

**Flygtningenævnets baggrundsmateriale**

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62,700,000

Kinshasa

Congo (Kinshasa's) political rights rating improved from 6 to 5 due to the holding of successful presidential and legislative elections in 2006, the country's first in more than 40 years.

**Transitional presidential and legislative elections, the first democratic polls in more than 40 years, were held on July 30 with logistical support and oversight from the United Nations. Transitional president Joseph Kabila defeated Jean-Pierre Bemba in an October 29 runoff election for the presidency. Sporadic violence bracketed the July 30 elections and occurred again on October 29, though voting was peaceful in most parts of the country. Despite the relatively successful elections, the stability of the democratic transition and the power of elected representatives other than the president remained uncertain. Government forces and rival militia groups committed serious human rights violations during the year, particularly in the eastern part of the country, despite the presence of the world's largest peacekeeping contingent, the UN Organization Mission in the Democratic Republic of Congo (MONUC).**

As the Congo Free State and then the Belgian Congo, the vast area of Central Africa that is now the Democratic Republic of Congo (DRC) was exploited in the late nineteenth and early twentieth centuries with a brutality that was extreme even by colonial standards. The country became an arena for Cold War rivalries upon independence in 1960, and remained so after Colonel Joseph Mobutu seized power with CIA backing in 1965. Mobutu changed the name of Congo to Zaire in 1971, changed his own name to Mobutu Sese Seko, and assumed dictatorial powers. Western governments largely ignored Mobutu's excesses, which included corruption on a scale that made him one of the world's richest men and left his countrymen among the world's poorest people.

Domestic agitation and international pressure for democratization following the end of the Cold War forced Mobutu to open up the political process in 1990. A Sovereign National Conference in 1992 elected Archbishop Laurent Monsengwo as its chairman and Etienne Tshisekedi, leader of the Union for Democracy and Social Progress (UDPS), as prime minister. In response, Mobutu created a rival government with its own prime minister, which led to political standoff. In a compromise that marginalized Tshisekedi, the two governments merged in 1994, with Mobutu as head of state and Kengo Wa Dondo as prime minister. Presidential and legislative elections were scheduled repeatedly over the next two years, but never took place.

The 1994 genocide in neighboring Rwanda provided the impetus for Mobutu's fall from power. Rwanda and Uganda tapped into popular hatred for Mobutu and turned their pursuit of members of the ethnic Hutu Interahamwe—the Rwandan militia responsible for much of the killing of ethnic Tutsis, many of whom had fled Rwanda for eastern Zaire—into an advance on Kinshasa. Rwandan troops entered the country in October 1996, accompanied by representatives of the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL), a coalition led by former rebel leader Laurent-Desire Kabila. With the goal of forcibly ousting Mobutu, the Rwandan and AFDL forces continued their military campaign and reached Kinshasa in May 1997; Mobutu fled to Morocco and died soon thereafter. Kabila quickly consolidated power, declaring himself president and renaming the country the Democratic Republic of Congo.

Relations between Kabila and his backers in Rwanda and Uganda deteriorated quickly. After he ordered all foreign troops to leave the DRC in 1998, Rwandan-supported Congolese military factions took up arms. Rwandan troops flew to Bas-Congo with the intent of marching on Kinshasa to replace Kabila's regime with the newly formed Congolese Rally for Democracy (RCD), and were stopped only by the intervention of Angolan, Namibian, and Zimbabwean troops on behalf of the DRC government. Uganda

later backed the formation of a rival rebel group, the Movement for the Liberation of the Congo (MLC). Together, Uganda and the MLC established control over the northern third of the DRC, while the RCD established control over much of the eastern Kivu region. The war eventually drew forces from Angola, Chad, Namibia, Sudan, and Zimbabwe on the side of Kabila; and Burundi, Rwanda, and Uganda on the side of the rebels.

