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HUMAN RIGHTS PRIORITIES FOR THE GOVERNMENT OF DEMOCRATIC REPUBLIC OF CONGO DURING PRESIDENT TSHISEKEDI'S SECOND TERM

During his first tenure as President of the Democratic Republic of Congo (DRC), Félix Tshisekedi, made numerous human rights pledges but there has been little to no progress in their implementation.¹ As the country faces worsening armed conflict and humanitarian crisis,² socioeconomic injustices, and an ever-shrinking civic space, President Tshisekedi, who was sworn in for a second and final five-year term in January, and his government, have the opportunity to ensure and uphold human rights and the rule of law, and to leave a lasting legacy grounded in human rights. This note highlights key human rights issues in that regard for the next five years, based on Amnesty International's assessment of the current human rights situation and on the country's human rights obligations under international law. The priorities include ensuring effective civilian protection in conflict zones, addressing impunity for crimes under international law and other serious human rights violations, fixing the criminal justice system, upholding the rule of law and ending restriction on civic space, as well as increasing allocation of and better management of resources for enhanced realisation of social and economic rights.

ADOPT A HUMAN RIGHTS-CENTRED RESPONSE TO ARMED CONFLICTS

As soon as he came to power in 2019, President Tshisekedi announced that “restoring peace” in the

¹ Of the 10 priority actions outlined by Amnesty International at the time in line with his commitments during the electoral campaign, only a handful were partially implemented. See: Amnesty International, “DRC: President Tshisekedi must act on human rights”, 24 February 2019, [amnesty.org/en/latest/news/2019/02/drc-president-tshisekedi-must-act-on-human-rights/](https://www.amnesty.org/en/latest/news/2019/02/drc-president-tshisekedi-must-act-on-human-rights/)

² Assessed by the expansion of areas affected by the armed conflict, the number of violent incidents and casualties in recent years, as well as the increase in the number of internally displaced people from five million to more than seven million between 2018 and the first quarter of 2024, according to the UN. See: UN Press, “Democratic Republic of Congo Battling Worsening Humanitarian Crisis, Armed Conflict, Despite Recent Peaceful Elections, Special Representative Tells Security Council” (SC 15646), 27 March 2024, press.un.org/en/2024/sc15646.doc.htm; UNOCHA, “DRC: UN and partners warn escalating conflict is fuelling unprecedented civilian suffering”, 30 April 2024, [unocha.org/news/drc-un-and-partners-warn-escalating-conflict-fuelling-unprecedented-civilian-suffering#:~:text=Escalating%20conflict%20is%20driving%20record%20levels%20of%20gender-based,the%20brink%20of%20catastrophe%20without%20urgent%20international%20action](https://www.unocha.org/news/drc-un-and-partners-warn-escalating-conflict-fuelling-unprecedented-civilian-suffering#:~:text=Escalating%20conflict%20is%20driving%20record%20levels%20of%20gender-based,the%20brink%20of%20catastrophe%20without%20urgent%20international%20action)

eastern DRC would be his top priority.³ Thus far, his strategy has focused on a military response.⁴ He increased military spending from 0.6% to 2.3% of GDP between 2018 and 2023.⁵

This purely military approach cannot by itself address the underlying causes of armed conflicts including pervasive impunity for crimes under international law and other serious violations. The security, humanitarian, and human rights situation in eastern DRC has not improved. Armed violence has continued to spread and civilian casualties continue to rise. In addition to armed conflicts in the eastern DRC, old and new hotbeds of intercommunal violence persist in the Bandundu, Kasai, Katanga and Tshopo regions, and the risk of similar violence persists in other parts of the country. The humanitarian crisis has only worsened, with the number of people internally displaced by armed conflict rising from five million to over seven million between 2018⁶ and 2024,⁷ according to the UN, while funding for the humanitarian response has become increasingly scarce.⁸

Against this backdrop, the UN stabilization mission in the DRC (MONUSCO) has been pushed out by the government and is due to withdraw from the country by the end of 2024, further raising concerns over civilian protection and monitoring for human rights abuses, among others.

RECOMMENDATIONS:

Amnesty International urges President Tshisekedi and his government to:

- Ensure the full respect of rules of international humanitarian law in the design, implementation and assessment of all military operations, in particular civilian protection.

