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2023 Country Report on Human Rights Practices: Democratic Republic of the Congo

EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in the Democratic Republic of the Congo during the year.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; enforced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by the government; involuntary or coercive medical or psychological practices; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners or detainees; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious abuses in conflict, including reportedly unlawful or widespread civilian deaths or harm, enforced disappearances or abductions, torture, physical abuses, and conflict-related sexual violence or punishment; unlawful recruitment or use of children in armed conflict by armed groups or the armed forces; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression; substantial interference with the freedom of peaceful assembly and freedom of association, including under the state of siege in the eastern part of the country; restrictions on freedom of movement and residence within the territory of a state and on the right to leave the country; serious government corruption; extensive gender-based violence, including domestic and intimate partner violence, sexual violence, workplace violence, child, early, and forced marriage, and other forms of such violence; crimes involving violence or threats of violence targeting members of ethnic groups or Indigenous peoples; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; crimes involving violence or threats of violence targeting persons with disabilities; and the existence of the worst forms of child labor.

The government took some steps to identify, investigate, prosecute, and punish officials who may have committed human rights abuses.

Armed nongovernmental forces continued to commit abuses in the eastern provinces. Large-scale abuses by the Cooperative for the Development of the Congo, ISIS-Democratic Republic of the Congo, also known as Allied Democratic Forces, the March 23 Movement, and other groups persisted in parts of North Kivu and Ituri Provinces. Abuses included unlawful killings, disappearances, physical abuse and other mistreatment, destruction of government and private property, and gender-based violence, widespread even in areas with no active hostilities, by members of armed groups. Armed groups also reportedly unlawfully recruited, abducted, and retained child soldiers and subjected children and adults to forced labor. The armed rebel group March 23 Movement continued attacks against the country's security forces and as of September remained in control of large swaths of territory in North Kivu Province. In December 2022, the United Nations Group of Experts provided evidence the Rwandan Defense Force gave material, operational, and logistical support to the March 23 Movement and was itself conducting operations on Congolese territory.

Section 1.

Respect for the Integrity of the Person

A. ARBITRARY DEPRIVATION OF LIFE AND OTHER UNLAWFUL OR POLITICALLY MOTIVATED KILLINGS

There were numerous reports during the year that the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings. The state security forces (SSF) were accused of, tried for, and convicted of arbitrary or unlawful killings throughout the first half of the year, mostly in conflict-affected provinces such as Maniema, South Kivu, Ituri, Tanganyika, and North Kivu, and in operations against armed groups. Although the military justice system convicted some members of the SSF responsible for human rights abuses, impunity remained a serious problem.

On August 30, in Goma, government security forces confronted a group of adherents of the Natural Jewish Messianic Faith to the Nations gathering for a banned protest against the presence of the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the East African Community Regional Force. Security forces employed deadly and disproportionate force, reportedly killing 56 demonstrators, injuring 75 more, and arresting a total of 158 persons, including the group's leader, Ephraim Bishimwa. At least one Congolese National Police (PNC) officer was killed. As of September 7, a government investigation into the incident continued, multiple members of the security forces were arrested or suspended, and the military governor of North Kivu Province was relieved of his post.

Marginalized racial and ethnic communities were both perpetrators and victims of arbitrary and unlawful killings. Conflict with armed groups, tensions concerning land rights, and migration exacerbated long-standing divisions regarding ethnicity. There were reports that the SSF perpetrated, threatened, and condoned violence against marginalized ethnic communities.

Media reports of Rwanda's support to the March 23 Movement (M23) rebel group contributed to violence and discrimination against Rwandophones and those with a perceived sympathy for Rwanda or M23. Rwandophone populations (both Kinyarwanda and Kirundi speakers) were also accused of perpetrating violence against other ethnic communities.

Armed groups committed arbitrary and unlawful killings throughout the year.

B. DISAPPEARANCE

There were reports of disappearances during the year by or on behalf of government authorities. Authorities often refused to acknowledge the detention of suspects and sometimes detained suspects in unofficial facilities, including on military bases and in detention facilities operated by the National Intelligence Agency (ANR). The whereabouts of some civil society activists and civilians arrested by the SSF remained unknown for long periods. Despite the president's promise to grant the United Nations access to all detention facilities, some ANR prisons remained impossible for independent observers to access.

Armed groups abducted numerous persons, generally for forced labor, military service, or sexual slavery. Many of these victims disappeared.

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, AND OTHER RELATED ABUSES

The law prohibited such practices, but there were credible reports that government officials employed them.

During the year, there were credible reports that the SSF subjected individuals, including minority groups and journalists, to cruel, inhuman, and degrading treatment or punishment. Security forces also abused children who lived or worked on the streets.

Security forces subjected individuals, including members of minority groups and journalists, to rape and sexual abuse.

Impunity among the SSF for mistreatment was a problem, although the government made limited progress in holding security forces accountable for human rights abuses. For example, on March 30, the High Military Court of Kinshasa convicted four PNC officers on the charge of torture leading to the death of detainee Olivier Mpunga in 2021. The four officers were sentenced to life imprisonment.

Prison and Detention Center Conditions

Conditions in most prisons throughout the country were harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care. Harsher conditions prevailed in small detention centers run by the ANR, Republican Guard, or other security forces, which often detained prisoners for lengthy pretrial periods.

Abusive Physical Conditions: Serious threats to life and health were widespread and included gross overcrowding, prisoner-on-prisoner violence (particularly rape), food shortages, and inadequate potable water, sanitation, ventilation, temperature control, lighting, and medical care. Most prisons were understaffed, undersupplied, and poorly maintained, leading to poor control of the prison population.

Central prison facilities were severely overcrowded, with an estimated occupancy rate of 200 percent of capacity; some prisons operated with an estimated occupancy rate more than 500 percent.

Local media reported the Ministry of Justice, which oversaw prisons, often had insufficient funds to pay for food or medical care for inmates, who instead relied on relatives, nongovernmental organizations (NGOs), and church groups to provide them sustenance. Because funds often did not reach prisons in the provinces in a timely manner, there were gaps in food distribution.

Generally medical doctors at the prisons did not receive their salaries, leading them to work elsewhere to make money. Prisons rarely had budgets for in-house pharmacies, and while prisoners sometimes obtained medication such as pain relievers, prescription medication was generally unavailable, meaning prisoners had to rely on their families. Sick prisoners were sometimes held in small isolation cells for long periods without an opportunity for movement, exercise, or use of showers or sanitary facilities.

Violence was a problem in certain prisons. According to human rights observers, prisoners themselves were sometimes given the responsibility to maintain order and mistreated others.

Administration: Authorities rarely conducted investigations into credible allegations of mistreatment.

Independent Monitoring: The government regularly allowed the International Committee of the Red Cross, MONUSCO, and NGOs access to official detention facilities maintained by the Ministry of Justice, but it sometimes denied access to facilities run by the Republican Guard, the ANR, and military intelligence services.

Improvements: On April 8, the minister of justice opened the newly renovated seventh ward at Makala Central Prison, designed to house and care for approximately 700 sick inmates and to decongest other areas of the facility. Renovations to the ward included updating hygiene facilities and providing additional mattresses.

D. ARBITRARY ARREST OR DETENTION

The law prohibited arbitrary arrest or detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally did not observe these requirements.

Arrest Procedures and Treatment of Detainees

By law, arrests for offenses punishable if convicted by more than six months' imprisonment required warrants. Detainees had to appear before a magistrate within 48 hours. The law required authorities to inform those arrested of their rights and the reasons for their arrest, and they could not arrest a family member in lieu of the suspected individual. Authorities had to allow arrested individuals to contact their families and consult with attorneys. Security officials, however, routinely violated all these requirements.

While the law provided for a bail system, it generally did not function. Detainees who were unable to pay for a lawyer were rarely able to access legal counsel. Authorities often held suspects incommunicado, including in unofficial detention centers run by the ANR, military intelligence, and the Republican Guard, and refused to acknowledge these detentions.

