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The State of the World's Human Rights; Democratic Republic of the Congo 2023

The human rights situation remained dire. Persistent large-scale attacks against civilians by armed groups and the Congolese security forces fuelled the humanitarian crisis in which nearly 7 million people were internally displaced and thousands of others fled the country. Armed groups killed thousands of civilians, and the army carried out extrajudicial executions. Sexual and gender-based violence remained prevalent, with over 38,000 reported cases in Nord-Kivu province alone during the first quarter of the year. The rights to freedom of expression, peaceful assembly and association were routinely violated. Journalists, opposition members and activists, among others, were subjected to arbitrary detention and faced unfair trials. Mining projects in Lualaba province led to the forced eviction of thousands of people from their homes and livelihoods, while Indigenous Peoples faced eviction in the name of conservation. The armed conflict continued to devastate children's right to education. Natural disasters left hundreds dead and thousands missing. Prisons were severely overcrowded and inmates' conditions were generally appalling. No meaningful progress was made towards accountability and justice for victims of crimes under international law and other serious human rights violations.

Background

Dozens of armed groups remained active, mainly in the eastern provinces of Ituri, Nord-Kivu and Sud-Kivu. The governments of the Democratic Republic of the Congo (DRC) and Rwanda exchanged belligerent rhetoric, accusing each other of supporting armed groups. The Congolese authorities used local militia groups, who clashed with Rwandan-backed March 23 Movement (M23) rebels in early October, after months of relative calm on the front lines.

In October, President Tshisekedi announced that the "state of siege" (a form of martial law), in force in Ituri and Nord-Kivu provinces since May 2021, would be "eased".

In the context of the general elections held in December 2023, the authorities stepped up their crackdown on dissenting voices, further shrinking civic space.

Meanwhile, most of the population was deprived of social, economic and cultural rights, including access to adequate food, clean water, sanitation, electricity, education, healthcare and housing.

Unlawful attacks and killings

Armed groups continued to carry out widespread attacks against civilians, killing at least 4,000, wounding thousands and abducting scores of others nationwide. In Ituri province, the Cooperative for the Development of the Congo (CODECO), a predominantly ethnic-Lendu armed group, targeted members of the rival Hema community, including within camps for internally displaced people. In one such attack on 12 June, at the Lala camp near the town of Bule, CODECO fighters shot and hacked to death at least 46 people overnight, half of whom were children, according to the Kivu Security Tracker. Armed groups identifying with the Hema community retaliated, attacking Lendu villages and killing scores of people.

In January, in Nord-Kivu province, fighters of the Allied Democratic Forces, a Ugandan armed group active in the region since the 1990s with allegiance to the Islamic State armed group, attacked Makugwe village in Beni territory. They killed at least 23 people with machetes, including six women, according to a local civil society organization. M23 rebels killed dozens of people in reprisals against civilians suspected of supporting rival armed groups or the Congolese army.

According to local civil society groups, they killed at least nine men on 6 August in Marangara, Rutshuru territory, while the village was under their control.

In Sud-Kivu province, attacks on civilians by armed groups affiliated to the Banyamulenge community on the one hand, and the Bembe and Fuliro communities on the other, resulted in casualties on both sides, according to the UN. In the western region, an armed group called Mobondo, which arose in the wake of inter-communal violence between the Yaka and Teke peoples, killed at least 100 people between January and October and committed other serious abuses with impunity, according to the UN Joint Human Rights Office. Provincial authorities said that disputes over land management in Tshopo province, central DRC, which broke out between the Mbole and Lengola peoples in February, resulted in over 500 deaths and the displacement of 77,000 people.

In July, the body of former minister and opposition MP Chérubin Okende was found in his car in the capital, Kinshasa, a day after his family reported him missing. He was last seen at the constitutional court, where he went to meet a judge about the public declaration of his assets. The authorities' promise to conduct a prompt, thorough, effective and transparent investigation into his murder yielded no results, and no one was held accountable.

Internally displaced people's rights

Nearly 7 million people were estimated to be internally displaced, the highest number in Africa; most displacements were triggered by armed conflict. As in 2022, Ituri and Nord-Kivu provinces were most affected with over 500,000 newly displaced people, according to the UN. In early October, fighting resumed in Nord-Kivu between local armed groups, sponsored by the Congolese authorities on the one hand and Rwandan-backed M23 rebels on the other, leading to the displacement of 145,000 people in the first half of the month alone.

