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FREEDOM HOUSE

Freedom in the World - ↓ Congo, Democratic Republic of (Kinshasa) (2008)

Capital:
Kinshasa

Population:
62,600,000

Political Rights Score: 5
Civil Liberties Score: 6
Status: Not Free

Trend Arrow

The Democratic Republic of Congo received a downward trend arrow for the forced exile of the main opposition leader, illustrating President Joseph Kabila's intolerance for political opposition.

Overview

The threat of a wider conflict rose in 2007 as government forces in the eastern Democratic Republic of Congo (DRC) battled fighters loyal to Rwandan-backed Congolese Tutsi general Laurent Nkunda. Also during the year, the DRC signed a trade and development deal with China said to be worth $5 billion, and the nascent democracy that had emerged from the 2006 elections remained precarious as the main opposition leader, Jean-Pierre Bemba, was forced into exile. Human rights abuses continued unabated.

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 19th and early 20th centuries with a brutality that was extreme even by colonial standards. After it was granted independence from Belgium in 1960, the country became an arena for Cold War rivalries and remained so after Colonel Joseph Mobutu seized power with CIA backing in 1965. Mobutu changed the country's name 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 citizens among the world's poorest people. Following the end of the Cold War, domestic agitation and international pressure for democratization forced Mobutu to open up the political process. A sovereign national conference in 1992 stripped Mobutu of most of his powers and named a new prime minster, but Mobutu created a rival government, leading to a political standoff. In a compromise that marginalized the conference's prime minister, the two governments merged in 1994, with Mobutu remaining head of state. Presidential and legislative elections were scheduled repeatedly but never took place.

After the 1994 genocide in neighboring Rwanda, the Rwandan and Ugandan governments tapped into popular hatred for Mobutu and turned their cross-border pursuit of members of the ethnic Hutu Interahamwe—the Rwandan militia responsible for much of the mass killing of ethnic Tutsis—into an advance on Kinshasa. Rwandan troops, accompanied by representatives of the Alliance of Democratic Forces for the Liberation of Congo–Zaire (AFDL), a coalition led by former Zairian rebel leader Laurent-Desire Kabila, entered eastern Zaire in October 1996 and reached Kinshasa in May 1997; Mobutu fled to Morocco and died soon thereafter. Kabila quickly consolidated power, declaring himself president and changing the country's name back to the Democratic Republic of Congo.

Relations between Kabila and his backers in Rwanda and Uganda deteriorated after he ordered all foreign troops to leave the DRC in 1998. Rwanda intervened in support of a newly formed rebel group, the Congolese Rally for Democracy (RCD), but the DRC government was defended by Angolan, Namibian, and Zimbabwean troops. Uganda later backed a rival rebel group, the Movement for the Liberation of the Congo (MLC), establishing control over the northern third of the DRC, while the RCD held much of the eastern Kivu region. The war eventually drew in forces from Chad, Sudan, and Burundi as well, and the country's vast mineral wealth spurred the involvement of multinational companies, criminal networks, and more distant foreign governments.

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 talks to form a transitional government. Kabila drew increasing international criticism for blocking the deployment of UN troops and suppressing internal political activity. He was assassinated in January 2001 and succeeded by his son Joseph, who revived the peace process. The resulting Sun City Peace Agreement, reached in December 2002, created a transitional government that included former rebel leaders, opposition representatives, and Kabila supporters, who were grouped under the People's Party for Reconstruction and Democracy (PPRD). A transitional government was formed in July 2003, bringing a formal end to the five-year war.

A new constitution passed by the bicameral transitional legislature in May 2005 was approved by 84 percent of voters in a December 2005 referendum. 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 most seats in the National Assembly, but fell short of an outright majority. In a field of 33 presidential candidates, Kabila won about 45 percent of the vote, leading to a second round against MLC leader and transitional vice president Jean-Pierre Bemba. The October 29 runoff was generally peaceful, despite minor hitches. Kabila was declared the winner, with 58 percent to Bemba's 42 percent. Bemba challenged but ultimately accepted the result.

Meanwhile, two broad alliances emerged in the 500-seat National Assembly: the AMP comprised of the Parti Lumumbiste Unifié (PPRD) and the Union des Démocrates Mobutistes (UDEMO) with more than 300 seats in support of President Kabila, and a political opposition, the Union Pour la Nation (UpN), comprised of parties that supported former vice president Bemba in his presidential bid, including the MLC, and a number of former presidential candidates with some 116 seats.