Arbitrary Arrest: Security personnel arrested and detained civil society activists, journalists, and opposition party members and sometimes denied them due process. Security forces regularly held protesters and civil society activists incommunicado and without charge for extended periods. Police sometimes arbitrarily arrested and detained persons without filing charges to extort money from family members. Persons without national identification cards were sometimes arbitrarily arrested by the SSF.

For example, the UN Joint Human Rights Office (UNJHRO) reported that from December 16, 2022, to January 5, PNC officers in Maniema Province arbitrarily arrested three human rights defenders, including one Indigenous rights activist, for protesting mistreatment and human rights abuses against ethnic Twa community members. The UNJHRO reported the chief prosecutor at Kasongo Prison eventually released the activists due to a lack of evidence for any charges.

Pretrial Detention: Prolonged pretrial detention, ranging from months to years, was a problem. Those who were supposed to go before a magistrate were often detained locally in a clandestine holding facility and kept there for many months, leaving their families to presume they were dead. Judicial inefficiency, administrative obstacles, corruption, and staff shortages also caused trial delays. In many cases, the length of pretrial detention equaled or exceeded the maximum sentence for the alleged crime.

E. DENIAL OF FAIR PUBLIC TRIAL

The law provided for an independent judiciary, but the government generally did not respect judicial independence and impartiality. Government officials and other influential individuals often subjected judges, prosecutors, or defense attorneys to coercion.

Authorities routinely did not respect court orders. Disciplinary boards created under the High Council of Magistrates continued to rule on cases of corruption and malpractice. Rulings included the firing, suspension, or fining of judges and magistrates.

Military magistrates were responsible for the investigation and prosecution of all crimes allegedly committed by SSF members, whether committed in the line of duty or not. Civilians could be tried in military tribunals if charged with offenses involving firearms. The military justice system often succumbed to political and command interference, and security arrangements for magistrates in conflict areas were inadequate.

Trial Procedures

The constitution provided for the right to a fair and public trial, but the judiciary generally did not enforce this right. Authorities were required to inform defendants promptly and in detail of the charges against them, with free interpretation as necessary, but this did not always occur. Defendants had the right to a trial within 15 days of being charged, but judges could extend this period to a maximum of 45 days. Authorities only occasionally abided by this requirement. The government did not regularly provide free legal counsel to indigent defendants in capital cases, although lawyers often represented indigent defendants free of charge with the financial support of foreign governments and organizations. Lawyers often did not have adequate access to their clients. Defendants had the right to be present and to have a defense attorney represent them; authorities occasionally disregarded these rights. Authorities generally allowed adequate time to prepare a defense, although there were few resources available. Defendants had the right to confront witnesses against them and to present evidence and witnesses in their own defense, but witnesses often were reluctant to testify due to fear of retaliation. Defendants had the right to appeal, except in cases involving national security, armed robbery, and smuggling, which the Court of State Security usually adjudicated.

Political Prisoners and Detainees

There were reports of political prisoners or detainees during the year, consisting primarily of individuals arrested under defamation laws for criticizing the actions of government officials or during protests or demonstrations.

Officials, particularly in the two provinces under the state of siege, commonly used the charges of contempt, defamation, spreading false rumors, and public insult against persons critical of the government. As of September, a trial was underway in the case against Jean-Marc Kabund, the former head of the president's political party, Union for Democracy and Social Progress, on charges of contempt of the head of state, defamation, and spreading false rumors for statements he made during a July 2022 press conference in which he called President Tshisekedi "irresponsible" and "a public danger" and accused government officials of lying, manipulation, embezzlement of public funds, and corruption. As of September, Kabund remained at Makala Central Prison, despite an August 2022 Court of Cassation ruling that he be remanded to house arrest.

Political prisoners generally faced similar prison conditions as the rest of the general population. While the government permitted international human rights and humanitarian organizations and MONUSCO access to some prisoners, authorities denied access to detention facilities run by the Republican Guard, military intelligence, and the ANR.

F. TRANSNATIONAL REPRESSION

Not applicable.

G. PROPERTY SEIZURE AND RESTITUTION

There were credible reports that the government evicted persons from their places of residence or seized their property without due process or adequate restitution. In August, Radio France International (RFI) reported police had evicted some families from their homes to allow for expansion of cobalt mining exploitation in the city of Kolwezi (Lualaba Province). RFI reported several houses were destroyed and inhabitants had not been notified or compensated.

H. ARBITRARY OR UNLAWFUL INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

The law prohibited such actions, but there were reports that the government failed to respect these prohibitions. Without appropriate legal authority, the SSF harassed and robbed civilians, entered and searched homes and vehicles without warrants, and looted homes, businesses, and schools. There were some reports the government monitored private online communications without appropriate legal authority. Family members were often punished for offenses allegedly committed by their relatives.

I. CONFLICT-RELATED ABUSES

There were credible reports that armed groups and the SSF perpetrated serious human rights abuses. In the first half of the year, the UNJHRO documented a total of 2,564 human rights abuses across the country, with the majority occurring in conflict-affected provinces, particularly North Kivu and Ituri, but also South Kivu, Mai-Ndombe, Tanganyika, and Maniema. Conflict-affected provinces accounted for more than 80 percent of all abuses throughout the country. Local NGOs reported the SSF committed abuses under the cover of the state of siege in North Kivu and Ituri Provinces.

The SSF continued fighting armed groups in the east of the country, and conflict among armed groups resulted in significant population displacement and human rights abuses, especially in Ituri and North Kivu Provinces. A UN Group of Experts report released in June noted that M23's territorial expansions and operations led to the displacement of more than one million civilians in North Kivu Province between October 2022 and April. The Group of Experts also revealed evidence of sustained, direct intervention by the Rwanda Defense Force on Democratic Republic of Congo (DRC) territory to reinforce and train M23 combatants and to plan and conduct military operations against the armed group Democratic Forces for the Liberation of Rwanda (FDLR).

There were credible reports that elements within the Armed Forces of the Democratic Republic of the Congo (FARDC) collaborated with some armed groups. A UN Group of Experts report from June noted that some senior FARDC officers collaborated with the FDLR and a local network of armed groups called the Congolese Patriotic Resistance Network, providing these groups logistical and material support. In December 2022, a judge in the High Military Court of Bunia (Ituri Province) sentenced four FARDC officials, including a lieutenant colonel, to death for misappropriation of wartime munitions intended for military operations. The officials had appealed their original conviction in May 2022 on charges of providing ammunition to the Cooperative for the Development of the Congo (CODECO).

The government took steps to neutralize armed groups and fight impunity. Operational cooperation between MONUSCO and the government continued in the east. The MONUSCO Force Intervention Brigade supported FARDC troops in North Kivu and southern Ituri Provinces. MONUSCO forces deployed and conducted patrols to protect internally displaced persons (IDPs) from armed group attacks in North Kivu, South Kivu, and Ituri Provinces. In North Kivu, the FARDC continued joint operations with Ugandan military forces, the Uganda Peoples' Defense Force, under Operation Shujaa. Among the 15 major armed groups in the country, various Mai Mai factions, ISIS-Democratic Republic of the Congo (ISIS-DRC, locally known as the Allied Democratic Forces), CODECO, and M23 perpetrated the most abuses, according to a UNJHRO report covering the first half of the year. Rising tensions since 2021 between the armed groups CODECO and Zaire contributed to numerous crimes against civilians and displacement in Ituri Province, particularly in Djugu Territory but extending into Mahagi and Irumu Territories. In South Kivu Province, there continued to be reports of cycles of retaliatory clashes between armed groups and attacks against civilians in the Hauts-Plateaux of Mwenga, Uvira, and Fizi Territories. Armed groups committed approximately 71 percent of documented cases in conflict-affected provinces in the first half of the year, according to the UNJHRO. Combatants abducted victims for ransom, for forced labor, and in retaliation for suspected collaboration. The UNJHRO reported armed groups used extrajudicial killings as a tactic to force populations to abandon their property, crops, or areas vital for agriculture and mining.

