

Flygtningenævnets baggrundsmateriale

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Democratic Republic of the Congo

NOT FREE

19
/100

<u>Political Rights</u>	4/40
<u>Civil Liberties</u>	15/60

LAST YEAR'S SCORE & STATUS

19 /100 Not Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

The political system in the Democratic Republic of the Congo (DRC) is paralyzed due to the manipulation of the electoral process by political elites, and is heavily influenced by a long-running conflict in the east of the country. Citizens are unable to freely exercise basic civil liberties, and corruption is endemic. Physical security is tenuous due to violence and human rights abuses committed by government forces, armed rebel groups, and militias, particularly in the east.

Key Developments in 2023

- Presidential and legislative elections were held in late December; domestic and international observers and rights groups found that the run-up to the ballot and the voting itself were marred by numerous logistical and security problems. On December 31, the Independent National Electoral Commission (CENI) declared incumbent Felix Tshisekedi the winner of the presidential election.
- The armed March 23 Movement (M23), which is widely believed to be backed by the Rwandan government, remained active in the east of the country throughout the year, and launched a renewed offensive in the area around Goma, the capital of North Kivu province, in October. Local militia known as the Wazalendo joined the fight against M23 in the North Kivu territories of Masisi, Rutshuru, and Nyiragongo late in the year.
- In December, the UN Security Council approved a gradual withdrawal of the UN Stabilization Mission in the DRC (MONUSCO), at the request of the Congolese government; under a previous plan, the mission would have begun to leave the country at the end of 2024. An armed mission sent by East African Community (EAC) to support the government fight against M23 withdrew in December, also at the government's request.
- Prominent journalist Stanis Bujakera was arrested in September and later charged with counts including spreading false information and forgery; he remained in prison at year's end.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

0/4

According to the constitution, the president is chief of state and is elected for a maximum of two five-year terms. The prime minister is head of government and is formally appointed by the president.

Presidential and legislative elections were held on December 20, 2023. Domestic and international observers and analysts said the run-up to the election and the conduct of the voting were marred by numerous logistical and security problems. More than one million citizens were unable to register to vote, due mainly to fighting between M23 and the army in North Kivu and insecurity in other areas of the country.

The US-based Carter Center observer mission, in a preliminary report, said that while the elections were “competitive” and showed a “strong commitment to democracy,” there was a “lack of confidence in the process” due to factors including the how previous elections were conducted and poor transparency by electoral officials. The Carter Center and other observers noted that voting had to be extended to a second day in many areas because many polling stations opened late or not at all. At least 19 people, including two candidates, were killed in violence related to the election.

On December 31, CENI declared incumbent Tshisekedi, who took office in 2019 and is the leader of the Sacred Union of the Nation (USN) coalition, winner of the presidential election, with 73.3 percent of the vote, according to preliminary results. Of the 25 opposition candidates, Moïse Katumbi of the Together for the Republic party garnered 18.1 percent, and former oil company executive Martin Fayulu of the Lamuka coalition received 5.3 percent. Ahead of CENI’s announcement, a group of opposition candidates, including Katumbi, said they rejected the results and called on their supporters to protest.

Sylvestre Ilunga Ilukamba, an ally of former president Joseph Kaliba, resigned as prime minister in January 2021 after losing a no-confidence vote. President

Tshisekedi appointed Jean-Michel Sama Lukonde Kyenge as prime minister that February.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

1 / 4

The DRC has a bicameral national legislature with a 500-seat National Assembly chosen via direct election, and a 109-seat Senate elected by provincial assemblies. Eight Senate seats are reserved for customary chiefs. Members of both houses serve five-year terms.

Elections for the National Assembly and provincial assemblies were held on the same day as the presidential elections in December 2023, but CENI did not release results as of year's end.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

0 / 4

The country's electoral framework does not ensure transparent elections in practice. Opposition parties and civil society frequently criticize CENI and the Constitutional Court for lacking independence. CENI has also been affected by corruption. In 2019, the US Treasury Department sanctioned three CENI officials, accusing them of undermining the electoral process.

