Lubumbashi (Katanga Province). There were fewer than 200 courts, of which approximately 50 were functioning during the year. In rural areas, where there were often no courts within a 310-mile radius, justice was administered on an ad hoc basis by any available authority, creating extraordinary opportunities for corruption and abuse of power. During the year some observers asserted that members of both the executive and legislative branches were content to keep the judiciary weak and ineffective because it protected their power and allowed them to engage in corruption and abuse of power without consequence.

Following his assessment mission in March, the UN Human Rights Council's independent expert on human rights in the DRC highlighted the lack of judicial capacity and the continuing human rights abuses, particularly sexual violence, and called for an end to impunity through "any provision to provide the judicial system with adequate salaries, equipment, and staff." The independent expert stated there were as many as 14,200 cases of rapes registered in provincial health centers from 2005-07, of which only 287 were taken to trial. In addition, according to the UNJHRO, despite strengthened laws on sexual violence in recent years, "law enforcement personnel and magistrates continue to treat rape and sexual violence in general with a marked lack of seriousness. Consequently, men accused of rape are often granted bail or given relatively light sentences, and out-of-court settlements of sexual violence cases are widespread." However, during the year the government cooperated with the UN and other donor nations to train civil and military judges in methods to effectively adjudicate rape cases.

The civilian judicial system, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, failed to dispense justice consistently and was widely disparaged by the international community and Congolese citizens as ineffective and corrupt.

The 2006 constitution laid the foundation for an independent judiciary by removing previous presidential powers to appoint and remove magistrates. The Supreme Court's functions are also divided into a Constitutional Court, Appeals Court, High Council of Magistrates (CSM), and Administrative Oversight Agency. In July parliament passed the necessary legislation to create the new CSM. President Kabila promulgated the legislation in August. By law, the CSM was to have adopted internal rules of procedure within 30 days; this was delayed, in part, because no government funds had been

received since September. By year's end the new body was not fully operational.

Military courts, which had broad discretion in sentencing and provided no appeal to civilian courts, tried military as well as civilian defendants during the year. The military code of justice, in place prior to the adoption of the present constitution, continued in force. It prescribed trial by military courts of all cases involving state security and firearms, whether the defendants were military or civilian. In August 2007 the UN's resident expert on human rights recommended that the government establish a clearer separation between civilian and military jurisdictions. No action was taken by parliament during the year to address this.

Trial Procedures

As provided for in the constitution, defendants enjoy a presumption of innocence until proven guilty. However, in practice most detainees were treated as already having been convicted by authorities. Although the government permitted, and in some cases provided, legal counsel, lawyers often did not have free access to defendants. The public could attend trials only at the discretion of the presiding judge. Juries are not used. During trials defendants have the right to be present and to be provided a defense attorney. However, in practice these rights were not always respected. Defendants have the right to appeal in most cases except those involving national security, armed robbery, and smuggling, which the Court of State Security generally adjudicates. Defendants have the right to confront and question witnesses against them and can present evidence and witnesses in their own defense. The law requires that defendants have access to government-held evidence, but this was not always observed in practice. There were no reports of women or specific ethnic groups being systematically denied these rights.

In the appeal trial concerning the murder of local journalist Serge Maheshe, which lasted from February to May, the UNJHRO observed the persistent violation of the rights of the main defendants. The Bukavu Military Court continuously failed to provide interpreters to the defendants, refused to investigate leads and evidence exculpatory for the defendants, including refusing to seek a ballistic test for the weapon allegedly used in the murder, and repeatedly denied equity and neutrality in the allocation of time to the parties to present their cases.

Political Prisoners and Detainees

There were reports of political prisoners and detainees, and HRW estimated that there were at least 200 political prisoners in detention at the end of the year. The government sometimes permitted access to political prisoners by international human rights organizations.

According to MONUC, by year's end authorities had released each of the 200 detainees who had been arrested and detained by security forces following fighting in Kinshasa between forces loyal to President Kabila and Senator Bemba in March 2007 (see section 1.a.).

On October 2, the Kinshasa/Gombe Military Court reduced the 20-year sentence of Fernando Kutino to 10 years in prison following the end of his appeal trial. After Kutino criticized President Kabila in a radio broadcast, a military tribunal convicted him and two colleagues in 2006, following a trial that reportedly used evidence obtained through torture, according to informed sources.

Civil Judicial Procedures

Civil courts exist for lawsuits and other disputes, but the public widely viewed them as corrupt. The party willing to pay the higher bribe was generally believed to receive decisions in its favor. Most individuals could not afford the often prohibitive fees associated with filing a civil case. While the law stipulates access to free legal counsel

for citizens in civil trials, in practice, magistrates remained overburdened by large caseloads in areas outside of Kinshasa. It was difficult to retain the continued services of lawyers, who often spent minimal time outside of the capital. No civil court exists specifically to address human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary interference with privacy, family, home, or correspondence; however, security forces routinely ignored these provisions. Soldiers, demobilized soldiers, deserters, and police continued to harass and rob civilians. Security forces routinely ignored legal requirements and entered and searched homes or vehicles without warrants. In general those responsible for such acts remained unidentified and unpunished. Security forces sometimes looted homes, businesses, and schools.

On July 8, two police officers reportedly broke into the home of a man in Mbuji-Mayi, Kasai Oriental Province, to arrest him for a pending debt. They severely beat the man's son for trying to stop them and for asking for a search warrant. Authorities had taken no action against the soldiers by year's end.

Authorities at times arrested or beat a relative or associate of a person they sought to arrest (see section 1.d.).

Armed groups operating outside government control in the east routinely subjected civilians to arbitrary interference with privacy, family, home, and correspondence (see section 1.g.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Internal conflict continued in rural and mineral-rich parts of the east, particularly in North Kivu Province, and to a lesser degree, South Kivu Province and the Ituri District of Orientale Province. Despite the signing of the Goma peace accords in January, in which more than 20 rebel groups agreed to withdraw and disarm, fighting continued throughout the year, including a major intensification beginning in late August. According to a countrywide International Rescue Committee mortality survey released in January, conflict and related humanitarian crises, including the destruction and deterioration of essential infrastructure such as health centers, continued to result in as many as 45,000 deaths each month.

Military preparations during the year, and the fighting itself, led to further depredations against civilians by members of security forces and armed groups, led to further recruitment of child soldiers and dozens of attacks on humanitarian groups, and temporarily halted humanitarian aid to many of North Kivu Province's displaced persons. Following a late August skirmish in the Rutshuru territory of North Kivu Province, large scale hostilities broke out on several fronts in Rutshuru and neighboring Masisi territories, pitting the FARDC, FDLR, and local self-defense militia known as Mai-Mai, including the Congolese Patriotic Resistance (PARECO), against the National Congress for the Defense of the People (CNDP), led by former FARDC general Nkunda, a self-proclaimed defender of the country's Tutsi minority and a former officer of the Rwanda-backed Congolese Rally for Democracy rebel group (RCD). This escalation of fighting in North Kivu Province internally displaced 250,000 persons between August and year's end and generated 40,000 refugees who fled into neighboring Uganda. More than 17,000 MONUC peacekeepers, including 6,100 in North Kivu, 3,500 in South Kivu, and 3,700 in Ituri District of Orientale Province, continued to provide logistical support and training to the FARDC. In December the UN Security Council extended MONUC's mandate until December 31, 2009, and approved more than 3,000 additional peacekeeping soldiers and police for the mission.

Security forces and armed groups continued to kill, abduct, torture, and rape civilians, and burn and destroy villages. All parties continued to use mass rape and sexual violence with impunity, often as weapons of war, and to humiliate and punish individuals, victims, families, and communities. According to a report released in July by a coalition

of 64 international and local aid agencies and human rights organizations, more than 2,200 cases of rape were recorded in June in North Kivu Province, which represented only a small portion of the actual rapes committed in the province. Rapes, on occasion, committed against a single woman by large numbers of armed men, sometimes resulted in vaginal fistulas, a rupture of vaginal tissue that left victims unable to control bodily functions and likely to be ostracized.

According to a report released in November by the UN Secretary-General, there continued to be 3,500 children in the ranks of all armed groups and in a few units of government security forces in the east, with the overwhelming majority of them found in armed groups, serving as combatants, porters, spies, and sex slaves. Despite their commitments given at the January Goma peace conference to immediately demobilize children, armed groups continued to actively recruit child soldiers into their ranks, and child protection agencies reported a surge in forcible recruitment of children in North Kivu Province by armed groups in November, particularly by the CNDP and Mai-Mai. According to a September Amnesty International report, for every two children demobilized, five were recruited. While there were a few reports of child recruitment during the year by a nonintegrated FARDC brigade, most reports indicated that the FARDC was no longer systematically recruiting children. UN officials estimated that between 200 and 300 children remained within the FARDC's nonintegrated brigades, particularly in the 81st and 85th brigades.