Killings: The UNJHRO reported at least 1,480 civilians were victims of summary or extrajudicial killings in the first six months of the year, the vast majority occurring in conflict-affected provinces and of which 154 were children. The armed groups ISIS-DRC, CODECO, M23, and Mai Mai committed most of these killings and mutilations, while FARDC soldiers and PNC agents contributed to the abuses.

As of September, a criminal investigation was underway in Tanzania in the case of Tanzanian MONUSCO officials who opened fire on civilians at a border crossing with Uganda near Kasindi, North Kivu Province, killing two persons and injuring 15 others in July 2022. The suspected perpetrators were arrested and removed from their positions with MONUSCO and findings from an internal investigation were sent to UN headquarters.

Abductions: UN agencies and NGOs reported armed groups abducted noncombatants to perform forced labor or guide them, or to ransom them. Armed groups also utilized abductions as reprisal for a victim's alleged collaboration with security and defense forces or rival groups, or because of their refusal to pay illegal taxes or to participate in so-called community work. The UNJHRO reported that from January through June, a total of 412 children were abducted from the provinces of North Kivu, Ituri, and South Kivu. The armed groups ISIS-DRC, M23, CODECO, and Raia Mutomboki were responsible for most abductions.

Physical Abuse, Punishment, and Torture: Gender-based violence was often used as a tactic of war, and armed groups, the FARDC, the PNC, and the ANR perpetrated widespread sexual violence. From January through June, the UNJHRO documented 187 cases of conflict-related sexual violence affecting adult women. Approximately 17 percent of these violent crimes were attributable to state agents, notably FARDC soldiers and PNC agents. The UNJHRO documented that at least 134 children were victims of various types of sexual violence in the first half of the year, with at least 13 percent of these assaults attributable to state agents, primarily the FARDC, PNC, and ANR. Most of the sexual violence attributable to state agents was committed in North Kivu, South Kivu, and Ituri Provinces.

According to the Conduct in UN Field Missions online portal, there were three allegations of sexual abuse or exploitation committed by MONUSCO personnel during the year. As of September, the United Nations and the government were conducting 27 investigations into allegations of sexual exploitation and abuse perpetrated by non-Congolese MONUSCO forces deployed to the country. In October, MONUSCO announced the arrest of eight South African peacekeepers and suspended one officer for "systematic and widespread violation" of UN rules against sexual exploitation and abuse.

Child Soldiers: The Secretary of State determined that elements of the Democratic Republic of the Congo armed forces provided support to armed groups that recruited or used child soldiers during the reporting period of April 2022 to March 2023. See the Department of State's annual *Trafficking in Persons Report* at www.state.gov/trafficking-in-persons-report/.

Other Conflict-related Abuse: Credible reports indicated that armed groups deliberately targeted health-care facilities and medical personnel and intentionally deprived civilian populations of food, water, and humanitarian aid. Fighting between the FARDC and armed groups as well as among armed groups displaced populations and limited humanitarian access, particularly in Ituri, North Kivu, South Kivu, Mai-Ndombe, Maniema, and Tanganyika Provinces. The government took steps to assist displaced persons, including by coordinating with nongovernmental humanitarian organizations, UN agencies, and MONUSCO on IDP protection and humanitarian assistance.

In North Kivu, South Kivu, Ituri, Kasai-Oriental, and Haut-Katanga Provinces, armed groups and elements of the FARDC continued to illegally tax, exploit, and trade natural resources for revenue and power. Clandestine trade in minerals and other natural resources facilitated the purchase of weapons and reduced government revenues. Gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore) were the most exploited minerals, but wildlife products, timber, charcoal, and fish were also sought after.

The illegal trade in minerals financed armed groups and individual elements of the SSF. Both elements of the SSF and certain armed groups continued to control, extort, and threaten remote mining areas in North Kivu, South Kivu, Ituri, Maniema, and Haut Katanga Provinces and the Kasai region.

Section 2.

Respect for Civil Liberties

A. FREEDOM OF EXPRESSION, INCLUDING FOR MEMBERS OF THE PRESS AND OTHER MEDIA

The law provided for freedom of expression, including for members of the press and other media, but the government did not always respect this right. Public criticism of government officials and corruption sometimes resulted in intimidation, threats, or arrests. Provincial governments also prevented journalists from filming or covering certain protests.

The UNJHRO reported that journalists and human rights defenders were regularly targeted by arbitrary arrests. Government officials, particularly in the state of siege provinces North Kivu and Ituri, used charges of contempt, defamation, spreading false rumors, and public insult to silence persons critical of the administration, including journalists and human rights defenders. In the first six months of the year, the UNJHRO documented 26 abuses of the right to freedom of opinion and expression. The PNC and FARDC were the main perpetrators of these abuses.

Freedom of Expression: The law prohibited insulting the head of state, the army, or government institutions and authorities, malicious and public slander, hate speech or speech to incite violence, and language presumed to threaten national security. Authorities sometimes intimidated, harassed, and detained activists and politicians when they publicly criticized the government, president, or the SSF. For example, on February 10, ANR agents arrested comedian Junior Nkole for allegedly inciting tribalism and insulting President Tshisekedi in a video published to Facebook a year prior. In the video, Nkole (himself ethnically Luba) impersonated a Luba job recruiter who would only hire Luba applicants to job positions. Nkole did not specifically mention President Tshisekedi in his video but was held without charges for a month at an ANR facility in Kinshasa before being released on March 9.

Violence and Harassment: Journalists were frequently subjected to violence, harassment, and intimidation, both online and offline, by the SSF due to their reporting. Impunity for such abuses, due to corruption, remained a problem. For example, in June a video posted to social media showed a military intelligence officer beating and arresting several journalists covering a land dispute in Kinshasa. The journalists, including Jeff Ngoy (Radio Okapi), Malou Mbela (RTNC), and Giresse Nkelani (RTNC), were held in detention for several hours at military intelligence headquarters and later released without charges. Sylvain Kenge, a spokesperson for the FARDC, later claimed that the journalists attacked the soldiers, precipitating their arrest. As of November, no charges were filed against the officers and no disciplinary action was taken.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: On March 13, parliament ratified the law Establishing the Modalities for the Exercise of Press Freedom, Information, and Broadcasting by Radio and Television, Written Press, and Other Means of Communication. The law placed new restrictions on the definition of a journalist and implemented new requirements to obtaining a professional identification card from the National Union of the Congolese Press, including a degree in journalism or communication, or a minimum qualifying experience. The law also introduced a time limit on the authorization for operating a broadcast media outlet to two years and classified online media outlets, cable television

operators, and personal mobile television as media companies. The law introduced a “right of reply” as sufficient compensation for defamation charges but also continued to allow for sentences of between eight days and one year in prison for defamation convictions.

On March 13, parliament also ratified the Digital Code. The law created the National Digital Council and the Authority for the Protection of Personal Data as regulatory bodies for the digital sector. The law also introduced a prison sentence of up to six months for disseminating or sharing false information on social media or electronic communications networks.

The law mandated the High Council for Audiovisual and Communications to provide for freedom of the press and equal access to communications media and information for political parties, associations, and citizens. While the High Council for Audiovisual and Communications was the only institution with legal authority to restrict broadcasts, the government, including the SSF and provincial officials, also de facto exercised this power.

Many journalists exercised self-censorship due to concerns of harassment, intimidation, or arrest. Media representatives reported they were pressured by provincial authorities not to cover certain events, including those organized by the opposition or local activists. Journalists reported increased self-censorship following the arrest of *Jeune Afrique* correspondent Stanis Bujakera in October on six separate charges, including dissemination of false information and falsifying state seals, in relation to an unsigned August *Jeune Afrique* article that showed a purportedly official document and claimed that military intelligence might have played a role in the July 13 assassination of former Transport Minister Cherubin Okende. Bujakera was the first journalist to be tried under the new Digital Code, which prohibited the intentional or unjustified dissemination of false information. As of November, the trial in the case continued.