June 2022 amendments to the electoral law required CENI for the first time to post all results outside each polling station and tabulation center, as well as on its website.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

1 / 4

People have the right to organize political parties. Hundreds of parties exist, with many configured along ethnic or regional lines; 34 parties won National Assembly seats in the 2018 elections. Most parties lack national reach and their ability to function is limited in practice. Under the Tshisekedi administration, some opposition members have been released from prison and some politicians living in exile were permitted to return. However, political-party officials still faced reprisals for criticizing the government.

Opposition leaders and supporters are often intimidated and face restrictions on movement and rights to campaign or organize public events; this increased ahead of the December 2023 elections. In May 2023, Salomon Kalonda, a special adviser to Katumbi, was arrested at Kinshasa's international airport by military intelligence. In August, he was charged with treason for allegedly colluding with M23 and Rwanda, and remained in prison at year's end. In June 2023, opposition presidential candidate Franck Diongo was arrested by members of the military in Kinshasa and charged with illegal possession of a weapon. He was released nearly a month later.

The spokesman for Katumbi's party, Chérubin Okende, a member of parliament and former transport minister, was found shot dead in his car in Kinshasa in July 2023. His death remained under investigation at year's end.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

0 / 4

Opposition groups enjoy significant public support, but their electoral prospects have been impacted by the repeated postponement of elections, government interference in polling, and disruptions of opposition candidates' activities. Armed groups, police, and other government officials have also obstructed candidate movements.

Analysts noted that the opposition was fragmented and failed to unite behind a single candidate that could meaningfully challenge the incumbent in the December 2023 presidential election.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

0 / 4

Citizens' political choices and their ability to participate in the political process are hindered by the military, security services, and armed groups.

In a major cabinet reshuffle in March 2023, Tshisekedi added several powerful figures to his government, including former vice president Jean-Pierre Bemba—a former rebel leader who had been detained for 10 years by the International Criminal Court (ICC) for war crimes before his 2016 acquittal—as defense minister. The move was seen as an effort to strengthen the president's coalition ahead of the December elections.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?

1 / 4

Lack of access to public services and state institutions in rural areas hinder political participation. Women are politically underrepresented, holding only 12.8 percent of National Assembly seats. In the December 2023 elections, only 17 percent of candidates for the National Assembly were women.

Although homosexuality is not explicitly criminalized, LGBT+ people are marginalized; civil society groups that explicitly mention LGBT+ issues in their constitutions have been denied official registration.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

0 / 4

Massive electoral fraud and irregularities prevent democratically elected officials from determining government policies. A “state of siege” in North Kivu and Ituri provinces was imposed in 2021 as part of the government’s efforts to reestablish control over violence-affected areas. President Tshisekedi partially lifted the state of siege in October 2023 ahead of the elections, amid criticism that it had failed restore security.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1 / 4

Corruption in the government, security forces, and mineral extraction industries is extensive and has corroded public services and development efforts.

President Tshisekedi publicly committed the government to fighting corruption when he came to power. In 2020, his chief of staff, Vital Kamerhe, was convicted and received a 20-year forced-labor sentence for embezzling public funds. However, Kamerhe and a codefendant were cleared of embezzlement charges in June 2022, and Tshisekedi appointed Kamerhe deputy prime minister and economy minister in the March 2023 cabinet reshuffle.

C3 0-4 pts

Does the government operate with openness and transparency?

0 / 4

Despite previous incremental improvements in revenue reporting, there is little transparency in the state’s financial affairs. The law does not provide for public access to government information, and citizens often lack the practical ability to obtain records on public expenditures and state operations. Contracts for the extractive industries are conducted in secret.

The government is not transparent on the state's involvement in violence in insecure areas or its spending in these regions. Military authorities, who are inaccessible to constituents, were installed in Ituri and North Kivu when a state of siege was imposed on those provinces in 2021.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

1/4

Although media freedom is constitutionally guaranteed, journalists often face criminal defamation suits, threats, detentions, arbitrary arrests, and physical attacks in the course of their work. In April 2023, the country enacted a new press law that, while described by civil society groups as an improvement over the 1996 press law, was criticized for provisions that allow journalists to face criminal penalties for their work, including for sharing “false news.”

Civil society groups have reported a rising trend of repression under the Tshisekedi administration. Throughout the 2023 campaign period, journalists faced harassment and attacks from the authorities and political party supporters. In North-Kivu, M23 rebels ordered some media outlets to change their editorial policies.

