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Country Report on Human Rights Practices 2018 - Congo, Democratic Republic of the

EXECUTIVE SUMMARY

The Democratic Republic of the Congo (DRC) is a nominally centralized constitutional republic. Voters popularly elect the president and the lower house of parliament (National Assembly). Under the constitution, President Joseph Kabila's second and final term in office expired in 2016. The government, however, failed to organize elections in 2016 in accordance with constitutional deadlines, and the president remained in office. In 2016 the government and opposition parties agreed to a power-sharing arrangement that paved the way for elections, the release of political prisoners, and an end to politically motivated prosecutions. The government failed to implement the agreement as written, however, and in November 2017 it scheduled presidential, legislative, and provincial elections for December 23, 2018. In August the president announced that he would abide by his constitutionally mandated term limit and not seek an illegal third term. Presidential, legislative, and provincial elections were held on December 30; however, presidential elections were canceled in Beni, Butembo, and Yumbi with those legislative and provincial elections postponed to March 2019. President Kabila did not run as a candidate and announced he would hand power over to the winner, which would mark the first civilian transfer of power resulting from elections. Results of the elections were still pending at year's end.

Civilian authorities did not always maintain control over the security forces.

Armed conflict in eastern DRC and parts of the Kasai regions exacerbated an already precarious human rights situation.

Human rights issues included unlawful killings by government and armed groups; forced disappearances and abductions by government and armed groups; torture by government; arbitrary detention by the government; harsh and life-threatening prison conditions; political prisoners; arbitrary interference with privacy, family, and home; threats against and harassment of journalists, censorship, internet blackouts, site blocking, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association; delayed elections and restrictions on citizens right to change their government through democratic means; corruption and a lack of transparency at all levels of government; violence against women and children, caused in part by government inaction, negligence; unlawful recruitment of child soldiers; crimes involving violence against lesbian, gay, bisexual, transgender, and intersex

(LGBTI) persons and persons with disabilities or members of other minority groups; trafficking in persons, including forced labor, including by children; and violations of worker rights.

Despite the occurrence of some notable trials against military officials, authorities often took no steps to investigate, prosecute, or punish officials who committed abuses, whether in the security forces or elsewhere in the government, and impunity for human rights abuses was a problem.

Government security forces, as well as rebel and militia groups (RMGs) continued to commit abuses, primarily in the east and the central Kasai region. These abuses included unlawful killings, disappearances, torture, destruction of government and private property, and sexual and gender based violence. RMGs also recruited, abducted, and retained child soldiers and compelled forced labor. The government took military action against some RMGs but had limited ability to investigate abuses and bring the accused to trial (see section 1.g.).

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports the government or its agents committed arbitrary or unlawful killings.

The state security forces (SSF) committed arbitrary or unlawful killings in operations against RMGs in the east and in the Kasai region (see section 1.g.). According to the UN Joint Office of Human Rights (UNJHRO), security forces were responsible for 389 extrajudicial killings across the country as of year’s end. Many of these extrajudicial killings occurred in the Kasais, where the SSF fought Kamuina Nsapu and other antigovernment militias. RMGs were responsible for at least 780 summary executions.

On January 21 and February 25, security forces used lethal and disproportionate force to disrupt protests led by Roman Catholic and some Protestant church leaders in support of credible elections and implementation of the December 2016 Agreement. During the two days of protests, UN observers and others witnessed members of the Republican Guard and other members of security forces fire directly at protesters, resulting in seven deaths on January 21 and two on February 25. Among those killed on January 21 was Therese Kapangala, a 24-year-old studying to become a nun, who was shot and killed outside her church in a Catholic parish in Kinshasa. During protests organized by the Catholic Lay Committee on February 25, state security forces killed two persons, including local human rights activist Rossy Mukendi Tshimanga, who was shot by a rubber bullet inside a church compound. From August 3 to 7, the SSF used tear gas and live bullets to disperse protests, resulting in the deaths of three persons, including two children, and the injury of at least two persons by police.

In March a joint report by the UN human rights office in Kinshasa (JHRO) and the UN Office of the High Commissioner for Human Rights (OHCHR) covering January 2017 through January stated that the SSF used illegal, systematic, and disproportionate force against protesters, resulting in 47 civilian deaths. On November 12 and 15, police were responsible for the deaths of two students who were protesting against a teachers' strike at the University of Kinshasa.

On July 4, the OHCHR released a report on abuses in the Kasais region that accused RMGs Kamuina Nsapu and Bana Mura and the SSF of war crimes and crimes against humanity. Based on interviews with 524 persons, the experts' report accused the military of cooperation with Bana Mura militia and an excessively violent response to conflict in the region, particularly the 2101st Regiment that was redeployed to Kananga from North Kivu in 2007 when it was part of the Fifth Integrated Brigade. The report estimated that the conflict, which was most violent in 2017, resulted in “thousands of deaths and a disastrous human rights situation” and displaced 1.4 million persons. Among other incidents, the report documented an SSF attack in May 2017 in Tshikulu that resulted in the summary execution of at least 79 civilians, including at least 19 children. On September 15, a regional civil society development network in the Kasai region released a report stating that in March 2017 the SSF killed 264 civilians in the village of Nganza during antimilitia operations.

RMGs committed arbitrary and unlawful killings throughout the year (see section 1.g.). Numerous armed groups recruited and used children as soldiers and human shields and targeted the SSF, members of the government, and others.

b. Disappearance

There were reports of disappearances attributable to the SSF during the year. Authorities often refused to acknowledge the detention of suspects and in several cases 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.

RMGs kidnapped numerous persons, generally for forced labor, military service, or sexual slavery. Many of these victims disappeared (see section 1.g.). In July the UN Organization Stabilization Mission in the DRC (MONUSCO) confirmed that 66 persons were previously kidnapped in Kasai Province by the Bana Mura, a RMG supported by the government, and used as sexual slaves. The kidnapped included two women, 49 girls, and 15 boys who had been in captivity since as early as April 2017. The government denied the findings, claiming the information was false.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law criminalizes torture, but there were credible reports that the SSF continued to torture civilians, particularly detainees and prisoners. In November the British nongovernmental organization (NGO) Freedom from Torture reported that torture was widespread both inside and outside conflict zones in DRC. It had accumulated witness testimony of almost 900 cases of torture from DRC, including 74 cases from 2013 to 2018. The report states, “Torture is used predominantly as a form of punishment for political and human rights activism, and as a deterrent against future involvement.” Throughout the year activists circulated videos of police beating unarmed and nonviolent protestors.

As of October 10, the United Nations reported that it had received 15 allegations of sexual exploitation and abuse against military, police, and civilian personnel deployed with MONUSCO during the year. Of these cases, 11 involved allegations of an exploitative relationship; three involved allegations of transactional sex; two involved the alleged rape of a child, and one involved sexual assault. As of October 10, all investigations were pending. The United Nations also reported that Bangladeshi peacekeepers were involved in sexual exploitation and abuse while deployed in MONUSCO from 2015 to 2017. The peacekeepers in question were repatriated by the United Nations, and investigations by Bangladeshi government were pending at the end of the year.

The United Nations reported that during the year it received one allegation of sexual exploitation and abuse against a peacekeeper from the DRC while he was deployed in United Nations Multidimensional Integrated Stabilization Mission in the Central Africa Republic. The case alleged rape of a minor. Investigations by both the United Nations and the DRC were still pending as of year’s end. Twenty-six allegations reported prior to 2018 remained pending, in many cases awaiting additional information by the DRC. The cases included 17 allegations of sexual exploitation and abuse of minors.

Prison and Detention Center Conditions

Conditions in most prisons throughout the country worsened during the year, aggravating the already harsh and life threatening conditions due to food shortages, gross overcrowding, and inadequate sanitary conditions and medical care. Even harsher conditions prevailed in small detention centers run by the ANR, Republican Guard (RG), or other security forces, which often detained prisoners for lengthy pretrial periods without access to family or legal counsel. Some civil society activists arrested in Kinshasa were reportedly held in an underground cell operated by the RG at a military camp.

Physical Conditions: Serious threats to life and health were widespread and included violence (particularly rape); food shortages; and inadequate potable water, sanitation, ventilation, temperature control, lighting, and medical care. Poor ventilation subjected detainees to extreme heat. Central prison facilities were severely overcrowded, with an estimated occupancy rate of 200 percent of capacity. For example, Makala Central Prison in Kinshasa, which was constructed in 1958 to house 1,500 prisoners, held as many as 8,500 inmates during the year. In September, Radio Okapi reported there were

7,400 inmates at Makala. Authorities generally confined men and women in separate areas but often held juveniles with adults. Women were sometimes imprisoned with their children. In July local NGO Rural Action for Development reported that 13 infants suffered from malnutrition and other diseases due to poor conditions while held with their mothers in Munzenze Prison in Goma. Authorities rarely separated pretrial detainees from convicted prisoners.

Because inmates had inadequate supplies of food and little access to water, many relied exclusively on relatives, NGOs, and church groups to bring them sustenance. The United Nations reported 223 individuals died in detention during the year, a 10-percent increase compared with the 201 deaths recorded in 2017. These resulted from malnutrition, poor hygienic conditions, and lack of access to proper medical care. From January to June, cholera and tuberculosis epidemics aggravated the already overcrowded and unsanitary conditions, leading to a 20 percent increase in deaths in detention compared with the same period in 2017. In July, five prisoners died from severe diarrhea and malnutrition due to poor sanitation and inadequate medical services in Tshela Prison in Kongo Central. In January, MONUSCO reported that 57 inmates in Manono Prison in Tanganyika Province suffered from malnutrition and that prisoners had endured 10-14 days without food.

Most prisons were understaffed, undersupplied, and poorly maintained, leading to corruption and poor control of the prison population that contributed to prison escapes. On March 21, media reported that two police officers were sentenced to life in prison by a military court for their involvement in a March 18 prison break in Lubumbashi, Haut Katanga province. The United Nations reported that at least 801 individuals escaped detention centers during the year, a significant decrease from the number of 5,926 escapees in 2017.

Authorities often arbitrarily beat or tortured detainees. On September 13, police arrested seven members of the local civil society group *Les Congolais Debout!* (Congolese Awake!) at the University of Kinshasa while they were campaigning against the use of voting machines on grounds that the seven were carrying out political activities in what is supposed to be an apolitical environment. After reportedly being beaten, whipped, and forced to clean toilets with bare hands while in police custody, their attorney said they were transferred to an ANR cell and, as of November 15, remained in detention without charges.

RMGs detained civilians, often for ransom, but little information was available concerning detention conditions (see section 1.g.).

Administration: Some prison directors could only estimate the numbers of detainees in their facilities. The International Committee of the Red Cross (ICRC) visited an unknown number of prisoners. Authorities denied access to visitors for some inmates and often did not permit inmates to contact or submit complaints to judicial authorities. Directors and staff generally ran prisons for profit, selling sleeping arrangements to the highest bidders and requiring payment for family visits.