Libel/Slander Laws: Under the law, defamation, public insult, and contempt were criminal offenses subject to prison time and fines if convicted. The law did not consider the veracity of reported facts in the case of a defamation complaint. Instead, the judge was to consider only the damage to the accused from revelations in a journalist’s work. The national and provincial governments used defamation laws to intimidate and punish critics, restrict public discussion, and retaliate against journalists and political opponents.

National Security: Authorities at times cited laws that prohibited anyone from making general defamatory accusations against the military to restrict free speech under the pretext of national security. Authorities engaged in rhetoric that had the effect of limiting freedom of expression by members of the press.

Nongovernmental Impact: Armed groups and their political wings regularly restricted and sought to restrict freedom of expression, including for members of the press, in the areas where they operated.

Actions to Expand Freedom of Expression, Including for Members of the Press and Other Media: The international NGO Reporters Without Borders noted in May that the law on Establishing the Modalities for Press Freedom, “contains clearly positive elements but also suffers from significant flaws,” including the fact that defamation and insult remained punishable by imprisonment. The law was the result of consultations among the government, civil society, and journalists during the 2022 General Conference on Media.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

B. FREEDOMS OF PEACEFUL ASSEMBLY AND ASSOCIATION

The government restricted the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution provided for freedom of peaceful assembly, but government authorities restricted this right and prevented those critical of the government from exercising their right to peaceful assembly, especially in the eastern provinces. The state of siege since May 2021 in Ituri and North Kivu Provinces resulted in further restrictions on peaceful assembly. The law required organizers of public events to notify local authorities in advance of the event. The government sometimes used this advance notification requirement to decline to authorize public meetings or protests organized by opposition parties or civil society groups critical of the government.

The SSF at times responded to peaceful protests with deadly force. From January to June, the UNJHRO documented 14 abuses of the freedom of demonstration and peaceful assembly. For example, on May 20, the UNJHRO documented the arbitrary arrest and detention of approximately 20 demonstrators from opposition political parties and citizens' movements, including the brief arrest of a provincial deputy, during a march organized by opposition party leaders to denounce high costs of living, continued insecurity in the eastern part of the country, and alleged irregularities in the voter registration process for the presidential elections on December 20. During the same march, the UNJHRO documented four cases of mistreatment by PNC officers, including one boy who was beaten with a baton. Three PNC officers were arrested in connection with the violence, including acts of violence against children. As of September, the three officers were in detention and their trial remained pending at military court.

Freedom of Association

The constitution provided for freedom of association, and the government generally respected this right. Civil society organizations and NGOs were required to register with the government and could receive funds only through donations; they could not generate any revenue. The registration process was burdensome and slow. Some groups, particularly within the lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) community, reported the government denied their registration requests. Many NGOs reported that, even when carefully following the registration process, it often took years to receive certification. Many interpreted registration difficulties as intentional government obstacles to impede NGO activity.

C. FREEDOM OF RELIGION

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

D. FREEDOM OF MOVEMENT AND THE RIGHT TO LEAVE THE COUNTRY

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, but the government sometimes restricted these rights.

In-country Movement: The SSF sometimes required travelers to present travel orders from an employer or government official, although the law did not require such documentation. The SSF often detained and sometimes exacted bribes from individuals traveling without orders.

For example, in May PNC officers physically blocked political party president Moise Katumbi from entering Kongo Central Province on foot for planned events with his political party, Together for the Republic. The provincial governor alleged that the decision to prevent Katumbi from entering the province was taken for security reasons given Katumbi's refusal to postpone a scheduled march in the province. In June, General Directorate of Migration officials at Kinshasa's N'Djili Airport prevented presidential candidate Matata Ponyo from boarding a flight bound for the

city of Bunia (Ituri Province). Media outlets reported that directorate officials prevented Ponyo from boarding his flight because he had arrived late at the airport and refused to follow the preboarding formalities.

Armed groups engaged in analogous activity in areas under their control, routinely extorting civilians at checkpoints and holding them for ransom.

Foreign Travel: Due to inadequate administrative systems, passport issuance was irregular and at times prevented citizens from leaving the country. Sitting and former senior government officials were required to seek authorization from the ANR for foreign travel. In some instances, the ANR either did not respond in a timely fashion or initially denied requests for authorization, including of political figures viewed as critical of the government.

E. PROTECTION OF REFUGEES

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, and asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had a rudimentary system for providing protection to refugees. The law, which allowed for flexibility, provided most fundamental rights to refugees and citizens on an equal basis. UNHCR worked with the government to bring its refugee status determination system up to international standards and increase its efficiency and effectiveness, although delays in adjudication of cases continued. Because the Appeals Commission had not been convened in years, rejected asylum seekers remained in limbo. UNHCR was assisting the government in scaling up its ability to undertake biometric registration of refugees and issue refugee identification cards.

The government assisted in the safe, voluntary return of former Congolese refugees, and facilitating immigration processing. In establishing security mechanisms, government authorities did not treat refugees differently from citizens.

Abuse of Refugees and Asylum Seekers: Continuing conflict in the provinces of North and South Kivu, Ituri, Bas Uele, and Tanganyika subjected refugees and IDPs to attacks, often resulting in deaths and further displacement. UNHCR reported Rwandan refugees in the Masisi Territory, North Kivu, were subject to cyclical displacement as a result of FARDC and armed group operations and were forced to relocate to South Kivu Province. As a result of conflict, refugees reported a range of human rights abuses and instances of forced displacement, according to UNHCR. Because of a perception that Rwandan refugees were aligned with or supported the FDLR, an armed group whose original founders included some perpetrators of the 1994 Rwandan genocide, they were discriminated against and harassed, and subject to arbitrary detention during military operations to a greater extent than the general population. UNHCR also reported elements of the Imbonerakure, the Burundian ruling party youth group, harassed Burundian refugees in the country.

Gender-based violence continued to be a problem for refugees and asylum seekers. Incursions by South Sudanese forces into Aru Territory and Ituri Province continued during the year. The incursions affected security for South Sudanese asylum seekers and refugees as well as local populations.

Durable Solutions: UNHCR worked with the government to facilitate the voluntary repatriation of some Rwandan refugees. UNHCR reported 208,075 Rwandan refugees of the 209,304 residing in the country were registered by the government as of July 31. On June 26 and 27, UNHCR facilitated a tripartite meeting in Nairobi between the governments of the Democratic Republic of the Congo and Rwanda to discuss voluntary repatriation for refugees from both countries.

UNHCR worked with the government to voluntarily repatriate 5,056 persons between January and July 31, including 987 Rwandan refugees, 2,477 Burundian refugees, and 1,591 refugees from the

Temporary Protection: The government provided temporary protection to an undetermined number of individuals who might not qualify as refugees.

F. STATUS AND TREATMENT OF INTERNALLY DISPLACED PERSONS (IDPS)

UNHCR, the International Organization for Migration, and the government estimated there were 6.24 million IDPs in the country, more than half of whom were children who had been displaced for longer than 12 months. The government was unable to consistently protect or assist IDPs adequately but generally allowed domestic and international humanitarian organizations to assist. The government was unable to consistently promote IDPs' safe, voluntary, and dignified return to their homes, or local integration in areas of displacement. Humanitarian access was difficult in some locations, due to weak civilian authority, insecurity, and poor infrastructure. In most locations IDPs lived in poor conditions without adequate shelter or protection. Intercommunal violence and fighting between groups in the east resulted in continued population displacement and increased humanitarian needs for IDPs and host communities. Armed groups also attacked individuals and organizations providing humanitarian assistance.