In September 2023, prominent reporter Stanis Bujakera, who works for the international outlets Reuters and *Jeune Afrique* and the local news site Actualite.cd, was detained in Kinshasa and was later charged with spreading falsehoods, forgery, the use of forged documents, and distributing false documents. The charges were related to a *Jeune Afrique* report on Okende's death, which Bujakera did not write. He remained in prison at year's end.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

3/4

The constitution guarantees freedom of religion, and authorities generally respect this right in practice. Although religious groups must register with the government to be recognized, unregistered groups typically operate unhindered. Some religious facilities, personnel, and services have been affected by violence in conflict areas.

Mosques in North Kivu operate in a threatening environment. Islamist rebels have targeted Muslims who criticize Islamist militancy; Muslims are also subject to government suspicions that they are aiding rebel groups.

Followers of small messianic churches that are suspected of defying the authorities are also targeted by government forces.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2/4

There are no formal restrictions on academic freedom. Primary and secondary school curriculums are regulated but not strongly politicized.

Armed groups have attacked schools, preventing children from accessing education. Schools in the east have also been used to shelter internally displaced persons (IDPs), notably in the North Kivu territories of Rutshuru and Masisi. The cautious resumption of school activities in these territories in September 2023 has been undermined by continuing clashes and the resulting displacement of the population.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

1/4

Although open political dissent is routinely suppressed, Congolese publicly express their views on some subjects. Many Congolese openly discuss systemic corruption and insecurity on social media platforms. Authorities in areas under a state of siege crack down on dissent.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	1/4
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The constitution guarantees freedom of assembly, and demonstrations are held regularly in urban areas. However, those who participate risk arrests, beatings, and lethal violence.

During 2023, the authorities used force to break up peaceful protests and rallies, including those related to the elections. On May 20, police arrested dozens of people and seriously injured at least 30 while dispersing an opposition protest in Kinshasa. On May 23, police blocked Katumbi's convoy from entering Kongo-Central Province, where he was traveling to hold meetings and rallies; two days later, police blocked Katumbi, Fayulu, and other opposition candidates from holding a protest against the electoral process in front of the CENI headquarters in Kinshasa.

Assembly rights are severely curtailed in areas affected by the state-of-siege declaration. In August 2023, members of the armed forces, including the elite Republican Guard, killed at least 56 supporters of a religious sect called the Natural Judaic and Messianic Faith Towards the Nations who had gathered in a church ahead of a planned protest against MONUSCO and the EAC force in Goma, North Kivu's capital. Dozens more were injured or arrested. A Republican Guard commander and three soldiers were convicted in October for their role in the attack.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	1/4
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Thousands of civil society groups are active in the DRC, but many face obstacles to their work. Citizen movements and pressure groups that demonstrate against insecurity or the ineffectiveness of public services have faced violent repression by authorities. Civil society activists have also faced arrest in areas under a state of siege.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	1/4
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A number of national labor unions and professional associations, covering parts of the public and private sectors, operate legally in the DRC, but the overwhelming majority of workers are informally employed. Some civil servants and members of state security forces are not permitted to unionize and bargain collectively. Violations of the procedures for a legal strike can result in prison terms. Although employers cannot legally retaliate against workers for union activities, such protections are poorly enforced.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	1/4
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The judiciary, and particularly the constitutional court, is often seen as corrupt and subject to political manipulation. It often shows bias against the opposition and civil society, while government allies typically enjoy impunity for abuses.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	0/4
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Courts are concentrated in urban areas; rural areas rely on customary courts. Informal justice mechanisms are common throughout the country. Civilians are often tried in military courts, which have weak safeguards for defendants' rights and poor witness-protection mechanisms. These courts are also subject to interference from high-ranking military personnel.

Arbitrary arrests and detentions are common, as is prolonged pretrial detention; much of the prison population consists of pretrial detainees. Prisoners frequently pay bribes to avoid torture or meet basic needs; rape among detainees is common.

