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in the Bělá-Jezová centre amounted to degrading treatment and were worse than in prison. Adults were brought to the premises handcuffed, routinely checked by the police in the evening and accommodated in unhygienic sleeping quarters. Food was distributed by police officers wearing balaclavas and helmets. Refugees and migrants held in the centre were charged for their stay at a rate of €260 per month. In its response on 13 October, the Ministry of Interior ignored these concerns and rejected the Ombudsperson's recommendation to stop placing families with children in the centre. On 22 October, the UN High Commissioner for Human Rights criticized the treatment of migrants and refugees and expressed concern that the government was pursuing detention as a routine policy. The President's spokesperson said the criticism was part of a campaign against the country. On 17 November, the President attended a demonstration in Prague organized by the anti-Islam group Block Against Islam. In his speech he declared that there are half a million foreigners living in the country with whom "there are no problems... Their culture is fully compatible with European values. It is not a culture of assassins, it is not a culture of religious hatred."

TORTURE AND OTHER ILL-TREATMENT

Patients with mental disabilities continued to be ill-treated in mental health institutions. In March, the European Committee for the Prevention of Torture called for an end to the practice of police officers restraining agitated patients in psychiatric hospitals; expressed concerns over the use of net beds as a protective measure or means of restraint, often for excessive duration; and reiterated its call to withdraw them from psychiatric hospitals and to use more suitable means, such as bordered beds, for patients in need of protective measures.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

In November, a district court in Prostějov

recognized an adoption order which had been issued for a gay couple by a district court in California in 2007. The Czech-French couple permanently living in the USA applied for the recognition to move to the Czech Republic and continue enjoying the right to family life. The Prostějov court held that recognition of the adoption was in the best interests of the children despite the lack of legislative provision allowing adoption by same-sex couples.

DEMOCRATIC REPUBLIC OF THE CONGO

Democratic Republic of the Congo

Head of state: **Joseph Kabila**

Head of government: **Augustin Matata Ponyo Mapon**

Government repression of protests against attempts by President Kabila to run for the presidency beyond the two terms allowed by the Constitution intensified. Violations of the rights to freedoms of expression, association and peaceful assembly increased. Human rights defenders, youth activists and politicians were threatened, harassed, arbitrarily arrested and in some cases convicted for peacefully exercising their rights. In the east of the Democratic Republic of the Congo (DRC), the security situation remained volatile, with numerous armed groups perpetrating serious abuses of human rights and violations of international humanitarian law. The failure of the Congolese army and the UN peacekeeping force MONUSCO (UN Organization Stabilization Mission in the DRC) to protect the civilian population led to a high civilian death toll and mass displacements.

BACKGROUND

Speculation on constitutional change and other ways to extend President Kabila's mandate, due to end in December 2016,

triggered public protests and widespread criticism.

In February, the government started a decentralization process, dividing the country's 11 provinces into 26 entities. The Independent National Election Commission (CENI) failed to organize local elections planned for 25 October and elections for the governors of the new provinces. On 29 October, the President appointed special commissioners to govern the provinces. In October, both the President and the Vice-President of the CENI resigned, which increased concerns that presidential elections would not be organized within constitutional delays.

In September, the "G7", a platform of parties within the majority, was excluded from the ruling coalition after calling on the President to respect the Constitution.

Nine members of the National Human Rights Commission were appointed.

The government-led military Operation "Sokola 1" ("operation clean-up" in Lingala) against the armed group Allied Democratic Forces (ADF) continued in Beni territory, North Kivu province. In early September, there was an upsurge of attacks by presumed ADF members against civilians, after an absence thereof for nearly four months.

After the expiration of a six-month ultimatum for the Democratic Forces for the Liberation of Rwanda (FDLR) to disarm, the Congolese army implemented Operation "Sokola 2" to neutralize the FDLR, whose military capacity is said to be still largely intact.

Following the appointment of two generals suspected of having committed human rights violations, MONUSCO decided to halt its military collaboration with the Congolese army on "Sokola 2". However, the army's operations against the Front for Patriotic Resistance in Ituri (FRPI) continued with the support of MONUSCO. The overall deteriorating relationship between the army and MONUSCO left them unable to adequately protect civilians and sparked the

creation of self-proclaimed "self-defence" groups.

FREEDOMS OF ASSOCIATION AND ASSEMBLY

Security forces dispersed demonstrations against a bill amending the electoral law, seen as an attempt to extend President Kabila's term, using excessive force. At least 36 people were killed and several hundred arrested between 19 and 21 January. Two opposition leaders, Ernest Kyaviro and Cyrille Dowe, were arrested at the protests and held in incommunicado detention for 86 and 145 days respectively. Jean-Claude Muyambo, who had left the ruling coalition after speaking out publicly against a third term for President Kabila, was arrested on 20 January. His trial on seemingly politically motivated charges was ongoing at the end of the year.

