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DEMOCRATIC REPUBLIC OF THE CONGO 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Democratic Republic of the Congo is a centralized constitutional republic. Voters popularly elect the president and the lower house of parliament (National Assembly). Following a two-year delay, presidential, legislative, and provincial elections were held on December 30, 2018; however, presidential elections were cancelled in Beni and Butembo, nominally due to an ongoing Ebola outbreak and security concerns, and in Yumbi because of intercommunal violence. Legislative and provincial elections in those regions were held in March. On January 10, the National Independent Electoral Commission (CENI) declared Felix Tshisekedi the winner of the December 2018 presidential election. His electoral victory was confirmed by the Constitutional Court on January 20, and he was inaugurated on January 24. The 2018 election was marred by irregularities and criticized by some observers, including the Council of Bishops, who said the results did not match those of their observation mission. Many international actors expressed concern over the CENI decision to deny accreditation to several international election observers and media representatives. Some persons questioned the final election results due to press reports of unverified data leaked from unnamed sources alleging opposition candidate Martin Fayulu received the most votes. The election aftermath was calm, with most citizens accepting the outcome. The January 24 inauguration of President Felix Tshisekedi was the first peaceful transfer of power in the country's history. On August 26, the president's Course for Change (CACH) political alliance entered into a power-sharing agreement to form a government with former president Joseph Kabila's Common Front for Congo (FCC) political coalition, which won an absolute majority in the National Assembly. Under the agreement, Tshisekedi's CACH took 35 percent of ministerial posts, while Kabila's FCC took 65 percent.

The primary responsibility for law enforcement and public order lies with the Congolese National Police (PNC), which operates under the Ministry of the Interior. The National Intelligence Agency (ANR), overseen by the presidency, is responsible for internal and external intelligence. The Armed Forces of the Democratic Republic of the Congo (FARDC) and the military intelligence service operate under the control of the Ministry of Defense and are primarily responsible for external security but in reality focus almost exclusively on internal security. The FARDC suffered from weak leadership, poor operational planning, low administrative and logistical capacity, lack of training, and questionable loyalty of

some of its soldiers, particularly in the east. The presidency oversees the Republican Guard (RG), and the Ministry of Interior oversees the Directorate General for Migration, which, together with the PNC, are responsible for border control. Civilian authorities did not always maintain control over the security forces.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by the government; forced disappearances by the government; torture by government; arbitrary detention by the government; harsh and life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; serious problems with the independence of the judiciary; the worst forms of restrictions on free expression, the press, and the internet, including violence, threats of violence, or unjustified arrests of journalists, censorship, internet blackouts, and criminal libel; interference with the rights of peaceful assembly and freedom of association; some restrictions on citizens' right to change their government through democratic means; serious acts of corruption by the government; trafficking in persons; violence against women and children due in substantial part to government negligence; crimes involving violence or threats of violence targeting persons with disabilities, members of national/ethnic/racial minorities, or indigenous people; and crimes involving violence or threat of violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and forced labor, including by children.

Impunity for human rights violations and abuses was a problem. Despite the occurrence of some notable trials of military officials, authorities often did not investigate, prosecute, or punish officials who committed abuses, whether in the security forces or elsewhere in the government.

Government security forces, as well as illegal armed groups (IAGS), continued to commit abuses, primarily in the east and the Kasai region. These abuses included unlawful killings, disappearances, torture, destruction of government and private property, and sexual and gender-based violence. IAGs also recruited, abducted, and retained child soldiers and forced labor. The government took military action against some IAGs but had limited ability to investigate abuses and bring the accused to trial (see section 1.g.).

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports the government or its agents committed arbitrary or unlawful killings.

The state security forces (SSF) committed arbitrary or unlawful killings in operations against IAGs in the east and in the Kasai region (see section 1.g.). According to the UN Joint Office of Human Rights (UNJHRO), security forces were responsible for at least 276 extrajudicial killings across the country as of July 31. Many of these extrajudicial killings occurred in the Kivus, where the SSF fought the Allied Democratic Forces (ADF) and other militias. IAGs were responsible for at least 505 summary executions by the end of July.

On January 10, security forces used lethal and disproportionate force to disrupt post electoral demonstrations. According to Human Rights Watch (HRW), at least 10 civilians were killed across the country during the day of political gatherings. In the city of Kikwit, in Kwilu Province, the PNC killed five persons, including two adolescent boys and a man who were bystanders on their way to the hospital to donate blood. During demonstrations in Kikwit, at least 22 protesters were wounded by gunfire. In Kisangani, Tshopo Province, PNC agents killed a nine-year-old boy while dispersing unarmed demonstrators. The same day, in Goma, North Kivu Province, police killed an 18-year-old man while dispersing demonstrators.

On February 24, the FARDC executed 19 unarmed members of the Kamwina Nsapu militia. The 19 men were among 300 militia members who surrendered to the FARDC in February. A trial of the alleged perpetrators began in July at a military court in Kananga, the capital of Kasai Central Province.

IAGs committed arbitrary and unlawful killings throughout the year (see section 1.g.). IAGs recruited and used children as soldiers and human shields and targeted the SSF, members of the government, and others.

Although the military justice system convicted some SSF agents of human rights abuses, impunity remained a serious problem. The government maintained joint human rights committees with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and used available international resources, such as the UN-implemented technical and logistical support program for military prosecutors as well as mobile hearings supported by international nongovernmental organizations (NGOs). Military courts convicted some SSF agents of human rights violations. The United Nations

reported the government convicted at least 32 FARDC soldiers and 102 PNC officers for crimes constituting human rights violations during the first half of the year. In the previous year, the government convicted 120 FARDC soldiers and 66 PNC officers for similar violations.

On February 26, in response to police firing on university protesters in January, a Lubumbashi court sentenced the deputy provisional police commissioner to one year in prison. The court sentenced the four police officers who fired at the students to 20 years' imprisonment. A fifth police officer who fled and failed to appear in court was sentenced to death in absentia. The court also ordered the government to pay the families of those killed 83.2 million Congolese francs (\$50,000) each and 66.6 million Congolese francs (\$40,000) to the families of those injured.

The United Nations also reported that on May 3, 18 alleged Kamwina Nsapu militia members were sentenced to 20 years in prison for terrorism and participation in an insurrectional movement. Four other defendants in the case were acquitted due to insufficient evidence. The court ordered the payment of 33.8 million Congolese francs (\$20,000) to each of the victims represented in the case.

b. Disappearance

There were reports of disappearances attributable to the SSF during the year. Authorities often refused to acknowledge the detention of suspects and in several cases detained suspects in unofficial facilities, including on military bases and in detention facilities operated by the ANR. The whereabouts of some civil society activists and civilians arrested by the SSF remained unknown for long periods. On March 26, following a presidential directive to close secret ANR detention facilities, the national council tasked with oversight of the Saint Sylvester political accord of 2016 (which set a path for presidential elections to be held) announced all such centers had been shuttered. Independent monitors were unable to confirm that action, however, due to the large number of detention places without judicial supervision.

The United Nations reported that on January 7, in Bakuba, Kasai Province, an adolescent boy was arrested and detained in a prison cell by FARDC soldiers on the pretext that he participated in the Kamwina Nsapu insurgency movement. On January 12, his relatives visited the prison cell but did not find the boy. The FARDC said they transferred the suspect to a military prosecutor but that he did not arrive. The United Nations reported other sources claimed the child was killed.

IAGs kidnapped numerous persons, generally for forced labor, military service, or sexual slavery. Many of these victims disappeared (see section 1.g.).

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

The law criminalizes torture, but there were credible reports the SSF continued to torture civilians, particularly detainees and prisoners. In September the British NGO Freedom from Torture reported on 16 cases of torture between 2013 and 2018, all linked to antigovernment or human rights activism under the Kabila regime. Throughout the year activists circulated videos of police beating unarmed and nonviolent protesters.

The UNJHRO reported that on June 3, in Ndunda, South Kivu Province, a 15-year-old boy was tortured by FARDC soldiers after neighbors accused him of theft. The victim was interrogated and beaten with sticks to compel him to confess. He was eventually released due to the deterioration of his health and was taken to a medical facility by his family for treatment.

According to the United Nations, on May 22, in Kabeya, Maniema Province, FARDC soldiers arbitrarily arrested three men for the rape of a woman. The soldiers had gone to the village to make an arrest but had been unable to find the intended suspect. The three detainees were transferred to an ANR prison for three days, where they were beaten and later released after paying a fine.

Government agents raped and sexually abused women and girls during arrest and detention, as well as during the course of military action. IAGs frequently used rape as a weapon of war (see section 1.g.).

As of August 19, the United Nations reported it had received four allegations of sexual exploitation and abuse against military, police, and civilian personnel deployed with MONUSCO. Of these cases, two involved the alleged rape of a child, and two involved allegations of solicitation of transactional sex with an adult. As of that date, all investigations were pending.

Prison and Detention Center Conditions

Conditions in most prisons throughout the country were harsh and life threatening due to food shortages, gross overcrowding, and inadequate sanitary conditions and

medical care. Even harsher conditions prevailed in small detention centers run by the ANR, RG, or other security forces, which often detained prisoners for lengthy pretrial periods without providing them access to family or legal counsel.

Physical Conditions: Serious threats to life and health were widespread and included violence (particularly rape); food shortages; and inadequate potable water, sanitation, ventilation, temperature control, lighting, and medical care. Poor ventilation subjected detainees to extreme heat. Central prison facilities were severely overcrowded, with an estimated occupancy rate of 200 percent of capacity. For example, Makala Central Prison in Kinshasa, which was constructed in 1958 to house 1,500 prisoners, held as many as 8,200 inmates simultaneously during the year. In August the National Human Rights Council (CNDH) published findings from visits to prisons in each of the country's 26 provinces in 2018. The CNDH found that all but four prisons were grossly overcrowded and most buildings being used for detention were originally built for other purposes. For example, in Kamina, Upper Lomami Province, 244 prisoners were being held in a former train station. In Isiro, Upper Uele Province, 96 men were detained in a beer warehouse. In Bunia, Ituri Province, 1,144 prisoners were held in a former pigsty.

Authorities generally confined men and women in separate areas but often held juveniles with adults. Women were sometimes imprisoned with their children. Authorities rarely separated pretrial detainees from convicted prisoners.

