

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	836
Land:	Den Demokratiske Republik Congo
Kilde:	Freedom House
Titel:	Freedom in the World 2023 - Democratic Republic of the Congo
Udgivet:	6. juli 2023
Optaget på baggrundsmaterialet:	23. august 2023

Democratic Republic of the Congo



header1 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. 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, as well as armed rebel groups and militias in many areas of the country.

header2 Key Developments in 2022

- The armed March 23 Movement (M23) maintained an offensive against government forces in the east of the country throughout the year. East African Community (EAC) member states agreed to send an armed mission to support the government in April. Rwanda, which is believed to back M23, negotiated a truce between the group and Kinshasa in November, but M23 fighters did not immediately lay down their arms.
- Violent protests against the continued presence of UN peacekeepers occurred in July. Protesters damaged UN offices in several eastern cities, while peacekeepers reportedly used excessive force. Some 36 people were killed nationwide in the clashes.
- In December, the UN Security Council voted to extend the organization's peacekeeping mission in the DRC through the end of 2023; under a previous plan, the mission would have continued through 2024.
- In August, opposition leader Jean-Marc Kabund, who was formerly an ally of President Félix Tshisekedi, was arrested for allegedly insulting the president. Kabund had launched a new opposition party in July.

PR Political Rights

A Electoral Process

A1 1.00-4.00 pts0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	0.000 4.004
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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.

Félix Tshisekedi was declared president in 2019, following elections held in late 2018. His predecessor, Joseph Kabila, had overstayed his constitutional mandate by two years; the Constitutional Court allowed Kabila to stay in office until his successor's election, but polls were repeatedly delayed. The Independent National Electoral Commission (CENI) declared Tshisekedi president with 38.6 percent of the vote, defeating Martin Fayulu of the Lamuka (Wake Up) coalition, who reportedly secured 34.8 percent. Tshisekedi, of the Course for Change (CACH) coalition, was believed to have come to power via a backroom deal under which he allied with the Kabila-led Common Front for Congo (FCC). The poll was heavily criticized due to voter suppression and electoral fraud; several opposition candidates were barred from running.

By the end of 2020, Tshisekedi and the CACH ended their coalition with the FCC. Sylvestre Ilunga Ilukamba, a Kaliba ally, resigned as prime minister in January 2021 after losing a no-confidence vote. Tshisekedi appointed Jean-Michel Sama Lukonde Kyenge as prime minister that February.

A2 1.00-4.00 pts0-4 pts

Were the current national legislative representatives elected through free and fair elections?	1.001 4.004
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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. As former president, Kabila holds a lifetime Senate appointment. Members of both houses serve five-year terms. The FCC won 341 National Assembly seats, the Lamuka coalition took 102, and the CACH took 46 in the deeply flawed 2018 parliamentary elections.

In late 2020, President Tshisekedi announced a new coalition, the Sacred Union of the Nation (USN); he went on to sway many pro-Kaliba lawmakers to back it. By April 2021, when Tshisekedi announced a new cabinet, he and the USN reportedly had the support of 400 lower-house members.

A3 1.00-4.00 pts0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	0.000 4.004
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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.

In November 2022, CENI announced that the next presidential election would be held in December 2023 but warned that its work would be affected by the ongoing coronavirus pandemic, Ebola, and armed conflict.

B Political Pluralism and Participation

B1 1.00-4.00 pts0-4 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?	1.001 4.004
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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. Opposition leaders and supporters are often intimidated and face restrictions on movement and rights to campaign or organize public events. Coalitions have also shifted in recent years, with the USN being formed in 2020 and displacing a pro-Kabila majority in the legislature by 2021.

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. In August 2022, opposition leader and erstwhile Tshisekedi ally Jean-Marc Kabund was arrested for allegedly insulting the president; Kabund launched a new party, the Alliance for Change, the month before.

B2 1.00-4.00 pts0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?	0.000 4.004
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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 have also obstructed candidate movements.

B3 1.00-4.00 pts0-4 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?	0.000 4.004
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Citizens’ political choices and their ability to participate in the political process are hindered by the military, security services, and armed groups.

B4 1.00-4.00 pts0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?	1.001 4.004
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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. Ethnic-minority and Indigenous groups are effectively missing in the political sphere.

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 1.00-4.00 pts0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	0.000 4.004
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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. The state of siege was most recently renewed in December 2022.

C2 1.00-4.00 pts0-4 pts

Are safeguards against official corruption strong and effective?	1.001 4.004
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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, Tshisekedi’s 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.

In 2021, reports revealed Israeli businessman Dan Gertler’s embezzlement of \$3.7 billion in state funds through Kabila-approved contracts over several years. In February 2022, the government and Gertler signed an agreement where a Gertler-linked company would return assets that were reportedly worth over \$2 billion. Civil society groups criticized the government for its lack of transparency over the deal, which was believed to favor Gertler.

