

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	201
Land:	Den Demokratiske Republik Congo
Kilde:	Freedom House
Titel:	Freedom in the World 2009
Udgivet:	16. juli 2009
Optaget på baggrundsmaterialet:	7. oktober 2009

Title	Freedom in the World 2009 - Congo, Democratic Republic of (Kinshasa)
Publisher	Freedom House
Country	Democratic Republic of the Congo
Publication Date	16 July 2009
Cite as	Freedom House, <i>Freedom in the World 2009 - Congo, Democratic Republic of (Kinshasa)</i> , 16 July 2009, available at: http://www.unhcr.org/refworld/docid/4a6452c3c.html [accessed 7 October 2009]

Freedom in the World 2009 - Congo, Democratic Republic of (Kinshasa)

Capital: Kinshasa

Population: 66,500,000

Political Rights Score: 6

Civil Liberties Score: 6

Status: Not Free

Ratings Change

The Democratic Republic of Congo's political rights rating declined from 5 to 6 due to political violence, including a police crackdown on the politico-religious movement Bundu Dia Kongo and the murder of an opposition politician in July.

Overview

Despite the signing of a peace agreement in January 2008, fighting in the east between rebel forces, local militias, and the army intensified during the year, resulting in severe human rights abuses and civilian displacement. Meanwhile, Prime Minister Antoine Gizenga resigned in September, and the government of President Joseph Kabila cracked down on the political opposition. National police carried out deadly raids against the politico-religious movement Bundu Dia Kongo in February and March, and an opposition politician was murdered in July. Early in the year, the government received a \$9 billion loan from China, which has impeded negotiations with the IMF on a new poverty reduction and growth facility because of the new debt the loan entails.

The vast area of Central Africa claimed by the king of Belgium in the late 19th century was exploited for decades with a brutality that was extreme even by colonial standards. After it gained independence from Belgium in 1960, the country became an arena for Cold War rivalries, and Colonel Joseph Mobutu seized power with CIA backing in 1965. Mobutu changed the country's name from the Democratic Republic of Congo (DRC) to Zaire in 1971, renamed himself Mobutu Sese Seko, and assumed dictatorial powers.

Following the end of the Cold War, domestic and international pressure forced Mobutu to open up the political process. A national conference in 1992 reduced his powers and named a new prime minister, but Mobutu created a rival government. In a compromise that marginalized the conference's chosen prime minister, the two governments merged in 1994, with Mobutu remaining head of state.

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 Rwandan Hutu militia members 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-Désiré Kabila, entered eastern Zaire in October 1996 and reached Kinshasa in May 1997; Mobutu fled to Morocco and died soon thereafter. Kabila 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 talks on forming 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, signed in South Africa in 2002, led to the creation of a transitional government in 2003, bringing a formal end to the war.

A new constitution was passed by the bicameral transitional legislature and approved by referendum in 2005. Presidential and legislative elections, the first multiparty polls since independence, were held in July 2006. Despite daunting logistical challenges, the elections were largely peaceful and drew a voter turnout of over 70 percent. Kabila's People's Party for Reconstruction and Democracy (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, and then won the runoff against MLC leader and transitional vice president Jean-Pierre Bemba. Bemba challenged but ultimately accepted the result.

Following the elections, two broad alliances emerged in the 500-seat National Assembly: the Alliance of the Presidential Majority (AMP), comprising 332 seats in support of President Kabila, and the Union for the Nation (UpN), comprising 116 seats and made up of parties that supported Bemba in his presidential bid.

Eleven provincial assemblies voted in the January 2007 Senate elections, granting the AMP 58 seats and the opposition UpN 21. Gubernatorial polls in 2007 handed 10 governorships to AMP-affiliated candidates and one to the UpN. Violence ensued after opposition members of provincial assemblies voted for progovernment gubernatorial candidates.

The country's democratic transition remained uncertain when fighting broke out in Kinshasa between the authorities and Bemba loyalists in March 2007. Bemba went into exile in Europe, adding to doubts as to whether Kabila would allow genuine political pluralism to emerge.

In November 2007, Kabila reduced the cabinet from 60 to 45 members but left major ministerial positions unchanged as he strove to keep the ruling 38-party alliance intact. The appointment of Katumba Mwanke as executive secretary of the AMP allowed the president to increasingly circumvent Antoine Gizenga's authority as prime minister amid growing tensions between the two. Gizenga ultimately resigned as prime minister in September 2008, citing health concerns. In October, Kabila appointed Adolphe Muzito, a member of Gizenga's Unified Party for Lumumba (PALU) and previously the minister of

the budget, as prime minister.