In the January 2007 Senate elections, 11 provincial assemblies voted; Kabila's AMP won 56 seats while Bemba's opposition UpN secured 18. Nine provincial assemblies elected governors and vice-governors on January 27. Gubernatorial polls in Kasai Occidental and Kasai Oriental were delayed until February 15. AMP-affiliated candidates won 10 governorships, while a UpN candidate won the governorship of

Equateur province. Violence followed the elections after candidates from the opposition-dominated provincial assemblies in Kinshasa, Bas Congo, Bandundu, Kasai Oriental, and Maniema elected members of the ruling party as state governors. Following widespread allegations of corruption and vote buying, appeals were filed in appeals courts in nine provinces, but the Supreme Court upheld the results in all but Maniema, for which a decision is still pending.

Despite the relatively successful elections, the country's democratic transition remained uncertain. In March 2007, fighting broke out in the capital between the authorities and Bemba loyalists after Bemba's personal security force resisted government calls to disarm. As many as 600 people, most of them civilians, died in the fighting. Bemba himself sought refuge in the South African embassy before going into exile in Portugal in April. The crackdown on the country's top opposition leader added to existing doubts about whether Kabila would allow genuine political pluralism to emerge.

The presence of armed groups remains a source of instability that has displaced at least 1.2 million people within the DRC, according to the United Nations. Fighting involving government troops and a rebel force led by Congolese Tutsi general Laurent Nkunda in eastern North Kivu province has reportedly displaced some 370,000 people since December 2006, causing severe malnutrition and outbreaks of disease. The UN peacekeeping mission, known as MONUC, numbers about 18,000 troops and has so far prevented the conflict from escalating dramatically, but it is unclear how long the mission's $1 billion annual cost can be sustained.

In January 2007, Kabila struck a controversial deal allowing thousands of Nkunda fighters to be inducted into special mixed-army brigades, ostensibly to break down Nkunda's command structure. The mixed brigades were to pursue Rwandan Hutu rebels whose disarmament and repatriation had been a condition for the withdrawal of Rwandan troops. But the operations against the rebels deteriorated into a campaign of terror against civilians that forced more than 200,000 Congolese (the largest new displacement since 2003) to flee their homes. By March 2007, the campaign was called off, leaving Nkunda stronger than before. A 2007 report by the Center for American Progress noted that Nkunda used government money for salaries to replenish his supplies and increase his military capacity while keeping the command structure of his organization intact. The Congolese government accuses Nkunda of war crimes, but a straightforward assault on the general could provoke an intervention by Rwanda. It remained unclear whether the two sides would be willing or able to implement the plan fully, but a renewed outbreak of violence forced MONUC to dispatch additional troops to the area, and sporadic clashes continue.

A crucial factor behind the ongoing crisis in Congo is competition to control the country's vast mineral wealth, which includes some of the world's most significant deposits of cobalt, diamonds, coltan, gold, and copper. A 2003 UN investigating panel listed 85 countries operating in the DRC and detailed how the exploitation of mineral resources was fueling the civil war and feeding into international business networks. The country has virtually imploded under the combined effects of war, economic crisis, and the breakdown of political institutions. At least 4 million people have died since the conflict began, and humanitarian groups estimate that 1,000 people continue to die daily from hunger, disease, and other effects of the war. According to the United Nations, Congolese people on average manage to get access to health care once every seven years, and they are among the poorest and least healthy people on earth. Critical social services are nonexistent, and the country's infrastructure has all but disintegrated. Congo ranked 168 out of 177 countries on the 2007 UN Human Development Index.

The DRC was granted access to the International Monetary Fund/World Bank Heavily Indebted Poor Countries (HIPC) initiative in 2003. Despite significant efforts to restore economic vitality, the economy has yet to improve. President Kabila has tried to break with the tradition of printing money to meet budget shortfalls, but there have been reports that the central bank has counterfeited its own currency to make ends meet. Between March and July 2007, the Congolese franc lost 20 percent of its value against the dollar. In September, the country signed a deal of extraordinary scale and ambition with China. The $5 billion package is the largest single loan to any African country. In return, China obtained rights over copper and cobalt reserves worth an estimated $14 billion. Somewhat caught off guard by the transaction, the International Monetary Fund (IMF), World Bank, and a number of nongovernmental organizations (NGOs) sought clarification.

Politcal Rights and Civil Liberties

The DRC is not an electoral democracy. The 2006 elections were an important milestone but still problematic. The main opposition Union for Social Democracy & Progress (UDPS) party was not allowed to participate as a result of the party leader's call for a boycott of the constitutional referendum the same year. Further, international observers noted that the elections were marred by voter registration irregularities, especially in the capital, and corruption that compromised the credibility of the process. The campaign period included clashes between opposition militants and government forces as well as an attempt on Bemba's life. The 2007 Senate elections were similarly plagued by political corruption, with allegations of vote buying (elected opposition councilors voted for progovernment candidates).