On 15 March, security forces stormed a press conference in the capital Kinshasa, where youth activists were launching a civic education platform, Filimbi. Twenty-seven people were arrested. Two of them, Fred Bauma and Yves Makwambala, remained in detention at the end of the year and faced serious charges, including conspiracy against the head of state.¹ Solidarity protests following the arrests were systematically repressed. Protesters were arbitrarily arrested and subjected to torture and other ill-treatment. On 18 September, four activists from the youth movement *Lutte pour le Changement* (LUCHA, "struggle for change") were convicted of incitement to civil disobedience in violation of their right to peaceful assembly.

On 15 September, a peaceful opposition rally in Kinshasa was attacked by unidentified assailants. Police failed to protect the protesters.

On 8 October, the Mayor of Lubumbashi issued a ban on all public political protests.

FREEDOM OF EXPRESSION

Freedom of expression was seriously curtailed during the year.² The authorities targeted politicians and activists for peacefully

mobilizing against perceived attempts by President Kabila to extend his term and delays in the organization of presidential elections.

Vano Kiboko, a former MP from the ruling coalition, was arrested and convicted after he suggested during a press conference that the coalition should start identifying a successor to President Kabila.

Journalists continued to be victims of harassment, threats and arbitrary arrests; free flow of information was often impeded.

On 16 January, Canal Kin Télévision (CKTV) and Radiotélévision Catholique Elikya (RTCE) had their transmission signals cut after they broadcast the opposition's call for mass protests. RTCE's signal was re-established in June. CKTV remained closed; Radio Télévision Lubumbashi Jua, a station owned by Jean-Claude Muyambo, was closed down when he left the ruling coalition. TV station Canal Futur remained closed throughout the year.

During the January protests, internet and text messaging services were cut by the authorities, supposedly to manage public order. The signal of Radio France Internationale was also temporarily blurred.

Five radio stations which had been closed in November 2014 after they reported attacks by the ADF remained closed throughout the year.

ARBITRARY ARRESTS AND DETENTIONS

The numbers of arbitrary arrests and detentions remained high. Many of them were carried out by intelligence services. Arbitrary arrests were often followed by prolonged incommunicado detention during which people were detained without charge, access to a lawyer or being presented to a judge.

ABUSES BY ARMED GROUPS

Armed groups continued to commit abuses against civilians in the east of the country. The ADF was responsible for a high number of unlawful killings, pillages, kidnappings as well as incidents of rape and sexual slavery. On 2 May, the ADF attacked two locations

close to Mavivi, North Kivu province, and killed at least 10 civilians.

Abuses by the FDLR included unlawful killings, looting, rape and other sexual violence as well as forced labour. FDLR fighters forced civilians to work in mines and to transport pillaged goods, weapons and munitions.

The FRPI was responsible for large-scale looting operations, rape and other sexual violence as well as unlawful killings of civilians. Operations against the armed group caused large displacements of civilians.

VIOLENCE AGAINST WOMEN AND GIRLS

Sexual violence against women and girls remained rampant, both in conflict and non-conflict zones, urban and rural areas. The prosecution of such crimes remained challenging due to a lack of resources. Most perpetrators enjoyed total impunity.

CHILD SOLDIERS

Armed groups continued to recruit children throughout the year. They were used as combatants, escorts, servants, tax collectors, messengers or cooks. In the first eight months of the year, more children were successfully rescued from armed groups than in the whole of 2014.

COMMUNAL VIOLENCE

The conflict between the Batwa and Luba communities continued throughout the year and caused a high civilian death toll. On 21 October, a peace deal was signed between the two communities.

CORPORATE ACCOUNTABILITY

Victims of forced evictions that took place in the Kawama community, Lubumbashi, in 2009, continued to be denied access to justice and their right to remedy by Congolese courts. The evictions were carried out by the police using bulldozers belonging to the mining company Entreprise Générale Malta Forrest – a subsidiary of the Belgian company Groupe Forrest International – with rights to the concession located next to the

community. The company continued to deny any responsibility in enabling the evictions. An appeal against the court decision was ongoing in Lubumbashi.

IMPUNITY

The justice system continued to suffer from a serious lack of capacity to prosecute all crimes under international law. Persisting impunity for past crimes paved the way for ongoing violations and abuses against civilians by armed groups and the army.

The army was allegedly responsible for an attack against the city of Matukaka in February, during which more than 10 civilians were killed. Bernard Byamungu, from the 809th regiment, was arrested in February for a similar attack against civilians in the villages of Tenambo and Mamiki in October 2014. He reportedly remained in military custody at the end of the year.

Cobra Matata, FRPI leader, was arrested in January. He was indicted by the military prosecutor for war crimes and crimes against humanity, including the recruitment of children.

In March, over 400 bodies were reported to have been buried in a mass grave on the outskirts of Kinshasa. Some of the bodies were suspected to be those of victims of extrajudicial executions and enforced disappearances. No credible, independent and effective investigation had taken place at the end of the year.³

In September, a trial of 23 members of the Bantu and Batwa communities for genocide and crimes against humanity started before the Court of Appeal in Lubumbashi. It was the first trial for international crimes to take place before civil courts in the country.