Since 2004 more than 31,000 children have been released from the FARDC and rebel groups. However, in addition to the estimated 3,500 children being held by armed groups and a few FARDC units before the escalation of violence in August, many of the 2,200 child soldiers demobilized and reunited with their families during the year were re-recruited by armed groups, according to Save the Children.

Fighting between the FARDC and armed groups continued to displace populations and limit humanitarian access to conflict areas. According to the Office of the UN High Commissioner for Refugees (UNHCR), at year's end there were more than 1.4 million internally displaced persons, including 1 million in North Kivu Province and more than 100,000 in Orientale Province.

In the provinces of North and South Kivu, the illegal exploitation of natural resources – including cassiterite (a tin oxide) and columbite-tantalite (or coltan), both of which were used in the global electronics industry – by some FARDC units and armed groups such as the FDLR, CNDP, and PARECO – continued to prolong the conflict, facilitate the purchase of small arms to commit abuses, and reduce government revenues needed for increasing security and rebuilding the country. The FARDC, particularly the 85th Nonintegrated Brigade in North Kivu Province, and FDLR forces in both Kivu provinces forced civilians to work for them or relinquish their mineral production and extorted illegal taxes, according to international NGO, Global Witness. During the year, a UN Group of Experts charged with investigating violations of the international arms embargo concerning armed groups in the DRC collected credible evidence of the large-scale smuggling of minerals such as gold and cassiterite to neighboring countries. The group of experts recommended that exporters and consumers of Congolese mineral products publicly disclose evidence that would demonstrate that they were not knowingly purchasing materials that were benefiting armed groups or government security forces engaged in illegal mineral exploitation, and that donor nations develop a map of mineral rich zones and make it public to "remove the excuse" that companies were unaware of which areas were controlled by armed groups.

At times, verification of reported abuses in the east was difficult due to geographical remoteness and hazardous security conditions; however, MONUC's presence allowed observers to gather more information than would have otherwise been possible.

Abuses by Government Security Forces

Government security forces arrested, illegally detained, raped, tortured, and summarily executed or otherwise killed civilians and looted villages during military actions against

armed groups during the year, according to reports by UN agencies and NGOs. Members of the FARDC 13th Integrated Brigade were responsible for the disappearance of at least six civilians and the arbitrary execution of at least one civilian during January operations against the Patriotic Resistance Forces of Ituri (FRPI) in Kamatsi, Orientale Province, according to a UNJHRO investigative team. Military authorities had not taken any action by year's end.

On January 2, according to the UNJHRO, members of the FARDC 2nd Integrated Brigade killed eight civilians, including three children, in the village of Musezero, North Kivu Province. The military prosecutor sought MONUC's assistance in conducting an investigation into the killings, but at year's end authorities had taken no action.

According to Radio Okapi, on October 29, during their retreat in front of encroaching CNDP rebels, dozens of FARDC soldiers in Goma, North Kivu, committed serious abuses against the local populations, including killing nine civilians, raping three girls, and pillaging numerous homes, stores, and restaurants. In November the military prosecutor in Goma arrested 24 soldiers for their alleged participation in said crimes. As of year's end, a trial date had not been set.

According to MONUC officials, on November 7, a group of FARDC soldiers tried to extort money and cell phones from a group of off-duty Senegalese UN peacekeepers in Goma. An argument ensued and one of the FARDC soldiers fatally shot a Senegalese peacekeeper. There was no reported action taken against the FARDC gunman or any of the soldiers.

There were no reports of authorities taking any action against two FARDC corporals of the 24th Integrated Battalion who the Office of the Military Prosecutor determined to be responsible for the arbitrary execution of two civilians in the area of a market northeast of Beni, North Kivu Province, in September 2007.

In November 2007 a FARDC soldier of the 7th Integrated Brigade allegedly shot and killed a civilian in Kabaya, North Kivu Province, following an argument. Military authorities arrested the soldier, but it was not known whether the military prosecutor had brought the case to trial by year's end.

The FARDC also continued to subject civilians to physical abuse and arbitrary arrest in the east. For example, from June 20-22, the UNJHRO investigated reports of human rights abuses committed by FARDC elements engaged in fighting the Mai-Mai in Orientale Province. They were accused of rape, looting, and ill-treatment of the civilian population. Witnesses said that many FARDC elements deserted their units in reaction to fierce resistance from Mai-Mai combatants and subsequently went on a rampage in nearby villages, carrying out reprisal attacks against the local residents. Nine women claimed that they were gang-raped by four FARDC soldiers. Authorities took no action against the soldiers.

By year's end, despite receiving a formal complaint from victims, the Office of the Military Prosecutor in Kalemie, Katanga Province, had taken no action against 25 FARDC soldiers of the 67th Integrated Brigade who subjected 92 civilians in the village of Kahese, Katanga Province, to cruel, inhuman, and degrading treatment as well as extortion in October 2007.

There was no information on the status of four individuals arbitrarily arrested and illegally detained by the ANR in November 2007 in Goma, North Kivu Province, for allegedly collaborating with the CNDP.

Rape by members of security forces remained a serious problem, and perpetrators enjoyed almost total impunity. In July a FARDC soldier of the 14th Integrated Brigade arrested and raped a woman suspected of collaborating with the FDLR, according to the UNJHRO. The commanding officer of the perpetrator offered the victim 5,000 Congolese francs (approximately \$10) to settle the matter. The perpetrator was not prosecuted.

The FARDC 7th and 15th integrated brigades raped at least 10 women while retreating amid combat operations in the Ruthuru villages of Kibirizi and Nyanzale in North Kivu Province between September and year's end. There were no reports of authorities taking action against the soldiers.

Between August 22-28, FARDC soldiers from the 131st Battalion of the 13th Integrated Brigade raped seven women in the village of the Lubero territory of North Kivu Province. There were no reports of authorities taking action against the soldiers.

No action was taken against FARDC soldiers of the 2nd Integrated Brigade in Vuyinga, North Kivu Province, who committed a series of rapes during April 2007.

The use and treatment of child soldiers by FARDC elements remained a problem. In a report released in December, the UN Group of Experts presented evidence that the 85th Nonintegrated Brigade recruited children into its ranks shortly after having facilitated the release of 30 children in May. In addition, the UN Group of Experts and MONUC Child Protection expressed concern about frequent reports of the prolonged detention of children at detention centers following their separation from armed groups; the group noted that this practice often involved the interrogation of children and inhumane treatment.

Abuses by FARDC Mixed Brigades

Many human rights violations were committed in 2007 by five "mixed brigades," created when former FARDC general Nkunda, based in North Kivu Province, agreed in late 2006 to "mix" his troops with pro-government troops in North Kivu, before the agreement collapsed in August 2007. Nkunda remained subject to a 2005 Congolese arrest warrant for alleged war crimes and crimes against humanity committed since 2002.

FARDC mixed brigades in North Kivu Province, notably Bravo Brigade, based in Rutshuru territory, and Charlie Brigade, based in Masisi territory, killed civilians during 2007. The government took no action during the year against any of the soldiers in the mixed brigades responsible for killings in 2007, largely because most of them subsequently joined the CNDP following the disintegration of the mixed brigades and remained outside government control.

Some mixed brigade commanders recruited or tolerated the use of children as soldiers during 2007. These commanders included Colonel Faustin of Delta Brigade, deputy commander Colonel Baudouin of Charlie Brigade, former Ituri District militia leader Bosco Ntaganda, Bravo commander Colonel Sultani Makenga and Lieutenant Colonel Mulomba. Since they all subsequently joined the CNDP, the government was not able to take any action against them.

Abuses by Armed Groups Outside Central Government Control

Illegal armed groups committed numerous serious abuses, especially in rural areas of North and South Kivu provinces during the year. Such groups, which were believed to have approximately 20,000 combatants, killed, raped, and tortured civilians, often as retribution for alleged collaboration with government forces.

Armed groups maintained and recruited child soldiers, including by force, sometimes from schools and churches, and sometimes killed, threatened, and harassed humanitarian workers. According to the December report by the UN Group of Experts, the most active commanders responsible for recruitment of child soldiers belong to the CNDP (Innocent Kabundi, Sultani Makenga, Nkunda, and Ntaganda) and PARECO (its North Kivu commander, Mugabo).

Many armed groups abducted men, women, and children and compelled them to transport looted goods for long distances without pay. On occasion, armed groups also forced civilians to mine. Armed groups forced women and children to provide household

labor or sexual services for periods ranging from several days to several months.

Armed groups in parts of the east sometimes detained civilians, often for ransom. They continued to loot, extort, and illegally tax civilians in areas they occupied.

There were no credible attempts by armed groups to investigate abuses allegedly committed by their fighters.

