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Freedom Status: Not Free

Aggregate Score: 19/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 6.5/7 (1 = Most Free, 7 = Least Free)

Political Rights: 7/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6/7 (1 = Most Free, 7 = Least Free)

Ratings Change:

The Democratic Republic of Congo's political rights rating declined from 6 to 7 due to the authorities' failure to hold constitutionally mandated elections before President Joseph Kabila's term expired in December, a flawed "consensus" deal to extend Kabila's term, and human rights violations perpetrated by security forces while putting down opposition protests.

Quick Facts

Population: 79,800,000

Capital: Kinshasa

GDP/capita: \$456

Press Freedom Status: Not Free

OVERVIEW

Civilians and opposition politicians are increasingly unable to influence politics by participating in elections. Civil liberties are limited, but the population continues to exercise rights to association and freedom of expression despite growing state repression. Armed groups and insecurity are prominent in the country's east, and state security forces have also been implicated in abuses.

Key Developments

- Constitutionally mandated national elections were not held, and President Joseph Kabila overstayed his term limit.

- In December, Kabila's administration and the opposition came to a fragile agreement that revised the expected date for elections to December 2017.
- There were several fatal attacks by state security forces against civilian protesters.
- Various militia groups carried out acts of violence against civilians in the eastern part of the country. Security forces were also implicated in abuses.

Executive Summary

Political rights constricted in the Democratic Republic of Congo (DRC) in 2016, as authorities failed to hold constitutionally mandated national elections and President Kabila overstayed his term limit. Civilian influence in politics declined as the government cracked down on Kabila's political opponents and antigovernment demonstrators. Journalists and human rights advocates faced escalating harassment, abuse, and unlawful detention at the hands of state security forces. In December, Kabila's administration and the opposition came to a fragile agreement that revised the expected date for elections to December 2017.

Armed groups remained active in the country's eastern provinces, committing human rights abuses and contributing to large-scale internal displacement. Officers affiliated with the Armed Forces of the Democratic Republic of Congo (FARDC) remained implicated in human rights violations, with little effective civilian control over their activities.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 4 / 40 (–5)

A. Electoral Process 0 / 12 (–3)

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

Article 70 of the DRC's 2006 constitution stipulates that the president is elected for up to two five-year terms, and Article 220 prohibits amendments to key elements of the state's political framework, including the number and length of presidential terms.

Joseph Kabila was declared the winner of the 2011 presidential election amid widespread criticism of the poll by international observers; he defeated Étienne Tshisekedi, 49 percent to 32 percent, according to the Independent National Electoral Commission (CENI). Elections to the 500-seat National Assembly, held concurrently, were also criticized as deeply flawed. Kabila's People's Party for Reconstruction and Democracy (PPRD) won 62 seats, down from the 111 seats it held previously, while Tshisekedi's Union for Democracy and Social Progress (UDPS) took 41. The AMP, Kabila's parliamentary coalition, took a total of 260 seats.

The subsequent presidential election was scheduled for November 2016, and while Kabila was constitutionally barred from seeking a third term in office, many suspected that he would attempt to extend his rule. In August, the CENI announced that the presidential election would be postponed due to a lack of necessary funding, and due to difficulties in registering new voters.

The move sparked outrage from Kabila's opponents, and the government agreed to engage in a national dialogue with a group of opposition parties, which lasted from September to October 2016 under the mediation of the African Union. The parties initially agreed to postpone the

election until April 2018; however, few mainstream opposition forces had participated in the dialogue. Most chose to boycott the proceedings and formed a joint bloc to represent their interests – the Rassemblement des Forces Sociales et Politiques Acquisés au Changement – led by longtime opposition figure Tshisekedi. Under the mediation of the Roman Catholic Church, representatives of the government agreed to a new round of negotiations with the Rassemblement bloc and reached an agreement in December that revised the expected date for elections to December 2017. Under the deal, Kabila would remain president until that date while sharing power with the opposition, though critics were skeptical of his level of commitment to genuinely inclusive government.