Military stalemate and international pressure led to the signing of the Lusaka Peace Agreement in 1999. The accord called for a ceasefire, the deployment of UN peacekeepers, the withdrawal of foreign troops, and the launch of the Inter-Congolese Dialogue to form a transitional government. Kabila drew increasing international criticism for hindering progress toward the pact's implementation by blocking the deployment of UN troops and suppressing internal political activity. He was assassinated in January 2001, and his son Joseph took power.

Joseph Kabila revived the peace process, and lengthy negotiations ended with the signing of the Sun City Peace Agreement in December 2002. The agreement led to the creation of a broad-based transitional government that included former leaders of rebel groups, opposition representatives, and supporters of Kabila, who were grouped under the People's Party for Reconstruction and Democracy (PPRD). A timetable for democratic elections was established, but delays led to repeated extensions of the transition schedule. Groups not represented in transitional institutions, notably the UDPS, claimed that the delay was politically motivated rather than the result of technical problems. UDPS calls for mass demonstrations, however, did not result in a major escalation of tensions. Despite isolated incidents of violence and a UDPS call for a boycott, a massive voter registration drive—conducted at more than 9,000 voter registration centers for an estimated 28 million eligible voters—was largely successful. The UDPS upheld its decision to boycott and did not participate in the 2006 elections.

Voters approved a new constitution in December 2005 that included the imposition of presidential term limits, an increase in the number of provinces from 10 to 26, and a reduction in the minimum age for the president from 35 to 33, a move widely seen as an accommodation for the 33-year-old Kabila. The new constitution also limited presidential powers and gave the country's regions more autonomy.

Presidential and legislative elections, the first democratic polls since independence, were held on July 30, 2006. Despite daunting logistical challenges, the elections were largely peaceful, and turnout was over 70 percent. Kabila's PPRD gained the largest number of seats in the National Assembly, but did not win a majority. In a field of 33 presidential candidates, Kabila won about 45 percent of the vote, leading to a second round against his closest challenger, former MLC leader and transitional vice president Jean-Pierre Bemba. Before the final vote tally of the first round was announced in late August, violence lasting several days erupted between armed supporters of the two candidates. The second round was held on October 29, and voting was generally peaceful. Irregularities were noted in both rounds, but many of the problems resulted from the country's logistical challenges and the low education levels of both polling officials and voters.

Kabila was declared the winner of the second round with 58 percent of the vote to Bemba's 42 percent. Bemba contested but ultimately accepted the result. Bemba's decision to lead the opposition and to run for a Senate seat in the January 2007 Senate elections represented a significant step toward the consolidation of peace and improved governance in the DRC.

Despite the relatively successful elections, the country's transition to a democratic system remained uncertain. Great power was vested in the presidency, and it was not clear that the newly elected legislature or provincial assemblies would be able to play a meaningful role in governance. Furthermore, the DRC still relied heavily on the United Nations for security and aid during electoral processes, and the UN peacekeeping mandate is expected to be extended for several years to come.

The presence of armed groups in the eastern part of the country, where the bulk of the DRC's vast mineral wealth is located, is a continuing source of instability, despite the ongoing disarmament of the main rebel groups and the integration of former combatants into the newly restructured DRC Armed Forces (FARDC). In the Ituri region, three of the main rebel groups agreed to begin joining the FARDC in 2006, bringing hope of long-term peace and allowing citizens in the region to vote in that year's elections without fear of reprisal. Renewed fighting between the army and rebel forces allied with General Laurent Nkunda broke out in December 2006, and was only quelled with MONUC intervention.

A UN panel investigating the plunder of natural resources confirmed in 2003 that competition to control the DRC's vast diamond and other mineral wealth persists through proxy militias controlled by neighboring countries and government officials. Though the transitional government has since gained greater control over the mining sector, widespread corruption and smuggling continue. The

International Court of Justice concluded public hearings and began deliberations in 2005 on separate cases brought by the DRC government against Rwanda and Uganda for alleged human rights violations and other breaches of international law during the civil conflict.