National Congress for the Defense of the People (CNDP)

Forces loyal to former FARDC general Nkunda, believed to number between 4,000 and 7,000 combatants, continued to commit serious abuses in North Kivu Province following the disintegration of the mixed brigades in 2007. On October 2, Nkunda publicly announced that the CNDP had organized itself as the Movement of Total Liberation of the Republic and withdrew from the Amani process while declaring it dead. According to MONUC, there were frequent reports of beatings, abductions, forced displacement, extortion at road blocks, looting, and forced labor in territories controlled by the CNDP, including the forced recruitment of child soldiers. There were also reports of killing and rape by the CNDP. No action was taken against CNDP combatants for any of their human rights abuses.

On January 16-17, CNDP elements arbitrarily executed at least 30 civilians, all of whom belonged to the Hutu ethnic group, in the vicinity of Kalonge, North Kivu Province, according to a UNJHRO investigative team. CNDP soldiers executed them using firearms, machetes, and hammers before dumping the bodies into several mass graves. A likely motive for the killings is that the victims had left a CNDP-held area to seek refuge in an area controlled by PARECO.

According to the UN Group of Experts on the DRC, in August and September there were credible eye-witness reports that three children who attempted to flee a CNDP military camp under the command of CNDP Colonel Sultani Makenga were summarily executed during August and September.

Between November 4 and 6, fighting in the North Kivu town of Kiwanja, 50 miles north of Goma, between the CNDP and local Mai-Mai resulted in the deaths of several civilians. By year's end estimates ranged from at least 50 to 200, but MONUC had not released the results of its investigation. According to reports by international human rights and aid organizations and international media, the majority of civilian victims were killed by CNDP combatants, including several days after the fighting ended, all in reprisal against those deemed by the CNDP to be collaborating with Mai-Mai militia. In addition the CNDP summarily executed 20 civilians in Kiwanja for refusing to carry water for CNDP combatants, according to one international NGO.

On December 16, an unidentified armed group in CNDP-held territory in Rutshuru, North Kivu Province fired upon the convoy of the child protection NGO Voluntary Association for International Service, killing an Italian aid worker and seriously wounding the driver. Afterward, MONUC called on the CNDP to cease committing human rights abuses and stated that the killing could be regarded as a war crime or crime against humanity; however, no action was taken against those responsible.

On January 31, 15 CNDP soldiers abducted 15 civilians from Kitchanga, North Kivu Province, and forced them to carry their belongings to Bwiza, three kilometers away. The soldiers allegedly mutilated the genitals of one of the victims after they discovered that he had a demobilization identification card in his pocket and accused him of not wanting to be recruited by the CNDP.

On April 20, CNDP elements arbitrarily arrested and illegally detained four civilians in Karuba, North Kivu. The soldiers allegedly beat them during their interrogation and transfer to a CNDP holding cell in Mushake. According to the UNJHRO, the CNDP has refused to hand over the victims to authorities, claiming that the cases will be

adjudicated by CNDP judicial police officers. The victims' statuses were not known at year's end.

According to HRW, during its takeover of Rutshuru and Kiwanja in October and November, CNDP soldiers raped at least 16 women and girls. Along with the killings, the rapes appeared to be in retribution for alleged aid given to CNDP enemies.

According to the December report of the UN Group of Experts, there were several cases during the year of aggressive and forcible recruitment of children by the CNDP, including from schools and churches, for use as combatants, bodyguards, and porters. CNDP recruitment intensified in September, particularly in the Masisi territory of North Kivu Province. In October, 16 children reportedly sought protection at the bases of a MONUC brigade to avoid CNDP recruiters near the town of Mushaki before being relocated by MONUC. There were no actions taken against pro-Nkunda forces who committed abuses, including killings and rape, in 2007.

The Democratic Forces for the Liberation of Rwanda (FDLR)

The FDLR continued to be led by individuals responsible for fomenting and implementing the Rwandan genocide. Between 6,000 and 8,000 FDLR fighters remained in the provinces of North and South Kivu. According to MONUC, 1,367 FDLR members opted to voluntarily demobilize and return to Rwanda in 2008, representing a sizable increase over the 800 who did so in 2007. According to the December report by the UN Group of Experts, there was strong evidence that the FARDC collaborated with the FDLR, including through the provision of military equipment and in joint operations against the CNDP, despite the November 2007 Nairobi communique signed by the Congolese and Rwandan governments, which called for military engagement against the FDLR by September.

FDLR fighters continued to commit abuses against civilians, including killings, abductions, and rapes. On January 24, FDLR troops shot and killed the village chief of Kilali, North Kivu. FDLR had accused him of providing information on their location to the FARDC 85th Nonintegrated Brigade. According to the UNJHRO, military authorities arrested three of the alleged perpetrators but had not prosecuted them by year's end.

According to the UNJHRO, on March 15, FDLR combatants arbitrarily executed three civilians in Tchanishasha, South Kivu Province. No action had been taken against them by year's end.

The UNJHRO reported that on March 27, FDLR forces allegedly killed three residents of Kabunga, North Kivu, whom they accused of poisoning their commander and practicing witchcraft. No action had been taken against them by year's end.

The FDLR took no credible action to investigate or address human rights abuses allegedly committed by its members.

Ituri District Militia Groups

Following the signing of a 2006 cease-fire agreement between militias in the Ituri District of Orientale Province, including the Front for National Integration (FNI), the Congolese Revolutionary Movement, the Front for Patriotic Resistance in Ituri (FRPI), and the government, reports of human rights abuses by Ituri militias decreased in 2007, as a process of disarmament, demobilization, and reintegration for former combatants began to be implemented. However, during the year abuses by Ituri District militias appeared to increase again; first, in isolated incidences; and then, in a more organized manner. On January 4 and 5, FNI combatants attacked villages in and around Lalo and Djurukidogo in Ituri District. According to a UNJHRO investigation, FNI combatants burned two children to death, kidnapped the chief of Djurukidogo and a 15-year-old girl, subjected two men to cruel and inhumane treatment, and looted nine villages.

According to MONUC, in July a residual group of FRPI members began attacking the local population of Tchey in Irumu Territory of Oriental Province, employing acts of violence and looting. In retaliation to an intensified FARDC counter-insurgency operation in the area, the FRPI launched a major attack on September 29 against the villages of Tchey, Quinz, Bulanzabo, and Kodheza, sending hundreds of civilians fleeing and briefly capturing FARDC camps at Tchey and Quinz.

In October the FRPI commanders contacted MONUC to announce that they and combatants from the FNI had begun fighting under the banner of a new group, the Popular Front for Justice in Congo (FPJC). The FPJC reportedly incorporated a broader ethnic composition, as compared to the FRPI, which was closely identified with the Ngiti ethnic group.

The UNJHRO reported that on February 6, authorities arrested Mathieu Ngudjolo, a former senior FNI commander, and transferred him to the International Criminal Court (ICC) in The Hague. His war crimes and crimes against humanity charges included murder, sexual slavery, and using child soldiers in hostilities.

According to the UNJHRO, on April 28 the ICC unsealed an outstanding arrest warrant against former Ituri warlord Bosco Ntaganda. The ICC charged him with the enlistment, conscription, and active use of children in hostilities between July 2002 and December 2003 while he was the chief of military operations for the Union of Congolese Patriots. In 2006 he became the chief of staff for the CNDP in North Kivu. Authorities had not arrested him by year's end.

According to Radio Okapi, the ICC confirmed the charges against Mathieu Ngudjolo and Germain Katanga on September 26. Their cases were scheduled to be tried together in 2009.

In October 2007 the government transferred Germain Katanga, a former FRPI leader, to the ICC on various charges of war crimes and crimes against humanity, including killings, using child soldiers, and forcing women into sexual slavery.

Former Ituri militia leader Thomas Lubanga, whom the government surrendered to the ICC in March 2006, remained in custody during the year. On June 13, the court imposed a stay of the proceedings against him, since the prosecutor did not share confidential information that may have contained exculpatory evidence for the defense. On October 21, the Appeals Chamber confirmed the stay of proceedings, denied Lubanga's appeal and release, and remanded the evidence sharing question back to the Trial Chamber. The Trial Chamber's ruling was pending at year's end.

On February 15, the Kisangani Court of Appeal, citing the 2005 amnesty law, acquitted Yves Kawa Panga Mandro, alias Chief Kawa, a former Ituri militia leader convicted in 2006 for crimes against humanity in 2003. According to the UNJHRO, the appeals judge ruled that the prosecution had made a number of errors in the case. However, Kawa remained in detention as the military prosecutor-general requested that he be transferred from the MONUC military facility in Bunia to the CPRK prison in Kinshasa while the prosecutor appealed the decision of the appeals court to the High Military Court in Kinshasa.

Mai-Mai

Various Mai-Mai community-based militia groups in the provinces of South Kivu, North Kivu, and Katanga continued to commit abuses against civilians, including killings, abductions, and rapes. According to the UN Group of Experts on the DRC, the use of children as soldiers by PARECO and other Mai-Mai groups in North Kivu Province was endemic.