Sexual and gender-based violence

Conflict-related sexual and gender-based violence remained prevalent, including in the context of the worsening humanitarian crisis. According to UNICEF, more than 38,000 cases of sexual violence were reported in Nord-Kivu province alone during the first quarter of 2023, an increase of 37% compared with the same period in 2022.

Amid precarious conditions in the camps around the city of Goma, which hosted around 600,000 people most of whom were displaced by M23 attacks, women and girls were particularly at risk. Hundreds of them were subjected to sexual violence, including rape and forced prostitution, while searching for food, firewood and other essentials. In May, Doctors Without Borders (MSF) said levels of sexual violence in internally displaced people's camps in and around Goma reached an unprecedented "catastrophic scale"; MSF provided care to 674 victims in the last two weeks of April alone.

In September, the government enacted a law criminalizing and punishing gender-based intimidation and stigmatization, and the use of degrading treatment. The law also punishes forced levirate and sororate marriages (where a widow is forced to marry her dead husband's brother, or a woman is forced to marry her dead sister's husband, respectively); and gender-based harassment on social media platforms. In the same month, the criminal procedure code was amended to exempt victims of sexual and gender-based violence from the costs of criminal proceedings, which would be borne by the state. If implemented, the amendments promise to strengthen legal protection against various forms of sexual and gender-based violence, and ensure better access to justice for victims.

Extrajudicial executions

On 30 August in Goma, the army attacked followers of the political and religious group Messianic Judaic Natural Faith Towards the Nations. The attacks were carried out ahead of the group's planned demonstration against the UN Organization Stabilization Mission in the Democratic Republic of the Congo, a peacekeeping mission. Soldiers killed at least 56 people and wounded at least 85 others according to officials. Three soldiers, including a commander, were convicted of the mass executions following a flawed investigation and trial.

Freedom of expression, association and assembly

In March, President Tshisekedi enacted two laws that further curtailed the right to freedom of expression and press freedom. They included the digital code law, which carries a sentence of up to six months' imprisonment for relaying false information via social media or other electronic communication.

Demonstrations were routinely banned or violently dispersed. On 20 May, police and a youth group allegedly affiliated with the ruling party attacked protesters in Kinshasa who were demonstrating against the alleged lack of transparency in the electoral process. Opposition parties had organized the demonstration in which several of their leaders and supporters were injured. Francine Naba, a member of the opposition L'Envol de la RDC (The Rise of the DRC) party who had attended the protest, was found dead on 25 May in Kinshasa, a few hours after she was allegedly abducted by unidentified assailants. Nobody was held accountable for her murder.

Between May and July, several opposition leaders, including Moïse Katumbi, Martin Fayulu and Matata Ponyo, were prevented by provincial authorities from entering or holding meetings and rallies in several provinces.

Arbitrary detention and unfair trials

In September, police arrested journalist Stanis Bujakera Tshiamala and questioned him about an article that cited a leaked report attributed to the National Intelligence Agency (ANR). The report allegedly implicated the military intelligence services in Chérubin Okende's abduction and murder (see above, Unlawful attacks and killings) and questioned the veracity of the authorities' official version of his death. Stanis Bujakera was charged with "forgery", "spreading rumours" and "disseminating false information" although he was not named as the author of the article in question. His trial began on 13 October, and he faced a possible 15-year prison sentence. He was denied provisional release several times and remained in detention.

Lens Omalonga, a young activist from L'Envol party, was arrested in Kinshasa in May and held incommunicado for six weeks by the ANR. His lawyer said he was brought before a judge in July and charged with contempt of the president and "harmful imputations" in connection with a social media post he had shared. He faced prosecution under the digital code law and other provisions, and was provisionally released in December.

Several members of the Tutsi and Banyamulenge communities were arrested, or abducted, detained and held incommunicado; others faced sham trials, accused of supporting M23 rebels or spying for the Rwandan government. In May, Lazare Sebitereko, a prominent civil society member from the Banyamulenge community in Sud-Kivu province was arrested and transferred to Kinshasa, where he was held incommunicado in a military intelligence cell.

At least 21 pro-democracy and opposition activists were arrested, and some of them prosecuted on trumped-up charges connected to their criticism of government policies. In June, a military court of appeal in Goma sentenced King Mwamisyzo of the civil society movement Fight for Change (Lutte pour le Changement), to five years in prison for "contempt of the army" after he criticized the state of siege. He had been in prison since September 2022.