Combatants and other civilians abused IDPs. Abuses included killings, rape and sexual exploitation of women and children, abduction, forced conscription, looting, illegal taxation, and general harassment. Women and girls were particularly vulnerable to sexual violence, including gang rape. Humanitarian organizations reported increased rates of sexual exploitation and abuse among women and girls displaced by the conflict in North Kivu Province and noted that at least 124 brothels in Goma and around IDP sites were exploiting underage girls. In June the United Nations announced a humanitarian systemwide scale-up to address the protection crisis in eastern DRC that was extended until the end of the year. As of September, however, humanitarian organizations continued reporting high numbers of sexual violence and abuse cases among IDP populations, whose numbers surged as a result of M23's actions and far exceeded the capacity of secured camps.

For further information about IDPs in the country, please see the materials of the Internal Displacement Monitoring Center: <https://www.internal-displacement.org>.

G. STATELESS PERSONS

The country contributed to statelessness, including through nationality laws and their administration. The country had a population of de facto stateless residents and persons at risk of statelessness, including persons of South Sudanese origin living in the northeast, persons of Rwandan origin living in the east, Mbororo pastoralists in the far north, long-term migrants, forcibly returned migrants from Angola, former Angolan refugees, mixed-race persons who were denied naturalization, and citizens without civil documentation. There were no national statistics on stateless persons because such data were linked with the general population census process, which was last completed in 1984.

The law did not discriminate in granting citizenship on the grounds of gender, religion, or disability; however, the naturalization process was cumbersome and required parliamentary approval of individual citizenship applications. Individuals lacking proof of citizenship were often denied identity documents, political rights, and employment. There were reports that persons lacking proof of citizenship were also targets of violence and harassment. Persons whose names were not spelled according to local custom were often denied citizenship, as were individuals with lighter-colored skin.

Administrative practices for acquiring nationality through marriage, adoption, or naturalization were politicized and put more persons at risk of statelessness.

Section 3.

Freedom to Participate in the Political Process

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

ELECTIONS AND POLITICAL PARTICIPATION

Abuses or Irregularities in Recent Elections: National elections were widely reported to be fair but not free of abuses and irregularities. As of December 31, provisional results of the December 20 presidential election were released by the National Independent Electoral Commission showing President Felix Tshisekedi leading by a large majority. Authorities investigated concerns regarding failure to adhere to procedures in the electoral code and allegations of fraud and violence.

Political Parties and Political Participation: The law recognized opposition parties and rights and obligations were enshrined in the law. Government authorities and the SSF, however, prevented opposition parties from holding public meetings, assemblies, and peaceful protests. The government and the SSF also limited opposition leaders' freedom of movement. The SSF used force to prevent or disrupt opposition-organized events.

State-run media, including television and radio stations, remained the largest sources of information for the public and government. There were reports of government intimidation of political opponents, such as exercising political influence in the distribution of media content.

In several districts, known as *chefferies*, traditional chiefs performed the role of a local government administrator. They were unelected and instead were selected based on local tribal customs (generally based on family lineage) and if approved, were paid by the government.

Participation of Women and Members of Marginalized or Vulnerable Groups: Some ethnic groups in the eastern part of the country claimed discrimination in participating in politics. A 2022 amendment to the electoral law aimed at increasing woman candidate participation by waiving candidate registration fees for political parties whose lists achieved gender parity. According to officials of the Independent National Elections Commission, however, no political parties submitted candidate lists with 50 percent women for the 2023 elections. Women faced obstacles to full participation in politics and leadership positions generally. Women in leadership positions were often given portfolios focused on so-called women's topics, such as those related to gender-based violence, cultural norms, and discrimination against women. Women generally had less access to financial resources needed to participate in politics. Furthermore, insecurity, particularly in the eastern provinces, presented a major obstacle for women who wished to run for office and campaign, because the risk of rape and other sexual violence forced them to limit activities and public exposure. MONUSCO officials noted that harassment and derision of women candidates, even within their own parties, and failure to prevent or condemn violence against women candidates, was widespread.

Some groups, including Indigenous persons and LGBTQI+ persons, claimed they had no representation in the Senate, National Assembly, or provincial assemblies. Discrimination against Indigenous groups continued in some areas, such as Equateur, Kasai-Oriental, and Haut-Katanga Provinces, and such discrimination contributed to the lack of Indigenous group political participation. The local NGO Congo Handicap reported that persons with disabilities frequently faced societal barriers to participating in politics.

Section 4.

Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption during the year, and officials frequently engaged in corrupt practices with impunity.

Corruption: Corruption by officials at all levels as well as within state-owned enterprises continued to deprive state coffers of hundreds of millions of dollars per year. The Supreme Audit Court was charged with investigating and prosecuting public financial mismanagement.

The General Inspectorate of Finances accused several government officials of embezzlement throughout the year. In an April press release, the general inspectorate reported phantom civil servant payments amounted to \$60 million per month. Lack of enforcement of court decisions in corruption cases contributed to impunity, as rulings were often overturned in appellate proceedings or dismissed due to procedural errors.

Artisanal mining remained predominantly informal, illicit, and many types of artisanal mining were strongly linked to both armed groups and certain elements of the FARDC. Government officials were often complicit in the smuggling of artisanal mining products, particularly gold, into Uganda and Rwanda. The law prohibited the FARDC from engaging in mineral trade, but the government did not effectively enforce the law. Criminal involvement by some FARDC units and armed groups included protection rackets, extortion, and theft. The illegal trade in minerals financed armed groups and individual elements of the SSF and sometimes generated revenue for traditional authorities and local and provincial governments. Individual FARDC commanders also sometimes appointed civilians to manage their interests at mining sites covertly. A June report by the UN Group of Experts reported an increase in activity by a criminal network of Burundian and local civilians, economic actors, intermediaries, and Burundian uniformed personnel engaged in gold smuggling across the border between the country and Burundi.

In conflict areas, armed groups and elements of the SSF regularly set up roadblocks and ran illegal taxation schemes.

As in previous years, a significant portion of the country's enacted budget included off-budget and special account allocations that were not fully published. These accounts shielded receipts and disbursements from public scrutiny. Eight parastatal organizations held special accounts and used them to circumvent the government's tax collection authorities. "Special accounts" were, in theory, subject to the same auditing procedures and oversight as other expenditures; however, due in large part to resource constraints, the Supreme Audit Authority did not always publish its internal audits, or in many cases published them significantly late. Under the Extractive Industries Transparency Initiative (EITI) standard of 2016, the government was required to disclose the allocation of revenues and expenditures from extractive companies. On October 12, the EITI board gave the country a higher overall score in implementing the 2019 EITI standard (85.5 points), largely due to the country's efforts to publish extractives sector contracts.

The Agency for the Prevention and Fight against Corruption, a special service under the Office of the President, was responsible for coordinating all government entities charged with fighting corruption and money laundering, conducting investigations with the full authority of judicial police, and overseeing transfer of public corruption cases to appropriate judicial authorities. The Platform for the Protection for Whistleblowers in Africa asserted in 2021 that the agency's record was mixed, without visible results.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5.

Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated with varying government restrictions, investigating and publishing their findings on human rights cases. Government officials, including representatives from the Ministry of Justice, Ministry of Human Rights and the ANR, were somewhat cooperative and responsive to the views of these groups.

Retribution against Human Rights Defenders: Elements of the SSF continued to kill, harass, beat, intimidate, and arbitrarily arrest and detain domestic human rights advocates and domestic NGO workers, particularly when NGOs reported on or supported victims of abuses by the SSF, or reported on the illegal exploitation of natural resources. Armed groups repeatedly targeted local human rights defenders for violent retribution when they spoke out against abuses, particularly in the eastern provinces of the country. After receiving and reporting numerous threats against his life for his advocacy for land rights for citizens, human rights defender Obedi Karafulu was killed in his home in Rutshuru, North Kivu by unidentified men on July 19.