Normally, the president nominates a prime minister from the leading party or coalition in the National Assembly, whose members are popularly elected to serve five-year terms. However, under the terms of the new power-sharing arrangement, the Rassemblement will choose a prime minister to serve until a new president is elected in 2017. Provincial assemblies elect the 108-seat Senate, as well as provincial governors, for five-year terms. A long-neglected decentralization program was implemented in 2015, splitting the DRC's 11 provinces into 26, and the CENI scheduled local and provincial elections to take place between late 2015 and early 2016. However, those elections were seriously delayed. In March 2016, the government held unusual direct gubernatorial elections to select interim governors until provincial elections take place, and the assemblies are seated and able to choose permanent governors. Supporters of Kabila won elections in 14 out of the 19 seats up for election.

The country's electoral framework does not ensure transparent conduct of elections, and opposition parties and civil society groups frequently criticize the CENI for lacking independence.

B. Political Pluralism and Participation 3 / 16 (–1)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

People have the right to organize political parties. Hundreds of parties exist, with many organized along ethnic, communal, or regional lines; most lack national reach. In addition to the PPRD and UDPS, other key parties in the country include the Union for the Congolese Nation (UNC) and the Movement for the Liberation of Congo (MLC). Nearly 100 parties and many independent candidates hold seats in the parliament.

Despite the existence of numerous parties, political pluralism remains limited in practice, and opposition members do not have a realistic opportunity to increase support through elections. A new transitional government, headed by Prime Minister Samy Badibanga and intended to serve through the remainder of Kabila's presidency, was announced in late December 2016 with an expansive cabinet of 67 ministers that incorporated some opposition members. However, aspects of the consensus government deal had yet to be implemented at year's end, and it remained to be seen how much influence the opposition had within the interim administration.

Opposition party members and leaders are often intimidated and face restrictions on their movement and organizing. Authorities in 2016 made efforts to interfere with the activities of the

Rassemblement bloc and others. In August, police prevented a meeting of the bloc in Lubumbashi. In October, police used tear gas to break up a meeting at the home of opposition leader Gabriel Kyungu wa Kumwanza, in Lubumbashi, that was comprised largely of members of Tshisekedi's opposition party and the Rassemblement platform.

Congo's most popular opposition figure – Moïse Katumbi, a businessman and former governor of Katanga Province who left Kabila's majority coalition in 2015 – left Congo in May 2016. Katumbi, who was widely expected to run for the presidency, said he was seeking medical treatment abroad, but left shortly after being formally charged with illegally hiring mercenaries.

C. Functioning of Government 1 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

Due to the political crisis, there was no freely elected government to determine state policies at the end of 2016.

Massive corruption in the government, security forces, and mineral extraction industries continues to paralyze the functioning of the government and development efforts intended to raise living standards. Recruitment for government posts is often determined by nepotism. Accountability mechanisms are weak, and impunity remains a problem. Clandestine trade in minerals and other natural resources by rebels and elements of the FARDC helps finance violence and depletes government revenues. In October 2016, a former banker provided evidence that state authorities close to Kabila had embezzled millions of dollars from the public treasury. The national electoral commission, CENI, is implicated in the corruption. The same documents provided by the whistleblower indicated that the Central Bank also diverted millions of dollars to the state-owned mining company, Gecamines, which is run by individuals close to President Kabila.

Despite previous incremental improvements in revenue reporting, there is little transparency in the state's financial affairs. The law does not provide for public access to government information, and citizens often lack the practical ability to obtain information about state operations.

Civil Liberties 15 / 60 (-1)

D. Freedom of Expression and Belief 8 / 16

D1. Are there free and independent media and other forms of cultural expression?

D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

D4. Is there open and free private discussion?

Although constitutionally guaranteed, freedoms of speech and the press are limited. Radio is the dominant medium in the country, and newspapers are found mainly in large cities. While the media frequently criticize Kabila and his government, political harassment of outlets and reporters is common, and outlets face pressure to carry progovernment content. Journalists risk criminal defamation suits as well as threats, detentions, arbitrary arrests, and attacks.

