

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1082
Land:	Den Demokratiske Republik Congo
Kilde:	International Center for Not-For-Profit Law (ICNL)
Titel:	Civic Freedom Monitor: Democratic Republic of the Congo
Udgivet:	13. marts 2026
Optaget på baggrundsmaterialet:	18. august 2026

Civic Freedom Monitor: Democratic Republic of the Congo

Last updated: **March 13, 2026**

Recent Developments

While we aim to maintain information that is as current as possible, we realize that situations can rapidly change. If you are aware of any additional information or inaccuracies on this page, please keep us informed; write to ICNL at ngomonitor@icnl.org.

Introduction

Civil society organizations (CSOs) play an important role in promoting democracy and good governance in the Democratic Republic of the Congo (DRC). CSOs provide spaces for dialogue between communities and the government and help promote transparency and accountability in participatory processes for reconstruction and development.

Despite the critical role they play, most CSOs face persistent challenges. Many lack financial, managerial, and planning capacity, while civil society coordination networks are weak due to limited communication and transportation infrastructure. CSOs operate in a complex social, economic, cultural, and political environment, navigating pressures from both the governing majority and opposition groups.

The legal framework in the DRC is based on civil law. Although the Constitution guarantees freedoms of expression, association, and assembly, these rights are frequently restricted in practice. Government authorities have detained or harassed activists, blocked opposition protests, and interfered with media critical of the state, often citing “public order” concerns. As a result, Congolese civil society has become increasingly polarized, with some organizations aligning with opposition parties seeking political change and others supporting the existing political order.

Civic Freedoms at a Glance

Organizational Forms	Non-profit making organizations
Registration Body	Minister of Justice, after approval by ministry responsible for the organization’s activities.
Barriers to Formation	Registration is two-tiered process for domestic organizations and a three-tiered process for foreign organizations.
Barriers to Operations	Domestic organizations (NGOs) must conform to the government’s development stance. Foreign organizations must conclude “framework agreements” with relevant ministry.
Barriers to Resources	No legal barriers.

Barriers to Expression	Reports of “disappearances” or arrests of journalists and opposition figures critical of the government.
Barriers to Assembly	Request for permission is not required unless the government imposes curfews, lockdowns, or other special measures for security purposes.

Legal Overview

This section provides a brief overview of the Democratic Republic of the Congo’s legal framework for the promotion and protection of civic freedoms. Click a subheading for more, or [click here to expand all subheadings](#).

RATIFICATION OF INTERNATIONAL AGREEMENTS

Key International Agreements	Ratification*
International Covenant on Civil and Political Rights (ICCPR)	1976
Optional Protocol to ICCPR (ICCPR-OP1)	1976
International Covenant on Economic, Social, and Cultural Rights (ICESCR)	1976
Optional Protocol to ICESCR (Op-ICESCR)	2009
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	1976
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	1986
Optional Protocol to the Convention on the Elimination of Discrimination Against Women	2008
Convention on the Rights of the Child (CRC)	1990
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW)	No
Convention on the Rights of Persons with Disabilities (CRPD)	No

Key Regional Agreements	Ratification
African Charter on Human and Peoples’ Rights (ACHPR)	1981
African Charter on the Rights and Welfare of the Child	1992

* Category includes ratification, accession, or succession to the treaty

The Government has also submitted a request to join the East African Community (EAC) Agreement. The

Heads of States of the EAC Summit have begun considering the application and directed the EAC Council to expeditiously undertake a verification mission in accordance with the EAC procedure for admission of new members into the EAC.

CONSTITUTIONAL FRAMEWORK

The Constitution of the Democratic Republic of the Congo ([French](#)) guarantees the freedom of association, thus enabling the existence of civil society, through the following articles:

Article 37: The State guarantees freedom of association. The public authorities collaborate with associations that contribute to the social, economic, intellectual, moral, and spiritual development of the people and the education of female and male citizens. This collaboration can take the form of a subsidy. The law sets the modalities of exercising this freedom.

Article 38: Freedom to form labor unions is recognized and guaranteed. All Congolese have the right to start labor unions or to join them freely, in the conditions set by law.

The Constitution also recognizes the freedom to express opinions and to demonstrate in accordance with the relevant laws, as follows:

Article 26: Freedom to demonstrate is guaranteed. Any demonstration on public roads or in the open imposes on the organizers a duty to inform the relevant administrative authority in writing.

Article 27: Every Congolese has the right to address, individually or collectively, a petition to the public authority, which responds within three months. No one can be subject to incrimination in any form for having taken such an initiative.