According to the UNJHRO, on March 1, PARECO combatants allegedly raped a woman, stabbed a 17-year-old girl, and arbitrarily executed six other civilians during an attack

on Luwuzi, North Kivu Province.

In October 2007 a joint team composed of FARDC, UN, and local officials investigating allegations of mass rape perpetrated in Lieke Lesole, Orientale Province, beginning in late July 2007, determined that a Mai-Mai group led by Colonel Thomas was responsible for 114 cases of rape committed between July and August 2007. On February 21-22, FARDC soldiers arrested two Mai-Mai combatants for illegal possession of weapons and ammunition but subsequently discovered that they were implicated in the Lieke Lesole mass rape. In addition, on April 22, the Kisangani military prosecutor arrested Colonel Thomas for his responsibility in orchestrating the mass rape. On May 17, authorities arrested two more of Thomas' men and brought them to the Office of the Military Prosecutor. On July 21-26, the UNJHRO conducted another joint investigative mission with military authorities in Lieke Lesole, where they took statements from 30 victims of the mass rape, including eight children. At year's end Thomas and his men remained in detention at the Kisangani Central Prison awaiting a trial date.

In August 2007 the Kipushi military tribunal in Katanga Province began the trial of Katanga Mai-Mai leader Gideon for war crimes and crimes against humanity. At the end of the year, his trial was still underway. However, according to the UNJHRO, there was a suspension of the trial since his attorneys were boycotting the court to protest the arrest of their colleagues (other defense attorneys) in another case.

Clashes between Mai-Mai militia and the FARDC led to population displacement in North Kivu Province during the year.

Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU)

MONUC officials said members of ADF/NALU, a Ugandan rebel group active in northern North Kivu Province, engaged in petty theft and extortion throughout the year.

Lord's Resistance Army (LRA)

The LRA, which relocated from Uganda to the DRC's Garamba National Park (Orientale Province) in 2005, was responsible for killing, raping, and kidnapping hundreds of persons in the DRC, Central African Republic, and Sudan as it continued to seek the overthrow of the Ugandan government. The LRA continued to hold children it had forcibly abducted.

Radio Okapi reported that on February 12, combatants of the LRA killed three civilians near Doruma, Orientale Province. The LRA also reportedly killed six civilians in the village of Mukosa, in the Haut Uele District of Orientale Province, on October 19 while burning and looting their village.

The LRA continued to attack local villages and forced citizens to flee in Dungu Territory, Orientale Province. The UNHCR estimated that there were more than 104,000 internally displaced persons in the territory by late December. Following the concerted efforts in mid-December by Ugandan, Congolese, and southern Sudanese military forces to confront the rebels, the LRA began a new series of attacks on civilians. The NGO Caritas estimated that the LRA killed more than 400 civilians between December 25 and 29, while HRW estimated a higher figure of more than 600 killed. The UN Office for the Coordination of Humanitarian Affairs reported that the largest LRA attack occurred in Faradje the evening of December 25 with a death toll of 129, 225 persons kidnapped, including 160 children, and 80 women raped.

Abuses by UN Peacekeepers

A number of sexual exploitation and abuse cases by MONUC peacekeepers were under investigation. However, the monthly rate of allegations has declined since 2005.

On August 12, the United Nations Office of Internal Oversight Services made public the

results of an investigation wherein it accused Indian peacekeepers posted in the DRC in 2007 and the first part of the year of child abuse, indulging in a child prostitution ring near Masisi, North Kivu Province, and helping to organize the ring. The Indian government promised its own thorough investigation and to bring to justice those found guilty.

On the morning of October 27, violent civil demonstrations against MONUC began in Goma between the town center and the airport, resulting in one civilian death outside of a MONUC transit camp, when a soldier from MONUC's Malawian contingent opened fire in accordance with MONUC rules of engagement.

There were allegations by international media in April that the UN ordered a halt to investigations into allegations that, in exchange for gold, its peacekeepers were arming rebels they were assigned to disarm. According to the allegations reported in international media, in 2005 some Indian and Pakistani peacekeepers received gold from the FNI and the FDLR in exchange for weapons in Orientale and North Kivu provinces. UN officials stated during the year that they had investigated the allegations in previous years, acknowledged the evidence of limited gold trading and smuggling by a small number of MONUC personnel, but did not find evidence of arms trading. MONUC referred the respective cases to the governments of India and Pakistan for discipline. It was not known whether the responsible troops were punished. By the beginning of the year, the accused peacekeepers were no longer stationed in the country.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government restricted these rights in practice. Freedom of the press declined during the year. In August 2007 the UN's independent expert on human rights in the DRC recommended that the government increase its dialogue with the media to seek "remedies, when necessary, through the law" and reduce violence against the media; however, the government took no action on the proposal during the year. The government intimidated journalists and publishers into practicing self-censorship.

Generally individuals could privately criticize the government, its officials, and private citizens without being subject to official reprisals. However, on February 8, ANR agents in Goma arbitrarily arrested and detained a member of the Union for Democracy and Social Progress/Goma for discussing politics with local citizens. The victim, who was released on February 13 after the UNJHRO intervened, claimed that he was subjected to cruel, inhumane, and degrading treatment while in detention. No action had been taken against the responsible ANR agents by year's end.

A large and active private press functioned throughout the country, and the government licensed a large number of daily newspapers to publish. The government required every newspaper to pay a license fee of 250,000 Congolese francs (approximately \$450) and complete several administrative requirements before publishing. Many journalists lacked professional training, received little, if any, salary, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who provided cash or other benefits to encourage certain types of articles. Many newspapers remained critical of the government, and many others showed bias toward it or supported particular political parties. The government press agency published the Daily Bulletin that included news reports, decrees, and official statements.

Radio remained the most important medium of public information due to limited literacy and the relatively high cost of newspapers and television. More than 200 privately owned radio and television stations operated independently. The state owned two radio stations and one television station, Congolese National Radio-Television (RTNC). The UN operated Radio Okapi, the only nationwide radio network. The president's family also owned and operated television station Digital Congo. Political parties represented in the government could generally gain access to RTNC.

During the year security forces did not generally arrest or harass foreign journalists; however, on April 16, the DGM arrested independent Belgian journalist Colin del Fosse in Seke-Banza, Bas-Congo, for allegedly entering mining areas without authorization. The journalist had informed local authorities that he wanted to investigate the clashes in March between the BDK and security forces.

Security forces arrested, harassed, intimidated, and beat local journalists because of their reporting. For example, on January 9, police in Kinshasa arrested reporter Maurice Kayombo from Les Grand Enjeux magazine for reporting "damaging allegations" against Christophe Kanionio, secretary-general of the Mining Ministry, according to the NGO, Reporters Without Borders (RSF). The reporter was detained for 34 days before the justice minister ordered his release.

On March 7, in the commune of Masina, Kinshasa, ANR agents arrested and detained Nsimba Embete Ponte, the editor of the Kinshasa biweekly newspaper L'Interprete, which had recently published a series of articles about President Kabila's health. On March 29, Tondo Nzovuanga, Ponte's assistant, was arrested. Ponte and Nzovuanga, who were initially charged with spreading false rumors, undermining state security, and insulting the head of state, were held incommunicado for three months in an ANR building; Ponte claimed he was subjected to psychological torture. The men were convicted on November 27 by the Kinshasa/N'Djili Criminal Court for insulting the president and were sent back to Kinshasa's CPRK prison to serve out the remainder of their sentences; Ponte was sentenced to 10 months' imprisonment and Nzovuanga to nine.

On July 10, in Maniema Province, ANR agents raided the privately owned television station Tele Kindu Maniema and arrested program host Mila Dipenge and a cameraman; both were released the following day. Local sources said the raid was ordered by Governor Lingo because Dipenge allowed criticism of local authorities during broadcasts.

On September 12, police raided the Kinshasa-based television station Global TV and arrested studio manager Daudet Lukombo, who was subsequently held incommunicado at Kin-Maziere, special police services headquarters. According to Journalist in Danger (JED) the raid was prompted by the station's broadcast the previous day of an interview with opposition politician Ne Muanda Semi, who blamed the government for the conflict with Nkunda's rebels in north Kivu. On October 28, the Kinshasa/Gombe Criminal Court acquitted him of the charges of incitement to rebellion, which does not exist in law, and insulting the head of state.

On November 4, in Kiwanja, North Kivu Province, pro-government Mai-Mai militiamen kidnapped Belgian journalist Thomas Scheen, his interpreter Charles Ntiricya, and his driver Roger Bangue. The militiamen seized their valuables and bound the three men before taking them to a militia commander. After questioning, the commander allegedly demanded 444,000 CFA francs (approximately \$800) payment to release them. Unable to pay, the journalist and his colleagues were led 25 miles on foot to a senior Mai-Mai political figure who handed them over to the army, which released the men to UN peacekeepers on November 7.