Independent Monitoring: The government regularly allowed the ICRC, MONUSCO, and NGOs access to official detention facilities maintained by the Ministry of Interior but consistently denied access to facilities run by the RG, ANR, and the intelligence services of the military and police.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention, but both the SSF and RMGs routinely arrested or detained persons arbitrarily (see section 1.e.).

Role of the Police and Security Apparatus

The Congolese National Police (PNC) operates under the Ministry of Interior and has primary responsibility for law enforcement and public order. The PNC includes the Rapid Intervention Police and the Integrated Police Unit. The ANR, overseen by the presidency, is responsible for internal and external intelligence. The Armed Forces of the Democratic Republic of the *Congo* (FARDC) and the military intelligence service operate under the control of the Ministry of Defense and are primarily responsible for external security but in reality focus almost exclusively on internal security. The presidency oversees the RG, and the Minister of Interior oversees the Directorate General for Migration, which, together with the PNC, are responsible for border control. Military magistrates are responsible for the investigation and prosecution of all crimes allegedly committed by SSF members, whether or not committed in the line of duty. Civilians may 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 areas affected by conflict were inadequate. Justice mechanisms were particularly ineffective for addressing misconduct by mid- and high-ranking officials due to a requirement the judge of a military court must outrank the defendant.

Elements of the SSF were undisciplined and corrupt. According to the United Nations, state agents were responsible for 61 percent of the human rights violations documented during the year. PNC and FARDC units regularly engaged in illegal taxation and extortion of civilians. They set up checkpoints to collect “taxes,” often stealing food and money and arresting individuals who could not pay bribes. The FARDC suffered from weak leadership, poor operational planning, low administrative and logistical capacity, lack of training, and questionable loyalty of some of its soldiers, particularly in the East. Nonprofit organizations and the United Nations reported regular instances of extortion, sexual-based violence, including gang rape, arbitrary arrests, and violent assaults by the SSF on Congolese migrants and expelled refugees returning from Angola in October.

Although the military justice system convicted some SSF agents of human rights abuses, impunity remained a serious problem. The government maintained joint human rights committees with MONUSCO and used available international resources, such as the UN-implemented technical and logistical support program for military prosecutors as well as international NGO-supported mobile hearings.

Military courts convicted some SSF agents of human rights violations. The United Nations reported that the government convicted at least 120 FARDC soldiers and 66 PNC officers for crimes constituting human rights violations during the year. On July 26, the mobile High Military Court in Bukavu sentenced on appeal three convicted high-ranking FARDC officers for various crimes against humanity: Colonel Julius Dhenyo Becker to two years in prison, a sentence that observers criticized for its relative leniency; Lieutenant Colonel Maro Ntuma to 20 years in prison for conviction of crimes including murder; and Colonel Bedi Mobuli to life in prison for conviction of crimes against humanity and crimes of war, including rape and murder. On October 20, the Military Tribunal of Ituri convicted and sentenced Sergeant Bienvenue Mugisa Akiki to death for the October 16 murder of four civilians in Djugu territory of Ituri Province.

The trial continued for individuals accused of involvement in the March 2017 killings of UN experts Michael Sharp and Zaida Catalan. After a delay of several months, the military prosecution began to call key suspects to testify, and, on December 7, arrested a military colonel and announced he was a suspect in the killings. Other key suspects have been called to testify although not all have been apprehended.

Arrest Procedures and Treatment of Detainees

By law arrests for offenses punishable by more than six months' imprisonment require warrants. Detainees must appear before a magistrate within 48 hours. Authorities must inform those arrested of their rights and the reason(s) for their arrest, and they may not arrest a family member in lieu of the suspected individual. Authorities must allow arrested individuals to contact their families and consult with attorneys. Security officials, however, routinely violated all of these requirements.

While the law provides for a bail system, it generally did not function. Detainees who were unable to pay 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 RG, and refused to acknowledge these detentions.

Prison officials often held individuals longer than their sentences due to disorganization, inadequate records, judicial inefficiency, or corruption. Prisoners unable to pay their fines often remained indefinitely in prison (see section 1.e.).

In 2014 the PNC issued a decree reforming arrest and detention procedures. The decree required the PNC to verify facts before arresting individuals, separate men from women, and provide sanitary detention centers. Some improvements in recently rehabilitated detention centers were noted although authorities did not consistently implement the decree, including the holding of men and women together.

Arbitrary Arrest: Security personnel arrested and detained numerous civil society activists, journalists, and opposition party members who criticized the government, occasionally under the pretext of state security, and often denied them due process, such as access to an attorney (see sections 1.a., 2.a., and 5). Throughout the year security forces regularly held protestors and civil society activists incommunicado and without charge for extended periods. The United Nations reported the SSF arbitrarily

arrested at least 2,933 persons across the country from January through August. In September the UNJHRO reported that at least 561 women were victims of arbitrary arrest from January through August.

In November 2017 civil society activist and member of the opposition Union for Democracy and Social Progress (UDPS) party Christian Lumu, was arrested and then transferred to an ANR detention cell. He was held without charge and on November 28, was transferred to a military prison where he remained as of December 31. Witnesses stated that he received electric shocks and was beaten while in detention.

On January 21, more than 100 persons were arbitrarily arrested across the country according to the United Nations, for participation in peaceful demonstrations organized by Catholic and some Protestant church leaders in support of credible elections and implementation of the December 2016 Agreement. On February 25, the United Nations reported that at least 7,194 persons were arbitrarily arrested during protests organized by the Catholic Lay Association. The United Nations reported at least 89 persons, including one minor, were arrested and kept under preventive detention during protests organized in support of opposition politician Moise Katumbi in Lubumbashi and Kasumbalesa in Haut Katanga province on August 3-7.

Police sometimes arbitrarily arrested and detained persons without filing charges to extort money from family members or because administrative systems were not well established.

Pretrial Detention: Prolonged pretrial detention, ranging from months to years, remained a problem. NGOs estimated that at least three quarters to four-fifths of the prison population was in pretrial detention. Judicial inefficiency, administrative obstacles, corruption, financial constraints, and staff shortages also caused trial delays. On September 15, a report by the regional civil society development network CRONGD documented that, of 461 persons arrested in March 2017 on suspicion of RMG involvement, 44 were in detention without charge.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: Detainees are entitled to challenge in court the legal basis or arbitrary nature of their detention; however, few were able to obtain prompt release and compensation.

Amnesty: A total of 148 persons were released following the signing of four executive orders by the minister of justice in January and February. Two of the executive orders applied the law on amnesty of 2014 (43 persons released) and the two others granted conditional release to persons sentenced for participation in an insurrectional movement, war crimes, and political offenses.

On December 29, Justice Minister Alexis Thambwe Mwamba announced the pardon of “several hundred” prisoners for the New Year and said these individuals would be released. The prisoners were not released by year’s end.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary was corrupt and subject to influence. Officials and other influential individuals often subjected judges to coercion. On August 16, the minister of justice claimed to have issued an international arrest warrant for businessman and opposition politician Moise Katumbi, who was convicted in 2015 of real estate fraud despite a Catholic Council of Bishops (CENCO) 2017 report concluding that the SSF pressured judicial officials to convict him. It was not clear that any warrant was actually issued. CENCO also concluded that a similar property fraud case against opposition member and businessman Jean-Claude Muyambo was equally unfounded and amounted to “judicial harassment.” Muyambo, who claimed to have permanent damage to his foot following beatings during his arrest in 2015, was sentenced to five years in prison in 2017 and ordered to pay 1,580,000 Congolese francs (\$9,900) in damages for conviction of breach of trust and illegal retention of documents. Muyambo was among the prisoners slated to be released by the justice ministry on December 30, but he remained in prison at year’s end.

A shortage of judges hindered the government’s ability to provide expeditious trials, and judges occasionally refused transfers to remote areas where shortages were most acute because the government could not support them there. Authorities routinely did not respect court orders. Disciplinary boards created under the High Council of Magistrates continued to rule on numerous cases of corruption and malpractice each month. Many of these rulings included the firing, suspension, or fining of judges and magistrates. One judge on the High Council said its March investigation into corruption concluded that 250 magistrates were guilty of counterfeiting, including fake diplomas, and failure to pass the recruitment test.

A recruitment drive during the year, however, increased to 3,000 the number of military and civilian judges, and in July the minister of justice announced the recruitment of appellate court judges throughout the country. That same month, three members of the nine-member constitutional court were inducted, including one advisor to the president and another prominent member of the president’s ruling party.

Trial Procedures

The constitution provides for a presumption of innocence, but this was not always observed. Authorities are required to inform defendants promptly and in detail of the charges against them, with free interpretation as necessary, but this did not always occur. The public may attend trials at the discretion of the presiding judge. Defendants have the right to a trial within 15 days of being charged, but judges may extend this period to a maximum of 45 days. Authorities only occasionally abided by this requirement. The government is not required to provide counsel in most cases, with the exception of murder trials. While the government regularly provided free legal counsel to indigent defendants in capital cases, lawyers often did not have adequate access to their clients. Defendants have 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 have 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 are not compelled to testify or confess

guilt. Defendants have the right to appeal, except in cases involving national security, armed robbery, and smuggling, which the Court of State Security usually adjudicates. These rights extend to all citizens.

Political Prisoners and Detainees

There were numerous reports of political prisoners and detainees. Authorities charged political prisoners with a variety of offenses, including offending the person or threatening the life of the head of state, inciting tribal hatred or civil disobedience, spreading false rumors, treason, and attacking state security. While the government permitted international human rights and humanitarian organizations and MONUSCO access to some of these prisoners, authorities always denied access to detention facilities run by the RG, military intelligence, and the ANR (see section 1.c.).

As of year’s end, the United Nations estimated that at least 71 persons were held in detention for their political opinions or legitimate citizens’ activities, although the United Nations reported that many more persons deemed political prisoners might be held in unreported locations. A local NGO, Congolese Association for Access to Justice (ACAJ), reported at the UN Security Council on November 13 that 54 political prisoners were in detention. On September 25, a court sentenced activists Carbone Beni and three other members of the citizen movement Filimbi to 12 months in prison for offenses against the head of state, undermining state security, and distributing subversive material. They were originally arrested in December 2017 following advocacy for peaceful protests organized by the Catholic Church in support of the December 2016 Agreement and credible elections. They were held without charge in ANR cells for nearly six months before they were taken to the Prosecutor General’s Office in Kinshasa for questioning and transferred to Makala Prison. Observers criticized the proceedings for presenting confessions obtained under duress and for fabricating evidence. An international human rights NGO stated that police and intelligence agents beat the Filimbi members while they were in detention and during interrogation. On December 25, Beni and the three other Filimbi members were released for time served.

On July 16, Justice Minister Alexis Thambwe announced the government had liberated 4,019 prisoners as part of the December Agreement’s “confidence building” measures. Most of the prisoners, however, were released some time earlier under the terms of the 2013 Nairobi agreement between rebel group M23 and the government and were not political prisoners.