Because inmates had inadequate supplies of food and little access to water, many relied exclusively on relatives, NGOs, and church groups to bring them sustenance. The United Nations reported that through June 30, 106 individuals had died in detention during the year, a 12 percent decrease, compared with 120 deaths recorded in the same period in 2018. These resulted from malnutrition, poor sanitation conditions, and lack of access to proper medical care. In April, BBC Afrique reported 40 inmates of the Mbanza Ngungu Prison in Kongo Central Province had died in the preceding 18 months due to lack of health care and poor hygiene conditions. Inmates said they were fed only one small meal of cassava flour per day. Local officials were quoted as saying they needed help from the national government to buy enough food for the prison.

Most prisons were understaffed, undersupplied, and poorly maintained, leading to corruption and poor control of the prison population, as well as prison escapes. The United Nations reported at least 1,045 individuals escaped detention centers as of June 30, a significant increase from the 801 escapees in all of 2018.

On May 9, as many as nine prisoners escaped from Kananga Prison, in Kasai Central Province. Local media reported prisoners had taken control of the prison in the days leading up to the escape. On July 16, at least 53 detainees escaped from Kamitunga Central Prison in South Kivu. Local media quoted the mayor of Kamitunga saying the prison guards were not on duty when the detainees escaped.

Authorities often arbitrarily beat or tortured detainees. On April 25, Marie-Ange Mushobekwa, the acting minister of human rights, told the UN Human Rights Council that “it is especially in prisons that torture is practiced.”

On February 2, a woman detained in Kolongo Central Prison in Tanganyika Province was admitted to the hospital after receiving 100 lashes. Radio Okapi reported the incident and quoted a local civil society coordinator as saying, “The buttocks of the victim are destroyed.”

IAGs detained civilians, often for ransom. Survivors reported to MONUSCO they were often subjected to forced labor (see section 1.g.).

Administration: Authorities denied access to visitors for some inmates and often did not permit inmates to contact or submit complaints to judicial authorities. Directors and staff generally ran prisons for profit, selling sleeping arrangements to the highest bidders and requiring payment for family visits.

Independent Monitoring: The government regularly allowed the International Committee of the Red Cross (ICRC), MONUSCO, and NGOs access to official detention facilities maintained by the Ministry of Justice, but it consistently denied access to facilities run by the RG, ANR, and the military and police intelligence services. The ICRC visited an unknown number of prisoners.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention, but the SSF routinely arrested or detained persons arbitrarily (see section 1.e.). IAGs also abducted and detained persons arbitrarily (see section 1.g.).

Arrest Procedures and Treatment of Detainees

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(s) for their

arrest, and they may not arrest a family member in lieu of the suspected individual. Authorities must allow arrested individuals to contact their families and consult with attorneys. Security officials, however, routinely violated all of these requirements.

While the law provides for a bail system, it generally did not function. Detainees who were unable to pay for a lawyer were rarely able to access legal counsel. Authorities often held suspects incommunicado, including in unofficial detention centers run by the ANR, military intelligence, and the RG, and refused to acknowledge these detentions.

Prison officials often held individuals longer than their sentences due to disorganization, inadequate records, judicial inefficiency, or corruption. Prisoners unable to pay their fines often remained indefinitely in prison (see section 1.e.). Some suspects were held incommunicado.

Arbitrary Arrest: Security personnel arrested and detained civil society activists, journalists, and opposition party members and sometimes denied them due process (see sections 1.a., 2.a., and 5). Throughout the year security forces regularly held protesters and civil society activists incommunicado and without charge for extended periods. The United Nations reported the SSF arbitrarily arrested at least 1,650 persons across the country as of July 31. Human rights defenders continued to be subject to arbitrary arrest and detention without a fair public trial.

The United Nations reported that on January 5 in Goma, North Kivu Province, 79 persons, including seven women and 15 children, were arbitrarily arrested by PNC officers as they celebrated in the streets following rumors that Martin Fayulu had won the presidential election. On January 14, all were released after being charged with disturbing public order, destruction, and rebellion.

According to the UNJHRO, on April 22, the ANR arrested and detained four human rights defenders in the Kongo Central town of Pema for “causing public disorder” after they denounced police extortion of local residents. The UNJHRO also reported that on June 13, a magistrate ordered two human rights defenders arrested in the Kasai Central town of Demba after they prevented an angry mob from chasing a man accused of witchcraft.

Police sometimes arbitrarily arrested and detained persons without filing charges to extort money from family members or because administrative systems were not well established.

Pretrial Detention: Prolonged pretrial detention, ranging from months to years, remained a problem. A local NGO, the Congolese Association for Access to Justice, estimated the number of pretrial detentions in the country had doubled and at least three quarters to four-fifths of the prison population was in pretrial detention. Judicial inefficiency, administrative obstacles, corruption, financial constraints, and staff shortages also caused trial delays.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Detainees are entitled to challenge in court the legal basis or arbitrary nature of their detention; however, few were able to obtain prompt release and compensation.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary was corrupt and subject to influence and intimidation. Officials and other influential individuals often subjected judges to coercion.

For example, on June 17, five adolescents--all sons of prominent businessmen and politicians in Kinshasa--were acquitted of all charges despite admitting in court to gang-raping a 13-year-old girl. The boys, ages 14 to 17, were legally culpable by law. A sixth boy was sentenced to prison but was released after three weeks. Following his release, the boy posted on social media that as the son of a prominent politician, he would never go to prison. Local politicians and civil society organizations claimed the families systematically intimidated the victim's family and used money and political influence to sway the trial.

A shortage of prosecutors and judges hindered the government's ability to provide expeditious trials, and judges occasionally refused transfers to remote areas where shortages were most acute because the government could not support them there. Authorities routinely did not respect court orders. Disciplinary boards created under the High Council of Magistrates continued to rule on numerous cases of corruption and malpractice each month. Many of these rulings included the firing, suspension, or fining of judges and magistrates.

Military magistrates are responsible for the investigation and prosecution of all crimes allegedly committed by SSF members, whether or not committed in the line of duty. Civilians may be tried in military tribunals if charged with offenses involving firearms. The military justice system often succumbed to political and

command interference, and security arrangements for magistrates in areas affected by conflict were inadequate. Justice mechanisms were particularly ineffective for addressing misconduct by mid- and high-ranking officials due to a requirement the judge of a military court must outrank the defendant.

Trial Procedures

The constitution provides for a presumption of innocence, but this was not always observed. Authorities are required to inform defendants promptly and in detail of the charges against them, with free interpretation as necessary, but this did not always occur. The public may attend trials at the discretion of the presiding judge. Defendants have the right to a trial within 15 days of being charged, but judges may extend this period to a maximum of 45 days. Authorities only occasionally abided by this requirement. The government is not required to provide counsel in most cases, with the exception of murder trials. While the government regularly provided free legal counsel to indigent defendants in cases of capital punishment, lawyers often did not have adequate access to their clients. Defendants have the right to be present and to have a defense attorney represent them. Authorities occasionally disregarded these rights. Authorities generally allowed adequate time to prepare a defense, although there were few resources available. Defendants have the right to confront witnesses against them and to present evidence and witnesses in their own defense, but witnesses often were reluctant to testify due to fear of retaliation. Defendants are not compelled to testify or confess guilt. Defendants have the right to appeal, except in cases involving national security, armed robbery, and smuggling, which the Court of State Security usually adjudicates.

Political Prisoners and Detainees

As of June 30, the United Nations reported there were persons held in detention for their political opinions or legitimate citizens' activities. These prisoners were all arrested before the beginning of the year.

On August 7, the Congolese Association for Access to Justice reported there were no reports of new political prisoners since President Tshisekedi took office on January 24.

While the government permitted international human rights and humanitarian organizations and MONUSCO access to some of these prisoners, authorities

always denied access to detention facilities run by the RG, military intelligence, and the ANR (see section 1.c.).

Amnesty: An estimated 110 political prisoners were released following the issuance of four presidential orders in March. A number of high-profile prisoners were released following these orders, including opposition politicians Jean-Claude Myuambo Kyassa, Gerard Mulumba, and Franck Diongo. According to the United Nations, several political prisoners remained incarcerated as of June 30. Local civil society groups claimed the 28 individuals imprisoned for the assassination of former president Laurent-Desire Kabila were political prisoners.

Civil Judicial Procedures and Remedies

Individuals may seek civil remedies for human rights violations within the civil court system. Most individuals, however, preferred to seek redress in the criminal courts.

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

Although the law prohibits arbitrary interference with privacy, family, home, or correspondence, the SSF routinely ignored these provisions. The SSF harassed and robbed civilians, entered and searched homes and vehicles without warrants, and looted homes, businesses, and schools. Family members were often punished for offenses allegedly committed by their relatives. The United Nations reported that as of July 31, the SSF had committed 357 violations of the right to property.

g. Abuses in Internal Conflict

Conflicts continued in some of the eastern provinces, particularly North Kivu, South Kivu, Tanganyika, Ituri, Upper Uele, Lower Uele, and provinces in the Kasai region (Kasai Central, Kasai, Kasai Oriental, Sankuru, and Lomami Provinces). IAGs such as the Democratic Forces for the Liberation of Rwanda (FDLR), ADF, National Council for the Renewal of Democracy, National Forces of Liberation, and Lord's Resistance Army, as well as indigenous IAGs such as the Nduma Defense of Congo-Renewal (NDC-R), Kamuina Nsapu, Bana Mura, and various Mai Mai (local militia) groups continued to perpetrate violence against civilians. Many of the IAGs originated in foreign countries or were predominantly composed of noncitizens. In June the UN Group of Experts (UNGEOE) reported ISIS had claimed an attack by the ADF on Congolese territory in April.

Conflict among armed groups caused significant population displacement and led to many human rights violations. In North Kivu, the NDC-R, Mai Mai Mazembe, ADF, FDLR as well as a host of smaller armed groups fought among themselves and caused significant population displacements as they fought over territory. There were reports some elements within the FARDC collaborated with the NDC-R.

In August, HRW and the Congo Research Group released a report on the past two years of conflict in North and South Kivu Provinces. The report described the eastern part of the country as one of the most violent places in the world, and it identified 1,897 civilian deaths as a result of fighting in the region between June 2017 and June 26, 2019. During the same period, 3,316 persons were abducted or kidnapped. The report identified Beni Territory, North Kivu Province, as the epicenter of violence in the east, driven largely by the presence of the ADF, which was responsible for at least 272 civilian deaths during the same period. The report's authors indicated, however, that many of the 223 victims of unattributed attacks were likely the result of the ADF as well. The FARDC and MONUSCO peacekeepers also suffered losses in the area. A total of 723 FARDC soldiers were killed in North and South Kivu during the two-year period, and 28 MONUSCO peacekeepers were killed in Beni Territory alone since 2015.