DRC courts have officially granted reparations to the targets of sexual violence and other serious crimes, but these are rarely paid in practice.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

0 / 4

Civilian authorities do not fully control security forces. The military is notoriously undisciplined and consists of different networks; soldiers are known to exchange intelligence and weapons with rebel or militia groups. Soldiers and police regularly commit serious human rights abuses, including rape and other physical attacks, and high-ranking military officials enjoy impunity for crimes. Despite the government's promise to "eradicate" militia groups during the 2021 state of siege, affected areas still suffer widespread violence.

Armed groups have contributed to years of conflict and communal violence that have had a catastrophic impact on civilians, with over five million conflict-related deaths since 1998. Human Rights Watch (HRW) reports that more than 100 such groups are active in four eastern provinces. M23, which claims to defend ethnic Tutsis against Hutu opponents and last fought in the DRC in the early 2010s, launched a renewed campaign in 2021 and remained active throughout 2023. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported in December 2023 that nearly 2.5 million people had been displaced by the fighting in North Kivu province, including more than 821,000 since October.

The conflict in North Kivu escalated in late 2023, especially in Masisi and Rutshuru, as M23 fighters seized the main roads into Goma and the area surrounding the nearby village of Saké. Meanwhile, youth militias known as Wazalendo (patriots, in Swahili) joined government forces in the fight against M23 and are also accused of committing serious acts of violence against civilians.

MONUSCO and the EAC regional force deployed in the east faced strong criticism from the government and the Congolese public, who accused them of being ineffective in protecting civilians or in supporting peace in the region. At the request of President Tshisekedi, the UN Security Council in December 2023 agreed to begin a gradual withdrawal of MONUSCO, to be completed by the end of 2024. The EAC force completed its withdrawal in December 2023, after also being asked to leave by the DRC government.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

0 / 4

Although the constitution prohibits discrimination against women, they face discrimination in nearly every aspect of their lives. The family code assigns women a subordinate role in the household.

Ethnic discrimination is common. Kinyarwanda-language speakers and ethnic Tutsis face discrimination and hate speech, which has been widely disseminated on social networks during M23's renewed campaign in the east. Indigenous peoples also face pervasive discrimination and have limited access to public services. In November 2022, President Tshisekedi signed a law meant to expand access to services, address discrimination, and respect land rights.

People with disabilities remain nationally marginalized despite the creation of a ministry dedicated to people with disabilities.

Although homosexuality is not explicitly criminalized, LGBT+ people are marginalized and forced to hide their sexual orientation. Penal-code provisions, including those for "insulting morals" and "offending modesty," have been used against LGBT+ people.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

1/4

Freedom of movement is protected by law but seriously curtailed in practice, in large part due to armed conflicts and other security problems. The OCHA reported that at the end of 2023, there were 6.5 million IDPs in the DRC. Various armed groups and government forces impose illegal tolls on travelers passing through territory under their control. The mineral-rich former province of Katanga—which was divided into four provinces in 2015—attracts migrants from other regions of the country, especially Kasai, and this has led to intercommunal tensions.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

1/4

Individuals have the right to own property and establish private businesses. In conflict zones, armed groups and government soldiers regularly seize private property and destroy homes and businesses. Property ownership and business activity are also hampered by pervasive corruption and a complicated system of taxation and regulation that encourages bribery.

Although the constitution prohibits discrimination against women, some laws and customary practices put women at a disadvantage with respect to inheritance and land ownership.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

1/4

Sexual and gender-based violence is common. Rebels and government soldiers have regularly been implicated in cases of rape and sexual abuse. Rebel commanders have abducted girls into forced marriages. Convictions for these offenses remain rare. Abortion is prohibited except to save the life of a pregnant woman, and illegal abortions can draw lengthy prison sentences.

The family code obliges wives to obey their husbands, who are designated as the heads of their households. Married women are under the legal guardianship of their husbands. Although the legal minimum age for marriage is 18, many women are married earlier.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

1/4

Formal protections against economic exploitation are poorly enforced, and most Congolese are informally employed. Although the law prohibits forced or compulsory labor, such practices are common and include forced child labor in mining, street vending, domestic service, and agriculture. Some government forces and armed groups force civilians to work for them, and the recruitment and use of child soldiers remains widespread. Working conditions can be life threatening. Accidents are common in the mining sector, and safety precautions are rarely enforced.



On Democratic Republic of the Congo

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Country Facts

Global Freedom Score

19/100 **Not Free**

Other Years

2023

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