In August, four civil society activists who were arrested in July 2017 for attempting to march and deliver a letter to the Lubumbashi Independent National Electoral Commission (CENI) office were convicted of disturbing the peace and sentenced to eight months in prison. In November 2017 a fifth member of this group, NGO activist and human rights lawyer Timothee Mbuya, was convicted of provocation and incitement of disobedience and sentenced to 12 months in prison. Mbuya served six months in jail before he was released on February 13 while the four other activists were released shortly before him.

Civil Judicial Procedures and Remedies

Individuals may seek civil remedies for human rights violations within the civil court system. Most individuals, however, preferred to seek redress in the criminal courts.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Although the law prohibits arbitrary interference with privacy, family, home, or correspondence, the SSF routinely ignored these provisions. The SSF harassed and robbed civilians, entered and searched homes and vehicles without warrants, and looted homes, businesses, and schools. The United Nations previously reported that FARDC soldiers conducted door-to-door searches in the Nganza commune of Kananga, Kasai Central Province, in March 2017 looking for suspected Kamuina Nsapu militia sympathizers. The OHCHR report on the Kasais released in July attributed 89 civilian deaths, including at least 11 children, to the March 2017 FARDC operation (See 1.a.).

g. Abuses in Internal Conflict

Conflicts continued in parts of eastern DRC, particularly in the provinces of North Kivu, South Kivu, Tanganyika, Ituri, Upper Uele, Lower Uele, and provinces in the Kasai region (Kasai Central, Kasai, Kasai Oriental, Sankuru, and Lomami provinces). Foreign RMGs, such as the Democratic Forces for the Liberation of Rwanda (FDLR), the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU), the National Forces of Liberation, and the Lord’s Resistance Army (LRA), as well as indigenous RMGs such as various Mai Mai (local militia) groups, Kamuina Nsapu, and the Bana Mura continued to perpetrate violence against civilians.

Conflict among armed groups caused significant population displacement and led to many human rights violations. In North Kivu, the Nduma Defense of Congo--Renewal (NDC-R), Mai Mai Mazembe, the Alliance of Patriots for a Free and Sovereign Congo (ALPCS), the FDLR, as well as a host of smaller armed groups fought among themselves and caused significant population displacements as they fought over territory. In June the UN Group of Experts (UNGOE) reported that the SSF worked in coordination with armed groups, including by supplying materials, to foster conflict among armed groups in North Kivu. The UNGOE reported that FARDC and NDC-R commanders regularly conferred informally to discuss attacks on other armed groups. In July, however, the FARDC launched a significant offensive against the NDC-R.

By impeding humanitarian aid and development assistance in some areas, the fighting in the east exacerbated an already severe humanitarian crisis. There were credible reports that local authorities also impeded humanitarian assistance and used force to expel the populations in three internally displaced persons (IDP) camps in Tanganyika Province, where thousands of persons were displaced by violence between the Twa and Luba communities. In Djugu territory in Ituri, the PNC and FARDC prevented humanitarian aid from accessing a significant percentage of the territory where a series of community attacks took place.

There were credible reports that the SSF and RMGs perpetrated serious human rights violations and abuses during internal conflicts. These RMGs included the ALPCS, the ADF, the FDLR, the Forces of the Patriotic Resistance of Ituri (FRPI), the LRA, various ethnic Hutu factions of Nyatura, the Nduma Defense of Congo, Raia Mutomboki, Kamuina Nsapu, Bana Mura, ethnic Tshokwe and Pende militias, several Burundian antigovernment militias, and the following Mai Mai groups, Mazembe, Charles Shetani, and William Yakutumba, among others. Bakata Katanga leader Gedeon Kyungu Mutunga, who in 2009 was convicted in a national court for crimes against humanity but escaped from prison in 2011, surrendered to the government in 2016 and remained under a form of government-supported house arrest as of year's end instead of being returned to prison. The government took no steps to hold him accountable.

The United Nations reported that the Kamuina Nsapu militia, based in the central Kasai region, carried out targeted killings of members of the military, police, public officials, and civilians perceived to cooperate with them (see section 1.a.). On July 4, the OHCHR released a report on abuses in the Kasai region that accused the Kamuina Nsapu, the Bana Mura, and the SSF of war crimes and crimes against humanity. Based on interviews with 524 persons, the experts' report accused the military of an excessively violent response to conflict in the region, in particular the 2101st Regiment. The report estimated that the conflict, which was most violent in 2017, resulted in “thousands of deaths and a disastrous human rights situation” and displaced 1.4 million persons. Among other incidents, the report documented an SSF attack in May 2017 in Tshikulu that resulted in the summary execution of at least 79 civilians, including at least 19 children.

Kamuina Nsapu and Bana Mura militias also committed serious human rights abuses against children (see section 6).

During the year attacks attributed to the ADF killed more than 200 civilians. On September 22, an attack attributed to the ADF in Beni killed 12 civilians and four soldiers and caused civil unrest that prevented aid workers from responding to a growing Ebola outbreak for several days.

The government took military action against several major RMGs, including establishing a new operational zone in the Kasai region to fight Kamuina Nsapu militias. Operational cooperation between MONUSCO and the government continued in the East but not in the Kasai region, where FARDC troops were accused of serious human rights abuses that a United Nations report stated could amount to crimes against humanity. MONUSCO and the FARDC cooperated against the FDLR, the ADF, and the FRPI during the year. In July, Nduma Defense of Congo leader Ntabo Ntaberi Cheka, charged with crimes related to the 2010 Walikale rapes, surrendered to MONUSCO forces and on August 5, was transferred to government custody. A military trial began for Cheka on November 27 for crimes against humanity to include rape, murder, looting, torture, and war crimes such as the recruitment of children. The trial was still underway as of year's end.

There was widespread killing, rape, and displacement of civilians by ethnic militias. In Ituri a series of attacks by unidentified local militias against villages caused widespread displacement as the local population feared a return of ethnic conflict that had been largely dormant since 2007. More than 40 persons were killed, mostly in attacks by militias with machetes. Approximately 350,000 persons were displaced by the conflict, including an estimated 42,000 refugees who fled to Uganda. By July enough stability had returned to the area to allow some of the displaced to return.

On March 27, the UN Security Council extended MONUSCO’s mandate for 12 months and renewed the intervention brigade to neutralize armed groups. The mandate prioritized protection of civilians and support to the implementation of the December 2016 Agreement with a focus on supporting the electoral process. As of September MONUSCO consisted of approximately 16,940 peacekeepers, military observers, and police.

Killings: From January to June, the United Nations reported RMGs killed 386 civilians, an increase of 43 deaths compared with the same period in 2017. The FRPI was responsible for 177 killings, all in Irumu territory of Ituri province and largely during ambushes and attacks against villages targeting civilians. Mai Mai groups summarily executed 33 civilians in North Kivu province, and the Gumino RMG in High Plateau area of South Kivu summarily executed at least 25 civilians, including six women.

According to the United Nations, at least 890 persons were killed during communal violence from December 16 to 18 in Yumbi, Mai-Ndombe Province, following a dispute regarding the burial ground for a deceased local leader. The violence included widespread burning and pillaging of villages. As many as 16,000 persons were displaced and thousands fled the violence by crossing the Congo River into the Republic of Congo.

Abductions: UN agencies and NGOs reported that RMGs abducted individuals, generally to serve as porters or guides or to demand ransom for them. From January through August, the United Nations reported that RMGs abducted 1,726 persons, including 330 women. The NDC was the greatest perpetrator of abductions; 364 persons were abducted from January through August. Victims of kidnappings by unknown assailants or suspected RMGs in North Kivu province reported they were detained outside or in unknown locations for days, stripped of their clothes and belongings, tortured, and then abandoned. Observers noted a marked reduction in LRA abductions during the year compared with 2017.

Physical Abuse, Punishment, and Torture: UN agencies and NGOs reported the SSF arrested, illegally detained, raped, and tortured 662 civilians, including 68 women, through August 31 in conflict-affected areas.

RMGs committed abuses in rural areas of North Kivu, South Kivu, the Kasai provinces, and the former provinces of Katanga and Orientale, including killing, raping, and torturing civilians. The ADF launched numerous attacks during the year that killed civilians, FARDC, and MONUSCO peacekeepers. On September 22, the ADF launched an attack in Beni, North Kivu Province, killing at least 18 persons.

RMG members raped men, women, and minors as part of the violence among and between them and the FARDC. Statistics on rape, including rape of men, were not available. On May 21, in Bijombo in South Kivu province, a 45-year-old woman and two girls ages 16 and 17 were raped by FARDC. The victims were searching for their belongings after having run away from their village. On July 2, in Kananga of Kasai Central province, two girls ages 15 and 17 and two women were raped by approximately 10 armed men, among whom at least one was recognized as a police officer.

Child Soldiers: The MONUSCO Child Protection Section (CPS) reported RMGs released at least 2,253 children from their ranks during the year. MONUSCO CPS previously reported nearly 37 percent of child recruits were younger than 15 years of age when recruited, which could constitute a war crime. This represented a 40 percent increase in overall recruitment and a 13 percent increase in children younger than age 15 compared with the same period in 2016. UNICEF assisted the children through a number of NGOs. From January through September, children were separated from various RMGs including Nyatura (661), Mai Mai Mazembe (505), Kamuina Nsapu (242), Raia Mutomboki (168), the Democratic Forces for the Liberation of Rwanda-Abacunguzi Combattant Forces (166), ADF (80), Nduma Defense of Congo/Renove/Guidon (74), the Alliance of Patriots for a Free and Sovereign Congo/Janvier (71), and other groups (106). Most of the children were separated in North Kivu followed by the Kasai region.

According to the United Nations, children made up approximately 50-70 percent of Kamuina Nsapu militia ranks, including those used as fighters and human shields. The United Nations reported Kamuina Nsapu leaders drugged children and then slashed them across their stomachs and shoulders as part of their initiation ritual to test whether they would have protective powers against bullets. Children died as a result of this initiation process due to the deep incisions from spears and sticks.

The SSF continued to arrest and detain children for their association with armed groups. On May 26, media reported that 13 minors were released from Kananga central prison in Kasai province. Some children reported having been held for weeks at other remote facilities before being transferred to Kananga.

A presidential advisor on sexual violence and child recruitment, appointed in 2014, raised awareness of the problems of sexual violence throughout the country and encouraged efforts to remove child soldiers from the SSF and provide services to victims. On February 14, a FARDC unit deployed in Djugu territory of Ituri Province reportedly used four boys, ages 14 to 16, as porters and water fetchers. All four boys were released the following day. The United Nations reported that from January through September FARDC were involved in 27 cases of killing and maiming children. The United Nations also reported that the FARDC had a proxy relationship with the NDC-R, which recruited and used children during the year. The government cooperated with international organizations to eliminate recruitment and remove children from the SSF and RMGs including the NDC-R. During the year NDC-R leader Guidon Shimeray Mwissa signed a pledge and in November committed to a roadmap to remove all children from his ranks and prevent any further child recruitment. In February the United Nations sanctioned Guidon for, among other things, his use of child soldiers. The

United Nations and several civil society actors indicated that all child soldiers were released from the NDC-R and that Guidon was abiding by his pledge not to recruit children.