In recent years, the government has closed media outlets linked to the political opposition. In January 2016, two outlets owned by Katumbi – Nyota TV and Radiotélévision Mapendo – were abruptly shuttered for alleged nonpayment of taxes. And in March, the radio and television outlet La Voix du Katanga, owned by Kyungu wa Kumwanza, was closed after it allegedly failed to pay its annual fee and renew its operating license, a charge rejected by its management. Separately, a number of Congolese and foreign reporters were detained during the September 2016 street protests in Kinshasa.

The constitution guarantees freedom of religion, and authorities generally respect this right in practice. Although religious groups must register with the government to be recognized, unregistered groups operate unhindered.

There are no formal restrictions on academic freedom. Primary and secondary school curriculums are regulated but not strongly politicized.

Private discussion of politically sensitive topics can be open among close associates, though discussions of such topics in public places are sometimes limited by fears of potential reprisal. Social media usage is expanding among urban youth. The government does not frequently restrict internet access or monitor online communications, but has suspended internet access and text messaging temporarily during times of political unrest.

E. Associational and Organizational Rights 3 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

The constitution guarantees freedoms of assembly and association. Demonstrations are held regularly despite limits on these rights in practice, including the violent dispersal of protests, including through the use of deadly force, as well as the arbitrary arrest of participants. In the second half of 2016, there was a wave of arrests and fatalities in the capital as demonstrators protested Kabila's move to delay elections. At least 48 street protesters were killed by state agents during one three-day protest in September organized by the Rassemblement opposition coalition, and many others were arrested. According to Human Rights Watch, police removed some of the bodies of protestors killed to eliminate evidence of political repression. The UN Joint Human Rights Office (UNJHRO), in its assessment of the violence, documented human rights abuses by state agents against 422 civilians, including the arbitrary arrests of at least 299 individuals, and counted 143 persons injured. According to the UNJHRO, the human rights violations during this three-day period of protest in the capital outnumbered the total number of abuses it documented over the whole electoral cycle in 2011. That month, the government banned demonstrations in Kinshasa, but street actions continued. In December, 26 people were shot dead by security forces at a protest in the capital marking what should have been the end of Kabila's constitutional mandate.

Nongovernmental organizations (NGOs) and professional organizations are generally able to operate, though domestic human rights advocates are subject to harassment, arbitrary arrest, and detention. There are approximately 5,000 registered NGOs in the DRC, though many have narrow scopes devoted to ethnic, partisan, and local concerns.

Congolese who fulfill a residency requirement of 20 years can form and join trade unions, though government employees and members of state security forces are not permitted to unionize. It is

against the law for employers to retaliate against strikers. Unions organize strikes regularly. Some labor leaders and activists face harassment.

F. Rule of Law 0 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

President Kabila appoints members of the judiciary, which remains corrupt and subject to political manipulation. Courts are concentrated in urban areas; the majority of the country relies on customary courts. Civilian cases are often tried in military courts, which are subject to interference from high-ranking military personnel. The judiciary often exhibits bias against opposition and civil society members, while government and government-allied forces often enjoy impunity for even the most heinous crimes. Prison conditions are life-threatening, and long periods of pretrial detention are common.

Civilian authorities do not maintain effective control of security forces. The FARDC are largely undisciplined, and soldiers and police regularly commit serious human rights abuses, including rape and torture. Low pay and inadequate provisions commonly lead soldiers to seize goods from civilians. In September 2016, the United States announced sanctions against Gabriel Amisi, the army commander for the country's western region, and the former national police inspector, John Numbi, over their involvement in a series of human rights abuses. This followed similar sanctions imposed in June on Célestin Kanyama, Kinshasa's police commissioner, on similar grounds.

Peace and the rule of law remain obstructed by active rebel groups, primarily concentrated in the country's eastern and southern provinces. Although armed group activity declined slightly in 2016, civilian security did not improve. The impact of years of fighting on civilians has been catastrophic, with over five million conflict-related deaths since 1998. The population of the affected regions is subject to displacement and violence due to rebel activity and poor discipline among members of the armed forces. Continuing fragmentation and changing coalitions among armed groups, as well as between armed groups and the FARDC, obstruct the deescalation of conflict.