In another positive step in the fight against impunity, the National Assembly and the Senate adopted legislation implementing the Rome Statute of the ICC in June and November respectively. The final bill, promulgated into law on 2 January 2016, contains the death penalty for war crimes, crimes against humanity and genocide.

PRISON CONDITIONS

Prison conditions remained dire. Malnutrition, a lack of basic hygiene, infectious diseases and poor medical care led to the deaths of scores of prisoners. Detention facilities were highly overcrowded and the prison administration was severely underfunded.

HUMAN RIGHTS DEFENDERS

Human rights defenders and activists continued to be targets for intimidation, threats, arbitrary arrests, ill-treatment as well as incommunicado and secret detention.

Christopher Ngoyi, a human rights defender monitoring the excessive use of force by police during the January protests, was arrested and detained incommunicado for 21 days. He remained in detention at the end of the year, awaiting trial.

Youth movements working on civic education and governance were targeted. Three individuals linked to Filimbi and LUCHA were arbitrarily arrested and held in incommunicado detention before being released without charge.

On 18 September, a final verdict was handed down for the double murder of human rights defender Floribert Chebeya and his driver Fidel Bazana. Police officer Daniel Mukalay, who was found guilty under extenuating circumstances, was sentenced to 15 years in prison while four other officers were acquitted.

INTERNATIONAL JUSTICE

In April, ADF leader Jamil Mukulu was arrested in Tanzania. He was extradited to Uganda on 10 July and faced charges of murder, terrorism, treason, human rights abuses, kidnapping and recruitment of minors in both Uganda and DRC.

On 2 September, the trial of former Congolese general Bosco Ntaganda started before the ICC. He was being prosecuted for 13 counts of war crimes and five counts of crimes against humanity – including murder, rape and sexual slavery as well as forced recruitment and use of child soldiers – allegedly committed in 2002-2003 in

Ituri province.

Two FDLR leaders, Ignace Murwanashyaka and Straton Musoni, were sentenced by a court in Germany in September. Both were convicted of leading a terrorist organization and Ignace Murwanashyaka was found guilty of war crimes.

Despite an ongoing military operation against the FDLR, Sylvestre Mudacumura, the alleged commander of its armed branch, remained at large.

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1. DRC: Free human rights activists ([News](#) story, 19 March)
 2. Treated like criminals: DRC's race to silence dissent ([AFR 62/2917/2015](#))
 3. DRC: Authorities should work hand in hand with MONUSCO to ensure thorough and independent investigations into mass grave ([AFR 62/1414/2015](#))

DENMARK

Kingdom of Denmark

Head of state: **Queen Margrethe II**

Head of government: **Lars Løkke Rasmussen (replaced Helle Thorning-Schmidt in June)**

Impunity for the majority of rape cases continued. A commission established to investigate actions of Danish soldiers involved in military operations overseas was closed down by the government before it was able to come to any conclusions about possible wrongdoing.

VIOLENCE AGAINST WOMEN AND GIRLS

The majority of reported rape cases were closed by the police or the prosecution and never reached trial. Most cases were closed due to “the state of the evidence”.¹ During the year the State Prosecutors released two reports showing that many reported rape cases were being closed by the police before a formal police investigation had even been started, and in November the Director for Public Prosecutions called for changes to how police were handling these cases. The reports, however, did not include the

examination of the reason for the disproportionately high attrition rate in prosecuting cases of rape.

REFUGEES AND ASYLUM-SEEKERS

People awaiting the result of their asylum claim or deportation to their country of origin – including victims of torture, unaccompanied children and persons with mental illness – continued to be held in detention for immigration control purposes. No effective screening of asylum-seekers was put in place to identify people who were unfit to be placed in detention.

In November, a number of potentially harmful amendments to the Aliens Act were introduced in order, according to the government, to respond to the increasing number of people seeking asylum in the country. The amendments included powers to temporarily suspend judicial oversight of decisions made by the police to detain asylum-seekers and migrants, as well as a widening of the grounds on which asylum-seekers can be detained by the police.

FREEDOM OF ASSEMBLY

In September, the Eastern High Court ruled that the Copenhagen police had unlawfully removed and detained a protester during an official state visit by Chinese officials in 2012. During the hearing, evidence was heard alleging that the police removed demonstrators and confiscated their banners without an adequate legal basis. The Copenhagen police conceded that the evidence “raised doubts” about the police action and referred the case to the Independent Police Complaints Authority.

New evidence subsequently emerged suggesting that police officers acted on orders from superiors, despite denials by senior officers in a parliamentary hearing. The Copenhagen police also informed parliament that they were unable to identify the police officers involved, although a number of officers subsequently claimed that their identity had been known. As a result of this apparent misinformation and the alleged