C3 1.00-4.00 pts0-4 pts

Does the government operate with openness and transparency?	0.000 4.004
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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.

In 2021, some efforts were made to bring the Central Bank of Congo (BCC) into compliance with International Monetary Fund (IMF) protocols as a condition for loans. However, required financial disclosures from top officials were not made public; tax agencies suffer from poor reporting; and shadow networks determine political and financial decisions in practice. In a September 2022 technical update, the IMF reported that a bill on the BCC’s transparency and independence existed in draft form and expected its ultimate approval. The IMF authorized a disbursement of funds in December.

The government is not transparent on the state’s involvement in violence in insecure areas. 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.

CL Civil Liberties

D Freedom of Expression and Belief

D1 1.00-4.00 pts0-4 pts

Are there free and independent media? | 1.001 4.004

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. The DRC has a diverse media environment, but only UN-affiliated Radio Okapi and the state-owned Congolese National Radio Television are accessible nationwide; print outlets' reach is largely limited to the capital.

Civil society groups have reported a rising trend of repression under the Tshisekedi administration. In November 2022, Journalist in Danger (JED), a Congolese watchdog, reported 124 press freedom violations over the year to date, a 13 percent increase over reported abuses in 2021. According to JED, one journalist was killed in 2022.

D2 1.00-4.00 pts0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private? | 3.003
4.004

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.

D3 1.00-4.00 pts0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? | 2.002
4.004

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 territory of Rutshuru.

D4 1.00-4.00 pts0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? | 1.001
4.004

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 1.00-4.00 pts0-4 pts

Is there freedom of assembly? | 1.001 4.004

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

Assembly rights are curtailed in areas affected by the state-of-siege declaration; authorities in North Kivu threatened to arrest those participating in a September 2022 protest over the fate of the M23-occupied town of Bunagana.

Violent protests against the continued presence of the UN Stabilization Mission in the DRC (MONUSCO) occurred in July 2022, affecting several cities in the east. Protesters damaged UN offices; in one incident, protesters also damaged the homes of UN workers. Witnesses reported that UN peacekeepers used excessive force in response to clashes. Some 36 people, most of them civilians, were killed nationwide by the time the protests subsided.

E2 1.00-4.00 pts0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

1.001
4.004

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 1.00-4.00 pts0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

1.001 4.004

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 1.00-4.00 pts0-4 pts

Is there an independent judiciary?

1.001 4.004

The judiciary 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 1.00-4.00 pts0-4 pts

Does due process prevail in civil and criminal matters?

0.000 4.004

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.

The state of siege in North Kivu and Ituri enacted martial law but only authorized military courts to try criminal, not civilian cases, resulting in growing detentions and stalled judicial cases. 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 1.00-4.00 pts0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	0.000
	4.004

Civilian authorities do not effectively control security forces. The military is notoriously undisciplined; 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 120 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 was active in 2022. In June, M23 fighters killed at least 17 people in North Kivu for allegedly reporting their location to government forces. M23 forces later disrupted supply lines serving the city of Goma. In November, the New Humanitarian news outlet reported that 280,000 people had been displaced by the fighting.

In April 2022, EAC member states agreed to launch an armed mission against M23; Burundian troops affiliated with that mission were deployed by August. While the Rwandan government, which is widely believed to support M23, negotiated a truce with Kinshasa in November, M23 fighters did not immediately lay down their arms. In late December, M23 fighters said they would retreat from Kibumba, a strategic town near Goma.

MONUSCO has been active in the DRC since 2010 but Congolese have criticized its performance. Those who participated in the violent July 2022 protests called the mission ineffective, especially in the face of M23, and demanded MONUSCO's immediate withdrawal. In August, the government said it would reconsider the MONUSCO withdrawal plan, under which the mission would continue through 2024. In late December, the UN Security Council voted to extend MONUSCO through the end of 2023.

F4 1.00-4.00 pts0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	0.000
	4.004

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 was widely disseminated on social networks during M23's 2022 campaign. Indigenous peoples also face pervasive discrimination and have limited access to public services. In November, 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 1.00-4.00 pts0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	1.001 4.004
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Freedom of movement is protected by law but seriously curtailed in practice, in large part due to armed conflicts and other security problems. In its July 2022 update, the UN Office for the Coordination of Humanitarian Affairs reported there were 5.5 million IDPs in the DRC, 1.2 million being newly displaced during the year to date. Various armed groups and government forces impose illegal tolls on travelers passing through territory under their control.

G2 1.00-4.00 pts0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	1.001 4.004
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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 1.00-4.00 pts0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	1.001 4.004
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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 1.00-4.00 pts0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	1.001 4.004
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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.