The United Nations or Other International Bodies: The government at times cooperated with and permitted visits by UN representatives and other international organizations but was not consistent in doing so. For example, the government refused to grant the United Nations access to certain detention centers, particularly at military installations such as military intelligence headquarters. The government and military prosecutors also provided nominal cooperation to the UN team supporting investigations and appellate proceedings during the year related to the 2017 killing of two UN experts, Michael Sharp and Zaida Catalan, in Kasai Central Province.

Government Human Rights Bodies: During the year the National Commission on Human Rights published reports and made public statements on prison conditions and human rights abuses. It also held human rights training sessions for magistrates, visited detention centers, conducted professional development workshops for human rights defense networks, and followed up on complaints of human rights abuses from civilians. Both the National Commission on Human Rights and the Human Rights Ministry lacked full-time representation in all 26 provinces. Observers and human rights NGOs generally assessed these entities operated with some independence but struggled with effectiveness.

Section 6.

Discrimination and Societal Abuses

WOMEN

Rape and Domestic Violence: The law on sexual violence criminalized rape of all persons, but the law was not often enforced. The legal definition of rape did not include spousal rape or intimate partner rape. Rape and sexual mutilation were also common and used as tactics in areas of armed conflict, including by government agents. International organizations and local NGOs reported that women rape survivors were sometimes forced to pay a fine to return to their families and to gain access to their children. Persons with disabilities faced high rates of gender-based violence and suffered health consequences as a result. LGBTQI+ persons were targeted with particular forms of gender-based violence, including so-called corrective rape. Indigenous women who were survivors of rape or sexual assault were often stigmatized or rejected by their communities. Most survivors of rape did not pursue formal legal action due to insufficient resources, lack of confidence in the justice system, family pressure, and fear of subjecting themselves to humiliation, reprisal, or both.

The law allowed survivors of sexual violence to waive their appearance in court and permitted closed hearings to protect confidentiality. The minimum penalty prescribed for conviction of rape was a prison sentence of five years, and courts sometimes imposed such sentences in rape convictions in the infrequent instances when these crimes came to trial. The law also prohibited extrajudicial settlements (for example, a customary fine paid by the perpetrator to the family of the survivor), but such practices still occurred. Some prosecutions occurred for rape and other types of sexual violence, but the government generally did not enforce the law effectively.

Government agents raped and sexually abused women and girls during arrest and detention, as well as during military action, according to UNJHRO reporting. While sexual violence was a problem throughout the country, most cases took place in areas affected by internal conflict. Armed groups frequently used rape as a tactic of conflict.

The PNC and FARDC continued their nationwide campaign, with support from MONUSCO, to eliminate gender-based violence by the SSF, including through the fight against impunity and the protection of survivors and witnesses. Few activities took place under the campaign to operationalize the national action plan to combat gender-based violence. Provincial ministers in some provinces maintained provincial action plans to combat gender-based violence.

The law did not provide any specific penalty for domestic violence despite its prevalence. Although the law considered assault a crime, police rarely intervened in perceived domestic disputes. In limited instances, judicial authorities took action in cases of domestic or spousal abuse.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment and stipulated a minimum sentence of one year if convicted, but there was little or no effective enforcement of the law. Widespread sexual harassment occurred throughout the country. There were reports that SSF and government agents incited, perpetrated, or explicitly or implicitly condoned sexual harassment.

Discrimination: The constitution prohibited discrimination based on gender, but the law did not provide women the same rights as men. The law permitted women to participate in economic domains without approval of male relatives, provided for maternity care, disallowed inequities linked to dowries, and specified fines and other sanctions for those who discriminate or engage in gender-based violence. The government did not effectively enforce the law. Women experienced economic discrimination, and there were legal restrictions on women in employment, including limitations on occupations considered dangerous, but no restrictions on women's working hours. According to the International Labor Organization, women often received less pay in the private sector than did men doing the same job and rarely occupied positions of authority or high responsibility. Women who identified as LGBTQI+, migrants, refugees and asylum seekers, and persons of marginalized racial, ethnic, or religious groups at times faced discrimination when seeking employment, housing, or access to public services.

According to UNICEF, many widows were unable to inherit their late husbands' property because the law stated that in event of a death in which there was no will, the husband's children, including those born out of wedlock (provided they were officially recognized by the father), rather than the widow, had precedence with regard to inheritance.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Problems affecting access to family planning and reproductive health services included an inadequate transportation infrastructure, inadequate quantities of contraceptives, and poor logistics and supply chain management leading to frequent stock shortages. Cultural norms favoring large families, misinformation surrounding contraceptive use, including fear that contraception caused infertility, and especially the population's general inability to pay for contraceptive services were also barriers. Emergency contraception was not always available.

The government provided access to sexual and reproductive health services, including to survivors of gender-based violence. The provision of emergency contraception was included as part of

clinical management of rape, but women could not always access contraception in time. The services were free and intended to provide a postexposure prophylaxis kit within 72 hours to avoid unwanted pregnancy and sexually transmitted diseases. Prominent human rights observers reported, however, that women who went to police to report rape were often asked to pay for actions needed to investigate and prosecute the crime. The government established mobile clinics for gender-based violence survivors in remote areas. LGBTQI+ survivors reported societal barriers to accessing emergency care.

The Integrated African Health Observatory of the World Health Organization estimated the maternal mortality ratio at 547 deaths per 100,000 live births in 2020, despite sustained high usage of health facilities for deliveries. Geographic barriers, lack of appropriate equipment, and low health professional capacity also hindered the provision of quality maternal and child health services and led to high maternal mortality and childbirth complications, such as obstetric fistula.

Young women often did not have access to menstrual hygiene, which impacted their ability to attend schools, which often lacked bathrooms and running water. Furthermore, unwed girls who became pregnant were pressured to drop out of school, and young women who become mothers often faced societal stigma.

SYSTEMIC RACIAL OR ETHNIC VIOLENCE AND DISCRIMINATION

The constitution provided that no one could be discriminated against on the basis of race, ethnicity, tribe, or cultural or linguistic minority. Nevertheless, long-standing ethnic tensions – often revolving around land rights – fueled some community violence.

Violence and discrimination against Rwandophones and those with a perceived sympathy towards Rwanda or the M23 armed group continued and was exacerbated by credible reports of Rwandan government support to M23 rebels. Hate speech against these populations also increased. Rwandophone populations (both Kinyarwanda and Kirundi speakers) were also perpetrators of violence against other ethnic communities. The UNJHRO reported that anti-Rwandophone hate speech and violence was most prevalent in the High Plateaus, including in the territories of Fizi, Uvira, and Mwenga in South Kivu Province. In these areas, conflict often pitted the Banyamulenge community against the Bafuliiru, Bayindu-Banyindu, and Babembe communities and was characterized by the involvement of multiple armed groups and militias organized in ethnic and community-based alliances. Media reported Rwandophone individuals in North and South Kivu were denied access to restaurants and shops and that some businesses owned by Rwandophone individuals were looted or destroyed.

Intercommunal violence between the Teke and Yaka ethnic groups in Kwilu, Kwango, and Mai-Ndombe Provinces since February 2022 resulted in at least 300 deaths, the destruction of more than 200 homes, and the displacement of thousands of inhabitants, including into the Republic of Congo. According to the Ministries of Human Rights and Interior, the conflict stemmed from disagreements concerning land rights and tax collection. Violence continued despite the presence of FARDC reinforcements sent to reestablish security in the region and the steady efforts to reduce tensions from senior officials and prominent politicians.

There were reports that government agents incited, perpetuated, condoned, and tolerated violence and abuse against racial and ethnic groups. For example, the UNJHRO reported that on March 8, a PNC officer in Kinshasa called for the systematic killing of ethnic Yaka community members during a speech in front of a local district office building.