On November 19, ANR agents arrested and questioned five journalists from the privately owned television station Raga TV in Kinshasa; the five arrests occurred after Raga TV's broadcast of an interview with Roger Lumbala, an opposition deputy and president of the Rally for Congolese Democrats and Nationalists. Lumbala had said in the interview that the replacement of the armed forces chief of staff reflected "the state of panic around the head of state." The armed men seized the tape from the evening news bulletin and temporarily shut down the transmitter. The ANR released the journalists the next day.

On May 21, at the conclusion of an appeals trial, the Bukavu Military Court in South Kivu Province sentenced three civilians to death for the June 2007 killing of Radio Okapi editor Serge Maheshe; two of the three had already received death sentences at the first trial in August 2007. The court also acquitted two of Maheshe's friends who were

found guilty at the original trial. In September 2007 the alleged gunmen recanted their accusations against Maheshe's friends, claiming the military court had bribed them to make the accusations. A MONUC report released early in the year noted serious irregularities in the original trial, and local and international press freedom groups expressed serious concerns over a number of flaws in the appeals trial (see section 1.e.).

The whereabouts of Popol Ntula Vita, a reporter for the weekly *La Cite Africaine*, remained unknown; Vita went into hiding to avoid arrest after appealing a February 2007 court sentence of three months for defamation and "harmful suppositions" after he accused four general tax office employees in Boma of embezzling license plate fees.

No action was taken against security force members responsible for the following abuses of journalists in 2007: the February beating by a local police chief of reporter Nelson Thamba of Community Radio Moanda, and the June shooting by three men in police uniforms of RTNC broadcast journalist Anne-Marie Kalanga and her brother.

Military authorities took no action against security forces responsible for the abuse of journalists in 2006.

The National Media Regulatory Commission, a quasi-governmental organization mandated by the earlier transitional constitution, continued to operate in the absence of a successor body. Unlike during the previous year, it did not sanction any media organizations for broadcasting defamatory comments.

On September 10, Communications and Media Minister Emile Bongeli signed a decree shutting down five Kinshasa television stations for failing to submit administrative documents required by the press law. The decree banned Africa TV, Couleurs TV, Radio Lisanga TV, Business Radio Television-Africa, and Canal 5. On September 15, JED charged that the decree provided no legitimate reason for closing the stations and that the ban was issued to silence the opposition. Africa TV and Couleurs TV were owned respectively by opposition figures Azarias Ruberwa and Zahidi Ngoma. Radio Lisanga TV was owned by opposition Senator Roger Lumbala. On September 16, the communications minister reauthorized all the stations except Canal 5 to recommence broadcasting. No additional information was available at year's end.

On December 4, RTNC suspended 12 journalists and a video editor for broadcasting footage of a demonstration by Congolese citizens living in Brussels against the fighting in the Kivus, according to RSF. A woman carrying a placard saying "Kabila must leave" could be seen among the protesters. The journalists were accused of belonging to a "mysterious organization with subversive designs."

During the year national and provincial governments continued to use criminal defamation and insult laws to intimidate and punish those critical of the government.

During the year there were reports that rebels and unidentified persons killed and threatened journalists.

On November 21, unknown assailants in Bukavu shot and killed Didace Namujimbo, a journalist for Radio Okapi. On November 27, UN Secretary-General Ban Ki-moon called for a full investigation.

On May 10, PARECO leader Captain Ndaliko warned a journalist with RTNC's local affiliate in North Kivu that "I will kill you before the International Criminal Court arrests us," according to JED. On April 23, RTNC had broadcast an interview with three child soldiers who fled from PARECO forces in Kirumba, North Kivu.

There were no developments in the August 2007 killing by unidentified armed men of independent reporter and photographer Patrick Kikuku in Goma, North Kivu.

Internet Freedom

The government did not restrict access to the Internet or monitor e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Private entrepreneurs made Internet access available at moderate prices through Internet cafes in large cities throughout the country.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of peaceful assembly; however, the government sometimes restricted this right.

The government required organizers of public events to register with local authorities in advance; to deny authorization, authorities must do so in writing within five days of being notified of the planned event. Security forces often acted against unregistered protests, marches, or meetings.

During the year security forces occasionally arrested demonstrators. For example, on February 11, ANR agents arrested and briefly detained 30 persons following a demonstration at the central market in Kisangani, Orientale Province, according to the UNJHRO.

No action was taken against security forces responsible for the January-February 2007 killings of demonstrators in Bas-Congo or the beatings of 11 journalists who accompanied opposition demonstrators in October 2007.

Freedom of Association

The constitution provides for freedom of association; however, in practice the government sometimes restricted this right.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice, provided that worshippers did not disturb public order or contradict commonly held morals.

The law provides for the establishment and operation of religious institutions and requires practicing religious groups to register with the government; however, unregistered religious groups operated unhindered. Registration requirements were simple and nondiscriminatory.

There were no reports that persons were killed, detained, or imprisoned on the basis of their religion.

Societal Abuses and Discrimination

The country has a very small Jewish population, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, the government sometimes restricted these rights.

Security forces established barriers and checkpoints on roads, at ports, airports, and markets, ostensibly for security reasons, and routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The government forced travelers to pass through immigration procedures during domestic travel at airports, ports, and when entering and leaving towns.

Local authorities continued to extort taxes and fees from boats traveling on many parts of the Congo River. There were also widespread reports of FARDC soldiers extorting fees from persons taking goods to market or traveling between towns.

There were reports of attempts by DGM officials to demand that foreigners not carrying passports during the year pay fines, even though the law does not require foreigners to do so.

Security services sometimes required travelers to present official travel orders from an employer or government official.

The significant risk of rape by soldiers and armed groups, coupled with government inability to secure eastern territories, effectively restricted freedom of movement by women in many rural areas, particularly in the east.

Passport issuance was irregular and often required payment of substantial bribes. The law requires a married woman to have her husband's permission to travel outside the country.

The law prohibits forced exile, and the government generally did not employ it. Some supporters of Senator and MLC President Bemba, who left the country under MONUC escort following March 2007 fighting in Kinshasa with pro-Kabila forces that eliminated his militia as a viable military force, claimed that he was effectively in self-imposed exile. On May 24, Belgian authorities arrested Bemba, who was transferred in July to the ICC in The Hague to face four counts of war crimes and two counts of crimes against humanity for alleged actions in the Central African Republic in 2002-03.

Internally Displaced Persons (IDPs)

There were approximately 1.4 million IDPs in the country as a whole; one million of whom were in North Kivu (see section 1.g.). According to a November 21 report by the Internal Displacement Monitoring Center, at least 250,000 IDPs were displaced after the end of August as a result of fighting between the army, CNDP rebels, and other armed groups.

The government did not provide adequate protection or assistance to IDPs, who were forced to rely heavily on humanitarian organizations. The government generally allowed domestic and international humanitarian organizations to provide assistance to IDPs; however, limited access and lack of security impeded their efforts. While the majority of IDPs in North Kivu stayed with relatives and friends, tens of thousands stayed in 70 "spontaneous" IDP sites and 16 IDP camps managed by international NGOs and coordinated by the UNHCR. An estimated 120,000 IDPs lived in churches and schools. Displaced women and children were extremely vulnerable to abuses by armed groups, including rape and forced recruitment.

IDPs in North Kivu were victims of abuses by all factions engaged in fighting, including the FARDC, and by other civilians. Abuses in camps around Goma included killings and death threats, particularly by demobilized fighters, as well as abduction and rape. According to the UN Children's Fund (UNICEF), one third of the more than 1,000 women and girls raped per month in the east were in North Kivu, the majority of them IDPs.

Some IDPs were also reportedly subjected to forced labor (see section 1.g.).

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government had established a rudimentary system for providing protection to refugees. In practice it granted refugee and asylum status to individuals as necessary and provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

The government provided temporary protection to an undetermined number of individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers with welfare and safety needs. The government provided assistance in enabling the safe, voluntary return of refugees to their homes by allowing their entry into the country and facilitating their passage through the immigration system.

Government authorities did not provide adequate security to refugees.

The UNHCR received reports that CNDP elements were recruiting children for forced labor or child soldiering in the country from a camp in Rwanda for Congolese refugees.

3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through credible presidential, parliamentary, and provincial elections based on universal suffrage. Presidential and parliamentary elections in June 2006 and a presidential runoff in October 2006 were judged to be credible by the Carter Center and the European Union Observer Mission.

Elections and Political Participation

The country's 11 new provincial assemblies chose 108 candidates for five-year terms in the national Senate in January 2007. The elections took place peacefully but were marred by credible allegations of vote buying.