ADF continued to kidnap children and use them as combatants.

Also see the Department of State’s annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

Other Conflict-related Abuse: Fighting between the FARDC and RMGs as well as among RMGs continued to displace populations and limit humanitarian access, particularly in the Kasai provinces; Rutshuru, Masisi, Walikale, Lubero, Beni, and Nyiragongo territories in North Kivu Province; South Kivu Province; and Tanganyika Province.

In North Kivu, South Kivu, East Kasai, and Upper Katanga provinces, RMGs and FARDC soldiers continued to illegally tax, exploit, and trade natural resources for revenue and power. The FARDC executed unarmed children who were suspected of belonging to the Kamuina Nsapu armed group. Clandestine trade in minerals and other natural resources facilitated the purchase of weapons and reduced government revenues. The natural resources most exploited were gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore) but also included wildlife products, timber, charcoal, and fish.

According to media and civil society, the LRA trafficked in elephant ivory from Garamba National Park to finance its operations, likely by smuggling ivory through the Central African Republic, South Sudan, and the disputed Kafia Kingi region controlled by Sudan, to link with illicit networks transferring these goods to China.

The illegal trade in minerals was both a symptom and a cause of weak governance. It financed the SSF and RMGs, and sometimes generated revenue for traditional authorities and local and provincial governments. With enhanced government regulation encouraged by global advocacy efforts and donor support, the mining of cassiterite, coltan, and wolframite resulted in a small but increasing amount of legal conflict-free export from North and South Kivu, Upper Katanga, and Maniema provinces. The year also saw the first small shipment of conflict-free gold from DRC. The SSF and RMGs continued to control, extort, and threaten remote mining areas in North Kivu, South Kivu, Ituri, Maniema, the Kasai region, and Haut Katanga provinces.

The law prohibits the FARDC and RMGs from engaging in mineral trade, but the government did not effectively enforce the law. Criminal involvement by FARDC units and RMGs included protection rackets, extortion, and theft. For example, in March UNGOE documented an attempt by FARDC officers to steal 2,860 pounds of coltan. The UNGOE also received credible information that state security officials participated in gold smuggling and illegal mining operations. There were unsubstantiated reports government officials were involved in illegal gold mining.

The UNGOE reported that several RMGs and elements of the FARDC profited from illegal trade and exploitation in the minerals sector (see section 7.b.). The UNGOE reported that a large part of the gold that was sourced (claimed to be) from Rwanda and Uganda was obtained fraudulently in neighboring countries, including the DRC. For example, it documented a smuggling operation of illegally sourced gold that was ultimately sold in Uganda and the United Arab Emirates.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of speech, including for the press. The press frequently and openly criticized public officials and public policy decisions. Individuals generally could criticize the government, its officials, and other citizens in private without being subject to official reprisals. Public criticism, however, of government officials, the president, or government policies regarding elections, democracy, and corruption sometimes resulted in intimidation, threats, and arrest. The government also prevented journalists from filming or covering some protests and refused to renew or grant visas for several foreign media correspondents.

Freedom of Expression: The law prohibits insulting the head of state, malicious and public slander, and language presumed to threaten national security. Authorities sometimes detained journalists, activists, and politicians when they publicly criticized the government, the president, or the SSF. Plainclothes and uniformed security agents allegedly monitored political rallies and events.

Press and Media Freedom: The law mandates the High Council for the Audiovisual and Communications (CSAC) to provide for freedom of the press and equal access to communications media and information for political parties, associations, and citizens. A large and active private press functioned predominantly in Kinshasa, although with some representation across the country, and the government licensed a large number of daily newspapers. Radio remained the principal medium of public information due to limited literacy and the relatively high cost of newspapers and television. The state owned three radio stations and three television stations, and the president’s family owned two additional television stations. Government officials, politicians, and to a lesser extent church leaders, owned or operated the majority of media outlets.

The government required newspapers to pay a one-time license fee of 250,000 Congolese francs (\$156) and complete several administrative requirements before publishing. Broadcast media were also subject to a Directorate for Administrative and Land Revenue advertisement tax. Many journalists lacked professional training, received little or no set salary, could not access government information, and exercised self-censorship due to concerns of harassment, intimidation, or arrest.

In November local NGO Journalists in Danger (JED) reported 121 cases of attacks on media from November 2017 to October and attributed 77 percent of these attacks to government agents, including nearly half to state security forces. JED reported that the

number of attacks on media had not changed from 2017. JED reported 53 cases of arrests of journalists, including 15 who remained in detention for more than the legal limit of 48 hours without being charged. In September the District Court of Kinshasa found editor of satirical newspaper *Le Grognon* Tharcisse Zongia guilty by default of criminal defamation charges for accusing Barthelemy Okito, secretary general of the Sports Ministry, of embezzling public funds meant for the national football team. He was sentenced to one year in prison.

Violence and Harassment: Local journalists were vulnerable to intimidation and violence by the SSF. On July 6, Bukavu correspondent for Africanews Gael Mpoyo and his family went into hiding after receiving multiple death threats for posting a documentary film concerning the forcible eviction of residents in Mbobero from a property belonging to President Kabila.

The 121 documented press freedom violations reported by JED included 53 journalists detained or arrested, 30 cases of journalists threatened or attacked, and 21 instances of authorities preventing the free flow of information. Other incidents included efforts to subject journalists to administrative, judicial, or economic pressure. At year's end the government had not sanctioned or charged any perpetrator of press freedom violations.

Censorship or Content Restrictions: While the CSAC is the only institution with legal authority to restrict broadcasts, the government, including the SSF and provincial officials, also exercised this power. Some press officers in government agencies allegedly censored news articles by privately owned publications. Privately owned media increasingly practiced self-censorship due to fear of potential suppression and the prospect of the government shutting them down as it had done previously to a handful of major pro-opposition media outlets.

Media representatives reported they were pressured by the government not to cover events organized by the opposition or news concerning opposition leaders.

Libel/Slander Laws: The national and provincial governments used criminal defamation laws to intimidate and punish critics. For example, during the year Minister of Kasai Oriental Alphonse Ngoyi Kasanji charged television journalist Eliezer Ntambwe with defamation for an accusation during an interview that the governor had stolen a 35-carat diamond. Ntambwe was arrested on April 2, but released on April 11 after the governor withdrew his charge.

National Security: The national government used a law that prohibits anyone from making general defamatory accusations against the military to restrict free speech.

Nongovernmental Impact: RMGs and their political wings regularly restricted press freedom in the areas where they operated.

Internet Freedom

Some private entrepreneurs made moderately priced internet access available through internet cafes in large cities throughout the country. Data-enabled mobile telephones were an increasingly popular way to access the internet. According to the International Telecommunication Union, 8.6 percent of individuals in the country used the internet in 2017.

According to Freedom House, there were reports that government authorities disrupted access to news coverage to prevent critical reports on the government and government figures.

On December 30, 2017, the day before planned protests calling on President Kabila to step down, Posts and Telecommunications Minister Emery Okundi Ndjovu directed internet providers and cell phone companies to “suspend” short message service and internet service throughout the country “for reasons of State security.” On January 1, internet access was restored. The government cut most internet service from January 21 to January 24 during church-led protests calling on the government to hold elections and implement the December 2016 Agreement. The government cut internet service again on February 25 during additional protests. On December 31, the day after nationwide elections, the government cut internet again. The internet remained blocked at year’s end. Authorities continued to reserve the right to implement internet blackouts, citing a 2002 act that grants government officials the power to shut down communications and conduct invasive surveillance. Additionally, the Criminal Code of 1940 and Press Freedom Act of 1996 have been used to restrict freedom of expression.

Academic Freedom and Cultural Events

There were no reported government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The constitution provides for freedom of peaceful assembly, but the government frequently restricted this right and prevented those critical of the government from exercising their right to peaceful assembly. The law requires organizers of public events to notify local authorities in advance of the event. The government maintained that public events required advance permission and regularly declined to authorize public meetings or protests organized by opposition parties or civil society groups critical of the government. The government did, however, authorize protests and assemblies organized by progovernment groups and political parties. During the year the SSF beat, detained, or arrested persons participating in protests, marches, and meetings. The SSF also used tear gas, rubber bullets, and at times live ammunition, resulting in numerous civilian deaths and injuries.

According to MONUSCO there were 633 violations of democratic space from January through August. These included restrictions on freedom of assembly, the right to liberty and security of person, and of the right to freedom of opinion and expression.

On March 19, a joint report of the UNJHRO and the OHCHR for 2017 stated that the SSF used illegal, systematic, and disproportionate force against protesters, resulting in 47 civilian deaths and several hundred wounded during protests. The report stressed the illegality of government prohibitions on public demonstrations and accused the FARDC's 11th Rapid Reaction Brigade and the Republican Guard of grave violations of human rights for indiscriminately using live rounds specifically against civilians in August 2017 after members of the RMG *Bundu dia Kongose* separatist group attacked police and civilians in Kinshasa. The report also cited instances of threats and intimidation against protestors by government officials and outlined specific attacks and restrictions against UNJHRO personnel. The report confirmed at least nine deaths during December 2017 demonstrations, at least 98 wounded, and 185 arbitrarily arrested. For the January 21 demonstrations, the report cited at least seven persons killed, 67 wounded, and at least 121 persons arbitrarily arrested, including four children. The report also stressed that security force members were rarely, if ever, held accountable for disproportionate use of force during protests. It stated the United Nations was aware of only a few instances in which security force members were held accountable, including the case of one police officer who was sentenced to three years' imprisonment in Bukavu for conviction related to his actions during a protest in July 2017.

In March government and civil society representatives released a report of investigations into abuses related to protests during December 2017, on January 21, and on February 25, alleging 14 deaths, 65 injuries, and 40 persons arrested, detained, and in some cases tortured.

In Kinshasa opposition parties were regularly allowed to hold political rallies. On April 24, the opposition UDPS party held a rally in the capital. On September 29, opposition parties held a rally in Kinshasa, but reports and photographs showed that the government sought to deter attendance by halting public transportation, raising fuel prices, and dumping garbage near the site of the rally.