³ See for example: Félix Tshisekedi, State of Nation Address, 13 December 2019, presidence.cd/uploads/files/Discours%20sur%20l%E2%80%99e%CC%81tat%20de%20la%20Nation,%20devant%20le%20Parlement%20re%CC%81uni%20en%20congre%CC%80s.pdf

⁴ Deployment of an “Advanced Army Headquarters” in North Kivu’s Beni town in 2019; launch of the “large-scale military offensive” in Ituri, codenamed “Zaruba ya Ituri” in June 2019; covert military operations by the Rwandan Special Forces in North Kivu and South Kivu in 2019-2020 as revealed by the UN Group of Experts (UNSC, S/2020/1283); establishment of a “state of siege” (similar to a state of emergency) in Ituri and North Kivu provinces since May 2021; launch of joint DRC-Uganda military operation “Shujaa” by the Ugandan army in November 2021; deployment of a regional force from the East African Community in 2022-2023; operations by the Burundian army in South Kivu since 2021 and then in North Kivu since 2023; deployment of the Southern Africa Development Community Regional Force in North Kivu in 2023.

⁵ Amnesty International’s calculations based on World Bank data.

⁶ See: Unicef, DRC Humanitarian Situation Report, June 2018, unicef.org/media/79311/file/DRC-SitRep-June-2018.pdf

⁷ UNOCHA, Democratic Republic of the Congo: Internally displaced persons and returnees, March 2024, unocha.org/publications/report/democratic-republic-congo/democratic-republic-congo-internally-displaced-persons-and-returnees-february-2024#:~:text=Since%20the%20beginning%20of%202024%2C%20nearly%20358%2C000%20people,80%25%20of%20displacement%20is%20caused%20by%20armed%20conflict.

⁸ “In 2023, the humanitarian response plan was 40 per cent funded. This allowed humanitarian actors to provide assistance to only half of the people targeted for assistance across the country, i.e. five million out of 10 million people.” (UNOCHA, “The humanitarian community and the Congolese Government appeal for US\$ 2.6 billion to respond to the alarming humanitarian crisis”, February 2024, unocha.org/publications/report/democratic-republic-congo/humanitarian-community-and-congolese-government-appeal-us-26-billion-respond-alarming-humanitarian-crisis#:~:text=Kinshasa%2C%2020%20February%202024%20E2%80%93%20The%20Government%20of,and%20protection%20to%208.7%20million%20people%20in%20need)

- Ensure unhindered humanitarian access and increase State funding for humanitarian responses, as well as ensure unimpeded access to conflict affected areas for Congolese and international human rights monitors and journalists, including in the context of MONUSCO's withdrawal.
- Take concrete and urgent steps to address the underlying causes and drivers of armed conflicts and intercommunal violence, by ensuring enjoyment of human rights by all.

TAKE CONCRETE STEPS TO TACKLE IMPUNITY

Armed conflicts in the DRC since the 1990s have left millions of people killed, wounded, missing, as well as hundreds of thousands of survivors of sexual violence and other heinous crimes. Many war crimes, crimes against humanity and possibly genocide are documented in the UN's Report of the Mapping Exercise (1993-2003) and numerous other UN and NGO's reports.⁹

Amnesty International recognizes the efforts made by the authorities towards ensuring accountability and justice in recent years, including the adoption of a draft national transitional justice strategy,¹⁰ the signing of a Memorandum of Understanding (MoU) with the Office of the Prosecutor of the ICC renewing commitment to cooperation and complementarity,¹¹ as well as the signing by the DRC of the Ljubljana-the Hague Convention on Mutual Legal Assistance, which broadens the scope for investigation and prosecution of atrocity crimes through international cooperation.¹² However, these efforts remain disparate, slow, and woefully insufficient, resulting in persisting and widespread impunity which continues to fuel armed conflicts and human rights abuses.