There were credible reports that the IAGs and SSF perpetrated serious human rights violations and abuses during internal conflicts.

MONUSCO reported that on May 1, in Nyamagana, North Kivu, FARDC soldiers killed four men and one woman in retaliation against the civilian population after a failed military operation against the armed group Nyatura Collective of Movements for Change.

Armed groups also perpetrated serious human rights violations and abuses.

The UNJHRO reported that on January 12, six persons were shot and killed by NDC-R combatants. The NDC-R allegedly told villagers they had voted wrong in the presidential election and told them to return to Rwanda. According to the United Nations, the NDC-R group summarily executed at least 85 persons as of July 31. The UNGOE reported in June the FARDC was actively collaborating with the NDC-R in the Masisi Territory of North Kivu. According to the UNGOE, the FARDC tolerated the free movement of NDC-R elements and the use of

FARDC uniforms by NDC-R fighters. There were no reports of FARDC operations against the NDC-R as of June 6.

Through July attacks attributed to the ADF killed more than 109 civilians. From July 18 to July 28, a series of ADF attacks in North Kivu resulted in at least 29 deaths. The group targeted civilians working in their fields, hacking them to death with machetes.

In Ituri Province a series of attacks in June by unidentified local militias against villages resulted in an estimated 160 deaths and caused widespread displacement since the local population feared a return of intercommunity fighting reminiscent of the 2001-03 Ituri War. Approximately 350,000 persons were displaced by the June violence, including an estimated 8,650 refugees who fled to Uganda.

The trial of Nduma Defense of Congo (NDC) founder Ntabo Ntaberi Sheka for war crimes, mass rape, recruitment of child soldiers, murder, and multiple other crimes continued during the year. Sheka surrendered to MONUSCO in 2017, and his trial started in November 2018, completing its 42nd session in June. The trial was expected to continue throughout the year with more than 100 witnesses yet to testify. While NGO representatives commended the high quality of evidence presented at the trial, they also raised concerns over its slow pace, witness intimidation, and the lack of appeals process under the law for war crimes trials.

The government took military action against several major IAGs. On September 17, during an operation in Rutshuru Territory in North Kivu Province, security forces killed FDLR leader Sylvestre Mudacumura, an alleged war criminal for whom the International Criminal Court (ICC) had issued an arrest warrant in 2012.

Operational cooperation between MONUSCO and the government continued in the east but not in the Kasai region, where FARDC troops were accused of serious human rights abuses that a UN report stated could amount to crimes against humanity. The MONUSCO Force Intervention Brigade supported FARDC troops who were under attack by the ADF on January 8 near a MONUSCO base in Mavivi, North Kivu. During the attack ADF assailants killed 10 civilians and abducted one other.

On March 29, the UN Security Council extended MONUSCO's mandate until December 20 and renewed the Force Intervention Brigade to neutralize armed groups. The mandate welcomed the actions taken by President Tshisekedi to end restrictions on political space and stressed the need for the government to end

impunity for human rights violations by the SSF. The mandate also called for an eventual drawdown of UN presence and requested an official exit strategy by October 20. As of August, MONUSCO consisted of approximately 16,760 peacekeepers, military observers, and police.

Killings: The UNJHRO reported that on average, three civilians were killed every day in conflict-affected areas.

As of July 31, the United Nations reported IAGs summarily executed 505 civilians, including 129 women. The ADF was responsible for at least 109 killings in North Kivu, largely during ambushes and attacks against villages targeting civilians. Mai Mai groups summarily executed 50 civilians in conflict-affected provinces, and the FDLR summarily executed at least 76 civilians, including 26 women and two children. MONUSCO reported that on March 2, combatants of the FDLR abducted a man from his private residence in Goma, North Kivu Province. While leaving the area, the combatants fired on a group of persons at a nearby pharmacy, killing three persons and wounding two others. The perpetrators also shot and killed a streetside vendor and a motorcyclist. Later that day, the FDLR combatants abducted a civilian in Nyiragongo Territory. Both civilians were taken to an FDLR safe haven in Virunga National Park and released the following day after paying a ransom.

The Office of the United Nations High Commissioner for Human Rights reported that between June 10 and June 13, individuals from the Lendu ethnic group in Ituri Province killed at least 117 members of the Hema and Alur communities and dumped their bodies in mass graves. A UN fact-finding mission confirmed that several massacres had taken place in Djugu and Mahagi territories. The report suggested that additional political and economic motives beyond community membership underlay the assaults.

Abductions: UN agencies and NGOs reported IAGs abducted individuals, generally to serve as porters or guides or to demand ransom for them. As of July 31, the United Nations reported IAGs abducted 46 children. The ADF was the greatest perpetrator of child abductions. The group routinely abducted men, women, and children in North Kivu, and the UNGOE reported abductions were one of the group's main means of recruitment and that the ADF regularly engaged in forced marriage. On June 3, in Beni, North Kivu Province, at least 10 persons, including two children, were abducted by the ADF. Eight men and four women were also shot and killed by ADF combatants during the attack when they attempted to escape.

MONUSCO reported that from March 1 to May 1 in Rutshuru Territory, North Kivu Province, at least 11 persons were shot and killed, and 22 others were abducted by armed men in military uniforms. Families of the abducted individuals paid more than nine million Congolese francs (\$5,300) in ransom payments. MONUSCO also documented that on May 4, 25 women were abducted in their fields by FDLR combatants in Rutshuru. While 24 of these women were released, one of them was kept captive allegedly because she came from a wealthy family, and the perpetrators demanded a ransom.

As of August 28, Invisible Children's Crisis Tracker documented 23 killings and 180 abductions, including the abduction of 22 children, in Upper Uele and Lower Uele Provinces. The Lord's Resistance Army was responsible for 157 of the abductions.

Physical Abuse, Punishment, and Torture: UN agencies and NGOs reported that through June 30, the SSF arrested, illegally detained, raped, and tortured at least 814 civilians, including 170 women and 33 children, in conflict-affected areas. During this period the FARDC forced 46 civilians, including one woman and one child, into labor. The government disputed these numbers.

MONUSCO reported that on February 21, in Makungu, South Kivu Province, a 62-year-old woman was raped and then killed by strangulation by soldiers of the 221st FARDC battalion. The victim was alone in her home when four alleged perpetrators broke into the house while two others remained outside. Two alleged perpetrators subdued the victim while two others raped her. The victim was strangled when she shouted to alert the neighbors.

Child Soldiers: According to the United Nations, at least 1,139 children were released from IAGs during the one-year period ending July 31. The majority came from the Kamwina Nsapu militia, which surrendered en masse after President Tshisekedi's inauguration in January. The UNJHRO reported 46 children were abducted by IAGs during this same period, although it was unclear if they were used as child soldiers. There were no incidents of the FARDC using children.

The UNGOE reported that as of June 6, the Mai-Mai group Patriotic Union for Liberation of Congo (UPLC) continued to forcibly recruit children from nearby villages. Before combat operations, the UPLC allegedly forced child recruits to administer ritual potions to the combatants. The potion was believed to render

combatants invincible, and the child recruits had to carry buckets of the potion during UPLC operations.

The government continued to work with MONUSCO to end the use of child soldiers by IAGs. On July 29, the UPLC signed a unilateral declaration committing to end and prevent child recruitment. MONUSCO certified the release of 53 children from the group. As of August 19, 24 groups had pledged not to recruit or use children.

The ADF continued to kidnap children and use them as combatants.

Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: Fighting between the FARDC and IAGs as well as among IAGs continued to displace populations and limit humanitarian access, particularly in Ituri Province; Rutshuru, Masisi, Walikale, Lubero, Beni, and Nyiragongo territories in North Kivu Province; South Kivu Province; Maniema Province; and Tanganyika Province.

In North Kivu, South Kivu, East Kasai, and Upper Katanga Provinces, both IAGs and elements of the FARDC continued to illegally tax, exploit, and trade natural resources for revenue and power. Clandestine trade in minerals and other natural resources facilitated the purchase of weapons and reduced government revenues. The natural resources most exploited were gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore) but also included wildlife products, timber, charcoal, and fish.

The illegal trade in minerals was both a symptom and a cause of weak governance. It illegally financed IAGs and individual elements of the SSF and sometimes generated revenue for traditional authorities and local and provincial governments. With enhanced government regulation encouraged by global advocacy efforts and donor support, the mining of cassiterite, coltan, and wolframite resulted in a small but increasing amount of legal conflict-free export from North and South Kivu, Upper Katanga, and Maniema Provinces. Both elements of the SSF and certain IAGs continued to control, extort, and threaten remote mining areas in North Kivu, South Kivu, Ituri, Maniema, the Kasai region, and Haut Katanga Provinces.

The law prohibits the FARDC from engaging in mineral trade, but the government did not effectively enforce the law. Criminal involvement by some FARDC units

and IAGs included protection rackets, extortion, and theft. The International Peace Information Service (IPIS), a Belgian research group, reported that in the trading hub of Itebero, North Kivu Province, traders paid \$10 per ton of coltan to the president of the local trading association, who distributed this money to the FARDC, ANR, and Directorate General for Migration. Individual FARDC commanders also sometimes appointed civilians with no overt military connection to covertly manage their interests at mining sites.

The UNGOE reported several IAGs and elements of the FARDC profited from illegal trade and exploitation in the minerals sector (see section 4). The UNGOE reported a large part of the gold that was allegedly sourced from Rwanda and Uganda was obtained fraudulently in neighboring countries, including the Democratic Republic of the Congo. For example, it documented that 660 pounds of undeclared gold transited each month from Bukavu to Rwanda and Burundi. The group also documented a smuggling operation of illegally sourced gold that was ultimately sold in Uganda and the United Arab Emirates.