A 2007 law on the status and rights of the political opposition recognizes opposition parties represented in parliament as well as those outside it and guarantees their right to participate in political activities without fear of retribution. During the year political parties were able to operate most of the time without restriction or outside interference; however, there were notable exceptions. Opposition members were sometimes harassed (see section 2.a.), and in February and March police killed numerous supporters of the BDK during violent clashes in Bas-Congo Province and systematically destroyed BDK meeting places (see section 1.a.). In addition, an HRW report released in November, entitled *We Will Crush You: The Restriction of Political Space in the Democratic Republic of the Congo*, drew from hundreds of interviews with government officials, diplomats, political detainees, and members of civil society between 2006 and 2008 and concluded that since the 2006 national elections, there have been disturbing signs that the government has used violence and intimidation to eliminate its political opponents and restrict democratic space.

Opposition deputies and senators from the MLC boycotted the National Assembly, Senate, and Kinshasa Provincial Assembly from July 10 to July 16 to highlight security concerns following the July 6 killing by GR soldiers of Kinshasa Provincial Assembly Vice President Daniel Botethi (see section 1.a.).

Women held 42 of 500 seats in the National Assembly and 47 of 690 seats in the provincial assemblies. Five of the 108 senators were women. Among the 45 government ministers and vice ministers, five were women.

Many ethnic groups, including Pygmies, were not represented in the Senate, National Assembly, or provincial assemblies. The lack of political participation of some ethnic groups may have been a result of continuing societal discrimination. For example, the enslavement of Pygmies continued in some areas of the country (see section 5).

Government Corruption and Transparency

The law provides criminal penalties for official corruption. However, the authorities did not implement the law, as corruption remained endemic throughout the government and security forces. The public perceived the government to be widely corrupt at all levels. According to the World Bank's 2008 Worldwide Governance Indicators, official corruption was a severe problem.

Weak financial controls and lack of a functioning judicial system encouraged officials to engage in corruption with impunity. Many civil servants, police, and soldiers had not been paid in years, received irregular salaries, or did not earn enough to support their families, all of which encouraged corruption. Reports indicated that the mining sector continued to lose millions of dollars as a result of official corruption at all levels, including illegal exploitation of minerals by the FARDC and armed groups in the east (see section 1.g.).

During the year a government-initiated review of 61 mining contracts negotiated from 1997-2002 continued to be plagued by both numerous delays and a lack of transparency. In December the government reached new agreements with all but six of the companies under review. The government gave these six companies 45 days to return to the negotiating table or face the possible revocation of their contracts.

The law requires the president and ministers to disclose their assets to a government committee. President Kabila and all ministers and vice ministers did so during the year.

There continued to be an Ethics and Anti Corruption Commission, but it had little impact during the year and lacked resources, independence, and credibility. It last convened in November 2007 without any significant results or findings.

Government authorities and wealthy individuals at times used anti-defamation laws that carry criminal punishments to discourage media investigation of government corruption (see section 2.a.).

In February the DRC was accepted as a candidate country in the Extractive Industries Transparency Initiative (EITI), an international voluntary initiative designed to improve governance by strengthening transparency in the extractive industries. To reach the validation stage of EITI, the country began the process of adopting and implementing various transparency principles by 2010.

The law does not provide for public access to government-held information. In practice the government did not grant access to government documents for citizens or noncitizens, including foreign media.

4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations investigated and published findings on human rights cases. However, security forces harassed, beat, intimidated, or arrested local human rights advocates and NGO workers during the year. In addition prison officials sometimes obstructed NGO access to detainees.

The main Kinshasa-based domestic human rights organizations included ASADHO, Voice of the Voiceless, Committee of Human Rights Observers, JED, and the Christian Network of Human Rights and Civic Education Organizations. Prominent organizations operating in areas outside Kinshasa included Heirs of Justice in Bukavu, Lotus Group in Kisangani, and Justice Plus in Bunia, Ituri District.

Officials from the Ministries of Justice and Human Rights met with domestic NGOs and sometimes responded to their inquiries but took no known actions.

There were reports that NGOs seeking to register had to pay bribes to local officials to avoid lengthy application requirements.

On January 3, according to the UNJHRO, FARDC soldiers arbitrarily arrested the president of the local human rights association in Mambassa, Orientale Province, and detained him until January 10. They undressed him and repeatedly beat him during his detention, accusing him of interfering with the functioning of the FARDC. No action was taken against the soldiers.

On January 6, according to the UNJHRO, the territorial administrator in Punia, Maniema Province, issued death threats to human rights activists who had criticized the complicity of local administrative authorities in the 2002 massacre by RCD combatants of 13 civilians. No action was taken against the administrator.

On March 27, ANR agents threatened a human rights activist in Tshimbulu, Kasai Occidental Province, when she sought information about a case of arbitrary arrest and detention. According to the UNJHRO, the agents allegedly manhandled her and threatened to arrest her if she ever returned to inquire about other cases.

There were no new developments in cases from 2007 in which human rights workers received death threats.

No action was taken against the perpetrators of the following cases from 2007 in which human rights workers were arbitrarily arrested, detained, or abused: the August arrest and beating of a local NGO member in the village of Kwasa-Kwasa, Kasai Oriental Province, by three ANR agents; the September arrest and detention by ANR agents in Kabamba, Kasai Occidental Province, of a human rights activist; and the November arrest and detention in Punia, Maniema Province, of the president of the civil society association and a local human rights activist.

The government generally cooperated with international NGOs that published reports on human rights and humanitarian issues and permitted their investigators access to conflict areas. Unlike in the previous year, there were no reports that security force members threatened members of international organizations.

The government cooperated with multilateral organizations and permitted international humanitarian agencies access to conflict areas, except for access to certain prisons located in these areas. A number of senior UN officials visited the country during the year, including UN Special Envoy Olusegun Obasanjo, UN Under-Secretary-General for Peacekeeping Alain Le Roy, Representative of the UN Secretary-General on the Rights of IDPs Walter Kalin, the UN Independent Expert on Human Rights Titinga Pacere, and a delegation of UN Security Council ambassadors.

UN officials freely criticized actions by the government during the year. During the first half of the year, the UN Human Rights Council's independent expert on human rights in the DRC expressed concern over the extent of impunity for human rights abuses and made recommendations to the government (see section 1.e.).

On March 27, the UN Human Rights Council decided not to renew the mandate of the Independent Expert (IE) on the situation of human rights in the DRC that was established in 2004. Prior to this decision, on March 19, Frederic Titinga Pacere, the IE, had

presented a report on his last two working visits to the country (November 2007 and March 2008). The government opposed the renewal of the IE's mandate because of perceived overwhelming criticism and lack of proposed solutions and technical assistance on the part of the IE.

A November report by the UN Group of Experts on the DRC presented evidence of abuses committed by government security forces and armed groups in the east, presented evidence that the Congolese and Rwandan governments provided support for armed groups in the east, and made several recommendations, including some relating to the illegal exploitation of resources (see section 1.g.).

During the year the government cooperated with the ICC, which continued investigations into war crimes and crimes against humanity committed in the country since June 2003.

The government continued to cooperate with the International Criminal Tribunal for Rwanda, which operated freely in areas under government control, seeking several individuals indicted for involvement in the 1994 Rwandan genocide who they believed might be in the DRC. However, no arrests were made during the year.

No action was taken against ANR agents who in July 2007 subjected two MONUC human rights officers in Uvira, South Kivu Province, to death threats, physical abuse, and expulsion during a joint monitoring visit to ANR holding cells.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on ethnicity, gender, or religion; however, the government did not enforce these prohibitions effectively, in part because it lacked appropriate institutions.

Women

The law criminalizes rape, but the government did not effectively enforce this law, and rape was common throughout the country and especially pervasive in areas of conflict in the east. According to UNICEF, more than 1,000 women and girls were raped each month in the east (see section 1.g.). Legislation enacted in 2006 broadened the scope of the law that defines rape to include male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes not previously covered by law. It also increased penalties for sexual violence, prohibits compromise fines and forced marriage, allows victims of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality. In addition, it raised the age of consent to 18, creating a discrepancy with the family code by exceeding the current allowable age of marriage. The minimum penalty prescribed for rape is a prison sentence of five years.

Government security forces, armed groups, and civilians perpetrated widespread and sometimes mass rape against women and girls (see section 1.g.).

Prosecutions for rape and other types of sexual violence remained rare. Both victims and the UN Human Rights Council's special rapporteur on violence against women cited widespread impunity as the main reason for sexual violence. Most victims did not have sufficient confidence in the justice system to pursue formal legal action or feared subjecting themselves to further humiliation and possible reprisal.

It was common for family members to pressure a rape victim to keep quiet, even to health care professionals, to safeguard the reputations of the victim and her family.

Victims of gender-based violence faced an enormous social stigma. After a sexual assault, many young women and girls were often labeled as unsuitable for marriage and married women were frequently abandoned by the husbands.

Some families forced rape victims to marry the men who raped them or to forego

prosecution in exchange for money or goods from the rapist.

Domestic violence against women occurred throughout the country; however, there were no statistics available regarding its extent. Although the law considers assault a crime, it does not specifically address spousal abuse, and police rarely intervened in domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.