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. In November 2007, the governments of the DRC and Rwanda signed an agreement in Nairobi, Kenya, that focused on the repatriation of the Democratic Liberation Forces of Rwanda (FDLR), an ethnic Hutu-dominated militia group led by perpetrators of the 1994 Rwandan genocide who fled to the DRC and have never been disarmed. According to the agreement, the DRC government could commence military operations against the FDLR if they did not disarm by March 15, 2008. The deadline passed without incident, however, and the FDLR remains a major obstacle to regional security.

On January 23, 2008, a peace agreement was signed between the government and 22 armed groups operating in the eastern DRC. The pact called for a ceasefire and an amnesty law that covered the period since June 2003 and excluded war crimes. Notably, the FDLR and the Rwandan government were not included in the agreement, and violence in the area continued. Heavy fighting broke out in August 2008 between government troops and the ethnic Tutsi rebel leader Laurent Nkunda's National Congress for the Defense of the People (CNDP). In October, the government accused Rwanda of cross-border incursions to support the CNDP, while the Rwandan government alleged official DRC tolerance of the FDLR and its deployment against the Congolese Tutsi minority. These developments sparked fear that the fighting would again escalate into a wider regional war, and in November, it was reported that Angolan and Zimbabwean troops had joined the conflict to support the ineffective DRC army. As a result of increased violence since August, civilian displacement and human rights abuses have been increasing. Doctors Without Borders (MSF) reported treating 6,700 victims of sexual violence in North and South Kivu in 2008, and the recent conflict has displaced at least 250,000 people, adding to the one million people already displaced in this area. In addition, the Lord's Resistance Army (LRA) carried out a series of attacks in northern DRC in late December, resulting in the deaths of 865 civilians and the abduction of at least 160 children.

Competition to control earnings from the country's vast mineral wealth, which includes some of the world's most significant deposits of cobalt, diamonds, coltan, gold, and copper, has helped fuel the DRC's conflicts. The International Criminal Court (ICC) continues to pursue cases in the DRC, including those against rebel leaders Mathieu Ngudjolo Chui, Thomas Lubanga, and Germain Katanga, as well as exiled opposition leader Jean-Pierre Bemba, who was transferred to The Hague in July 2008. The ICC also issued a warrant in April 2008 for the arrest of Bosco Ntaganda, who currently serves in Nkunda's CNDP.

Aside from the serious violence in the eastern DRC, most parts of the country were relatively stable in 2008. However, all of the DRC has suffered severely under the combined effects of war, economic crisis, and the breakdown of political and social institutions. At least four million people have died since the conflict began in 1994 and humanitarian groups estimate that 1,000 people continue to die each day. Critical health and social services are nonexistent in many areas, and much of the country's infrastructure has disintegrated. Congo was ranked 168 out of 177 countries on the UN Development Programme's 2007/2008 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. In 2007, the country announced that it would sign a \$5 billion deal, the largest single loan to any African country, with China. In January 2008, a deal worth closer to \$9 billion was signed with China's Exim Bank. In return, China obtained a significant stake in a joint venture with Gecamines, the DRC's state mining company, as well as rights to two large mining concessions. The opaque terms of this loan package as well as the debt it entails are impeding negotiations between the government and the International Monetary Fund over a new poverty reduction and growth facility, which would replace an earlier

agreement that ended in 2006.

Political Rights and Civil Liberties

The DRC is not an electoral democracy. The 2006 elections were a significant improvement over previous elections, but serious problems remained. The opposition Union for Social Democracy and Progress (UDPS) party did not participate as a result of the party leader's call for a boycott of the recent constitutional referendum. International observers noted voter registration irregularities and corruption. The campaign period included clashes between opposition militants and government forces as well as an attempt on opposition leader Jean-Pierre Bemba's life. The 2007 Senate elections were similarly plagued by political corruption, with allegations of vote buying. Local elections initially scheduled for 2008 were delayed until at least 2009.

Under the new constitution, the president is elected to a five-year term, which is 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, as well as the provincial governors, for five-year terms.

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 58 in the Senate. The 2007 exile of Bemba, whose MLC is the largest opposition party, represented a severe blow to political pluralism.