Article 39: The right to strike is recognized and guaranteed. It is exercised in the conditions set by the law, which can forbid or limit its exercise in the areas of national defense and security or for any activity or any public service of vital interest for the nation.

NATIONAL LAWS, POLICIES, AND REGULATIONS

Relevant national legislation and regulations governing Congolese civil society include the following:

- Decree of July 19, 1926, on organizations of public utility due to private initiative;
- Decree of March 24, 1956, on native cooperatives;
- Decree of November 26, 1959, on institutions of public utility;
- Decree of September 18, 1965, on non-profit associations;
- Decree-law No. 195 of January 29, 1999, on the regulation of non-profit associations and organizations of public utility;
- Decree-law No. 196 of January 29, 1999, on regulations for demonstrations and public meetings ([French](#)); and
- Decree-law No. 004 of July 20, 2001, on general arrangements applicable to non-profit associations and organizations of public utility.

Other laws that may affect civil society include:

- The Congolese Civil Code, Book 3;

- Decree-law No. 196 ([French](#)), on regulations on demonstrations and public meetings, signed on 29/01/1999, and published in the Official Journal of the Democratic Republic of the Congo, in its special edition of February 1999, p. 33;
- Law No. 001-2001 on the organization and functioning of political parties and groups of May 17, 2001;
- Law No. 06/018 of July 20, 2006, amending and supplementing the Decree of January 30, 1940, on the Congolese Penal Code;
- Law No. 06/019 of July 20, 2006, amending and supplementing the Decree of August 6, 1959, on the Congolese Penal Procedural Code;
- Law No. 08/005 of June 10, 2008 ([French](#)) on public financing of political parties;
- Law No. 09/001 of January 10, 2009, on protection of children;
- Law No. 08/011 of July 14, 2008, on protection of the rights of persons living with HIV/AIDS and affected persons; and
- Law on the Signing of Public Contracts of 2013.

PENDING REGULATORY INITIATIVES

We are unaware of pending legislative/regulatory initiatives affecting NGOs. Please help keep us informed; if you are aware of pending initiatives, write to ICNL at ngomonitor@icnl.org.

Legal Analysis

This section provides an in-depth assessment of the Democratic Republic of the Congo's legal environment for civic freedoms, including the barriers to the exercise of the freedoms of association (formation, operations, resources), expression, and peaceful assembly. Click a subheading for more, or [click here to expand all subheadings](#).

ORGANIZATIONAL FORMS

Under Congolese law, the primary legal form for civil society is a *non-profit making organization*. This framework is established under Decree-law No. 004 of July 20, 2001. According to Article 1 of the Decree-law, a non-profit making organization is an entity that does not engage in industrial or commercial operations, even incidentally, and does not seek to provide material gain to its members. Article 2 identifies several categories of non-profit making organizations, including cultural, social, educational, or economic organizations; non-governmental organizations (NGOs); and denominational organizations (Article 2).

PUBLIC BENEFIT STATUS

Under Decree-law No. 004 of July 20, 2001, Organizations of Public Interest are defined as entities that operate without material gain and exclusively pursue philanthropic, scientific, artistic, or educational purposes (Article 58). To establish such an organization, founders must submit a declaration to the relevant sectoral ministry (Article 60). At least half of the administrators must be Congolese nationals (Article 62(3)). Within one year, the Minister of Justice may grant legal personality to an Organization of Public Interest, following approval by the competent sectoral ministry (Article 63).

The law provides certain privileges to non-governmental organizations (NGOs). Article 39 specifies that NGOs may receive:

- Tax exemptions as provided under applicable legislation;
- Relief from import duties for goods and equipment related to their mission;
- Assistance in obtaining residence permits for foreign staff and their families;
- The right to use radio equipment and frequencies;
- Simplified customs clearance procedures.

These administrative, technical, and financial benefits are granted by inter-ministerial order of the Ministries of Planning and Finance, with prior approval from the relevant sectoral ministries. Organizations of Public Interest are entitled to the same benefits (Article 67).

PUBLIC PARTICIPATION

The Democratic Republic of the Congo lacks a clear framework law that protects and institutionalizes civic participation. While the Constitution guarantees citizen participation in the management of public affairs through the rights to freedom of expression (Article 23), association (Article 25), demonstration (Article 26), and petition (Article 27), there are no established procedures for public awareness, consultations, citizen engagement, or decision-making hearings. The absence of an access to information law further limits opportunities for meaningful civic participation.