INDIGENOUS PEOPLES

Societal discrimination against the country's Indigenous population (Twa, Baka, Mbuti, Efe, Aka, and other peoples collectively called "pygmies" by many residents and believed to be the country's original inhabitants) was widespread, and the government did not effectively protect their civil and

political rights. Most Indigenous persons took no part in the political process, and many lived in remote forested areas in hunter-gatherer societies. Fighting in the east between armed groups and the SSF, expansion by farmers, and increased trading and excavation activities caused displacement of some Indigenous peoples. Political, social, and economic discrimination and exclusion of Indigenous peoples drove conflict throughout the country, most notably in Tanganyika Province and in South Kivu Province.

Indigenous peoples were subject to threats and violence from government forces. There were also press and NGO reports that the SSF perpetrated abuses against Indigenous persons, including unlawful killings, looting, and rape. Illegal loggers and miners, commercial bushmeat hunters, wildlife traffickers, and armed groups operating in forests and on or near Indigenous lands also committed abuses. Rebel groups exploited Indigenous communities with forced labor, and perpetrated abuses, such as kidnapping and sexual violence.

In some areas where Indigenous peoples lived, surrounding tribes kidnapped and forced Indigenous persons into slavery, sometimes resulting in ethnic conflict. Indigenous populations also reported high instances of rape by members of outside groups, which contributed to HIV infections and other health complications.

Indigenous communities were frequently unable to secure land and resource rights in and around forests and ancestral lands due to conflict, customary land rights matters, and exclusion from forest-management and other decision-making bodies. While the law stipulated that Indigenous populations receive 10 percent of the profits gained from use of their land, this provision was not enforced. As a result, many Indigenous communities lived in poverty. Several Indigenous persons reported discrimination when trying to access health-care facilities. Maternal mortality rates among Indigenous communities remained high. Discrimination and a lack of opportunities contributed to low levels of access to education among Indigenous populations. The law recognized Indigenous peoples' land tenure rights, the preservation of their cultural heritage and religious practices, and their rights to protection and to access basic services including free health care, primary and secondary education, as well as legal assistance; however, the government did not effectively enforce the law.

CHILDREN

Education: Secondary school attendance rates for girls were lower than for boys due to financial, cultural, or security reasons, including early marriage and pregnancy for girls. There were reports of teachers pressuring girls for sexual favors in return for higher grades. Educational obstacles for children with disabilities included inaccessible infrastructure; exams provided in formats not accessible to everyone; and a lack of awareness among teachers, students, and staff in addition to the reluctance to include children with disabilities.

Child Abuse: Although the law prohibited all forms of child abuse, it regularly occurred. The constitution prohibited parental abandonment of children accused of sorcery. Nevertheless, parents or other care providers sometimes abandoned or abused such children, frequently invoking witchcraft as a rationale. The law provided for the imprisonment of parents and other adults convicted of accusing children of witchcraft. Authorities did not implement the law.

Many churches conducted exorcisms of children accused of witchcraft. These exorcisms involved isolation, beating and whipping, starvation, and forced ingestion of purgatives. According to UNICEF, some communities labeled children with disabilities or speech impediments as witches. This practice sometimes resulted in parents abandoning their children. UNICEF and MONUSCO attributed some abuses of children, including sexual violence against young girls, to harmful traditional and religious practices.

Child, Early, and Forced Marriage: While the law required consent and prohibited marriage of persons younger than 18, it was not effectively enforced by the government; many marriages of underage children took place, in part due to continued social acceptance. Provisions in the law did

not clarify who had standing to report forced marriage as a crime or if a judge had the authority to do so. The constitution criminalized forced marriage, along with a law promulgated in December 2022 criminalizing trafficking in persons.

Sexual Exploitation of Children: The minimum age of consensual sex was 18, and the law prohibited the sale or use of children for commercial sexual exploitation. The law prohibited child pornography, with imprisonment of 10 to 20 years for those convicted; however, authorities did not always enforce the law. The law criminalized child sex trafficking, with conviction carrying penalties ranging from 10 to 20 years' imprisonment and a heavy fine. There were also reports that child soldiers, particularly girls, faced sexual exploitation.

ANTISEMITISM

The country had a very small Jewish population. There were no known reports of antisemitic incidents during the year.

TRAFFICKING IN PERSONS

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

ACTS OF VIOLENCE, CRIMINALIZATION, AND OTHER ABUSES BASED ON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, OR SEX CHARACTERISTICS

Criminalization: No law specifically prohibited consensual same-sex sexual conduct between adults, but individuals who engaged in public displays of consensual same-sex conduct, such as kissing, were sometimes subject to prosecution under public indecency provisions, which were rarely applied to opposite-sex couples. No law specifically prohibited so-called cross-dressing.

Violence and Harassment: There were reports that police or other government agents incited, perpetrated, condoned, or tolerated violence or harassment against LGBTQI+ individuals or those reporting such abuse. Authorities rarely took steps to investigate, prosecute, or punish officials who committed abuses against LGBTQI+ persons, whether in the security forces or elsewhere in the government. Local NGOs reported there was rarely condemnation when LGBTQI+ persons were attacked. LGBTQI+ persons were subjected to harassment, stigmatization, and violence, including so-called corrective rape, by both state and nonstate actors. In some cases, LGBTQI+ persons were forced by threats of violence to withdraw from schools and other public and community institutions.

Discrimination: No law specifically prohibited discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics, but the law did provide for a right to employment, health care, and education for all persons. Nonetheless, human rights defenders reported LGBTQI+ persons faced discrimination in all these areas throughout the year, as well as in finding or keeping housing and access to public services.

Some religious leaders, radio broadcasts, and political organizations played a key role in promoting discrimination against LGBTQI+ persons. For example, in August media sources reported that during a speech to a gathering of members of the Christian Family Community, Roman Catholic Cardinal Fridolin Ambongo called on attendees to reject homosexuality and reaffirm that "marriage is between men and women."

Availability of Legal Gender Recognition: There was no legal process by which the government allowed individuals to change their gender identity marker on legal identifying documents to bring them into alignment with their gender identity.

Involuntary or Coercive Medical or Psychological Practices: Local NGOs promoting LGBTQI+ rights reported that there were numerous cases where LGBTQI+ persons were forcibly subjected to psychiatric treatment or religious rituals to “change” the person’s sexual orientation or gender identity or expression. At times, LGBTQI+ persons suffered physical violence during these rituals or sessions.

LGBTQI+ activists reported numerous cases of so-called corrective rape against both women and men during the year. Local NGOs documented several cases of corrective rape, mostly against lesbian and transgender women from January to September. Survivors were sometimes denied health-care services or faced pressure to “change” their LGBTQI+ status when attempting to access such services.

Nonstate actors also attempted to coerce LGBTQI+ persons to change their sexual orientation through violence. For example, in March a video circulated on social media showing two men beating another man with a machete in Bukavu (South Kivu Province) and threatening to decapitate him if he did not change his sexual orientation.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Local LGBTQI+ rights organizations reported that LGBTQI+ persons who participated in Pride Month activities were subjected to harassment, physical violence, and threats, as in previous years. Some LGBTQI+ activist groups reported the government denied their NGO registration requests.

PERSONS WITH DISABILITIES

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. A 2022 law mandated that the state guarantee access to government buildings and public services for persons with disabilities, but access remained limited. The law mandated that the state provide ramps and other reasonable accommodations, produce documents in braille, employ sign language, and provide access to public transportation for persons with disabilities at a reduced cost. Government information and communication on disability concerns was not always provided in accessible formats.

Violence against persons with disabilities was a serious problem. Victims often did not report abuses, and when they did, they experienced financial, social, and cultural obstacles to accountability. Often police and other officials who played a role in the judicial system asked victims for money before investigating. Many persons with disabilities consequently resorted to begging. Conflict in several areas of the country left many thousands of former military and civilians with significant disabilities. Disability groups reported extensive social stigmatization, including children with disabilities being expelled from their homes and accused of witchcraft. Families sometimes concealed their children with disabilities due to shame.

Persons with disabilities were also frequently survivors of gender-based violence. Many survivors reported unwanted pregnancies and sexually transmitted infections as a result. Congo Handicap reported that perpetrators were not held to account for the alleged abuses.