The law does not prohibit female genital mutilation (FGM), but there were no reports of FGM being practiced.

The constitution prohibits forced prostitution and bans prostitution of children under age 18. Although no statistics were available regarding its prevalence, adult and child prostitution occurred throughout the country, and there were reports of women and girls pressured or forced to engage in prostitution by their families. There were reports that members of the security forces harassed or raped women engaged in prostitution.

Sexual harassment occurred throughout the country; however, no statistics existed regarding its prevalence. The 2006 sexual violence law prohibits sexual harassment, and the minimum penalty prescribed by law is a prison sentence of one to 20 years; however, there was no effective enforcement, and by year's end judicial authorities had yet to prosecute any cases.

Women did not possess the same rights as men in law and in practice. The law requires a married woman to obtain her husband's consent before engaging in legal transactions, including selling or renting real estate, opening a bank account, and applying for a passport. Under the law women found guilty of adultery may be sentenced to up to one year in prison; adultery by men is subject to legal penalty only if judged to have "an injurious quality."

Women experienced economic discrimination. The law forbids a woman from working at night or accepting employment without her husband's consent. According to the International Labor Organization, women often received less pay in the private sector than men doing the same job and rarely occupied positions of authority or high responsibility.

Children

The government's commitment to and budget for children's welfare were inadequate. In practice primary school education was not compulsory, free, or universal, and very few functioning government-funded schools existed. Fighting that resumed in August in North Kivu between government and rebel forces resulted in the closure of approximately 85 percent of all schools in the area, according to UNICEF. Public and private schools generally expected parents to contribute to teachers' salaries, and parents typically funded 80 to 90 percent of school expenses. These expenses, plus the potential loss of income or labor while their children attended class, left many parents unable to enroll their children in school.

According to UNICEF, approximately 55 percent of boys and 49 percent of girls attended primary school. The rates for secondary school attendance were 18 percent for boys and 15 percent for girls. Rates for girls were lower because many parents preferred to send their sons to school, either for financial or cultural reasons.

The law prohibits all forms of child abuse, the extent of which was unknown and had not been thoroughly investigated. Although authorities made several arrests related to child abandonment and abuse during the year, no cases had been prosecuted by year's end.

The constitution prohibits parental abandonment of children for alleged sorcery; in practice such allegations led to abandonment and abuse.

Child abuse was an especially serious problem in the eastern conflict regions. During the year HRW documented rapes of girls by army soldiers and by combatants of the CNDP, FDLR, and Mai-Mai militias. Between June 2007 and June 2008, the UN recorded 5,517 cases of sexual violence against children in Ituri and North and South Kivu.

A November report of the UN secretary-general on children and armed conflict in the DRC concluded that even though there was a decrease in the number of allegations of grave abuses against children during the year, children continued to be the primary victims of the ongoing conflict in the east. In the Kivu provinces alone, the report noted a 38 percent increase from the previous year in the recruitment of children. It also attributed 63 per cent of the alleged abuses against children to armed rebel groups in the Kivus. In addition, it assigned responsibility for 29 per cent of the alleged abuses to the FARDC and 8 per cent to the PNC.

All parties to the conflict in the east were involved in the use of child soldiers (see section 1.g.).

The law prohibits marriage of girls under age 14 and boys under 18; however, marriages of girls as young as 13 took place. Dowry payments greatly contributed to underage marriage. In some cases parents married off a daughter against her will to collect a dowry or to finance a dowry for a son. The sexual violence law criminalizes forced marriage. It subjects parents to up to 12 years' hard labor and a fine of 92,500 Congolese francs (approximately \$166) for forcing a child to marry. The penalty doubles when the child is under the age of 15. There were no reports of prosecutions for forced marriage during the year.

Child prostitution occurred throughout the country; however, there were no statistics available regarding its prevalence. According to HRW and local NGO, Lazarius, police in Kinshasa extorted sexual services from child prostitutes.

The country's estimated 50,000 street children included many accused of sorcery, child refugees, and war orphans, as well as children with homes and families. Many churches in Kinshasa conducted exorcisms of children involving isolation, beating and whipping, starvation, and forced ingestion of purgatives.

The government was ill-equipped to deal with large numbers of homeless children. Many engaged in prostitution without third-party involvement, although some were forced to do so. Citizens generally regarded street children as delinquents engaged in petty crime, begging, and prostitution and approved of actions taken against them. Security forces abused and arbitrarily arrested street children (see sections 1.c. and 1.d.).

There were numerous reports that street children had to pay police officers to be allowed to sleep in vacant buildings and had to share with police a percentage of goods stolen from large markets.

Several NGOs worked effectively with MONUC and UNICEF to promote children's rights throughout the country.

Trafficking in Persons

Several laws prohibited specific acts of trafficking in persons; however, there were credible reports of trafficking, particularly in the east. The laws that could be used by the government to prosecute cases against traffickers included the 2006 law on sexual violence, which prohibits forced prostitution and sexual slavery, as well as legislation prohibiting slavery, rape, and child prostitution. The constitution forbids involuntary servitude and child soldiering; however, existing laws do not prohibit all forms of trafficking.

The country was a source and destination country for men, women, and children trafficked for forced labor and sexual exploitation. There were reports of children

prostituted in brothels or by loosely organized networks, some of whom were exploited by FARDC soldiers. Women and children were reportedly trafficked to South Africa for sexual exploitation. No statistical information existed on the extent of adult or child prostitution.

MONUC and the NGO Save the Children estimated that there were tens of thousands of children working in the mining sector, most often in extremely dangerous conditions as artisanal miners.

The majority of reported trafficking was conducted in the unstable eastern provinces by armed groups outside government control (see section 1.g.). Indigenous and foreign armed groups, including the FDLR, CNDP, and various local militia (Mai-Mai), and the Uganda-linked LRA continued to abduct and forcibly recruit men, women, and children, including smaller numbers of Rwandan and Ugandan children, to serve as laborers (including in miners), porters, domestics, combatants, and sex slaves. In some instances elements of the FARDC detained men and women for temporary forced labor. During the year there was one reported case of nonintegrated FARDC troops recruiting additional children (see section 1.g.). CNDP troops, dressed in civilian clothes and fraudulently promising civilian employment, conscripted an unknown number of Congolese men and boys from refugee camps in Rwanda, as well as dozens of Rwandan children from towns in western Rwanda, for forced labor and soldiering in the country. As a result of LRA abductions during the year and in 2007, an estimated 800 abducted women and children remained with the LRA in Garamba National Park, and 1,500 Congolese women and their children remained in Uganda after being forcibly transported there as sex slaves or domestics in 2004.

All armed rebel groups in the east increased efforts to recruit children, especially children who were former child soldiers, to serve as soldiers and sex slaves, according to the NGO Save the Children (see section 1.g.). The law specifically prohibits and provides penalties of 10 to 20 years' imprisonment for child and forced prostitution, pimping, and trafficking for sexual exploitation. There were no reported investigations or prosecutions of traffickers during the year.

Military authorities took no action against commanders who employed child soldiers. Eight children who were identified by child protection officers in South Kivu Province in the ranks of a FARDC unit led by a Captain Mulenga in 2006 remained in the unit, and no action was taken against him. Colonel Jean Pierre Biyoyo, convicted for recruitment of child soldiers, escaped from Bukavu prison in South Kivu Province in 2006. He reappeared in March 2007 in Bukavu as part of a FARDC delegation and had been demoted to lieutenant colonel. He served during 2007 with the mixed brigades in North Kivu Province, reportedly as an aide to former FARDC general Nkunda, and remained with Nkunda's forces after the mixed brigades disintegrated.

The MOJ was responsible for combating trafficking. Law enforcement authorities were rarely able to enforce existing laws due to lack of personnel, training, and funding and the inaccessibility of eastern areas of the country.

The government's anti-trafficking programs were limited and lacking in resources. However, the National Disarmament, Demobilization, and Reintegration Program (UE-PNDDR) launched a national awareness campaign in partnership with MONUC and local authorities against the recruitment of child soldiers in Kinshasa, Goma, and Bukavu in June. Through lobbying efforts it targeted both military and political leaders. For the general public, UE-PNDDR produced sketches, public service announcements, and debates broadcast by six radio and television stations in July and August. According to its September 30 quarterly report of activities, UE-PNDDR also sent field teams to 23 sites throughout South Kivu, North Kivu, Katanga, and Equateur provinces.

The Katanga provincial government also funded and operated a center for vulnerable children in Lubumbashi and worked with Save the Children, Solidarity Center, and other NGOs to direct children away from the mining sector and into formal education.

The government provided training to some police and military personnel on preventing sexual violence and child soldiering. The government did not screen vulnerable population groups to identify trafficking victims. It provided no funding for protection services or for assisting victims of trafficking but permitted NGOs to provide services to them.