An exception relates to the specific laws and regulations that promote consultation and participation in decision-making processes affecting environmental protection and natural resources. These include:

- [Law No. 11/009](#) of July 9, 2011, on environmental protection, which mandates public consultation for any project with an environmental impact.
- The revised [2018 Mining Code](#) and its implementing measures, which require community consultation in the preparation of Environmental and Social Impact Assessments (ESIAs).
- [Law No. 011/2002](#) of August 29, 2002, on the Forest Code.
- [Law No. 15/012](#) of August 1, 2015, on the Hydrocarbons Code, which provides for public consultations and preliminary investigation prior to granting land concessions.

Despite these legal requirements, most citizens remain unaware of such rights because the government makes little effort to disseminate information or facilitate participation.

Vulnerable groups also face systemic exclusion. No laws protect people with disabilities, LGBTI individuals, or the elderly, while existing protections for indigenous peoples and women are poorly enforced.

In practice, CSOs, activists, or whistle-blowers advocating on sensitive issues—including corruption, natural resource management, public finances, or electoral processes—face harassment, intimidation, and arbitrary arrest. As a result, in July 2020, a coalition of CSOs [issued a press release](#) condemning government “threats and other acts of intimidation, the sole objective of which is to silence citizen structures that are committed to good governance and respect for human rights.”

BARRIERS TO FORMATION

Establishment Requirements

Under Decree-law No. 004 of July 20, 2001, a non-profit making organization must have at least seven

founding members (Article 6). Its articles of association may not contain provisions “against the law, morality, or public order” (Article 7).

Registration Procedures

Obtaining legal personality involves a two-step process: approval by the relevant sectoral ministry followed by formal recognition from the Minister of Justice (Article 3). Applications must include:

- A list of all staff members;
- A declaration signed by all staff members;
- Articles of association;
- Certificates of good conduct and morals for all staff members with administrative or management responsibilities; and
- A statement regarding the anticipated resources (Article 4).

To be registered with the ministry responsible for its area of activity, an organization must: comply with Article 4; demonstrate humanitarian purpose; and specify, in its articles, its intervention areas within the national framework for economic, social, and cultural development (Article 36).

Foreign Organizations

Foreign organizations face stricter requirements. They may not operate in the DRC without authorization from the President of the Republic, granted by decree and supported by the Minister of Justice (Article 30). The request for authorization can only be sent to the Minister of Justice after the organization secures approval from the relevant sectoral ministry. In practice, this means that foreign organizations must obtain clearance from three governmental authorities, including the President, before beginning operations in the DRC.

BARRIERS TO OPERATIONS

Responsibilities under Decree-law No. 004

Decree-law No. 004 places several obligations on NGOs, including:

- Participate in the implementation of and align activities with government policies (Article 41)
- Involve local communities in planning and carrying out development projects (Article 43)
- Notify the Ministry of Planning about planned activities, projects, and funding sources (Article 44)
- Submit activity reports for evaluation and cooperate technically with both the Ministry of Planning and the relevant sectoral ministries (Article 45)

Political Interference

In practice, some organizations are closely aligned with political movements or led by political party members, blurring the line between civil society and partisan activity. This politicization undermines independence and creates operational challenges.

Foreign Organizations

Foreign NGOs face additional requirements under Article 37 of Decree-law No. 004, including obligations to:

- Maintain representation in the DRC;
- Conclude a framework agreement with the relevant sectoral ministry;
- Provide a statement of good conduct and moral character for expatriate staff, issued by the DRC Embassy or Consulate in the organization's home country; and
- Employ staff that is at least 60 percent Congolese nationals.

They must also “guarantee the training and promotion of nationals within the framework of their program with a view to favor the nationals being put in charge of projects” (Article 42).

Government Harassment

Authorities frequently restrict CSOs' operations through harassment, threats, and arrests of pro-democracy activists, journalists, and human rights defenders. They also interfere with peaceful demonstrations, suppress assemblies, and impose media shutdowns. These practices create a climate of fear and hinder civil society's ability to operate freely.

Barriers to International Contact

Congolese law does not restrict organizations from contacting or affiliating with foreign organizations or networks, including via the Internet.

BARRIERS TO RESOURCES

There are no formal legal barriers on CSOs' ability to seek and secure resources. About 75 percent of Congolese organizations receive funding from foreign sources.

BARRIERS TO EXPRESSION

While there are no formal legal barriers preventing non-profit associations from criticizing the government or defending unpopular causes, in practice, expression is often curtailed through intimidation and violence. Authorities have treated criticism as an obstacle to government policy, and journalists and activists regularly face harassment, arrest, or worse. For example, in 2014 a journalist was imprisoned for criticizing a Cardinal's relationship with the government. In 2021, Joel Musavuli—a journalist already in hiding due to threats—was killed along with his wife, and Canal Kin Télévision presenter Dosta Lutula was beaten and detained after attempting to interview the public about COVID-19 restrictions. Such incidents contribute to a hostile environment for free expression, despite constitutional guarantees.