Health centers and Ebola health-care responders in the Butembo region of North Kivu were repeatedly targeted by armed assailants, including local Mai-Mai militias. Local populations were often subject to conspiracy theories and misinformation from militias claiming that health workers were actually there to spread the Ebola virus. Through July the World Health Organization reported nearly 200 attacks on health centers and Ebola responders in North Kivu and Ituri. On April 19, a doctor working for the organization was killed at Butembo University Hospital.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of speech, including for the press, but the government did not always respect this right. The press frequently and openly criticized public officials and public policy decisions. Individuals generally could criticize the government, its officials, and other citizens in private without being subject to official reprisals. Public criticism, however, of government officials and corruption sometimes resulted in intimidation, threats, and arrest. Provincial-level governments also prevented journalists from filming or covering some protests. Through June 30, the UNJHRO documented human rights abuses against at least 85 journalists. On May 3, President Tshisekedi was the first head of state from the

country to take part in World Press Freedom Day in Kinshasa, declaring the government's commitment to promote freedom of the press.

Freedom of Expression: The law prohibits insulting the head of state, malicious and public slander, and language presumed to threaten national security. Authorities sometimes intimidated, harassed, and detained journalists, activists, and politicians when they publicly criticized the government, president, or SSF. On April 9, Radio Television Nsanga in Kasai Province was stormed by nine armed PNC officers on orders of the director of the local telecommunication authority. Journalists were ordered to abruptly interrupt broadcasting and leave the premises. The previous day agents from the telecommunication authority had asked the station to pay 338,000 Congolese francs (\$200) in tax without explaining why. Plainclothes and uniformed security agents allegedly monitored political rallies and events.

Press and Media, Including Online Media: The law mandates the High Council for the Audiovisual and Communications to provide for freedom of the press and equal access to communications media and information for political parties, associations, and citizens. A large and active private press functioned in Kinshasa and in other major cities, and the government licensed a large number of daily newspapers. Radio remained the principal medium of public information due to limited literacy and the relatively high cost of newspapers and television. The state owned three radio stations and three television stations, and the former president's family owned two additional television stations. Government officials, politicians, and to a lesser extent church leaders, owned or operated the majority of media outlets.

The government required newspapers to pay a one-time license fee of 250,000 Congolese francs (\$150) and complete several administrative requirements before publishing. Broadcast media were also subject to a Directorate for Administrative and Land Revenue advertisement tax. Many journalists lacked professional training, received little or no set salary, could not access government information, and exercised self-censorship due to concerns of harassment, intimidation, or arrest.

In November local NGO Journalists in Danger (JED) reported 85 cases of attacks on media from November 2018 to October and attributed 25 percent of these attacks to state security forces. JED reported the number of attacks on media decreased by approximately 30 percent from 2018. JED reported 16 cases of arrests of journalists, a 70 percent decline from the previous year, including several

who remained in detention for more than the legal limit of 48 hours without being charged. JED reported 41 instances of authorities preventing the free flow of information, as well as efforts to subject journalists to administrative, judicial, or economic pressure. At year's end the government had not sanctioned or charged any perpetrator of press freedom violations.

On March 20, Flavien Rusaki, a journalist and owner of the news outlet Tokundola, which broadcasts on several television stations in Kinshasa, was assaulted by activists from the Union for Democracy and Social Progress (UDPS) political party outside its headquarters in Kinshasa. Rusaki was accompanying opposition figure Franck Diogo, who had just been released from prison following President Tshisekedi's amnesty order, and was en route to UDPS party headquarters to show his support for the president. UDPS supporters accused Rusaki as a supporter of defeated presidential candidate Martin Fayulu and attacked him.

Violence and Harassment: Local journalists were vulnerable to intimidation and violence by the SSF. JED reported that on August 1, a FARDC soldier assaulted Frank Masunzu, a journalist for Radio Pole FM, in Masisi Territory of North Kivu Province, while trying to interview victims of alleged FARDC abuses.

Censorship or Content Restrictions: While the High Council for Audiovisual and Communications is the only institution with legal authority to restrict broadcasts, the government, including the SSF and provincial officials, also exercised this power.

Media representatives reported they were pressured by provincial government authorities not to cover events organized by the opposition or news concerning opposition leaders.

On June 29, the government forced Radio Television by Satellite (RTVS1), a media company owned by opposition leader Adolphe Muzito, to shut down, allegedly for tax arrears after it broadcast a message encouraging participation in a banned protest. This was the first such instance of forced media closure since President Tshisekedi took office, and the timing was seen as deliberate. The government did not reestablish RTVS1's signal until August 1. On September 4, JED reported approximately 30 media outlets were closed throughout the country.

Libel/Slander Laws: The national and provincial governments used criminal defamation laws to intimidate and punish critics. On March 1, Radio Television

Sarah journalist Steve Mwanyo Iwewe was sentenced by a provincial criminal court to 12 months in prison and a fine of 338,000 Congolese francs (\$200) for insulting the governor of Equateur Province. Governor Bobo Boloko Bolumbu ordered Iwewe's arrest on February 27 after he refused to stop filming a protest by employees of the local environmental department. Iwewe was freed on March 30 after successfully appealing his case. He reported that he was "brutally beaten by the governor's bodyguards" during his arrest.

Local media reported that on August 1, Michel Tshiyoyo, a journalist for Radio Sozem in Kasai Central Province, was arrested over a social media post in which he discussed a dispute between two regional politicians. Martin Kubaya, the provincial governor, alleged the Facebook post was "hate speech." On August 23, Tshiyoyo was sentenced to two years in prison. The Congolese National Press Union said Tshiyoyo had not committed any violations and called for his release. As of November he was still in prison.

National Security: The national government used a law that prohibits anyone from making general defamatory accusations against the military to restrict free speech.

Nongovernmental Impact: IAGs and their political wings regularly restricted press freedom in the areas where they operated.

Internet Freedom

The government restricted and disrupted access to the internet.

Some private entrepreneurs made moderately priced internet access available through internet cafes in large cities throughout the country. Data-enabled mobile telephones were an increasingly popular way to access the internet.

From December 31, 2018, to January 19, following national elections, the outgoing Kabila government suspended internet access. In December 2018 the Postal and Telecommunications Regulatory Authority of Congo demanded telecommunications companies restrict access for security reasons and to prevent the dissemination of unofficial results of the December 30 elections. Opposition and civil society groups accused the government of preventing them from sharing photographs of results following the vote tabulation, reporting and speaking out against electoral irregularities, and organizing demonstrations. On January 7, the UN special rapporteur on the promotion and protection of the rights to freedom of opinion and expression denounced the government's action as unjustifiable and a

flagrant violation of international law. The regulatory authority restored internet access on January 19, the day the Constitutional Court confirmed President Tshisekedi's election win.

Authorities continued to reserve the right to implement internet blackouts, citing a 2002 act that grants government officials the power to shut down communications and conduct invasive surveillance. Additionally, at times the Criminal Code of 1940 and Press Freedom Act of 1996 were used to restrict freedom of expression.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution provides for freedom of peaceful assembly, but government authorities restricted this right and prevented those critical of the government from exercising their right to peaceful assembly, especially in Upper Uele, North Kivu, and Tanganyika Provinces. The law requires organizers of public events to notify local authorities in advance of the event. The government maintained public events required advance permission and regularly declined to authorize public meetings or protests organized by opposition parties or civil society groups critical of the government. During the year the SSF beat, detained, or arrested persons participating in protests, marches, and meetings. The SSF also used tear gas, rubber bullets, and at times live ammunition, resulting in numerous civilian deaths and injuries.

The United Nations reported an opening of democratic space, including the freedom to peacefully assemble, by the government following Tshisekedi's inauguration. Local and regional governments, however, continued to prohibit and repress some demonstrations. According to MONUSCO there were 461 violations of democratic space as of June 30, a decrease from the 499 violations recorded during the same period in 2018. These included restrictions on freedom of assembly, the right to liberty and security of person, and of the right to freedom of opinion and expression.

On May 10, in Goma, the PNC used excessive force to disperse members of civil society movement Lucha, during peaceful protests against reported poor service by telecommunications providers. Eight persons were taken to the hospital, including three individuals who were beaten to the point of losing consciousness.

On June 30, the country's Independence Day, the PNC violently dispersed a peaceful demonstration of opposition coalition Lamuka supporters in Goma, North Kivu Province. During the dispersal a man was shot and died of his injuries the next day. On the same day, despite having no legal basis to do so, Kinshasa governor Gentiny Ngobila banned a planned march by Lamuka supporters in the city, citing the day's symbolic nature in his decision. President Tshisekedi publicly supported the decision to ban all protests across the country on June 30. According to the United Nations, police fired tear gas to prevent the march, and antiriot police intercepted the group's leader, Martin Fayulu. On June 24, a union of doctors and nurses held a rally in Kinshasa to protest nonpayment of back salaries. According to local media, PNC officers beat and fired tear gas at the protesters. The PNC claimed the assembly was illegal because the association had not received permission from the mayor's office.

On July 20, Kinshasa governor Ngobila banned all protests from July 22 to July 27 after the youth wing of President Tshisekedi's UDPS political party announced plans to protest the candidacy of former minister of justice Alexis Thambwe Mwamba for the Senate presidency, and counter protests were organized by the youth wing of former president Kabila's party.

In Kinshasa opposition parties were often allowed to hold political rallies. On February 2, Martin Fayulu, runner up in the December 2018 presidential election, held a rally with thousands of supporters in Kinshasa, where he called for peaceful resistance against what he described as a rigged election. Police did not intervene in the rally, and the event was covered on state television. On June 23, opposition politician Jean-Pierre Bemba held a large rally in Kinshasa to commemorate his return to the country after a self-imposed exile.

Similarly, when politician Moise Katumbi returned to Lubumbashi on May 22 after three years in exile, he was greeted by thousands of supporters. Katumbi faced difficulty, however, holding rallies in conflict-affected parts of the country (see section 3).

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right. Civil society organizations and NGOs are required to register with the government and may receive funds only through donations; they may not generate any revenue, even if it is not at a profit. The registration process was burdensome and very slow. Some groups, particularly within the LGBTI community, reported the government had denied their registration requests. Many NGOs reported that, even when carefully following the registration process, it often took years to receive legal certification. Many interpreted registration difficulties as intentional government obstacles for impeding NGO activity.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government sometimes restricted these rights.

Several high-profile opposition figures were allowed to return to the country after years in self-imposed exile. In April the government annulled a prison sentence in absentia for politician Moise Katumbi, enabling him to safely return in May for the first time in three years. Similarly, Antipas Mbusa Nyamwisi, another opposition politician, was granted a passport in May, allowing him to return to the country after more than a year in exile.