The government, which must simply be informed of nonviolent demonstrations and is not vested with authorizing their occurrence, consistently prohibited nonviolent demonstrations elsewhere in the country, notably in Lubumbashi, Kananga, and Goma. On October 13, government officials and the SSF blocked opposition leaders from organizing a political rally in Lubumbashi to highlight concerns regarding the electoral process. The SSF prevented opposition leaders from accessing a residence of the rally leader and fired live ammunition into the air while opposition members attempted to reach the planned rally point. From November 21 to election day on December 30, the JHRO recorded 16 election-related deaths. This included three deaths in Lubumbashi on December 11, one death in Tanganyika on December 12, one death in Mbuji-Mayi on December 13, one death in Kisangani on December 14, one death in Tshikapa on December 18, one death in Lubumbashi on December 19, six deaths in Tanganyika on December 27, one death in Beni on December 28, and one death in South Kivu province on election day on December 30.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right. Civil society organizations and NGOs are required to register with the government and may receive funds only through donations; they may not generate any revenue, even if it is not at a profit. The registration process is burdensome and very slow. Some groups, particularly within the LGBTI community, reported the government had denied their registration requests.

During an interactive dialogue with civil society in Kinshasa in March 2016, the minister of justice and human rights stated that only 63 of more than 21,000 NGOs in the country were formally registered. Many NGOs reported that, even when carefully following the registration process, it often took years to receive legal certification. Many interpreted registration difficulties as intentional government obstacles for impeding NGO activity.

c. Freedom of Religion

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

d. Freedom of Movement

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

The government occasionally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. In August and September, authorities forcibly closed three IDP camps in Tanganyika Province despite repeated concerns expressed by humanitarian agencies.

In 2016 the country sent one of several delegations from African nations, UNHCR, and the African Union that, after seven years of negotiations, reached an agreement on steps to end the protracted Rwandan refugee situation by the end of 2017. Between January and August, more than 2,460 Rwandans voluntarily repatriated from the country. As of August 31, UNHCR estimated there were 217,766 Rwandan refugees in the country.

In August the government allegedly took steps to prevent political opposition leader Moise Katumbi from returning to the country and registering himself as a presidential candidate. The government allegedly failed to provide landing clearance for his private plane and then closed the land border with Zambia to prevent him from crossing the border by road. The government denied these allegations.

In November 2017 the Directorate General of Migration confiscated the passport of opposition UDPS party secretary general Jean Marc Kabund Kabund at Kinshasa’s airport and prevented him from leaving the country. As of September 22, Kabund did not have a passport, although human rights lawyer Georges Kapiamba received his passport in March after it was similarly confiscated in November 2017.

Abuse of Migrants, Refugees, and Stateless Persons: Continuing conflict in North Kivu, Ituri, and Tanganyika provinces harmed refugees and IDPs in the region, with attacks often resulting in deaths and further displacement. In August the government forcibly closed three IDP camps in Tanganyika Province, displacing approximately 24,000 IDPs, and denied the humanitarian community access to the sites during and subsequent to their closure. The armed conflict sometimes exacerbated ethnic tensions and clashes among communities and displaced groups.

In-country Movement: The SSF and RMGs established barriers and checkpoints on roads and at airports and markets, ostensibly for security reasons, and routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The government required travelers to submit to control procedures at airports and ports during domestic travel and when entering and leaving towns.

Local authorities continued to collect illegal taxes and fees for boats to travel on many parts of the Congo River. There also were widespread reports that FARDC soldiers and RMG combatants extorted fees from persons taking goods to market or traveling between towns (see section 1.g.).

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

Foreign Travel: Because of inadequate administrative systems, passport issuance was irregular. As of January only fully biometric DRC passports were recognized. Officials accepted bribes to expedite passport issuance, and there were reports the price of fully biometric passports varied widely. There were also credible reports that the government refused to issue passports to civil society activists and opposition members critical of the government. On September 25, ACAJ director Georges Kapiamba reported that he was able to travel after his passport was confiscated in 2017.

Internally Displaced Persons (IDPs)

In November the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that there were 1.37 million IDPs in the country. This was a reduction of 3 million IDPs from the previous year. This reduced number stemmed from agreement between OCHA and the government to change the way in which IDPs were defined. Under this new formula, individuals displaced for more than 12 months were no longer counted as IDPs. The government was unable to protect or assist IDPs adequately but

generally allowed domestic and international humanitarian organizations to do so. UNHCR and other international humanitarian organizations worked to close IDP sites where the security situation was relatively stable.

Conflict, insecurity, poor infrastructure and a change in government policy adversely affected humanitarian efforts to assist IDPs. From August to September, the government forcibly closed three IDP camps in Tanganyika province, displacing approximately 24,000 persons. Population displacements continued throughout the year, particularly in the east. Many areas continued to experience insecurity, such as North Kivu’s Beni Territory, Ituri province, South Kivu’s Fizi Territory, and Tanganyika Province. Intercommunal violence and fighting among armed groups in the East resulted in continued population displacement and increased humanitarian needs for IDPs and host communities.

Due to the remote location of the Kasai region, humanitarian access was difficult, and IDPs lived in poor conditions without adequate shelter or protection. Women and girls were particularly vulnerable to sexual violence, including gang rape. In October and November, an Angolan government policy led to the return of nearly 400,000 Congolese to Kongo Central, Kwango, Kasai Central, Kasai Oriental and Lualaba provinces. Included among the returnees were more than 2,000 refouled Congolese refugees, most of whom intended to remain in DRC.

Combatants and other civilians abused IDPs. Abuses included killings, sexual exploitation of women and children (including rape), abduction, forced conscription, looting, illegal taxation, and general harassment.

More than one million IDPs returned to their areas of origin in 2017 according to UNHCR. This included 491,000 returnees in Kasai-Central, 270,000 in North Kivu, 154,000 in Tanganyika, 121,000 each in Lomami and South Kivu, and 45,000 each in Maniema and Ituri. In the Kasai provinces, UNHCR reported that more than one million IDPs started to return to their homes in 2017, but continued insecurity, abuses by the SSF and RMGs, as well as thorough destruction of homes impeded returns. UNHCR considered most of the returnees to be living in extremely precarious conditions.

Protection of Refugees

As of August 31, UNHCR reported 536,271 refugees in the country from seven adjacent countries, of which approximately 218,000 were from Rwanda.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a rudimentary system for providing protection to refugees. The system granted refugee and asylum status and provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

As of August 31, there were 3,546 asylum seekers in the country. The government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers with welfare and safety needs. The government assisted in the safe, voluntary return of refugees to their homes by allowing their entry into the country and facilitating immigration processing. In establishing security mechanisms, government authorities did not treat refugees differently than citizens.

Durable Solutions: Through the application of the cessation clauses of the 1951 Convention and the 1969 Organization of African Unity Convention, Angolans who fled the Angolan civil war (which ended in 2002) ceased to be refugees in 2012. In 2014 UNHCR launched the final assisted voluntary repatriation of former Angolan refugees. From January through September 2015, 3,916 Angolans returned home; another 21,290 Angolans in Kinshasa, Kongo Central, and Upper Katanga provinces awaited return. UNHCR helped another 18,638 Angolan refugees to file for local integration in 2015, including paying for their residency permits. As of June, 494 Angolan refugees remained in the country.

The country has not invoked the cessation clause effective in 2013 for Rwandan refugees who fled Rwanda before the end of 1998. In 2016 the government joined other refugee-hosting countries and UNHCR to commit to facilitating repatriation of Rwandans from countries of asylum through December 31. To implement the tripartite agreement from 2014, the National Commission on Refugees (CNR) and UNHCR began in 2016 the process of biometrically registering Rwandan refugees. The FDLR impeded the process in North Kivu, where most of the refugees were located. UNHCR and the CNR suspended biometric registration following FDLR attacks on UNHCR-supported registration teams in 2016, during which the teams lost all of their data. An effort during the year registered 42,000 Rwandan refugees in South Kivu. UNHCR continued to support voluntary repatriation and between January and April it assisted in repatriating 1,347 Rwandan refugees.

Temporary Protection: The government provided temporary protection to an undetermined number of individuals who may not qualify as refugees (see section 1.g.).

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. Although CENI organized elections during the year, more than a million voters were disenfranchised by CENI's decision to cancel elections in the Ebola-affected areas of Beni and Butembo in eastern DRC ostensibly for public health and security reasons. Elections were also canceled in the western town of Yumbi after intercommunal violence killed nearly 1,000 persons from December 16 to 18. Unknown numbers of voters were also disenfranchised on election day due to CENI's failure to produce accurate voter lists or publicize the location of polling stations.

Elections and Political Participation

Recent Elections: Presidential, legislative, and provincial elections were held on December 30 but widely criticized due to irregularities and a lack of transparency. Results were not announced by year’s end.

The government stated it accredited 270,000 domestic observers but denied accreditation to many international elections observers and media outlets. Election observers reported significant irregularities on election day due to delays opening some voting stations, confusion regarding the use of electronic voting machines, the location of polling stations, and the posting of voter lists.

On December 12, a fire at the CENI warehouse in Kinshasa allegedly destroyed approximately 8,000 voting machines and other voting materials needed to hold elections in Kinshasa. On December 20, the CENI announced elections would be delayed by seven days in order to replace the voting equipment destroyed in the fire. On December 26, CENI cancelled presidential elections in Beni and Butembo in North Kivu province citing risks of Ebola and insecurity and in Yumbi in Mai-Ndombe province due to recent intercommunal violence. CENI announced that legislative and provincial elections in those areas would be held in March 2019.

Gubernatorial elections took place in the provinces of Maniema and Kwango in March. However, the Supreme Court invalidated the Maniema gubernatorial election and the vice governor was appointed as acting governor.

Political Parties and Political Participation: Outgoing president Joseph Kabila’s Presidential Majority political alliance--which included his former party (the People’s Party for Reconstruction and Democracy), the Alliance of Democratic Forces for Congo, and other parties--enjoyed majority representation in government, the parliament, and judicial bodies, including on the Constitutional Court and CENI. State-run media, including television and radio stations, remained the largest source of information for the public and government (see section 2.a.). There were reports of government intimidation of opposition members, such as denying opposition groups the right to assemble peacefully (see section 2.b.), limiting travel within or outside the country, targeting opposition leaders in politically motivated judicial actions, and exercising political influence in the distribution of media content. On December 19, the Governor of Kinshasa prohibited presidential candidates from holding campaign activities in Kinshasa allegedly due to security concerns. The announcement, however, was widely believed to be politically motivated to suppress support for opposition candidates.

The law recognizes opposition parties and provides them with “sacred” rights and obligations. 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 and arbitrarily arrested opposition party members. At various points during the year, including the election campaign period, the SSF used force to prevent or disrupt opposition-organized events. On December 11, in Lubumbashi, PNC agents used tear gas and live ammunition to disperse violently opposition candidate Martin Fayulu from holding a campaign rally, resulting in deaths. The JHRO recorded 16 election-related deaths during the campaign period, from November 21 to election day on December

30. This included three deaths Lubumbashi on December 11, one death in Tanganyika on December 12, one death in Mbuji-Mayi on December 13, one death in Kisangani on December 14, one death in Tshikapa on December 18, one death in Lubumbashi on December 19, six deaths in Tanganyika on December 27, one death in Beni on December 28, and one death in South Kivu province on election day on December 30.

National Assembly president Aubin Minaku continued to prevent the opposition UDPS party from changing its representative to the CENI in violation of a December 2016 Agreement between the government and opposition parties.