In July 2008, MLC politician Daniel Botethi was killed in Kinshasa. Suspicions about the involvement of the Republic Guard led the MLC to suspend its participation in the parliament for one week and call for an investigation. In September, a military tribunal sentenced three soldiers and two civilians to death for Botethi's murder. One of the soldiers claimed that the Kinshasa governor, Andre Kimbuta, had ordered the killing, though he later retracted this allegation. That same month, the leader of a small opposition party was arrested and charged with "threatening state security" after he suggested that government members were involved in the Botethi murder.

Corruption is rampant in the DRC, particularly in the mining sector. The country held the bottom rank in the World Bank's 2008 Doing Business survey of 181 countries, and it was ranked 171 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. In 2006, the government approved new investment and mining codes and established a commercial court to protect foreign investment. The National Assembly's Lutundula Commission implicated a number of senior officials in corruption that year, some of whom were fired. In 2007, Kabila bowed to international pressure and announced a review of over 60 mining contracts with foreign companies, but rejected calls for independent oversight. The review was scheduled to end in September 2008, but was delayed after Prime Minister Antoine Gizenga's resignation. The first stage of the mining review was completed in March 2008, when the government published the findings that a total of 14 contracts were acceptable, 26 required negotiation, and 21 faced termination. The next phase of the review is to negotiate new contracts or to revise contract terms with mining companies. In October 2008, the government announced the results of a World Bank-backed, three-year review of logging contracts, stating that it would cancel more than two-thirds of the contracts and continue a moratorium on logging deals for another three years.

Although guaranteed by the constitution, freedoms of speech and expression are limited in practice. Independent journalists are frequently threatened, arrested, and attacked, and have occasionally been killed. Radio is the dominant medium in the country, which suffers from low literacy rates, narrow distribution of periodicals, and limited access to television and the internet. 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 banned 40 television and radio stations for improper licenses in 2007, and more were banned in 2008. In November, a Radio Okapi

journalist, Didace Namujimbo, was shot and killed in Bukavu by unknown assailants – the second Radio Okapi murder since that of Serge Maheshe in 2007. Arrests and press intimidation also continued in 2008. Incidents included the March arrest of Nsimba Embete Ponte, editor of the biweekly publication *L'Interprete*, who was sentenced to ten months in prison for allegedly insulting President Kabila. In October, security forces ransacked the offices of Global TV in Kinshasa, and its studio manager, Daudet Lukombo, was detained for 40 days after the station broadcast an opposition press conference. The government does not restrict access to the internet, but it is limited by poor infrastructure.

The constitution guarantees religious freedom, which is generally respected in practice, although religious groups must register with the government to be recognized. In February and March 2008, the national police carried out operations against Bundu Dia Kongo (BDK), a politico-religious movement based in Bas-Congo province. More than 150 BDK members were arrested, and at least 100 people were killed. The United Nations called for an investigation into these incidents and the government's heavy-handed approach, which the government rejected. In October, nine of the arrested BDK members were sentenced to death; four others died while in detention. The government also made the movement illegal by revoking its authorization to operate as a social and cultural organization. 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. Opposition politician Gilbert Kiakwama from Bas Congo, who had attempted to mediate the violent events of February, made a political tour of the region in April, but Kabila party supporters and Republican Guards routinely disrupted his meetings. When Kiakwama attempt to speak out about these abuses before the National Assembly, he was barred from showing video footage of the events. Nongovernmental organizations (NGOs) are able to operate, but they face pressure from the government and non-state actors if they offend powerful interests. In addition, armed groups increasingly targeted NGOs operating in eastern DRC after the resumption of large-scale conflict in August. Labor unions, though legal, exist only in urban areas and are largely inactive. Some unions are affiliated with political parties, and labor leaders and activists have faced harassment. In 2008, there were strikes by transport workers, healthcare workers, teachers, and magistrates, who were concerned about low salaries and delayed remuneration.

Despite guarantees of independence, the judiciary remains subject to corruption and manipulation, and 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. Soldiers and police regularly commit serious human rights abuses, including rape. 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 integration of former rebel soldiers into the military has resulted in competing chains of command and factional conflicts, with many fighters answering to former commanders and political leaders rather than formal superiors. Numerous civilians who were victims of war crimes committed by these soldiers are being threatened not to seek justice. 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.

Although the law provides for freedom of movement, security forces seeking bribes or travel permits restrict it, 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. Violence against women, including rape and sexual slavery, has soared since fighting began in 1994. In June 2008, more than 2,000 rape cases were recorded in North Kivu province, according to the Congo Advocacy Coalition. 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. The number of abducted child soldiers continues to increase, with a sharp rise reported as fighting intensified in late 2008.

Copyright notice: © Freedom House, Inc. · All Rights Reserved