In-country Movement: The SSF established barriers and checkpoints on roads and at airports and markets, both for security reasons and to track movement related to the Ebola outbreak. The SSF routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The government required travelers to submit to control procedures at airports and ports during domestic travel and when entering and leaving towns. IAGs engaged in similar activity in areas under their control, routinely extorting civilians at checkpoints and holding them for ransom.

Local authorities continued to collect illegal taxes and fees for boats to travel on many parts of the Congo River. There also were widespread reports FARDC soldiers and IAG combatants extorted fees from persons taking goods to market or traveling between towns (see section 1.g.).

The SSF sometimes required travelers to present travel orders from an employer or government official, although the law does not require such documentation. The SSF often detained and sometimes exacted bribes from individuals traveling without orders.

Foreign Travel: Because of inadequate administrative systems, passport issuance was irregular. Officials accepted bribes to expedite passport issuance, and there were reports the price of fully biometric passports varied widely.

e. Internally Displaced Persons

The UN Office of the High Commissioner on Refugees (UNHCR) estimated that, including individuals displaced for longer than 12 months, there were 4.5 million internally displaced persons (IDPs), including 2.7 million children, in the country. The government was unable to consistently protect or assist IDPs adequately but generally allowed domestic and international humanitarian organizations to do so. The government sometimes closed IDP camps without coordinating with the international humanitarian community. UNHCR and other international humanitarian organizations worked to close IDP sites where the security situation was relatively stable.

Conflict, insecurity, and poor infrastructure adversely affected humanitarian efforts to assist IDPs. UNHCR estimated that of the 350,000 IDPs displaced by intercommunal violence in Ituri in June, it had access to only 120,000 due to insecurity and inability to travel. Population displacements continued throughout the year, particularly in the east. Many areas continued to experience insecurity, such as North Kivu's Beni Territory, Ituri Province, South Kivu's Fizi Territory, and Maniema and Tanganyika Provinces. Intercommunal violence and fighting among armed groups in the east resulted in continued population displacement and increased humanitarian needs for IDPs and host communities. International organizations estimated 40 percent of displacements in the country were due to actions of the FARDC.

Due to the remote location, weak civilian authority, and insecurity of the Kasai region, humanitarian access was difficult, and IDPs lived in poor conditions without adequate shelter or protection. Women and girls were particularly vulnerable to sexual violence, including gang rape. UNHCR representatives said that of the 350,000 Congolese, including 1,941 refugees, who were forcibly

repatriated from Angola in October 2018 and were then displaced in the Kasai region, the majority had returned to their areas of origin.

Combatants and other civilians abused IDPs. Abuses included killings, sexual exploitation of women and children (including rape), abduction, forced conscription, looting, illegal taxation, and general harassment.

f. Protection of Refugees

As of August 31, UNHCR reported 538,706 refugees in the country, primarily from seven adjacent countries, of whom 216,018 were from Rwanda. Of the refugees in the country, 63 percent were children.

Abuse of Migrants, Refugees, and Stateless Persons: Continuing conflict in North Kivu, Ituri, and Tanganyika Provinces harmed refugees and IDPs in the regions, with attacks often resulting in deaths and further displacement. UNHCR reported Rwandan refugees in the Masisi Territory of North Kivu were subject to cyclical displacement as a result of FARDC and IAG operations and were forced to relocate to South Kivu.

The government occasionally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. In Bunia, Ituri Province, local authorities granted land for a new IDP site after UNHCR raised concerns the site hosting 11,000 IDPs near the city's hospital during an Ebola outbreak was unfit.

In August the national government provided 422 million Congolese francs (\$250,000) each to the governors of Kasai and Kasai Central to provide protection and transportation assistance to an estimated 6,000 to 10,000 returnees from Angola. Both governors worked with UNHCR, the World Food Program, Doctors Without Borders, and other international partners to facilitate the repatriation.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a rudimentary system for providing protection to refugees. The system granted refugee and asylum status and provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

As of August 31, there were 10,144 asylum seekers in the country. The government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers with welfare and safety needs. The government assisted in the safe, voluntary return of refugees to their homes by allowing their entry into the country and facilitating immigration processing. In establishing security mechanisms, government authorities did not treat refugees differently than citizens.

Durable Solutions: On July 5, the government signed a tripartite agreement with the Central African Republic (CAR) and UNHCR, allowing CAR refugees to return home. At least 4,000 CAR refugees expressed their intention to return home. In November, 396 refugees returned to CAR from the northern part of the country in the first repatriation convoy.

The country did not invoke the cessation clause effective in 2013 for Rwandan refugees who fled Rwanda before the end of 1998. In 2016 the government joined other refugee-hosting countries and UNHCR to commit to facilitating repatriation of Rwandans from countries of asylum. To implement the tripartite agreement from 2014, the National Commission on Refugees and UNHCR began in 2016 the process of biometrically registering Rwandan refugees who opted to remain in the country. Refugees received long-term, renewable permits to remain in the country. The program included a path to citizenship. Conflict impeded the process in North Kivu, where most of the refugees were located. UNHCR continued to support voluntary repatriation, and between January and August it assisted in repatriating 1,088 Rwandan refugees.

Temporary Protection: The government provided temporary protection to an undetermined number of individuals who may not qualify as refugees (see section 1.g.).

g. Stateless Persons

The country has a population of de facto stateless residents and persons at risk of statelessness, including persons of Sudanese origin living in the northeast, Mbororo pastoralists in the far north, forced returnees from Angola and former Angolan refugees, mixed-race persons who are denied naturalization, and Congolese citizens without civil documentation. There were no accurate estimates of this population's size. The law does not discriminate in granting citizenship on the grounds of gender, religion, or disability; however, the naturalization process is cumbersome and requires parliamentary approval of individual citizenship

applications. Persons whose names are not spelled according to local custom were often denied citizenship, as were individuals with lighter colored skin. Persons without national identification cards were sometimes arbitrarily arrested by the SSF.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Presidential, legislative, and provincial elections were held on December 30, 2018, and drew criticism grounded in procedural transparency concerns. The CENI cancelled elections in Beni and Butembo in North Kivu Province, reportedly due to health concerns generated by the Ebola crisis, and in Yumbi in Mai Ndombe Province due to insecurity. Although the CENI organized legislative and provincial contests in those areas in March, more than one million voters were disenfranchised from the presidential contest.

On January 10, the CENI announced opposition candidate Tshisekedi won the presidential election, and in accordance with electoral law, on January 20, the Constitutional Court confirmed the CENI's results. In a statement the council of bishops criticized the outcome, noting "the results of the presidential election as published by the CENI do not correspond to the data collected by our observation mission."

Many international actors expressed concern over the CENI's decision to deny accreditation to several international election observers and media representatives. Some persons questioned the final election results due to press reports of unverified data leaked from unnamed sources alleging opposition candidate Martin Fayulu received the most votes. The election aftermath was calm, with most citizens accepting the outcome. On January 24, Tshisekedi was sworn in as president, marking the first peaceful transfer of power since the country's independence in 1960.

Tshisekedi's UDPS political party won 32 seats in the National Assembly, whereas the FCC coalition won 335 seats of 500 seats total. Senatorial elections were held on March 15 through an indirect vote by provincial assemblies. On March 18,

President Tshisekedi blocked incoming senators from taking their seats in response to widespread allegations provincial assembly members demanded bribes of tens of thousands of dollars for their votes. On March 29, Tshisekedi announced he was lifting the ban on seating the senators after public prosecutors claimed there was no evidence of electoral corruption.

Gubernatorial elections were held on April 10, resulting in Kabila's FCC alliance winning 25 of 26 governorships and President Tshisekedi's CACH coalition winning one seat. There were widespread accusations of corruption in opposition strongholds and resource-rich regions.

On June 10, the Constitutional Court issued a ruling invalidating the parliamentary elections of 24 opposition members, awarding their seats to members of the majority coalition. In response President Tshisekedi ordered the creation of a special investigation chamber. On July 3, the special chamber reinstated 10 of the 24 invalidated parliamentarians.

Political Parties and Political Participation: On August 26, President Tshisekedi's CACH political alliance entered into a power-sharing agreement with former president Kabila's FCC political alliance. Under the agreement, CACH received 35 percent of ministerial positions in the government, and the FCC took 65 percent. The FCC also enjoyed majority representation in judicial bodies.

State-run media, including television and radio stations, remained the largest sources of information for the public and government (see section 2.a.). There were reports of government intimidation of opposition members, such as denying opposition groups the right to assemble peacefully (see section 2.b.), limiting travel within or outside the country, targeting opposition leaders in politically motivated judicial actions, and exercising political influence in the distribution of media content.

The law recognizes opposition parties and provides them with "sacred" rights and obligations. Government authorities and the SSF, however, prevented opposition parties from holding public meetings, assemblies, and peaceful protests. The government and the SSF also limited opposition leaders' freedom of movement. At various points during the year, including the election campaign period, the SSF used force to prevent or disrupt opposition-organized events.

Thousands in Lubumbashi welcomed home exiled opposition leader Moise Katumbi on May 22. On June 2, and again on June 10, however, the government

prevented Katumbi from landing his plane in Goma, where he was scheduled to hold a political rally. Both times, the government cited “security reasons,” in denying the landing clearance.

In a number of districts, known as *chefferies*, traditional chiefs perform the role of a local government administrator. Unelected, they are selected based on local tribal customs (generally based on family inheritance) and if approved are then paid by the government.

Participation of Women and Minorities: No laws limit participation of women or minorities in the political process, and they did participate, although some ethnic groups in the restive east claimed discrimination. Women held 10 percent of seats in the National Assembly (52 of 500) and 10 percent in the provincial assemblies (72 of 690). In April, Jeanine Mabunda was named president of the National Assembly, the second time a woman has held that position. Of 108 senators, 23 were women. Among the 66 government vice prime ministers, ministers, ministers of state, vice ministers, and minister delegates, 12 were women, an increase in the total number from that of the previous government (from 10 percent of 59 such positions to 17 percent of 65 such positions). Notably, Marie Tumba Nzeza became the second female foreign minister, and Elysee Munembwe Tamukumwe was named vice prime minister for planning. Some observers believed cultural and traditional factors prevented women from participating in political life to the same extent as men.

Some groups, including indigenous persons, claimed they had no representation in the Senate, National Assembly, or provincial assemblies. Discrimination against indigenous groups continued in some areas, such as Equateur, East Kasai, and Upper Katanga Provinces, and contributed to their lack of political participation (see section 6).