RECOMMENDATIONS:

Amnesty International urges President Tshisekedi and his government to:

- Investigate and prosecute the most serious crimes committed on the DRC territory since the 1990s, before independent and impartial courts, be they domestic or internationalized mechanisms.
- Publicly commit to ending impunity for members of the defence and security forces and other state agents who commit human rights violations

FIX CRIMINAL JUSTICE SYSTEM, HUMANIZE PRISONS, ABOLISH DEATH PENALTY

In 2019, President Tshisekedi sent a positive signal regarding the rule of law and human rights by declaring the closure of all places of illegal detention throughout the country, the release of

⁹ Office of UN High-Commissioner for Human Rights (OHCHR), "Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003", October 2010,

ohchr.org/sites/default/files/Documents/Countries/CD/DRC_MAPPING_REPORT_FINAL_EN.pdf;

¹⁰ 7Sur7, "DRC: Government adopts report on transitional justice submitted by scientific committee headed by Luzolo Bambi",

13 February 2023, 7sur7.cd/2023/02/13/rdc-le-gouvernement-adopte-le-rapport-sur-la-justice-transitionnelle-depose-par-le

¹¹ International Criminal Court, "The Prosecutor of the International Criminal Court, Karim A.A. Khan KC, concludes his first visit to the Democratic Republic of the Congo with the signing of a new Memorandum of Understanding, renewing cooperation towards justice in the DRC", 6 June 2023, icc-cpi.int/news/prosecutor-international-criminal-court-karim-aa-khan-kc-concludes-his-first-visit-democratic

¹² International Commission of Jurists, "Adoption of Milestone Treaty on International Cooperation Set to Advance the Fight against Impunity", 31 May 2023, icj.org/adoption-of-milestone-treaty-on-international-cooperation-set-to-advance-the-fight-against-impunity/

prisoners of conscience and other people arbitrarily detained, as well as the safe return of all political exiles. Hundreds of people benefited from these measures, which Amnesty International welcomed.¹³ Unfortunately, the country would soon backtrack due to lack of policy reforms and impunity.¹⁴

Today, attacks on the rights to freedom of expression, peaceful assembly, and association, press and Internet freedoms have once again become the norm. Arbitrary detention, particularly in intelligence service cells, and the abusive use of pre-trial detention have once again become widespread.¹⁵ The state of prisons and inmates' conditions across the country are catastrophic, with dilapidated and overcrowded facilities and recurrent deaths from hunger, lack of health care and poor sanitation.¹⁶ In March 2024, the government reinstated executions of people sentenced to death after a hiatus of two decades, claiming that executions would deter "infiltration" and "treason" within the army and help quell gang violence.¹⁷

DRC's criminal justice system, which President Tshisekedi has himself described as 'sick', urgently needs a cure for effectiveness, independence, and fairness.

RECOMMENDATIONS:

Amnesty International urges President Tshisekedi and his government to:

- Ensure that systematic use of pre-trial detention and arbitrary detention cease, including through effective monitoring and accountability by the Inspectorate General of Judicial and Prison Services which must be provided with adequate resources to carry out its mandate independently and effectively.
- Launch a programme aimed at rehabilitating prisons across the country, increasing their resources and improving their management, in line with international standards, so as to ensure the security, safety, dignity and rehabilitation of inmates and detainees.
- Facilitate a review of the National Justice Reform Strategy to take stock of its implementation and adopt corrective measures as appropriate, including regarding accessibility, independence, impartiality, and efficiency of the justice system. The few cases dealt with by the Congolese criminal justice system continue to be exclusively prosecuted by military courts in disregard of international human rights standards. Reverse

¹³ Amnesty International, "DRC: Release of prisoners of conscience first step towards restoring human rights", 14 March 2019, [amnesty.org/en/latest/press-release/2019/03/drc-release-of-prisoners-of-conscience-first-step-towards-restoring-human-rights/](https://www.amnesty.org/en/latest/press-release/2019/03/drc-release-of-prisoners-of-conscience-first-step-towards-restoring-human-rights/)