In a number of districts, known as “chefferies,” traditional chiefs perform the role of a local government administrator. Unelected, they are selected based on local tribal customs (generally based on family inheritance) and if approved are then paid by the government.

Participation of Women and Minorities: Women held 9 percent of seats in the National Assembly (44 of 500) and 6 percent in the provincial assemblies (43 of 690). Five of 108 senators were women. Among the 59 government vice prime ministers, ministers, ministers of state, and vice ministers, six were women, a decrease in the total number from that of the government formed in 2016 (from 11 percent of 68 such positions to 10 percent of 59 such positions). Some observers believed cultural and traditional factors prevented women from participating in political life to the same extent as men.

Some groups, including indigenous 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, East Kasai, and Upper Katanga provinces, and contributed to their lack of political participation (see section 5).

The national electoral law prohibits certain groups of citizens from voting in elections, in particular members of the armed forces and the national police.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, 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. NGOs and media reports during the year alleged irregularities in the public contract management process for the awarding of contracts related to the voter registration process. A September report by NGO The Sentry alleged corruption and self-enrichment by CENI officials in the awarding of a no-bid \$150 million contract for electronic voting machines to be used in the December elections. Additional revenue losses were due to racketeering and exploitation of minerals in the east by the SSF, FARDC elements, and RMGs. Artisanal mining remained predominantly informal and illicit and strongly linked to armed groups and elements of the FARDC. Artisanal mining products, particularly

gold, were smuggled into Uganda and Rwanda, often with the connivance of government officials. As of 2017 research by NGO International Peace Information Service estimated 44 percent of artisanal mine sites in the east were free of illegal control or taxation by the SSF or RMGs; 38 percent were under the control of elements of the FARDC; and the remainder was under the control of various armed groups. In 2014 the government launched a mechanism to standardize supply-chain processes across the Great Lakes Region for artisanally produced cassiterite (tin ore), wolframite (tungsten ore), and coltan (tantalum ore), the implementation of which continued. On June 12, the government publicly launched an artisanal gold traceability initiative but had not begun implementation by year’s end. The mining code of 2018 mandates membership in mining cooperatives for all artisanal miners, and requires accreditation to transform, transport, and conduct transactions in artisanal mining products.

In 2013 Kofi Annan’s Africa Progress Panel estimated that the country lost \$1.36 billion between 2010 and 2012 due to undervalued mining asset sales. In July the NGO Global Witness reported that more than \$750 million in payments by mining companies to country’s tax agencies and state mining companies between 2013 and 2015 never reached the national treasury. In November the Carter Center reported 1.2 trillion Congolese francs (\$750 million) in unaccounted for mining revenues earned by the parastatal Gecamines from 2011 to 2014. This constituted more than two-thirds of the 1.75 trillion Congolese francs (\$1.1 billion) in mining revenues earned by Gecamines during this period. The Carter Center’s analysis of Gecamines contracts and finances found that the government could also not account for more than half a billion dollars in infrastructure loans from Chinese banks. The report documented how government officials circumvented the mining code and regulations governing state-owned enterprises to divert revenue and observed that suspicious financial transactions appeared to coincide with the country’s electoral cycles. In a public statement after the Carter Center’s report was released, Gecamines chief executive officer Albert Yuma claimed all revenues were accounted for and denied the allegations.

An UNGOE report published in June noted that armed groups and criminal networks, including DRC security officers, continued to derive illegal revenues through gold smuggling and illicit taxation. The UNGOE provided information that a significant portion of the gold traded by Uganda and Rwanda is sourced fraudulently from neighboring countries, including the DRC, and then exported to countries including the UAE. The UNGOE previously reported cases involving FARDC elements and RMGs in the exploitation and trade of gold in the country, including that of Major General Gabriel Amisi Kumba, also known as Tango Four. According to the report, Amisi owned several gold dredges through a local gold mining company that benefited from FARDC protection. The UNGOE previously reported “almost all artisanally sourced gold in the DRC is exported illegally and underestimated in both value and volume.” The June UNGOE report also documented cases of fraud in the tagging and transport processes of various minerals in the east, noting that, while some projects are underway to strengthen the government’s technical capacity to detect fraud in the transport of minerals, the UNGOE believed structural measures were also needed to address the problem of corruption among agents responsible for tagging. In June the UNGOE reported several cases where FARDC officers violated the Tin Supply Chain Initiative traceability system by fraudulently tagging minerals. The group also found that some

FARDC officers participated in the smuggling and illegal transportation of minerals. In September the Congolese Association for the Fight Against Corruption alleged Congolese citizens smuggled an estimated \$30 million in gold to Hong Kong via Kenya.

A report published by the UNGOE in 2014 indicated that elements of the FARDC, local poachers, and armed groups remained involved in the illegal exploitation of and trade in wildlife products, including ivory (see section 1.g.).

In 2016 the government launched an initiative to boost the economy that included specific measures to fight tax evasion and enforce penalties against corrupt civil servants. In 2016 the prime minister established the Corruption and Ethics Monitoring Observatory (OSCEP) to monitor corruption in the civil service. OSCEP’s mandate includes generating a database of corruption-related activities as well as coordinating anticorruption activities among government agencies, including the antifraud brigades of the Customs Authority, the Ministry of Mines, the General Inspectorate of Finance, the Financial Intelligence Unit (CENAREF), and the Bureau of the Special Advisor of the Head of State in Charge of Good Governance. Although CENAREF undertook some anti-money-laundering activities, OSCEP remained largely inactive.

In an effort to combat corruption, the government continued a program to pay many civil servants and security forces in major cities by direct deposit, eliminating an important means of graft. Previously, the government utilized a cascading cash payment system, disbursing salaries to senior officials for payment to subordinate officials, who in turn paid their staffs.

The law criminalizes money laundering and terrorist financing. Limited resources and a weak judicial system hampered the ability of CENAREF to enforce regulations against money laundering. Local institutions and personnel lacked the training and capacity to enforce the law and its attendant regulations. Former minister of justice, Luzolo Bambi is the president’s special envoy to fight corruption and money laundering. On August 4, Bambi set out his renewed “battle against impunity” in a letter to the attorney general. In 2016 the president issued an executive ordinance granting Bambi’s office broad arrest authority. The arrest authority did not prove effective, since the special envoy lacked the personnel to make arrests, and for the most part remained limited to referring suspects to the court system for prosecution.

Government authorities and wealthy individuals at times used antidefamation laws that carry criminal punishments, as well as other means of intimidation, to discourage media investigation of government corruption (see section 2.a.).

As in previous years, a significant portion of the country’s 2018 enacted budget (approximately 14 percent) consisted of off-budget and special account allocations that were not fully elaborated. These accounts facilitate graft by shielding receipts and disbursements from public scrutiny. Under the *Extractive Industries Transparency Initiative* standard of 2016, the DRC is required to disclose the allocation of revenues and expenditures from extractive companies. While awaiting the onset of the country’s first validation for compliance under this standard, preliminary assessments have revealed serious weaknesses.

Financial Disclosure: The law requires the president and ministers to disclose their assets to a government committee. The president and all ministers and vice ministers reportedly did so when they took office. The committee had yet to make this information public.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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 the NGOs reported on or supported victims of abuses by the SSF or reported on the illegal exploitation of natural resources in the east. In 2016 the government declined to renew the work permit of a Human Rights Watch researcher and revoked the visa of Congo Research Group director Jason Stearns, officially for reasons of “undesirability.” During the year the government declined to issue or renew visas for some international journalists and researchers. Representatives from the Ministry of Justice and the ANR met with domestic NGOs and sometimes responded to their inquiries.

The United Nations or Other International Bodies: The government cooperated at times with investigations by the United Nations and other international bodies 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, where political prisoners were often detained. In Kasai the government and the SSF provided MONUSCO limited access to suspected mass grave sites, including a site located inside the FARDC officers training school in Kananga, and impeded UN access to individuals arrested in connection with the killing of two UN experts, Michael Sharp and Zaida Catalan. The government also blocked UNJHRO access to morgues, hospitals, and detention facilities during protests in January and February in Kinshasa.

In March 2017, UN experts Michael Sharp and Zaida Catalan were killed in Kasai Central Province. Cell phone video footage showed the two being shot and Catalan later being decapitated by a group of militants. The UNGOE called the incident an assassination “in a premeditated setup under hitherto unclear circumstances” and stated the killings constituted “a deliberate attack against the UN Security Council, which is a serious violation of international humanitarian law.” The government accused members of the Kamuina Nsapu militia of killing the experts, and in June 2017 a trial began in Kananga of 18 defendants, 14 of whom, including several individuals who appeared in the video, remained at large. In October 2017 the trial was suspended but resumed in August. On December 6, a DRC Military Intelligence Colonel was arrested, one of four government officials implicated in the murders. In its 2017 annual report, the UNGOE wrote that the evidence it reviewed “does not yet allow the Group to attribute responsibility for the murder.” The available evidence does not preclude the involvement of different actors, however, such as (pro- or antigovernment) Kamuina Nsapu factions, other armed groups, as well as members of state security services. In May media reported the United Nations stated that the government “hampered” investigations.

Government Human Rights Bodies: During the year the National Commission on Human Rights made some progress, publishing reports on violence in Beni territory, protests during December 2017, January, and February, and the Kamuina Nsapu phenomenon in the Kasais. It also visited detention centers, followed up on complaints of human rights violations from civilians, and held a meeting on the right to demonstrate. It continued to lack sufficient funding for overhead costs or to have representation in all 26 provinces.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law on sexual violence criminalizes rape, but the offense was not always reported by victims and the law was not always enforced. Rape was common. The legal definition of rape does not include spousal rape. It also prohibits extrajudicial settlements (for example, a customary fine paid by the perpetrator to the family of the victim) and forced marriage, allows victims of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality. The minimum penalty prescribed for conviction of rape is a prison sentence of five years, and courts regularly imposed such sentences in rape convictions.

From January to August, the UNJHRO reported that at least 893 women and girls were victims of sexual and gender based violence. The UNJHRO stated that perpetrators were primarily armed groups followed by FARDC, police, and intelligence agents. The UNJHRO stated that RMGs, including the Raia Mutomboki, also targeted women and girls during the year. On April 15-19, the United Nations reported that at least 66 women and girls were victims of sexual violence, including rapes and gang rapes, by members of the Raia Mutomboki in the South Kivu provincial towns of Keba, Wameli, Kamungini, and Bimpanga. Implementation, including promulgation of the text of the amended family code adopted in 2016, had not begun by year’s end. As of November 19, the United Nations reported that the SSF killed 143 adult women and RMGs killed 111 women and girls.