The national electoral law prohibits certain groups of citizens from voting in elections, in particular members of the armed forces and the national police.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: Corruption by officials at all levels as well as within state-owned enterprises continued to deprive state coffers of hundreds of millions of dollars per year.

On July 11, President Tshisekedi stated the country would no longer tolerate “yesterday’s untouchable corrupters,” and he pledged to launch a national anticorruption awareness campaign. Of residents, 80 percent said they had to pay bribes to secure public goods and services such as police protection, water, birth certificates, and identification cards. The survey, conducted from February to March 2018, showed that 82 percent of respondents believed the presidency under Kabila was the most corrupt institution in the country. In September, Vital Kamerhe, President Tshisekedi’s chief of staff, was accused of embezzling 15 million dollars from a state fund established to reimburse petroleum companies for a price freeze. As of October an investigation was underway.

Elements of the SSF were undisciplined and corrupt. PNC and FARDC units regularly engaged in illegal taxation and extortion of civilians. They set up checkpoints to collect “taxes,” often stealing food and money and arresting individuals who could not pay bribes.

Additional revenue losses were due to racketeering and exploitation of minerals in the east by certain FARDC elements and IAGs. Artisanal mining remained predominantly informal and illicit and strongly linked to both armed groups and certain elements of the FARDC. Artisanal mining products, particularly gold, were smuggled into Uganda and Rwanda, often with the connivance of government officials.

As of 2017 research by the NGO IPIS estimated 44 percent of artisanal mine sites in the east were free of illegal control or taxation from either elements of the SSF or IAGs, 38 percent were under the control of elements of the FARDC, and the remainder were under the control of various armed groups. In areas affected by conflict, both IAGs and elements of the SSF regularly set up roadblocks and ran illegal taxation schemes. In April, IPIS published data showing state agents regularly sold tags meant to validate clean mineral supply chains. The validation tags--a mechanism designed to reduce corruption, labor abuses, trafficking in persons, and environmental destruction--were regularly sold to smugglers.

In 2014 the government launched a mechanism to standardize supply-chain processes across the Great Lakes region for artisanally produced cassiterite (tin ore), wolframite (tungsten ore), and coltan (tantalum ore), the implementation of

which continued during the year. On July 26, the government publicly launched an initiative alongside international and local partners to validate tin, tungsten, tantalum, and gold mine sites, verifying no armed groups benefited from mining activities. The 2018 mining code mandated membership in mining cooperatives for all artisanal miners and required accreditation to transform, transport, and conduct transactions in artisanal mining products.

In 2013 Kofi Annan's Africa Progress Panel estimated the country lost \$1.36 billion between 2010 and 2012 due to undervalued mining asset sales. In 2018 the NGO Global Witness reported more than 1.3 billion Congolese francs (\$750 million) in payments by mining companies to tax agencies and state mining companies between 2013 and 2015 never reached the national treasury. Also in 2018 the Carter Center reported 1.2 trillion Congolese francs (\$750 million) in unaccounted for mining revenues earned by the parastatal Gecamines from 2011 to 2014. This constituted more than two-thirds of the 1.75 trillion Congolese francs (\$1.1 billion) in mining revenues earned by Gecamines during this period. During the first half of the year, attempts to reform Gecamines by President Tshisekedi were systematically blocked by the holdover Kabila-era appointee in the Ministry of Portfolio, the body responsible for managing state-owned companies.

A June report from the UNGOE found armed groups regularly financed their activities through illegal mining. The report documented cases of government officials involved in the illegal diversion of minerals. According to the report, in December 2018 Isidor Olamba Shoja, head of the Mining Police in North Kivu's Sake town, accepted a bribe of two million Congolese francs (\$1,200) for the release of a smuggler arrested with 373 pounds of illegal coltan. After releasing the prisoner, Shoja kept the coltan. The UNGOE reported Shoja diverted minerals from smuggling groups several times, and that as of June he was in detention. On March 21, two other police officers were arrested for accepting a bribe to facilitate mineral smuggling.

The UNGOE also reported the armed group NDC-R, which they described as a proxy force of the FARDC, financed its activities through the control of artisanal gold and coltan mining sites in North Kivu. In January the NDC-R started to collect monthly taxes of 1,000 Congolese francs (\$0.60) per adult. Persons were beaten, fined, and detained if they could not prove they paid the tax. The group also subjected local communities to forced labor. Men in Kalembe, North Kivu Province, were forced to perform construction work in mines controlled by the group.

As in previous years, a significant portion of the country's enacted budget (approximately 13 percent) included off-budget and special account allocations that were not fully published. These accounts facilitated graft by shielding receipts and disbursements from public scrutiny. The special accounts pertained to eight parastatal organizations that raised revenues that were not channeled through the government's tax collection authorities. "Special accounts" are subjected to the same auditing procedures and oversight as other expenditures; however, due in large part to resource constraints, the Supreme Audit Authority did not always publish its internal audits, or in many cases published them significantly late. Under the Extractive Industries Transparency Initiative (EITI) standard of 2016, the government is required to disclose the allocation of revenues and expenditures from extractive companies. On June 16, the EITI board noted the country had made meaningful progress in its implementation of the 2016 standard but also expressed concern over persistent corruption and mismanagement of funds in the extractive sector.

Financial Disclosure: The law requires the president and ministers to disclose their assets to a government committee. The president and all ministers and vice ministers reportedly did so when they took office. The committee had yet to make this information public.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Elements of the SSF continued to kill, harass, beat, intimidate, and arbitrarily arrest and detain domestic human rights advocates and domestic NGO workers, particularly when the NGOs reported on or supported victims of abuses by the SSF or reported on the illegal exploitation of natural resources in the east. In September, Human Rights Watch's lead analyst for the country, Ida Sawyer, was granted a visa, and returned for the first time in three years. Sawyer--one of the foremost experts on human rights in the country--had been blacklisted under the Kabila regime. She stated she was encouraged by the Tshisekedi administration's commitment to real change. During the year the government declined to issue or renew visas for some international journalists and researchers. Representatives from the Ministry of Justice and the ANR met with domestic NGOs and sometimes responded to their inquiries.

The United Nations or Other International Bodies: The government cooperated at times with investigations by the United Nations and other international bodies but was not consistent in doing so. For example, the government refused to grant the

United Nations access to certain detention centers, particularly at military installations such as military intelligence headquarters, where political prisoners were often detained. The government and military prosecutors cooperated with the UN team supporting investigations related to the 2017 killing of two UN experts, Michael Sharp and Zaida Catalan, in Kasai Central Province.

In August, FARDC Colonel Jean de Dieu Mambweni was formally charged in the killings of the two UN experts, leading to the creation of a higher-level military panel that was hearing the case against him as well as the other defendants, some of whom were being tried in a lower level military court since June 2017. As of August a number of key suspects remained at large, including Evariste Ilunga, one of the few suspects identified in the video of the killings, and several others who were part of a prison escape in Kasai Central Province in May.

On July 8, the ICC convicted Bosco Ntaganda of 18 counts of war crimes and crimes against humanity committed in Ituri between 2002 and 2003. Ntaganda's crimes included murder, rape, sexual slavery, and the use of child soldiers in the country. In 2004 the government requested the ICC investigate the situation. On November 7, the ICC sentenced Ntaganda to 30 years in prison for his crimes.

Government Human Rights Bodies: During the year the National Commission on Human Rights published reports on 2018 intercommunal violence in Yumbi Territory, the condition of prisons and other detention facilities, and insecurity due to poaching in Haut Lomami Province. It also visited detention centers, followed up on complaints of human rights violations from civilians, and held a meeting on the right to demonstrate. It continued to lack sufficient funding for overhead costs or to have full-time representation in all 26 provinces.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law on sexual violence criminalizes rape, but the offense was not always reported by victims, and the law was not always enforced. Rape was common. The legal definition of rape does not include spousal rape. It also prohibits extrajudicial settlements (for example, a customary fine paid by the perpetrator to the family of the victim) and forced marriage, allows victims of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality. The minimum penalty prescribed for conviction of rape is a prison sentence of five years, and courts regularly imposed

such sentences in rape convictions. Some prosecutions occurred for rape and other types of sexual violence.

From January to July, the UNJHRO reported at least 556 women and girls were victims of sexual and gender-based violence in conflict-affected areas. The UNJHRO stated perpetrators were primarily IAGs, followed by FARDC, police, and intelligence agents. In June there were 54 cases of sexual violence against women attributed to FDLR combatants. For example, the United Nations reported that on June 17, a woman in Nyiragongo Territory was attacked by eight FDLR combatants and raped while searching for firewood. As of July 31, the United Nations reported the SSF killed 49 women and IAGs killed 116 women.

The SSF, IAGs, and civilians perpetrated widespread sexual violence (see section 1.g.). As of July 31, the United Nations documented 501 adult victims and 64 child victims of sexual violence in conflict. Crimes of sexual violence were sometimes committed as a tactic of war to punish civilians for having perceived allegiances to rival parties or groups. The crimes occurred largely in the conflict zones in North and South Kivu Provinces, but also throughout the country. The 2013-14 *Demographic and Health Survey* (DHS) found more than one in four women nationwide (27 percent) had experienced sexual violence at some point in their lives, up from 22 percent in 2007.

The Panzi Hospital in Bukavu reported 700 cases of rape occurred near the border of Maniema and Tanganyika Provinces from March to June. Due to armed group activity, however, their planned joint fact-finding mission with the United Nations could not access the area.

In March the PNC launched a nationwide campaign, with support from MONUSCO, to eliminate sexual and gender-based violence by the SSF. On July 7, Colonel Jean Daniel Apanza, head of the military's internal commission to combat sexual violence, reaffirmed the FARDC's principle of "zero tolerance for cases of sexual violence."

MONUSCO reported that, from March 1 to March 15, the military court in Kikwit Province convicted eight PNC agents and two FARDC soldiers of rape, with sentences ranging from three to 12 years in prison.

Most survivors of rape did not pursue formal legal action due to insufficient resources, lack of confidence in the justice system, family pressure, and fear of subjecting themselves to humiliation, reprisal, or both.

The law does not provide any specific penalty for domestic violence despite its prevalence. Although the law considers assault a crime, police rarely intervened in perceived domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.

Female Genital Mutilation/Cutting (FGM/C): The law describes FGM/C as a form of sexual violence, provides a sentence of two to five years in prison, and levies fines of up to 200,000 Congolese francs (\$125); in case of death due to FGM/C, the sentence is life imprisonment.