¹⁴ See for example: Amnesty International, "DRC: One year since Tshisekedi took office, insecurity and impunity still imperil human rights", 24 January 2020, [amnesty.org/en/latest/news/2020/01/drc-one-year-since-tshisekedi-took-office-insecurity-and-impunity-still-imperil-human-rights/#:~:text=January%2024%2C%202020-.DRC%3A%20One%20year%20since%20Tshisekedi%20took%20office%2C%20insecurity%20and%20impunity,%2C%20Amnesty%20International%20said%20today](https://www.amnesty.org/en/latest/news/2020/01/drc-one-year-since-tshisekedi-took-office-insecurity-and-impunity-still-imperil-human-rights/#:~:text=January%2024%2C%202020-.DRC%3A%20One%20year%20since%20Tshisekedi%20took%20office%2C%20insecurity%20and%20impunity,%2C%20Amnesty%20International%20said%20today)

¹⁵ See: Amnesty International, Annual Report 2023/2024, "Democratic Republic of Congo", [amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/democratic-republic-of-the-congo/report-democratic-republic-of-the-congo/](https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/democratic-republic-of-the-congo/report-democratic-republic-of-the-congo/)

¹⁶ For an overview of prisons' conditions in the DRC, see: World Prisons Brief, DRC Overview, prisonstudies.org/country/democratic-republic-congo (accessed 15 May 2024).

¹⁷ Amnesty International, "DRC: Reinstating executions shows a callous disregard for human rights", 15 March 2024, [amnesty.org/en/latest/news/2024/03/drc-reinstating-executions-shows-a-callous-disregard-for-human-rights/](https://www.amnesty.org/en/latest/news/2024/03/drc-reinstating-executions-shows-a-callous-disregard-for-human-rights/)

government's decision to reinstate executions of death penalty and executions and enforce a new moratorium as the authorities consider abolition of the death penalty in law during this legislature.

PROTECT CIVIC SPACE

An open civic space for all is essential to ensure that people, including those with dissenting voices, can put their grievances forward in a peaceful manner, and that the media can freely seek and disseminate information and fully play their role of promoting human rights and the rule of law in the country. Civic space has continued to shrink in recent years,¹⁸ with pro-democracy activists,¹⁹ whistleblowers,²⁰ journalists,²¹ and political opponents targeted, imprisoned, forced into exile, or even killed. A prolonged “state of siege” (similar to a state of emergency) in North Kivu and Ituri has led to the suppression of human rights and further undermined the criminal justice system in the two provinces.²² New legislation supposed to strengthen press and Internet freedoms,²³ or protect human rights defenders,²⁴ have been turned into instruments of repression.

RECOMMENDATIONS:

President Tshisekedi and his government should:

- Lift the unlawful and prolonged “state of siege” in North Kivu and Ituri and ensure accountability and justice for human rights violations committed in the name of this measure.
- Immediately and unconditionally release all prisoners of conscience and end harassment of journalists, whistleblowers, human rights defenders, and opposition members, including through politically motivated prosecutions.
- Adopt a rights-friendly legislation on human rights including the rights to freedom of expression, peaceful assembly and association, and take steps to safeguard and ensure press and internet freedoms, including by revising the 2023 Press Bill and Digital Code, and bringing them in line with international human rights standards.

ENSURE ECONOMIC AND SOCIAL RIGHTS

Official statistics touting the DRC's improved economic performance in recent years contrast with

¹⁸ See, for example: Amnesty International, Annual Report 2023/2024 (previously cited).

¹⁹ See: Sarah Jackson, “DR Congo's arrest of activists invokes déjà vu of growing repression”, February 2024, [amnesty.org/en/latest/news/2024/02/dr-congos-arrest-of-activists-invokes-deja-vu-of-growing-repression/](https://www.amnesty.org/en/latest/news/2024/02/dr-congos-arrest-of-activists-invokes-deja-vu-of-growing-repression/)

²⁰ See: Platform to Protect Whistleblowers in Africa (PPLAAF), “DRC – Extremely Serious Attacks on Whistleblowers, the Press, and Civil Society”, 4 March 2021, www.pplaaf.org/2021/03/04/drc-serious-attack-on-whistleblowers.html

²¹ See: Reporters Without Borders (RSF), Overview – Democratic Republic of Congo, rsf.org/en/country/democratic-republic-congo (accessed 15 May 2024).