Human rights defenders

After a drawn-out process lasting seven years, the human rights defenders' law was enacted in October. The law increased state control over the status and activities of civil society organizations and human rights defenders. It required them to register with the National Human Rights Commission, an official body, or face criminal prosecution. Those disseminating information deemed "defamatory, insulting or slanderous" risked six months to two years in prison.

Forced evictions

The expansion of industrial-scale cobalt and copper mines in Lualaba province, driven by the growing global demand for energy transition minerals, fuelled forced evictions of people from their homes and farmland. The rights of thousands of people to adequate housing and freedom from violence, among other rights, were violated. The forced evictions continued throughout the year, and the authorities and the multinational companies concerned failed to comply with legal safeguards prescribed in international law and domestic legislation to protect people from forced evictions.¹

Indigenous Peoples' rights

In February, a law came into force that protects and promotes the rights of Indigenous Peoples, the result of a campaign by civil society organizations lasting over 30 years. Despite this, systemic abuses against Indigenous Peoples, particularly in the name of conservation, continued. The Indigenous Bambuti people who live in and around national parks, including Salonga and Kahuzi-Biega, both World Heritage Sites, were subjected to persistent violence from security forces and park rangers, forced evictions and other abuses.

Refugees' and migrants' rights

Thousands of Congolese people continued to flee the country, seeking asylum, especially in African countries. According to UNHCR, the UN refugee agency, between January and August around 45,000 new refugees arrived from the DRC to neighbouring countries, particularly Uganda, Rwanda (see Uganda and Rwanda entries) and Tanzania. Meanwhile, the DRC continued to host half a million people who had fled armed conflict and persecution from other African countries, in particular South Sudan, the Central African Republic, Rwanda and Burundi.

Right to education

The roll-out of the government's free primary education programme continued to flounder due to poor infrastructure, inadequate state funding and, most importantly, poor conditions for teachers. Teachers' unions resorted to strike action to push the government to honour its commitments to improve their pay, terms and conditions. The draft budget for 2024 reduced funding for the education sector from 21.6% to 18.4%.

The persistence and spread of armed conflict in eastern and western DRC continued to have a devastating impact on children's education. In March, a UNICEF report said that the education of around 750,000 children was disrupted in two of the most conflict-affected provinces in the east, due to mass displacement. Thousands of schools were attacked, forced to close due to insecurity, or used as shelters for displaced people.

Right to a healthy environment

Several regions were affected by flooding, landslides, fires and other natural disasters, the frequency and scale of which could be climate-change related.

Tens of thousands of people were displaced by natural disasters. In May, torrential rainfall resulted in massive flooding and mudslides in the towns of Bushushu and Nyamukubi, in Sud-Kivu's Kalehe territory. According to the International Federation of Red Cross and Red Crescent Societies, the disaster left over 400 people dead and more than 2,500 missing; scores of others were injured and 50,000 people were displaced. Thousands of houses were destroyed or seriously damaged. In September, heavy rainfall in the town of Lisala in Mongala province resulted in at least 17 fatalities, according to local authorities.

Inhumane detention conditions

Conditions of detention remained appalling and so overcrowded that some prisons held 2,000% over their intended capacity. Inmates suffered a lack of drinking water and medicines, and some starved to death. Makala Prison in Kinshasa, with a capacity for 1,500 people, held over 12,000 inmates as of October, over 70% of whom were pretrial detainees. Goma Central Prison, with a capacity for 300 people, housed over 7,000 inmates, 80% of whom were in pretrial detention.

Right to truth, justice and reparation

In February, the government adopted a Draft National Transitional Justice Policy, which provides for the establishment of judicial mechanisms to deal with the most serious crimes and human rights violations. No further steps were taken towards ensuring accountability and providing access to justice and effective remedies.

In May, the DRC made a second referral to the Office of the Prosecutor of the ICC (the first referral was made in 2004) requesting that investigations into alleged crimes within the court's jurisdiction, committed by Rwandan-backed rebels since January 2022 in Nord-Kivu province, be initiated. The Office of the Prosecutor committed to investigate all crimes within its jurisdiction, whoever the suspected perpetrators may be. Later that month, the ICC prosecutor undertook a three-day trip to the country, meeting Congolese and UN officials, members of civil society and victims' representatives. At the end of his visit, on behalf of the Office of the Prosecutor, he signed a memorandum of understanding with the government, designed to strengthen cooperation and complementarity between the court and the DRC.

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1. *Powering Change or Business as Usual? Forced Evictions at Industrial Cobalt and Copper Mines in the Democratic Republic of the Congo, 11 September*