The government, in coordination with MONUC, reached agreements with militias in Ituri District, CNDP in North Kivu, and Mai-Mai in North and South Kivu that included provisions for the demobilization of child soldiers; however, the groups did not generally respect the agreements.

See also the State Department's [2008 Trafficking in Persons Report](#).

Persons with Disabilities

The law prohibits discrimination against persons with disabilities; however, the government did not effectively enforce these provisions, and persons with disabilities often found it difficult to obtain employment, education, or government services.

The law does not mandate access to buildings or government services for persons with disabilities. Some schools for persons with disabilities, including the blind, received private funds and limited public funds to provide education and vocational training.

National/Racial/Ethnic Minorities

Members of the country's more than 400 ethnic groups practiced societal discrimination on the basis of ethnicity, and discrimination was evident in hiring patterns in some cities. The government took no reported actions to address this problem.

The security forces in Kinshasa sometimes harassed, arbitrarily arrested, or threatened members of ethnic groups from Equateur Province, according to the UNJHRO. Security forces in North and South Kivu provinces sometimes harassed, arbitrarily arrested, or threatened members of many different ethnic groups resident there.

Discrimination against persons with albinism was widespread and limited their ability to obtain employment, health care, education, or to marry. Persons with albinism were frequently ostracized by their families and communities. According to a 2007 survey conducted in Kisangani by the UN Development Program, 83 percent of parents stated their children were successful in school, but 47 percent said they felt humiliated by having albino children.

Indigenous People

The country had a population of between 10,000 and 20,000 Pygmies (Twa, Mbuti, and others), believed to be the country's original inhabitants; societal discrimination against them continued. Most Pygmies took no part in the political process and continued to live in remote areas. During the year fighting in North Kivu between armed groups and government security forces caused displacement of some Pygmy populations.

In some parts of the country, traditional leaders (mwami) and wealthy persons were known to capture Pygmies and force them into slavery. Those captured were known as "badja" and were considered the property of their masters. During the year the World Peasants/Indigenous Organization conducted a three-month campaign to free such individuals. On August 18, 96 Pygmies who had been held as slaves were released; 46 of the group belonged to families that had been enslaved for generations.

No action was taken against PNC officers who in November 2007 arrested a Pygmy and subjected him to cruel, inhuman, and degrading treatment for no known reason.

Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination based on sexual orientation or persons with HIV/AIDS.

In July President Kabila promulgated a new law passed by Parliament that protects persons with HIV/AIDS from discrimination.

6. Worker Rights

a. The Right of Association

The constitution provides all workers – except government officials and members of the security forces – the right to form and join trade unions without prior authorization or excessive requirements. Of an estimated 24 million adults of working age, 128,000 employees in the private sector (0.5 percent) belonged to unions, according to the American Center for International Labor Solidarity (Solidarity Center). No information was available regarding the number of union members in the public sector. The informal sector, including subsistence agriculture, constituted at least 90 percent of the economy. The law provides for the right of unions to conduct activities without interference and to bargain collectively; however, the government did not always protect these rights.

Unlike in the previous year, there were no reports that police arrested union leaders or forcibly dispersed union meetings.

Private companies often registered bogus unions to create confusion among workers and discourage real ones from organizing. According to the Solidarity Center, many of the nearly 400 unions in the private sector had no membership and had been established by management, particularly in the natural resources sector.

The constitution provides for the right to strike, and workers sometimes exercised it. There were large strikes this year by teachers, magistrates, and health care workers; most concerned nonpayment of salaries and crippled service delivery for several weeks at a time. However, in small and medium-sized businesses, workers could not exercise this right effectively in practice. With an enormous unemployed labor pool, companies and shops could immediately replace any workers attempting to unionize, collectively bargain, or strike, and according to the Solidarity Center, companies and shops did so during the year. The law requires unions to have prior consent from the Ministry of Labor and to adhere to lengthy mandatory arbitration and appeal procedures before striking. The law prohibits employers and the government from retaliating against strikers; however, the government did not enforce this law in practice.

On March 6, police fired into a crowd and killed a 15 year-old boy during clashes with hundreds of artisanal miners, according to the BBC. The clashes began when police started clearing the artisanal diggers off a concession owned by parastatal GECAMINES near Likasi in Katanga Province.

b. The Right to Organize and Bargain Collectively

Collective bargaining was ineffective in practice. The government set public sector wages by decree, and unions were permitted to act only in an advisory capacity. Most unions in the private sector collected dues from workers but did not succeed in engaging in collective bargaining on their behalf.

The law prohibits discrimination against union employees, although authorities did not enforce this regulation effectively. The law also requires employers to reinstate workers fired for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children; however, although no statistics were available, both were practiced throughout the country.

Government security forces continued to force men, women, and children, including IDPs, to serve as porters, mine workers, and domestic laborers.

The military took no action against FARDC soldiers who used forced labor and abducted civilians for forced labor in 2007 and 2006.

In the mining sector, middlemen and dealers acquired raw ore from unlicensed miners in exchange for tools, food, and other products. Miners who failed to provide sufficient ore became debt slaves, forced to continue working to pay off arrears. The government did not attempt to regulate this practice.

Armed groups operating outside central government control subjected civilians, including children, to forced labor, including sexual slavery (see section 1.g.).

d. Prohibition of Child Labor and Minimum Age for Employment

There were laws to protect children from exploitation in the workplace; however, government agencies did not effectively enforce child labor laws. Child labor remained a problem throughout the country, and there continued to be reports of forced child labor. Although there were no reports of large enterprises using child labor, it was common in the informal sector, particularly in mining and subsistence agriculture. For economic survival, families often encouraged children to work in order to earn money.

Although the minimum age for full-time employment without parental consent is 18 years, employers may legally hire minors between the ages of 15 and 18 with the consent of a parent or guardian. Those under age 16 may work a maximum of four hours per day. All minors are restricted from transporting heavy items.

The Ministry of Labor has responsibility for investigating child labor abuses but had no dedicated child labor inspection service. NGOs continued to pressure the Ministry of Labor to focus on this problem, with few or no results.

Criminal courts continued to hear child labor complaints, and NGOs and the International Labor Organization pushed prosecutors during the year to bring cases against violators of child labor laws.

Security forces and armed groups also used children, including child soldiers, for forced labor in mines.

Children made up as much as 30 percent of the work force in the informal ("artisanal") mining sector. In mining regions of the provinces of Katanga, Kasai Occidental, Oriental, and North and South Kivu, children performed dangerous mine work, often underground. In many areas of the country, children ages five to 12 years broke rocks to make gravel for a small wage.

In November 2007 a UNJHRO field team in Misisi, South Kivu Province, observed several children working in illegal gold mines for FARDC soldiers of the 115th Battalion. No action was taken against the soldiers by year's end.

Child prostitution, including forced prostitution, was practiced throughout the country.

According to a June 2007 Save the Children report, 12,000 children in Kasai Oriental Province were employed at 20 unlicensed diamond mining sites. The children excavated, transported, and washed dirt in search of diamonds. At mines near Tumpatu, Kasai

Oriental Province, girls around the age of 12 worked as prostitutes. According to the report, preteen children also worked digging tombs at the cemeteries for 500 to 1,000 Congolese francs (approximately \$1 to \$2) per day and as dishwashers and guards at restaurants for 125 to 250 Congolese francs (approximately \$.25 to \$.50) per day. No action was taken against mine operators and supervisors.

Parents often used children for dangerous and difficult agricultural labor. Children sent to relatives by parents who could not support them sometimes effectively became the property of those families, who subjected them to physical and sexual abuse and required them to perform household labor.

Government agencies responsible for combating child labor included the Ministry of Labor, the Ministry of Women and Youth, the Ministry of Social Affairs, and the National Committee to Combat Worst Forms of Child Labor. These agencies had no budgets for inspections and conducted no investigations during the year.

e. Acceptable Conditions of Work

Employers in the informal sector often did not respect the minimum wage law of 500 Congolese francs (approximately \$1) per day. The average monthly wage did not provide a decent standard of living for a worker and family. Government salaries remained low, ranging from 25,000 to 55,000 Congolese francs (approximately \$50 to \$110) per month, and salary arrears were common in both the civil service and public enterprises (parastatals). More than 90 percent of laborers worked in subsistence agriculture, informal commerce or mining, or other informal pursuits.

The law defines different standard work weeks, ranging from 45 to 72 hours, for different jobs. The law also prescribes rest periods and premium pay for overtime, but employers often did not respect these provisions in practice. The law establishes no monitoring or enforcement mechanism, and businesses often ignored these standards in practice.

The law specifies health and safety standards; however, government agencies did not effectively enforce them. No provisions of the law provide workers the right to remove themselves from dangerous work situations without jeopardizing their employment.

According to the NGO Pact, 10 million miners worked in the informal sector nationwide, and up to 16 percent of the population may have indirectly relied on this so-called artisanal, or small-scale, mining. Many suffered violence from guards and security forces for illegally entering mining concessions.