²² Amnesty International, “Democratic Republic of the Congo: Justice and freedoms under siege in North-Kivu and Ituri” (Index: AFR 62/5495/2022), 10 May 2022, [amnesty.org/en/documents/afr62/5495/2022/en/](https://www.amnesty.org/en/documents/afr62/5495/2022/en/)

²³ Committee to Protect Journalists (CPJ), “DRC enacts press law and digital code that criminalize journalism”, 23 May 2024, [cpj.org/2023/05/drc-enacts-press-law-and-digital-code-that-criminalize-journalism/](https://www.cpj.org/2023/05/drc-enacts-press-law-and-digital-code-that-criminalize-journalism/)

²⁴ See: Protection International, “DRC National Law: Challenges and Opportunities”, 1 December 2023, protectioninternational.org/news/drc-national-law-statement/#:~:text=Law%20No.,a%20law%20to%20protect%20them%E2%80%9D

the continuing deterioration in economic and social conditions for most people.²⁵ There are widespread reports and allegations of corruption despite President Tshisekedi's pledge to eradicate it.²⁶ The alleged squandering of public resources has resulted in the State being unable to adequately resource essential socio-economic goods and services and thereby realize rights to adequate food, health care, water, sanitation, education, and housing. President Tshisekedi and his government's flagship programmes on universal access to basic education, universal health coverage, free maternity care and food security have been undermined by poor planning, inadequate funding, and widespread embezzlement.²⁷ At the same time, the expansion of industrial copper and cobalt mining in response to growing global demand has fuelled housing and health rights violations on a huge scale, including mass forced evictions²⁸ and pollution.²⁹

Social and economic inequalities remain glaring, particularly as regards the salaries and other benefits for politicians and their staff compared to those of civil servants including doctors, nurses, teachers, and law enforcement personnel.³⁰

RECOMMENDATIONS:

Amnesty International urges President Tshisekedi and his government to:

- Review, adjust, adequately resource, and ensure the proper management of and accountability for programmes aimed at ensuring equal access to basic education, universal health care, adequate water, sanitation, food, electricity, and other essential services.
- Declare a moratorium on mass evictions in the mining sector until a commission of inquiry completes a comprehensive review of existing implementation gaps of legal protections against forced evictions and formulates concrete policy reforms.
- Draw up, implement and resource, with the participation of civil society actors, a national strategy to prevent and combat corruption in the public and private sectors with a view to ensuring greater socio-economic justice through increased resourcing for economic and social rights and related services.

²⁵ For instance, the State budget more than doubled from USD 6.5 billion in 2018 to USD 16.6 billion in 2023, according to the government. By contrast, World Bank figures show the number of people living on less than USD 2.5 increased by 10% over the same period, from [64.6%](#) in 2018 to [74.6%](#) in 2023.

²⁶ Transparency International, Country Profile: DRC, transparency.org/en/countries/democratic-republic-of-the-congo

²⁷ See for example: Observatory of Public Expenditure (ODEP), "Rationalisation de la gestion des investissements publics" (Streamlining the Management of Public Investments), May 2023, 7sur7.cd/sites/default/files/2023-05/Etudes_sur_Investissement_0.pdf (in French)

²⁸ See for example: Amnesty International, "DRC: Powering Change or Business as Usual?" (Index: AFR 62/7009/2023), September 2023, [amnesty.org/en/documents/afr62/7009/2023/en/](https://www.amnesty.org/en/documents/afr62/7009/2023/en/)

²⁹ See for example: RAID UK, "Beneath the Green: A critical look at the environmental and human costs of industrial cobalt mining in DRC", March 2024, raid-uk.org/wp-content/uploads/2024/03/Report-Beneath-the-Green-DRC-Pollution-March-2024.pdf

³⁰ See for example: ODEP, "Résumé du rapport de contrôle citoyen de l'exécution des dépenses publiques des secteurs sociaux et secteurs productifs pour la période de 2020-2022" ("Summary of the Report of on Public Expenditure in the Social and Productive Sectors for the Period of 2020-2022"), May 2023, 7sur7.cd/sites/default/files/2023-05/Synth%C3%A8se%20rapport%20d%27analyse_budget%202020-2022_0.pdf.

Amnesty International urges President Tshisekedi, his government, and the parliament to take ownership of this human rights agenda and promptly ensure its full and effective implementation.

Amnesty International also urges DRC's regional and international partners to put pressure on DRC authorities to fully and effectively implement the recommendations presented above.