The constitution prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities and required the state to promote their participation in national, provincial, and local institutions. The constitution stated all persons should have access to national education. The law prohibited private, public, and semipublic companies from discriminating against qualified candidates based on disability. The law also provided for protection of persons with disabilities against employment discrimination. The government did not enforce these provisions effectively, and persons with disabilities often found it difficult to obtain employment, education, and other government services.

While persons with disabilities could attend public primary and secondary schools and had access to higher education, no reasonable accommodations were required of educational facilities to support their full and equal inclusion. Schools for children with hearing impairments, for example,

were private and generally in poor condition. According to the Ministry of People Living with Disabilities, fewer than 1 percent of children with disabilities attended school, although the ministry estimated that persons living with disabilities made up at least 13 percent of the country's population. The government continued a program to standardize sign language throughout the provinces due to differences among the signs used in different provinces.

Persons with disabilities also encountered many difficulties in exercising their rights to participate in civic life. For example, during the voter registration period for the presidential, legislative and provincial elections scheduled for December 20, persons with vision disabilities encountered difficulties finding accessible information about registration centers and persons with physical disabilities encountered inaccessible infrastructure.

OTHER SOCIETAL VIOLENCE OR DISCRIMINATION

Discrimination against persons with albinism was widespread and limited their ability to marry and obtain employment, health care, and education. Families and communities frequently ostracized persons with albinism. Civil society groups reported persons with albinism were killed and their bodies disinterred from their graves and cut up for use in rituals meant to grant special powers in any endeavor.

The law prohibited discrimination based on HIV status, but social stigma continued. A 2020 Ministry of Health study conducted in conjunction with the World Health Organization and other organizations surveyed persons with HIV regarding stigmatization and discrimination towards them. Approximately 40 percent gave their HIV status as a reason to have moved during the previous 12 months. Approximately 25 percent said they lost a job or source of revenue during the previous 12 months due to their HIV status. During the year, the government continued to run its National Multi-sectoral Program for the Fight Against HIV/AIDS. The program supported persons living with HIV and AIDS, reduced social stigmas, and improved testing, treatment, and care.

Section 7.

Worker Rights

A. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

The constitution and law provided all workers, including those in both the informal and formal sectors, except top government officials, judges, and SSF members, the right to form and join trade unions and to bargain collectively. The law also provided for the right of most workers to conduct legal strikes. It was against the law, however, for police, army, directors of public and private enterprises, and domestic workers to strike. The law gave administrative authorities the right to dissolve, suspend, or deregister trade union organizations. It granted unions the right to conduct activities without interference, although it did not define interference. In the private sector, a minimum of 10 employees was required to form a union within a business, and a single business could include members of more than one union. Foreigners could not hold union office unless they had lived in the country for at least 20 years. Collective bargaining required a minimum of 10 union committee members and one employer representative; union committee members reported to the rest of the workforce. In the public sector, the government set wages by decree after holding prior consultations with unions.

Union committees were required to notify company management of a planned strike, but did not need authorization to strike. The law stipulated that unions and employers should adhere to lengthy

compulsory arbitration and appeal procedures before unions initiated strikes. At times, however, workers did strike without adhering to these lengthy compulsory arbitration and appeal procedures, thus engaging in a “wildcat” strike. Generally, the committee delivered a notice of strike to the employer. If the employer did not reply within 48 hours, the union could strike immediately. If the employer chose to reply, negotiations, which could take up to three months, began with a labor inspector and ultimately continued in the Peace Court. At times, employees provided minimum services during negotiations, but this was not a requirement. If negotiations were taking place, public-sector workers were required to continue to provide “vital services.” Unless unions notified employers of a planned strike, the law prohibited striking workers from occupying the workplace during a strike, and an infraction of the rules on strikes could lead to incarceration of up to six months with compulsory prison labor. This rule was not enforced. Workers exercised their right to strike. Workers in the public and private sectors held strikes regarding unpaid salaries.

The law prohibited discrimination against union employees and required employers to reinstate workers dismissed for union activities, but the associated penalties were not adequate to deter violations. Penalties were not commensurate with penalties for other civil rights violations. Workers had access to a labor court for discrimination problems. Judicial procedures were subject to lengthy delays and appeals. The law considered those who had worked for a minimum of three continuous months as “workers” and thereby protected by relevant labor law. Unless they were part of a union, most workers in agricultural activities and artisanal mining, domestic and migrant workers, and workers in export-processing zones were unfamiliar with their labor rights and did not often seek redress when employers breached applicable labor laws.

The government did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike for workers. In small and medium-sized businesses, workers could not properly exercise the right to strike. Government and employers did not respect the right of freedom of association and collective bargaining, and penalties were rarely applied against violators. Due to lax enforcement of labor regulations and lack of capacity for the General Labor Inspectorate, companies and shops could immediately replace any workers attempting to unionize, bargain collectively, or strike with contract workers to intimidate the workers and prevent them from exercising their rights, despite legal protections. Antiunion discrimination was widespread, particularly in foreign-owned companies. In many instances companies refused to negotiate with unions and negotiated individually with workers to undermine collective bargaining efforts. Despite collective agreements on union dues, employers often did not remit union dues or did so irregularly.

B. PROHIBITION OF FORCED OR COMPULSORY LABOR

See the Department of State’s annual *Trafficking in Persons Report* at: <https://www.state.gov/trafficking-in-persons-report/>.

C. PROHIBITION OF CHILD LABOR AND MINIMUM AGE FOR EMPLOYMENT

See the Department of Labor’s *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

D. DISCRIMINATION (SEE SECTION 6)

E. ACCEPTABLE CONDITIONS OF WORK

Wage and Hour Laws: The government set regional minimum wages for all workers in private enterprise, with the highest minimum wages applied to the cities of Kinshasa and Lubumbashi. The

minimum wages were above the poverty line. In the public sector the government set wages annually by decree and permitted unions to act only in an advisory capacity.

The law defined different standard workweeks, ranging from 45 hours per week to 72 hours every two weeks, for various jobs and prescribed rest periods and premium pay for overtime. The law did not prohibit compulsory overtime.

Occupational Safety and Health: The labor code specified health and safety standards, but they had not been updated in many years. Occupational safety and health (OSH) standards were appropriate for some of the main industries in the country. The government did not often proactively identify unsafe conditions or respond to workers' OSH complaints. Local and international NGOs regularly identified unsafe conditions, particularly in the artisanal mining sector.

The Ministry of Mines' validation process included criteria on minimal safety standards. Nonetheless, the law did not allow workers to remove themselves from hazardous situations without putting their employment in jeopardy. Penalties were not commensurate with those for similar violations.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and OSH laws. The General Inspectorate of Labor had the primary responsibility of enforcing wage, hour, and OSH laws. Labor inspectors had the authority to make unannounced inspections and initiate penalties. In March the Ministry of Labor launched a recruitment process for 2,379 new hires, including labor inspectors, controllers (who assist inspectors), and administrative support staff.

The law did not provide for a monitoring or enforcement mechanism for wage and hour rules, and employers in both the formal and informal sectors often did not respect these provisions. Most businesses were not in compliance with this minimum wage but faced few penalties.

Penalties were not commensurate with those for similar violations and were seldom applied. The Ministry of Labor did not employ sufficient labor inspectors or comptrollers to enforce consistent compliance with labor regulations. Workplaces in rural areas were almost never inspected.

Labor laws applied to the informal sector but were rarely applied. The country's Trade Union Confederation estimated that the informal economy employed more than 97 percent of all workers, who worked in the informal sector in subsistence agriculture, informal commerce or mining, or other informal pursuits, where they often faced hazardous or exploitative working conditions.

The EITI noted that the country had a very large artisanal and small-scale mining workforce, employing approximately two million persons. Most mining accidents resulting in injuries and fatalities occurred in the informal sector.