For more information, see Appendix C.

Other Harmful Traditional Practices: UNICEF and MONUSCO attributed some abuses of children, including sexual violence against young girls, to harmful traditional and religious practices. Perpetrators allegedly targeted children because they believed harming children or having sex with virgins could protect against death in conflict.

Sexual Harassment: Sexual harassment occurred throughout the country. The law prohibits sexual harassment and stipulates a minimum sentence of one year, but there was little or no effective enforcement of the law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. Estimates on maternal mortality and contraceptive prevalence are available in Appendix C.

Discrimination: The constitution prohibits discrimination based on gender, but the law does not provide women the same rights as men. The law provides women a number of protections. It permits women to participate in economic domains without approval of male relatives, provides for maternity care, disallows inequities linked to dowries, and specifies fines and other sanctions for those who discriminate or engage in gender-based abuse. Women, however, experienced economic discrimination.

According to UNICEF, many widows were unable to inherit their late husbands' property because the law states that in event of a death in which there is no will, the husband's children, including those born out of wedlock (provided they were officially recognized by the father), rather than the widow, have precedence with regard to inheritance. Courts may sentence women found guilty of adultery to up

to one year in prison, while adultery by men is punishable only if judged to have “an injurious quality.”

Children

Birth Registration: The law provides for the acquisition of citizenship through birth within the country or from either parent being of an ethnic group documented as having been located in the country in 1960. The government registered 25 percent of children born in some form of medical facility. Lack of registration rarely affected access to government services. For additional information, see Appendix C.

Education: The constitution provides for tuition-free and compulsory primary education. During the year President Tshisekedi promised to make public primary education universally free. The government, however, was not able to consistently provide it in all provinces. Public schools generally expected parents to contribute to teachers’ salaries. These expenses, combined with the potential loss of income from their children’s labor while they attended class, rendered many parents unable or unwilling to enroll their children.

Primary and secondary school attendance rates for girls were lower than for boys due to financial, cultural, or security reasons, including early marriage and pregnancy for girls. Teachers pressured one in five girls to exchange sexual favors for high grades.

Many of the schools in the east were dilapidated and closed due to chronic insecurity. Schools were sometimes targeted in attacks by both the FARDC and IAGs. Parents in some areas kept their children from attending school due to fear of IAG forcible recruitment of child soldiers.

Child Abuse: Although the law prohibits all forms of child abuse, it regularly occurred. The constitution prohibits parental abandonment of children accused of sorcery. Nevertheless, parents or other care providers sometimes abandoned or abused such children, frequently invoking “witchcraft” as a rationale. The law provides for the imprisonment of parents and other adults convicted of accusing children of witchcraft. Authorities did not implement the law.

Many churches conducted exorcisms of children accused of witchcraft. These exorcisms involved isolation, beating and whipping, starvation, and forced ingestion of purgatives. According to UNICEF some communities branded

children with disabilities or speech impediments as witches. This practice sometimes resulted in parents' abandoning their children.

Early and Forced Marriage: While the law prohibits marriage of boys and girls younger than age 18, many marriages of underage children took place.

Bridewealth (dowry) payment made by a groom or his family to the relatives of the bride to ratify a marriage greatly contributed to underage marriage, as parents forcibly married daughters to collect bridewealth or to finance bridewealth for a son.

The constitution criminalizes forced marriage. Courts may sentence parents convicted of forcing a child to marry to up to 12 years' hard labor and a fine of 92,500 Congolese francs (\$58). The penalty doubles when the child is younger than age 15. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age of consensual sex is 18 for both men and women, and the law prohibits prostitution by anyone younger than age 18. The penal code prohibits child pornography, with imprisonment of 10 to 20 years for those convicted. The law criminalizes child sex trafficking, with conviction carrying penalties ranging from 10 to 20 years' imprisonment and a fine of 800,000 to 1,000,000 Congolese francs (\$500 to \$625). From January through June, UNICEF assisted 3,318 children (3,193 girls and 125 boys) who were victims of sexual exploitation. Most of these children were provided with a holistic response including psychosocial care, medical care, socioeconomic reintegration, and legal assistance.

There were also reports child soldiers, particularly girls, faced sexual exploitation (see section 1.g.).

Child Soldiers: Armed groups recruited boys and girls (see section 1.g.).

Displaced Children: According to the 2007 *Rapid Assessment, Analysis, and Action Planning Report*, which was the most recent data available, there were an estimated 8.2 million orphans, children with disabilities, and other vulnerable children in the country. Of these, 91 percent received no external support of any kind and only 3 percent received medical support. The NGO Humanium estimated 70,000 children lived on the streets, with at least 35,000 in Kinshasa. The families of many of these children forced them out of their homes, accusing them of witchcraft and bringing misfortune to their families.

Between April and August 13, UNICEF registered 1,380 orphans who lost parents to the Ebola virus in the east. During the same period, 2,469 children were separated from their parents--either because they were isolated after being in contact with an Ebola-affected individual or because their parents were undergoing treatment.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and requires the state to promote their participation in national, provincial, and local institutions. The constitution states all persons should have access to national education. The law states private, public, and semipublic companies may not discriminate against qualified candidates based on disability. The government did not enforce these provisions effectively, and persons with disabilities often found it difficult to obtain employment, education, and other government services.

As of November the law did not mandate access to government buildings or services for persons with disabilities including access to health care, information, communication, transportation, the judicial system, or other state services. While persons with disabilities may attend public primary and secondary schools and have access to higher education, no special provisions are required of educational facilities to accommodate their specific needs. Consequently, 90 percent of adults with disabilities did not achieve basic literacy. The Ministry of Education

increased its special education outreach efforts but estimated it was educating fewer than 6,000 children with disabilities.

Disability groups reported extensive social stigmatization, including children with disabilities being expelled from their homes and accused of witchcraft. Families sometimes concealed their children with disabilities due to shame. To address these issues, President Tshisekedi created a new Ministry of Social Affairs Charged with People Living with Disabilities and Other Vulnerable Persons, and a new minister, Irene Esambo Diata, was confirmed on September 6.

National/Racial/Ethnic Minorities

Ethnic Twa persons frequently faced severe societal discrimination and had little protection from government officials (see section 1.g.).

There were reports of societal discrimination and violence against foreign minority groups. For example, Chinese workers in Kasai Central Province were arbitrarily arrested in August on charges of “illegally staying,” after a spike in local tensions over tolls on the new road being constructed by a Chinese company.

Indigenous People

Estimates of the country’s indigenous population (Twa, Baka, Mbuti, Aka, and others believed to be the country’s original inhabitants) varied greatly, from 250,000 to two million. Societal discrimination against these groups was widespread, and the government did not effectively protect their civil and political rights. Most indigenous persons took no part in the political process, and many lived in remote areas. Fighting in the east between RMGs and the SSF, expansion by farmers, and increased trading and excavation activities caused displacement of some indigenous populations.

While the law stipulates indigenous populations receive 10 percent of the profits gained from use of their land, this provision was not enforced. In some areas, surrounding tribes kidnapped and forced indigenous persons into slavery, sometimes resulting in ethnic conflict (see section 1.g.). Indigenous populations also reported high instances of rape by members of outside groups, which contributed to HIV/AIDS infections and other health complications.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

While no law specifically prohibits consensual sexual conduct between same-sex adults, individuals engaging in public displays of same-sex sexual conduct, such as kissing, were sometimes subject to prosecution under public indecency provisions, which society rarely applied to opposite-sex couples. A local NGO reported authorities often took no steps to investigate, prosecute, or punish officials who committed abuses against LGBTI persons, whether in the security forces or elsewhere in the government, and impunity for human rights abuses was a problem.

Identifying as lesbian, gay, bisexual, transgender, or intersex remained a cultural taboo, and harassment by SSF and judiciary occurred.

LGBTI individuals were subjected to harassment, stigmatization, and violence, including “corrective” rape. Some religious leaders, radio broadcasts, and political organizations played a key role in perpetrating discrimination against LGBTI individuals.

LGBTI persons in South Kivu reported that in 2018 a coalition of revivalist churches in Bukavu published materials characterizing LGBTI persons as against the will of God. The publications contributed to a deteriorating environment for LGBTI rights in the area. Advocates reported arbitrary detentions, acts of physical violence, including beatings, being stripped naked, sexual abuse in public settings, and rape. In some cases LGBTI persons were forced by threats of violence to withdraw from schools and other public and community institutions.

HIV and AIDS Social Stigma

The law prohibits discrimination based on HIV status, but social stigma continued.

The 2013-14 DHS captured a proxy indicator measuring the level of tolerance of respondents towards an HIV-positive person (either family member, businessperson, or teacher) and the necessity of hiding the HIV-positive status of a family member. A total of 72 percent of respondents said they were ready to take care of an HIV-positive parent, but only 47 percent expressed willingness to purchase produce from an HIV-positive seller. A total of 49 percent of respondents would accept having an HIV-positive teacher teach their children, and 26 percent said it would not be necessary to hide the HIV status of a family member. The study estimated a global tolerance level towards HIV-positive persons at 4 percent in women and 12 percent in men.

According to UNAIDS, the HIV prevalence rate of adults and children between 15 and 49 was 0.7 percent, and an estimated 390,000 persons of all ages in the country had HIV in 2017.

Other Societal Violence or Discrimination

Discrimination against persons with albinism was widespread and limited their ability to marry and obtain employment, health care, and education. Families and communities frequently ostracized persons with albinism. Civil society groups reported albinos were killed and their bodies disinterred and cut up for use in rituals meant to grant special power to anyone, from soccer teams to political campaigns, for example.

Longstanding ethnic tensions also fueled some community violence. Throughout the first half of the year, Hutu populations in North Kivu were subject to forced displacement by both the SSF and IAGs operating in the area. In June intercommunal violence between Hema and Lendu groups in Ituri Province resulted in the deaths of 117 persons (see section 1.g.).

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide all workers, including those in both the informal and formal sectors, except top government officials and SSF members, the right to form and join trade unions and to bargain collectively. The law also provides for the right of most workers to conduct legal strikes. It is against the law, however, for police, army, directors of public and private enterprises, and domestic workers to strike. The law gives administrative authorities the right to dissolve, suspend, or deregister trade union organizations. It also grants unions the right to conduct activities without interference, although it does not define specific acts of interference. In the private sector, a minimum of 10 employees is required to form a union within a business, and a single business may include members of more than one union. Foreigners may not hold union office unless they have lived in the country for at least 20 years. Collective bargaining requires a minimum of 10 union committee members and one employer representative; union committee members report to the rest of the workforce. In the public sector, the government sets wages by decree after holding prior consultations with unions. Certain subcategories of public employees, such as staff members of decentralized entities

(towns, territories, and sectors), do not have the right under the law to participate in the wage-setting consultations.