An estimated 4 million citizens have died since the conflict began. Humanitarian groups estimate that 1,000 people continue to die each day from hunger, disease, and other causes related to instability. The majority of Congolese are subsistence farmers. Salaries continue to go unpaid, and critical social services are nonexistent. The DRC, one of the most debt-laden countries in the world, was granted access to the Highly Indebted Poor Countries (HIPC) Initiative in 2003. The International Monetary Fund announced an additional \$41 million in aid in September 2005. The World Bank is supporting efforts to restructure the DRC's large parastatal sector, including its principal mining company, and to rehabilitate the country's collapsed infrastructure, including the Inga Dam hydroelectric system. The UN and partner agencies estimated in December 2006 that US\$687 million would be needed to deliver essential relief and humanitarian aid to vulnerable segments of the population in 2007.

The DRC hosts the largest UN peacekeeping force in the world, known as the UN Organization Mission in the DRC (MONUC), with roughly 17,000 soldiers. MONUC forces have played a critical role in protecting transitional government institutions, supporting the electoral process, and intervening to stop violence. They were bolstered by some 1,500 troops from the European Union during the 2006 electoral period. Despite its contributions, the UN force has faced persistent allegations that some peacekeepers have sexually abused Congolese women and girls, though there were fewer allegations in 2006 than in previous years.

The DRC is not an electoral democracy. However, citizens participated in a landmark constitutional referendum in 2005 and returned to the polls twice in 2006 to elect a president, a National Assembly, and members of provincial assemblies. Despite irregularities, the 2006 election was considered credible by international observers. Under the new constitution, the president is elected to a five-year term, renewable once. The president nominates a prime minister from the leading party or coalition in the 500-seat National Assembly, the lower house of the bicameral legislature, whose members are popularly elected to serve five-year terms. The upper house, the 108-seat Senate, is elected by the provincial assemblies for five-year terms. Senate elections were scheduled for January 2007. Under a new decentralized form of government, elected governors will oversee the provincial parliamentary structures.

The newly elected National Assembly convened for the first time on September 22, 2006. After negotiations with some of the smaller parties, President Joseph Kabila's coalition, the Alliance for the Presidential Majority (AMP), obtained a majority with 270 of the 500 seats.

There are approximately 247 registered political parties in the DRC, including those representing former rebel groups. Of this number, no more than a dozen have broad representation. Many parties formed coalitions in advance of the July 2006 elections. In June, 186 registered political parties signed a code of conduct outlining principles for participating in the electoral process. Neither the UDPS nor Kabila's PPRD signed the code, however.

Corruption is rampant throughout the country, particularly in the mining sector. In 2005-2006, between 60 and 80 percent of customs revenue was estimated to have been embezzled, a quarter of the national budget was not properly accounted for, and more than \$3 million was stolen from the army payroll. Despite some measures taken to limit high-level graft, not a single Congolese official was convicted on corruption charges during the transitional period. The government took some measures to limit corruption during 2006, including the approval of a new investment code and a new mining code, as well as the establishment of a new commercial court to attract and protect foreign investment. The National Assembly's Lutundula Commission released a report in 2006 that implicated a number of senior officials in corruption, some of whom were dismissed from their positions. The DRC was ranked 156 out of 163 countries surveyed in Transparency International's 2006 Corruption Perceptions Index.

Freedom of speech and expression is limited in practice, though both the transitional and new constitutions guarantee it. Despite some statutory protections, independent journalists are frequently threatened, arrested, attacked, and even killed. Journalistic standards are low, and partisanship is common. There are approximately 119 radio stations, 52 television stations, and 176 newspapers and magazines in the country, most of them operating in Kinshasa and owned by the major politicians or their close associates. The transitional government used criminal libel laws to suppress criticism of political leaders, of President Kabila in particular, and to limit press freedom during 2006. The press