The SSF, RMGs, and civilians perpetrated widespread sexual violence (see section 1.g.). During the year the United Nations documented adult victims and 183 child victims, including one boy, of sexual violence in conflict. Crimes of sexual violence were sometimes committed as a tactic of war to punish civilians for having perceived allegiances to rival parties or groups. The crimes occurred largely in the conflict zones in North and South Kivu Province, but also throughout the country. The 2013-14 *Demographic and Health Survey* (DHS) found that more than one in four women nationwide (27 percent) had experienced sexual violence at some point in their lives, up from 22 percent in 2007.

Some prosecutions occurred for rape and other types of sexual violence. On July 26, the High Military Court of Bukavu upheld the December 2017 conviction of Frederic Batumuke, a provincial member of parliament, and 10 other persons for murder and

crimes against humanity for the rape of 37 girls ranging in age from 18 months to 12 years. The same court also convicted and sentenced Colonel Bedi Mobuli (aka Colonel 106) to life in prison for crimes against humanity, including rape, sexual slavery, looting, and cruel, inhuman, and degrading treatment.

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 does not provide any specific penalty for domestic violence despite its prevalence. Although the law considers assault a crime, police rarely intervened in perceived domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.

Female Genital Mutilation/Cutting (FGM/C): The law describes FGM/C as a form of sexual violence, provides a sentence if convicted of two to five years in prison, and levies fines of up to 200,000 Congolese francs (\$125); in case of death due to FGM/C, the sentence is life imprisonment.

For more information, see Appendix C.

Other Harmful Traditional Practices: UNICEF and MONUSCO attributed some abuses of children, including mutilation of children and use of children in combat in the Kasais, to harmful traditional and religious practices. The United Nations reported that Kamuina Nsapu militias often put children, particularly young girls, on the front lines of battle, believing they have powers that could protect them as well as other fighters. For example, it reported Kamuina Nsapu militias often believed young girls could trap bullets fired at them and fling them back at attackers. The Kamuina Nsapu also reportedly slashed children’s stomachs as part of an initiation ritual to see if they would survive and how the wound would heal.

Sexual Harassment: Sexual harassment occurred throughout the country. Legislation passed in 2006 prohibits sexual harassment with conviction carrying a minimum sentence of one year, but there was little or no effective enforcement of the law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. Estimates on maternal mortality and contraceptive prevalence are available in Appendix C.

Discrimination: The constitution prohibits discrimination based on gender, but the law does not provide women the same rights as men. A 2015 women’s parity law provides women a number of protections. It permits women to participate in economic domains without approval of male relatives, provides for maternity care, disallows inequities linked to dowries, and specifies fines and other sanctions for those who discriminate or engage in gender-based abuse. Women, however, experienced economic discrimination.

According to UNICEF, many widows were unable to inherit their late husbands’ property because the law states that in event of a death in which there is no will, the husband’s children, including those born out of wedlock (provided that they were officially recognized by the father), rather than the widow, have precedence with regard to inheritance. Courts may sentence women found guilty of adultery to up to one year in prison, while adultery by men is punishable only if judged to have “an injurious quality.”

Children

Birth Registration: The law provides for the acquisition of citizenship through birth within the country or from either parent being of an ethnic group documented as having been located in the country in 1960. The government registered 25 percent of children born in some form of medical facility. Lack of registration rarely affected access to government services. For additional information, see Appendix C.

Education: The constitution provides for tuition-free and compulsory primary education. It was not, however, compulsory or tuition free, and the government inconsistently provided it across the provinces. Public schools generally expected parents to contribute to teachers’ salaries. These expenses, combined with the potential loss of income from their children’s labor while they attended class, rendered many parents unable or unwilling to enroll their children.

Primary and 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. Additionally, children in school were not particularly safe. Teachers subjected one in four children to corporal punishment and pressured one in five girls to exchange sexual favors for high grades.

Many of the schools in the east were dilapidated and closed due to chronic insecurity. The government used other schools as housing for IDPs. Parents in some areas kept their children from attending school due to fear of RMG forcible recruitment of child soldiers.

Schools were sometimes targeted in attacks by both the FARDC and RMGs. UNJRO documented 153 attacks on schools, including 118 in Ituri province, the majority that were committed in the context of interethnic conflict.

Child Abuse: Although the law prohibits all forms of child abuse, it regularly occurred.

The constitution prohibits 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 provides 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 branded children with disabilities or speech impediments as witches. This practice sometimes resulted in parents’ abandoning their children.

Many children suffered abuse from militia groups that recruited children and believed they possessed magic powers. The armed group Bana Mura was reportedly responsible for taking women of childbearing age and enslaving them to give birth to children that would be raised in a different ethnic group. The United Nations reported that Kamuina Nsapu militants forced children to undergo a “baptism” ritual of a deep knife cut to the stomach. Those children who did not die of these wounds were reportedly recruited into the militia and used as combatants, often put on the front lines as “fetish keepers” due to their supposed powers. These practices resulted in the deaths of many children during the Kasai conflict in 2017.

Early and Forced Marriage: While the law prohibits marriage of boys and girls younger than age 18, many marriages of underage children took place. Bridewealth (dowry) payment made by a groom or his family to the relatives of the bride to ratify a marriage greatly contributed to underage marriage, as parents forcibly married daughters to collect bridewealth or to finance bridewealth for a son.

The constitution criminalizes forced marriage. Courts may sentence parents convicted of forcing a child to marry to up to 12 years’ hard labor and a fine of 92,500 Congolese francs (\$58). The penalty doubles when the child is younger than age 15. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age of consensual sex is 18 for both men and women, and the law prohibits prostitution by anyone younger than age 18. The penal code prohibits child pornography, with imprisonment of 10 to 20 years for those convicted. The 2009 Child Protection Code criminalized child sex trafficking, with conviction carrying penalties ranging from 10 to 20 years’ imprisonment and a fine of 800,000 to 1,000,000 Congolese francs (\$500 to \$625). From January through July, UNICEF assisted 2,694 children who were victims of sexual exploitation. Approximately half of these children (1,076 girls and 37 boys) were provided with a holistic response including psychosocial care, medical care, socioeconomic reintegration, and legal assistance. There were also reports that child soldiers, particularly girls, faced sexual exploitation (see section 1.g.).

There was an increase in sexual violence against children and infants in Kavumu, South Kivu Province, during 2016 (see section 6). While targeted sexual violence against children decreased in the region following arrests and charges against some militia members responsible, many of the survivors continued to face stigmatization from their communities.

Child Soldiers: Armed groups recruited boys and girls (see section 1.g.).

Displaced Children: According to the 2007 *Rapid Assessment, Analysis, and Action Planning Report*, which remains the most recent data available, there were an estimated 8.2 million orphans and other vulnerable children in the country. Of these, 91 percent received no external support of any kind and only 3 percent received medical support. An estimated 30,000 to 40,000 children lived on the streets, with the highest concentration in Kinshasa. The families of many of these children forced them out of their homes, accusing them of witchcraft and bringing misfortune to their families.

Since 2016 the conflict in the Kasais displaced more than 1.4 million persons, including many children who were kidnapped by militia members or otherwise separated from their families. The government was not equipped to deal with such large numbers of homeless children. The SSF abused and arbitrarily arrested street children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>) .

Anti-Semitism

The country had a very small Jewish population, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>) .

Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities and provides specific government protection for them. The constitution states all persons should have access to national education. The law states that private, public, and semipublic companies may not discriminate against qualified candidates based on disability. The government did not enforce these provisions effectively, and persons with disabilities often found it difficult to obtain employment, education, and other government services.

The law does not mandate access to government buildings or services for persons with disabilities. While persons with disabilities may attend public primary and secondary schools and have access to higher education, no special provisions are required of educational facilities to accommodate their specific needs. Consequently, 90 percent of

adults with disabilities do not achieve basic literacy. The Ministry of Education increased its special education outreach efforts but estimated it was educating fewer than 6,000 children with 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 from officials to avoid being required to send them to school.

National/Racial/Ethnic Minorities

Ethnic Twa persons frequently faced severe societal discrimination and had little protection from government officials (see section 1.g.).

There were reports of societal discrimination and violence against foreign minority groups. For example, protesters attacked businesses owned by ethnic Chinese during the January protests.

Indigenous People

Estimates of the country’s indigenous population (Twa, Baka, Mbuti, Aka, and others believed to be the country’s original inhabitants) varied greatly, from 250,000 to two million. Societal discrimination against these groups 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 areas. Fighting in the east between RMGs and the SSF, expansion by farmers, and increased trading and excavation activities caused displacement of some indigenous populations.

While the law stipulates that indigenous populations receive 10 percent of the profits gained from use of their land, this provision was not enforced. In some areas, surrounding tribes kidnapped and forced indigenous persons into slavery, sometimes resulting in ethnic conflict (see section 1.g.). Indigenous populations also reported high instances of rape by members of outside groups, which contributed to HIV/AIDS infections and other health complications.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

While no law specifically prohibits consensual sexual conduct between same-sex adults, individuals engaging in public displays of same-sex sexual conduct, such as kissing, were sometimes subject to prosecution under public indecency provisions, which society rarely applied to opposite-sex couples. A local NGO reported that authorities often took no steps to investigate, prosecute, or punish officials, who committed abuses against LGBTI persons, whether in the security forces or elsewhere in the government, and impunity for human rights abuses was a problem.

Identifying as lesbian, gay, bisexual, transgender, or intersex remained a cultural taboo, and harassment by the SSF and judiciary occurred.

LGBTI individuals were subjected to harassment, stigmatization, and violence, including “corrective” rape. Some religious leaders, radio broadcasts, and political organizations played a key role in perpetrating discrimination against LGBTI individuals.

HIV and AIDS Social Stigma

The law prohibits discrimination based on HIV status, but social stigma continued.

The latest available DHS, which dates from 2013-14, captured a proxy indicator measuring the level of tolerance of respondents towards an HIV-positive person (either family member, businessperson, or teacher) and the necessity of hiding the HIV-positive status of a family member. A total of 72 percent of respondents said they were ready to take care of an HIV-positive parent, but only 47 expressed willingness to purchase produce from an HIV-positive seller. A total of 49 percent of respondents would accept having an HIV-positive teacher teach their children, and 26 percent said it would not be necessary to hide the HIV status of a family member. The study estimated a global tolerance level towards HIV-positive persons at 4 percent in women and 12 percent in men.

According to UNAIDS, the HIV prevalence rate of adults and children between 15 and 49 was 0.7 percent, and an estimated 390,000 persons of all ages in the country had HIV in 2017.

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.