BARRIERS TO ASSEMBLY

Decree-law No. 196 of 1999 governs the holding of demonstrations and public meetings.

Request for Permission

Article 3 of Decree-law No. 196 requires organizers of public demonstrations to request authorization from the relevant authority. This is done through a letter that includes details on the purpose and route of the demonstration. Article 6 stipulates that the government must provide authorization within three to five days. Typically, assemblies and meetings using public roads require three days to process, while assemblies and meetings in other public spaces require five days. The law provides no recourse if authorization is denied.

Responsibilities of Organizers and Participants

According to Article 258 of the Congolese Civil Code, Book 3, organizers must ensure that demonstrations remain peaceful.

Participants are required to follow organizers’ instructions on the route, time, and peaceful nature of the demonstration and must respect public and private property, as well as the freedom of others (Decree-law No. 196, Article 10).

Enforcement

In practice, authorities often forbid demonstrations addressing sensitive issues. Opposition protests have been denied under the pretext of public safety, and demonstrations deemed ‘provocative’ or ‘subversive’ are frequently banned. Authorities have also used media blackouts and arrests to stifle mobilization.

Excessive Force

Security forces frequently use live ammunition and tear gas to disperse demonstrators, and standards are applied unevenly depending on the political affiliation of those demonstrating or the region of activity. For example:

- In September 2015, former MP Vano Kiboko was sentenced to three years for “inciting tribal hatred and spreading false rumors” after he denounced security forces’ shooting of a peaceful protester.
- The UN reported that between January 2017 and January 2018 at least 47 people, including women and children, were killed during demonstrations, with evidence of cover-ups by security services.
- In August 2023, Congolese soldiers suppressed a demonstration by a political and religious group in Goma, resulting in at least 56 deaths, over 80 injuries, and more than 150 arbitrary arrests.

Criminal Sanctions

Organizers of demonstrations or public meetings who violate Article 4 of Decree-law No. 196 are subject to fines of CDF 3,000 to 5,000 (USD 1-1.70 as of September 2025), imprisonment for one to three months, or both (Article 9). Article 10 adds that any illegal acts committed during demonstrations or public meetings are punishable under the penal code.

Bans

Authorities have sometimes issued blanket bans on assemblies. In 2016, the Mayor of Lubumbashi and the Special Commissioner of the National Government in the Province of Tanganyika prohibited all public demonstrations involving NGOs or political parties. In addition, in January 2025, the Governor of Kinshasa announced a ban on all protests in the capital following attacks on diplomatic missions related to the M23 rebel offensive.

Additional Resources

This section contains links to external reports and news reports relevant to civic freedoms. Click a subheading for more, or [click here to expand all subheadings](#).

GLOBAL INDEX RANKINGS

Ranking Body	Rank	Ranking Scale (best - worst possible)
UN Human Development Index	171 (2023)	1 - 193

Ranking Body	Rank	Ranking Scale (best - worst possible)
World Justice Project Rule of Law Index	136 (2024)	1 - 142
Transparency International	163 (2025)	1 - 182
Fund for Peace Fragile States Index	5 (2024)	179 - 1
Freedom House: Freedom in the World	Status: Not Free Political Rights: 4 Civil Liberties: 14 (2025)	Free/Partly Free/Not Free 40 - 0 60 - 0

REPORTS

UN Universal Periodic Review Reports	DRC UPR page
UN Human Rights Reports	DR Congo
U.S. State Department	Congo: Country Reports on Human Rights (2024)
Fund for Peace Fragile States Index Reports	DR Congo
IMF Country Reports	Congo and the IMF
Human Rights Watch	World Report 2025: Congo
Observatory for the Protection of Human Rights Defenders	Human Rights Defenders on the Front Line: Shrinking space for civil society and frustrated hopes for the protection of defenders in the Democratic Republic of Congo (2024)
International Center for Not-for-Profit Law Online Library	DRC

NEWS

[Civil society in South Kivu is asking how far are the peace negotiations](#) (November 2025)

After almost two weeks of talks in Doha, Qatar, no concrete steps have been taken to achieve peace in the east of the Democratic Republic of Congo (DRC). In the Qatari capital, talks between the delegation of the DRC and the rebel group M23/Congo River Alliance (AFC) are continuing behind closed doors after the deadline for reaching an agreement was not reached. "The government must disclose what is happening in Doha to dispel any misunderstandings, as the population has a right to information and to be included in the ongoing peace process," according to a civil society organization based in Uvira, one of the few towns in South Kivu still controlled by government troops. It also warns the population against the spread of false news on social media aimed at inciting tribal hatred.