Union committees are required to notify company management of a planned strike, but they do not need authorization to strike. The law stipulates unions and employers shall adhere to lengthy compulsory arbitration and appeal procedures before unions initiate a strike. Generally the committee delivers a notice of strike to the employer. If the employer does not reply within 48 hours, the union may strike immediately. If the employer chooses to reply, negotiations, which may take up to three months, begin with a labor inspector and ultimately continue in the Peace Court. Sometimes, employees provide minimum services during negotiations, but this is not a requirement. Unless unions notify employers of a planned strike, the law prohibits striking workers from occupying the workplace during a strike, and an infraction of the rules on strikes may lead to incarceration of up to six months with compulsory prison labor. This rule was not enforced, and no one was reported to have been imprisoned.

The law prohibits discrimination against union employees and requires employers to reinstate workers dismissed for union activities, but the associated penalties were not adequate to deter violations. The law considers those who have worked for a minimum of three continuous months as “workers” and thereby protected by relevant labor law. Unless they are part of a union, most workers in agricultural activities and artisanal mining, domestic and migrant workers, and workers in export-processing zones were unfamiliar with their labor rights and did not often seek redress when employers breached applicable labor laws.

The government recognizes 12 private-sector and public-enterprise unions at the national level. The public administration sector has a history of organizing, and the government negotiates with sector representatives when they present grievances or go on strike. Of the 15 national unions that represented the public administration sector, five accounted for the majority of the workers.

Workers exercised their right to strike. In January workers in the public and private sectors held a series of strikes over unpaid salaries. The new Tshisekedi administration invited workers’ representatives to negotiate and dismissed two directors of state-owned companies for their role in the embezzlement of workers’ salaries.

On February 26, police from Mbuji-Mayi, the capital of Kasai Oriental Province, went on strike over nonpayment of two months’ salary.

On July 31, magistrates in Kinshasa, Matadi, Lubumbashi, Mbandaka, and Uvira stopped judicial proceedings to protest working conditions and low salaries. Edmond Isofa, the president of the National Magistrates' Union, said that low salaries were a major cause of corruption within the judicial system.

The government did not effectively enforce the law. In small and medium-sized businesses, workers could not effectively exercise the right to strike. Due to lax enforcement of labor regulations, companies and shops could immediately replace any workers attempting to unionize, bargain collectively, or strike with contract workers to intimidate the workers and prevent them from exercising their rights, despite legal protections. Antiunion discrimination was widespread, particularly in foreign-owned companies. In many instances, companies refused to negotiate with unions and negotiated individually with workers to undermine collective bargaining efforts.

Despite collective agreements on union dues, employers often did not remit union dues or did so irregularly.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor. Penalties were insufficient to deter violations.

In cases of nonpayment of requisite and applicable taxes, the law allows for arrest and forced labor as a penalty to repay the tax debt. This had not been put into practice, however.

The government did not effectively enforce the law. There were reports forced labor, including forced child labor, regularly occurred throughout the country. Violations included bonded labor, domestic servitude, and slavery. In the artisanal mining sector, individuals took on debt from intermediaries and dealers to acquire food, supplies, and mining equipment, often at high interest rates. Miners who failed to provide sufficient ore to pay their debt were at risk of debt bondage. The government continued to try to formalize the artisanal mining sector but did not attempt to regulate the practice. In the east IAGs continued to abduct and forcibly recruit men, women, and children to serve as laborers, porters, domestic laborers, and combatants (see section 1.g.). In eastern mining regions, there were reports armed groups violently attacked mining communities and surrounding villages and held men, women, and children captive for trafficking, including forced labor and

sexual exploitation. In North Kivu and South Kivu Provinces, some members of FARDC units and IAGs taxed or, in some cases, controlled mining activities in gold, coltan, wolframite, and cassiterite mines. There were no reports of FARDC units forcing persons to work in mines. IAGs sometimes forced local communities to perform construction work and other labor at mine sites. The government did not effectively enforce laws banning this practice.

Some police officers arrested individuals arbitrarily to extort money from them (see section 1.d.). There were reports in North and South Kivu Provinces of police forcing those who could not pay to work until they “earned” their freedom.

The government did not effectively enforce laws prohibiting forced or compulsory labor and took no action against those who used forced labor and abducted civilians for forced labor. The government did not report any official forced labor investigations, and there were no prosecutions. Little if any information existed on the removal of victims from forced labor.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The government prohibits all of the worst forms of child labor. The law sets the minimum age for work at 16, and a ministerial order sets the minimum age for hazardous work at 18. The law also stipulates children may not work for more than four hours per day and restricts all minors from transporting heavy items. Penalties for conviction of violations for the worst forms of child labor were insufficient to deter violations.

The Ministry of Labor has responsibility for investigating child labor abuses but had no dedicated child labor inspection service. In 2016 the National Labor Committee adopted a new action plan to fight the worst forms of child labor, slated for implementation during the year; however, as of September it had not been implemented. Other government agencies responsible for combating child labor include the Ministry of Gender, Family, and Children; Ministry of Justice; Ministry of Social Affairs; and National Committee to Combat the Worst Forms of Child Labor. These agencies had no budgets for inspections and conducted no child labor investigations.

World Vision announced it had reduced exploitation and the worst forms of child labor for 1,380 children in the mining sites of North Katanga through the provision of vocational training and schooling opportunities.

While criminal courts continued to hear child labor complaints, neither the courts nor other government agencies effectively enforced these laws. The government did not allocate specific budgetary resources to the relevant ministries and the National Committee to Combat the Worst Forms of Child Labor.

While there was systematic government effort to redirect child labor away from artisanal mines, the government and the African Development Bank launched an \$80 million project to provide alternative livelihoods for children engaged in the cobalt sector. The Ministry of Mines prohibits artisanal mines with child labor from exporting minerals; however, the ministry had limited enforcement capacity.

The government undertook a \$2.5 million project to boost the capacity of labor inspectors to prevent children younger than age 18 from engaging in hazardous work in mines. The law prohibits violations of child labor laws in the mining sector and imposes fines in cases of violations.

Child labor, including forced child labor, was a problem throughout the country (see section 7.b.). Child labor was most common in the informal sector, including in artisanal mining and subsistence agriculture. According to the Ministry of Labor, children worked in mines and stone quarries, and as child soldiers, water sellers, domestic workers, and entertainers in bars and restaurants. The commercial sexual exploitation of children also occurred (see section 6).

Various mining sites, located principally in the eastern regions of North Kivu and Katanga, employed many child workers. The working conditions for children at these mining sites were poor. Treated as adults, children worked without breaks and without any basic protective measures.

Children were also the victims of exploitation in the worst forms of child labor, many of them in agriculture, illicit activities, and domestic work. Children mined diamonds, gold, cobalt, coltan, wolframite, copper, and cassiterite under hazardous conditions. In the mining regions of Upper Katanga, Kasai Oriental, Kasai Central, North Kivu, and South Kivu Provinces, children sifted, cleaned, sorted, transported heavy loads, and dug for minerals underground. In many areas of the country, children between ages five and 12 broke rocks to make gravel.

Parents often used children for dangerous and difficult agricultural labor. Families unable to support their children occasionally sent them to live with relatives who treated them as domestic slaves, subjecting them to physical and sexual abuse.

Also, see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>, and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on race, gender, language, or social status. The law does not specifically protect against discrimination based on religion, age, political opinion, national origin, disability, pregnancy, sexual orientation, gender identity, or HIV-positive status. Additionally, no law specifically prohibits discrimination in employment of career public service members. The government did not effectively enforce relevant employment laws, and penalties were insufficient to deter violations.

Gender-based discrimination in employment and occupation occurred (see section 6). Although the labor code stipulates men and women must receive equal pay for equivalent work, the government did not enforce this provision effectively. According to the International Labor Organization, women often received less pay in the private sector than did men doing the same job and rarely occupied positions of authority or high responsibility. Persons with disabilities, albinism, and certain ethnicities such as Twa faced discrimination in hiring and access to the worksites.

e. Acceptable Conditions of Work

The government sets regional minimum wages for all workers in private enterprise, with the highest pay scales applied to the cities of Kinshasa and Lubumbashi. In 2018 the Ministry of Labor was implementing a minimum wage increase in a series of increments. As of November the minimum wage was above the poverty line. Most businesses were not in compliance with this minimum wage but faced few penalties.

In the public sector, the government sets wages annually by decree and permits unions to act only in an advisory capacity.

The law defines different standard workweeks, ranging from 45 hours per week to 72 hours every two weeks, for various jobs and prescribes rest periods and premium pay for overtime. The law establishes no monitoring or enforcement mechanism, and employers in both the formal and informal sectors often did not respect these provisions. The law does not prohibit compulsory overtime.

The average monthly wage did not provide a living wage for a worker and family. Salary arrears became more frequent in both the civil service and public enterprises. Many public-sector employees reported they did not receive their annual bonuses. In 2012 the government began paying some civil servant salaries through the banking system in an effort to stop the practice by which supervisors created fake employees and skimmed off some of their subordinates' salaries. The Budget Ministry stated 75 percent of civil servants received their pay through the banking system, but some observers believed that figure was grossly inflated. For many, the government delivered cash in large shipments for local authorities and supervisors to distribute.

The labor code specifies health and safety standards. The Ministry of Labor employed 200 labor inspectors, which was not sufficient to enforce consistent compliance with labor regulations. The government did not effectively enforce such standards in the informal sector, and enforcement was uneven in the formal sector. Major international mining companies effectively observed health and safety standards, and the Ministry of Mines validation process includes criteria on minimal safety standards. Nonetheless, the law does not allow workers to remove themselves from hazardous situations without putting their employment in jeopardy. Approximately 90 percent of laborers worked in subsistence agriculture, informal commerce or mining, or other informal pursuits, where they often faced hazardous or exploitive working conditions.

In 2015 the international NGO IPIS estimated there were approximately 300,000 artisanal miners in the 2,000 identified mine sites in the east. It was estimated there were likely an additional 1,000 mine sites that had not been identified.