contributed to political tensions during 2006, as many media outlets aired personal attacks against candidates and even resorted to ethnically biased hate commentary during the campaign period. The High Authority of Media (HAM), a government watchdog tasked with implementing the DRC's various press laws as well as a code of conduct for media during the elections, penalized several outlets for inappropriate programming and hate speech. The HAM called repeatedly for broadcast media to provide equal time to presidential candidates and for the state-run media to avoid political bias. In August, 40 broadcast and print media outlets in Kinshasa signed an agreement to abstain from defamation and hate speech during the second round of the elections. One of the few nationwide radio networks, Radio Okapi, is run by the Swiss-based Hironnelle Foundation and the United Nations, and worked to provide voter and civic education as well as accurate news. Although the government does not restrict access to the internet, it is only those in larger cities where internet cafes have proliferated, or the much smaller population with the means to afford computers and connection costs, who actually enjoy internet access.

The DRC's constitution provides for freedom of religion, and this right is generally respected in practice, although religious groups must register with the government to be recognized. Academic freedom is restricted in practice, as fears of government harassment often lead university professors to engage in self-censorship.

Rights to freedom of assembly and association allowed by law are sometimes limited in practice under the pretext of maintaining public order, and groups holding public events must inform local authorities in advance. Political campaigning in advance of the 2006 elections was generally unhindered, though some political parties and their leaders were harassed by security forces. Labor unions, though legal, are limited to urban areas and have largely been inactive as a result of the collapse of the country's formal economy. Some unions are affiliated with political parties, and labor leaders and activists have faced harassment.

Despite guarantees of independence, in practice the judiciary remains subject to corruption and manipulation by both official and nonstate actors. Civilian and military justice personnel were deployed to provincial centers—including Gbadolite, Goma, Kisangani, Lodja, and Lubumbashi—with MONUC assistance in 2005, but the judicial system lacks both trained personnel and resources. Prison conditions are often abysmal, and long periods of pretrial detention are common.

Civilian authorities do not maintain effective control of the security forces, though progress has been made since the successful conduct of the 2006 general elections. Members of the forces are poorly trained and paid, and regularly commit serious human rights abuses. The integration of former rebels into the nascent FARDC resulted in competing chains of command and conflicts between nominally integrated factions, many of which answered to former commanders and political leaders rather than formal superiors, though some improvements toward fully integrated control have been made. Efforts by the international community to train a professional and neutral police force that would assume responsibility for the security of transitional officials has met with limited success. According to international security experts, the integrated police trained by Angola, whose government was an ally of Laurent-Desire Kabila during the civil war, may be aligned to the president Joseph Kabila now. According to some estimates, Kabila's presidential guard still numbers around 14,000 men. As a result, transitional vice presidents and leaders of former rebel groups were reluctant in the run-up to the election to reduce the size of their own security contingents. During 2006, weapons and ammunition imports regularly evaded the oversight process set up to monitor and ensure their receipt through official channels.

Societal discrimination based on ethnicity is practiced widely among the country's 200 ethnic groups, and particularly against the various indigenous Pygmy tribes and the Congolese Banyamulenge Tutsis.

Although the law provides for freedom of movement, roadblocks manned by aggressive security forces regularly restrict travel in many parts of the country. Security personnel routinely demand bribes and, in some areas, travel authorization orders from employers or government officials. When traveling internally, foreigners must regularly submit to immigration controls. Movement is severely restricted in parts of the country where armed groups are active.

Members of armed groups and security forces have seized private property and destroyed homes in the DRC's conflict zones, though these practices declined during 2006.

Despite constitutional guarantees, women face discrimination in nearly every aspect of their lives, especially in rural areas, where there is little government presence. The law requires a married woman to obtain her husband's permission before engaging in routine legal transactions, such as selling or

renting property, opening a bank account, accepting employment, or applying for a passport. Violence against women, including rape and sexual slavery, has soared since the onset of armed conflict in 1996. Abortion is prohibited. The Save the Children Fund has ranked the DRC among the world's five worst conflict zones in which to be a woman or child.