[DRC bans protests in capital after diplomatic missions attacked](#) (January 2025)

Congolese authorities have banned protest demonstrations in Kinshasa, following violent protests targeting several embassies, including those of France and the US. Kinshasa Governor Daniel Bumba, in a live address to the nation, said the decision was made in response to violent protests targeting several

embassies.

[**Disillusion and concern for human rights defenders and civil society in DRC**](#) (August 2024)

Following President Félix Tshisekedi's accession to a second term of office at the end of December 2023, and despite the promises made since the start of his presidency in 2019, the situation of human rights defenders and civil society in the DRC continues to deteriorate. A report published by the Observatory for the Protection of Human Rights Defenders (FIDH-OMCT), together with several Congolese organisations, provides an alarming overview of the situation. It also recommends several solutions that would enable the DRC to finally get out of the rut. Civic space must be opened up, and the protection of all civil society actors must be guaranteed.

[**Authorities in northwest DRC urged to safeguard press freedom after attacks on journalists**](#) (February 2024)

Reporters Without Borders (RSF) calls on the authorities in Équateur province, in the northwestern Democratic Republic of Congo (DRC), to pursue the dialogue initiated with the media after a series of press freedom violations and attacks on journalists, and to allow media personnel to work freely without fear of reprisals. The dialogue began on February 17, when Équateur governor Bobo Boloko Bolumbu invited journalists to his home in the provincial capital Mbandaka. His aim was to reconcile with journalists after Mbandaka's journalists stopped covering the governor's activities in response to major press freedom violations in the preceding days.

[**Calls Mount in DR Congo to Scrap Emergency Measures in East**](#) (August 2023)

Political figures and members of civil society called for the authorities to scrap emergency measures in two eastern provinces plagued by armed groups. North Kivu and Ituri provinces have been under a "state of siege" since May 2021 under a government initiative aimed at fast-tracking security measures against the armed groups. Under it, senior civilian officials have been widely replaced by military or police officers.

[**Protesters in Goma reject east Congo ceasefire agreement**](#) (November 2022)

Hundreds marched in the eastern city of Goma to protest against an agreement between African leaders to stop attacks by M23 rebels, claiming it does not tackle Rwanda's alleged backing of the group. The Tutsi-led M23 group is waging its most serious offensive in eastern Congo since 2012, further destabilising an area where armed groups have wrangled over land and resources for decades.

[**Congo to reassess U.N. withdrawal plan after deadly protests**](#) (August 2022)

Democratic Republic of Congo's government will re-evaluate the withdrawal plan of the United Nations peacekeeping mission after deadly anti-U.N. protests. The U.N. peacekeeping mission, known as MONUSCO, said that it supports the government's decision and is also ready to reassess its withdrawal plan, which currently has it staying for at least two more years. Thirty-six people, including four U.N. peacekeepers, were killed during violent demonstrations in the country's east.

ARCHIVED NEWS

[AU calls for an investigation into murder of DRC journalist Joel Musavuli](#) (August 2021)

[TV reporter attacked in DRC during street interviews about Covid restrictions](#) (July 2021)

[DR Congo's fragile detente 'could yet unravel'](#) (October 2020)

["We want to correct the weaknesses of the Constitution, not to unravel the texts"](#) (October 2019)

[Congo cuts internet for second day to avert 'chaos' before poll results](#) (January 2019)

[UN report finds 47 protestors killed, freedom of assembly curtailed by use of force](#) (March 2018)

[Congo cuts internet for second day to avert 'chaos' before poll results](#) (January 2018)

[Congo's Kabila and the Dictator's Dilemma](#) (April 2017)

[Congo authorities block opposition demonstration](#) (November 2016)

[Two Killed in Anti-government Protest in Eastern Congo](#) (August 2016)

[DRC expels US researcher for being part of an NGO that is “not properly registered”](#) (April 2016)

[Halt Crackdown on Peaceful Assembly](#) (December 2015)

[AFEX condemns arrest of journalists covering civil society event in DRC](#) (July 2015)

[Protesters Describe Beatings, Water Torture in Goma Crackdown](#) (April 2015)

[Pastor seeks help freeing brother in Congo](#) (January 2015)

INTERNATIONAL CENTER
FOR NOT-FOR-PROFIT LAW

<https://www.icnl.org/resources/civic-freedom-monitor/democratic-republic-of-the-congo>