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 provincial assemblies elect the upper house, the 108-seat Senate, for five-year terms. Under the new decentralized government, elected governors oversee the provincial parliamentary structures.

Of the approximately 247 registered political parties, only a dozen have broad representation. President Joseph Kabila's coalition, the AMP, currently holds 332 seats in the National Assembly and 56 in the Senate. The April 2007 exile of Jean-Pierre Bemba, whose MLC is the largest single opposition party, represented a severe blow to prospects for political pluralism.

Corruption is rampant in the DRC, particularly in the mining sector. By one calculation, royalties in the last financial year should have been about $160 million but the government's direct income from mining was reported at $32 million, suggesting that much of the wealth from the industry flowed into private hands. Some antigraft measures were taken during the transitional period, but there were no convictions of corrupt officials. In 2006, the government approved new investment and mining codes and established a commercial court to protect foreign investment, and the National Assembly's Lutundula Commission implicated a number of senior officials in corruption, some of whom were fired. In April 2007, Kabila bowed to international pressure for transparency and announced a review of over 60 mining contracts with foreign companies that had bought concessions at extremely low prices. But the government rejected calls for an independent body to oversee the review, and the report has not been released. Mismanagement caused donors to suspend many lending programs in 2007, and the country held the bottom rank in the World Bank's 2007 Doing Business survey of 178 countries. The DRC ranked 168 out of 180 countries surveyed in Transparency International's 2007 Corruption Perception Index.

Although guaranteed by the constitution, freedom of speech and expression is limited in practice. The High Authority of Media (HAM) is tasked with implementing the country's press laws and media code of conduct, but the government continues to use criminal libel laws to suppress free speech and limit press freedom. In a country where journalists are imprisoned even for covering police operations, independent journalists are frequently threatened, arrested, attacked, and even killed. At least three journalists were killed in 2007 according to the International Federation of Journalists (IFJ). Radio is the dominant medium; there are approximately 119 radio stations, 52 television stations, and 176 newspapers and magazines. In October 2007, the government banned 40 television and radio stations for improper licenses, including CCTV and Canal Kin TV, owned by Bemba. A handful of stations, including state-run RTNC, broadcast across the country. The United Nations and a Swiss-based organization, *Fondation Hirondelle*, launched Radio Okapi in 2002 to provide voter and civic education as well as accurate news. The government does not restrict access to the internet, but penetration is limited by cost and lack of infrastructure.

The constitution guarantees religious freedom, which is generally respected in practice, although religious groups must register with the government to be recognized. Academic freedom is effectively restricted by fears of government harassment, which often lead university professors to engage in self-censorship.

The rights to freedom of assembly and association are sometimes limited under the pretext of maintaining public order, and groups holding public events must inform local authorities in advance. Labor unions, though legal, exist only in 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, the judiciary remains subject to corruption and manipulation by both official and nonstate actors. Civilian and military justice personnel were deployed to provincial centers with MONUC assistance in 2005, but the judicial system still 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. Members of the forces are poorly trained and paid and regularly commit serious human rights abuses, including the rape of women and girls on a massive scale. Low pay and inadequate provisions commonly lead soldiers to seize goods from civilians, and demobilized combatants have not been successfully integrated into the civilian economy. The induction of former rebels into the military has resulted in competing chains of command and conflicts between nominally unified factions, with many fighters answering to former commanders and political leaders rather than formal superiors. Some 80,000 troops remain in separate units, and if war were to break out again, the former factions could quickly reassemble.

Societal discrimination based on ethnicity is practiced widely among the country's 200 ethnic groups, particularly against the various indigenous Pygmy tribes and the Congolese Banyamulenge Tutsis. The ongoing fighting in the eastern Kivu region is driven in part by ethnic rivalries. The ubiquity of firearms and deep mutual resentment over land security has helped to harden ethnic identities.

Although the law provides for freedom of movement, it is restricted by security forces seeking bribes or travel permits, and foreigners must regularly submit to immigration controls when traveling internally. In conflict zones, various armed groups and soldiers have seized private property and destroyed homes.

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. Violence against women, including rape and sexual slavery, has soared since the war began in 1996. Congolese women are also subjugated as agricultural laborers, and armed groups regularly loot their harvests. Abortion is prohibited. Save the Children has ranked the DRC among the world's five worst conflict zones in which to be a woman or child.