A wave of brutal mass killings in Beni territory of North Kivu begun in October 2014 and continued in 2016; Human Rights Watch estimated in October that around 700 people have been killed in the conflict since it began. The DRC government attributed the attacks to the Uganda-based Allied Democratic Forces (ADF) rebel group, but local human rights organizations and other researchers report that local militias as well as members of the Congolese armed forces have also facilitated the violence. In August, at least 40 people were killed and multiple dwellings were set on fire by militants in the town of Beni, despite the heavy presence of Congolese and international peacekeeping forces.

Ongoing clashes between ethnic Luba fighters and the ethnic Twa continued in 2016 in Katanga province, resulting in over a dozen deaths in October. Clashes in southern Lubero Territory of North Kivu province in January also deepened displacement, with more than 21,000 people forced to flee from Miriki village following a raid by militants thought to belong to the Democratic Liberation Forces of Rwanda (FDLR).

Kidnappings for ransom are common, particularly in the Rutshuru and Lubero Territories of North Kivu province, where 22 abductions were reported in just the two months leading into October.

Ethnic discrimination, including against Kinyarwanda-speaking minority populations, remains a significant problem in some areas of the country. The constitution prohibits discrimination against people with disabilities, but they often find it difficult to find employment, attend school, or access government services. Although discrimination based on HIV status is also prohibited, people with HIV face stigma as well as difficulty accessing health care and education. No law specifically prohibits same-sex sexual relations, but legislators have made efforts to criminalize same-sex sexual activity, and individuals can still be prosecuted for such activity under public decency laws.

G. Personal Autonomy and Individual Rights 4 / 16 (-1)

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

Freedom of movement is protected by law, but is frequently restricted in practice. Armed conflict, primarily concentrated in Beni territory of North Kivu and in Central Kasai, has resulted in 1.7 million internally displaced persons in eastern Congo who are unable to return to their homes. Additionally, UNJHRO investigators were repeatedly denied access to sites of interest in 2016, as they attempted to investigate rights abuses. In April, American researcher Jason Stearns was deported after publishing a report that challenged the government's narrative of ADF rebels behind massacres in Beni and suggesting a broader range of perpetrators including military officers. In August, Human Rights Watch researcher Ida Sawyer was denied a renewed work permit and forced to leave the country.

Individuals have the right to own property and establish private businesses. In conflict zones, armed groups and FARDC soldiers have seized private property and destroyed homes. The country's economy, reliant on the extraction of natural resources, has grown in recent years, though most Congolese are not employed in the formal economy. Minerals, timber, and gold are components of a broader economy of extraction in which the national army, rebel groups, and political interests are involved. A complicated system of taxation and regulation has made bribery a regular aspect of business dealings, and embezzlement is pervasive. The country was recognized as a compliant member of the Extractive Industries Transparency Initiative (EITI) in 2014. Some progress has been made in the internal management of natural resources, but tracking systems remain inefficient.

Women face discrimination in nearly every aspect of their lives, especially in rural areas. Although the Constitution prohibits discrimination against women in any domain, the Family Code prescribes more restrictive roles, requiring that women obey their husbands and obtain their permission to seek employment and engage in legal transactions. Nevertheless, young women are increasingly seeking professional work outside the home and engaging in commercial activities, particularly in towns and urban centers. Women are greatly underrepresented in government, making up only 9 percent of the National Assembly and 6 percent of the Senate.

Violence against women and girls, including sexual and gender-based violence, has soared since fighting began in 1994; sex crimes often affect men and boys as well. Rebels and FARDC soldiers

have been implicated in kidnappings, killings, and rape. Convictions for offenses such as mass rape remain rare. Abortion is prohibited, and women's access to contraception is extremely low; many health care providers require that women obtain permission from their husbands to access family planning services.

The DRC is both a source and destination country for the trafficking of men, women, and children for the purposes of labor and sexual exploitation. Although the law prohibits all forced or compulsory labor, the practice remains common and includes forced child labor in mining, street vending, and agriculture. Various rebel groups reportedly forced civilians to work for them and at times impose tolls on vehicles passing through territory held by the groups. The recruitment and use of child soldiers by armed groups is widespread.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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