Longstanding ethnic tensions also fueled some community violence. In the wake of an offensive against Mai Mai Yakutumba in South Kivu, the SSF targeted for arrest young men identified by tribal scarring as members of the Bemba community. This harassment by the SSF was given as a reason why several young men subsequently joined the Mai Mai group. Small-scale conflicts in the Rutshuru and Lubero territories of North Kivu conflict exacerbated longstanding tensions between Hutu, on the one hand, and the Kobo, Nyanga, and Nande ethnic communities, on the other hand. In January 2017 the Nande-affiliated Mai Mai Mazembe RMG attacked the town of Kibirizi, decapitating one Hutu, burning one woman to death, and burning 16 homes. In April 2017 intercommunity tensions between Tshokwe and Pende (accused of being affiliated with the Congolese security forces) and Luba and Lulua communities (accused of being Kamuina Nsapu militia sympathizers) turned violent, particularly in Kamonia territory,

Kasai Province. In April 2017 Tshokwe youths armed with rifles and machetes killed at least 38 persons, including eight women and eight children, mainly of Lulua ethnicity, in several parts of the territory.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide all workers, including those in both the informal and formal sectors, except top government officials and SSF members, the right to form and join trade unions and to bargain collectively. The law also provides for the right of most workers to conduct legal strikes, although by law police, army, and domestic workers may not strike. The law also prohibits directors in public and private enterprises from striking. The law gives administrative authorities the right to dissolve, suspend, or deregister trade union organizations. The law provides unions the right to conduct activities without interference, although it does not define specific acts of interference. In the private sector, a minimum of 10 employees is required to form a union within a business, and more than one union may be represented within a single business. Foreigners may not hold union office unless they have lived in the country for at least 20 years. Collective bargaining requires a minimum of 10 union committee members plus one employer representative. Union committee members report to the rest of the workforce. In the public sector, the government sets wages by decree after holding prior consultations with the unions. Certain subcategories of public employees, such as staff members of decentralized entities (towns, territories, and sectors) do not have the right to participate in the wage-setting consultations.

The union committee is required to notify the company's management of a planned strike, but it does not need authorization to strike. The law stipulates unions and employers shall adhere to lengthy compulsory arbitration and appeal procedures before unions initiate a strike. Generally, the committee delivers a notice of strike to the employer. If the employer does not reply within 48 hours, the union may strike immediately. If the employer chooses to reply, negotiations, which may take up to three months, begin with a labor inspector and ultimately continue in the Peace Court. Sometimes employees provide minimum services during negotiations, but this is not a requirement. Unless unions notify employers of a planned strike, the law disallows striking workers from occupying the workplace during a strike, and an infraction of the rules on strikes may lead to incarceration of up to six months with compulsory prison labor.

The law prohibits discrimination against union employees and requires employers to reinstate workers dismissed for union activities, but the penalties for violations were not adequate to deter violations. The law considers those who have worked for a minimum of three contiguous months as “workers” and thereby protected by relevant labor law. Unless they are 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 recognizes 12 private sector and public enterprise unions at the national level. The public administration sector has a history of organizing, and the government negotiates with sector representatives when they present grievances or go on strike. The public administration sector is divided among and represented by 15 different national unions, five of which represent the majority of the workers.

Workers exercised their right to strike. Employees of the Port and Transportation Authority, whose services are essential to maintain the country's heavily import-based economy, went on strike twice during the year due to salary arrears. Other civil servants including doctors, nurses, and Ministry of Foreign Affairs and Ministry of Budget personnel also went on strike repeatedly during the year due to salary issues. The most recent doctors' strike was suspended in September; the nurses' strike continued. Professors at the University of Kinshasa went on strike at least twice, most recently beginning October 8, to protest lack of payment of their salaries at an inflation-adjusted exchange rate. In other provinces, such as Kasai Oriental, the strike continued, albeit sporadically.

The government lacked the capacity to enforce the law effectively or to provide oversight. In small and medium-sized businesses, workers could not effectively exercise the right to strike. Due to lax enforcement of labor regulations, companies and shops could immediately replace any workers attempting to unionize, bargain collectively, or strike with contract workers to intimidate workers and prevent them from exercising their rights, despite workers' legal protections. Antiunion discrimination was widespread, particularly in foreign-owned companies. In many instances during the year, to undermine unions' collective bargaining efforts, companies refused to negotiate with unions but opted to negotiate individually with workers.

Despite collective agreements on union dues, employers often did not remit union dues or did so only partially.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor. Under the labor code, conviction of forced labor is punishable by a maximum of six months' imprisonment, a fine, or both; conviction of forced child labor is punishable by one to three years' imprisonment, a fine, or both. The law also provides for a penalty of 10 to 20 years' imprisonment for the conviction of the enrollment or use of children younger than age 18 in the armed forces or police. Penalties for violations were an insufficient deterrent because the government did not effectively enforce the law.

In cases of nonpayment of requisite and applicable taxes, the law allows detention or the exaction of work for the purpose of national development (as a means of levying taxes). The government, however, did not invoke this provision.

The government did not effectively enforce the law. There were reports that forced labor, including forced child labor, regularly occurred throughout the country. Violations included bonded labor, domestic servitude, and slavery. In the artisanal (nonindustrial)

mining sector, individuals took on debt from intermediaries and dealers to acquire food, supplies, and mining tools and equipment, often at high interest rates despite low wages. Miners who failed to provide sufficient ore to pay debt were at risk of becoming perennial debtors. The government continued to try to formalize the artisanal mining sector but did not attempt to regulate this practice. In the East RMGs continued to abduct and forcibly recruit men, women, and children to serve as laborers, porters, domestic laborers, and combatants (see section 1.g.). In eastern mining regions, there were reports that armed groups violently attacked mining communities and surrounding villages and held men, women, and children captive for trafficking, including forced labor and sexual exploitation. In North Kivu and South Kivu provinces, some members of FARDC units and RMGs taxed or, in some cases, controlled mining activities in gold, coltan, wolframite, and cassiterite mines.

Some police officers arrested individuals arbitrarily to extort money from them (see section 1.d.). There were reports of police forcing those who could not pay to work until they “earned” their freedom. In September an article in *The Economist* reported a study indicating that Kinshasa traffic police received 80 percent of their income from corruption.

The government did not effectively enforce laws prohibiting forced or compulsory labor and took no action against those who used forced labor and abducted civilians for forced labor. The government did not report any official forced labor investigations, and there were no prosecutions. Little if any information existed on the removal of victims from forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ (<http://www.state.gov/j/tip/rls/tiprpt/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The child protection code and labor code set the minimum age for work at 16, and Ministerial Order No. 12 sets the minimum age for hazardous work at 18. The law also stipulates children may not work for more than four hours per day and restricts all minors from transporting heavy items. Penalties for conviction of violations for the worst forms of child labor, which are one to three years of imprisonment and fines as high as 20,000 Congolese francs (\$13), were insufficient to deter violations.

The Ministry of Labor has responsibility for investigating child labor abuses but had no dedicated child labor inspection service. In 2016 the National Labor Committee adopted a new action plan to fight the worst forms of child labor; its implementation was scheduled to start during the year; however, implementation had not begun as of September due to lack of funds. Other government agencies responsible for combating child labor include the Ministry of Gender, Family, and Children; Ministry of Justice; Ministry of Social Affairs; and National Committee to Combat the Worst Forms of Child Labor. These agencies had no budgets for inspections and conducted no child labor investigations.

In March the governor of Lualaba Province in the Katanga region made a public announcement prohibiting children from participating in mining activities in two villages near the artisanal mines of Kasulu and Kipuki, encouraging the children to go to school instead. Children had been employed at the two sites to clean copper and cobalt ores, and haul sacks of minerals. It was unclear what impact the governor's declaration had.

In August 2017 an interministerial committee, including the Ministry of Labor and Ministry of Mining, organized a national workshop at which Minister of State for Employment and Labor Lambert Matuku announced a strategy to eliminate child labor, including in the mining sector, by 2025. In September, Matuku repeated the same strategy at another workshop sponsored by the International Labor Organization (ILO) to fight child labor in the mining sector. No implementation had taken place by year's end, however.

While criminal courts continued to hear child labor complaints, neither the courts nor other government agencies effectively enforced these laws. The government did not allocate relevant ministries and the National Committee to Combat the Worst Forms of Child Labor specific budgetary resources.

There was no effective systematic government effort to redirect child labor away from artisanal mines. The Ministry of Mines International Conference on the Great Lakes Region certificate-validation process prohibits artisanal mines with child labor from exporting, but the ministry had limited capacity to enforce this process.

The government did not undertake any measures to reinforce the capacities of the labor inspectors to prevent children younger than age 18 from engaging in hazardous work in mines. The 2018 mining code, which replaced the previous code of 2002, prohibits violations of child labor laws in the mining sector and imposes fines in cases of violations.

Child labor, including forced child labor, was a problem throughout the country (see section 7.b.). Child labor was most common in the informal sector, including in artisanal mining and subsistence agriculture. For their economic survival, families often encouraged children to work. According to the Ministry of Labor, children worked in mines and stone quarries and as child soldiers, water sellers, domestic workers, and entertainers in bars and restaurants. The commercial exploitation of children also occurred (see section 6).

Various mining sites, located principally in the eastern regions of North Kivu and Katanga, employed many child workers. Data on Katanga estimated that children younger than age 18 made up 40 percent of all workers in the region's mines. According to a 2017 University of California-Berkley report, 13 percent of the mining labor force living in the mining communities of the copper cobalt belt were younger than age 18, a total of 4,714 children. Of these, 49 percent are 14 years old or younger. The working conditions for children at these mining sites were poor. Given the same status as adults, children worked without breaks and without any basic protective measures.

Children were also the victims of exploitation in the worst forms of child labor, many of them in agriculture, illicit activities, and domestic work. Children mined diamonds, gold, cobalt, coltan, wolframite, copper, and cassiterite under hazardous conditions. In the mining regions of Upper Katanga, Kasai Oriental, Kasai Central, North Kivu, and South Kivu provinces, children sifted, cleaned, sorted, transported heavy loads, and dug for minerals underground. In many areas of the country, children between ages five and 12 broke rocks to make gravel.

Parents often used children for dangerous and difficult agricultural labor. Families unable to support their children occasionally sent them to live with relatives who treated them as domestic slaves, subjecting them to physical and sexual abuse.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/ (<http://www.dol.gov/ilab/reports/child-labor/findings/>).

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on race, gender, language, or social status. The law does not specifically protect against discrimination based on religion, age, political opinion, national origin, disability, pregnancy, sexual orientation, gender identity, or HIV-positive status. Additionally, no law specifically prohibits discrimination in employment of career public service members. The government did not effectively enforce relevant employment laws and penalties were insufficient to deter violations.

Gender-based discrimination in employment and occupation occurred (see section 6). Although the labor code stipulates men and women must receive equal pay for equivalent work, the government did not enforce this provision effectively. According to the ILO, 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. Persons with disabilities, albinism, and certain ethnicities such as Twa faced discrimination in hiring and access to the worksites.

e. Acceptable Conditions of Work

The government sets regional minimum wages for all workers in private enterprise, with the highest pay scales applied to the cities of Kinshasa and Lubumbashi. The prime minister decreed the new minimum daily wage would increase from 1,680 to 7,075 Congolese francs (\$1.02 to \$4.30) as of May 10, progressively, which would raise the minimum wage above the World Bank poverty level of \$1.90 per day. This increase was scheduled in 25-percent installments, and the first two occurred in June and December. The National Labor Council, the country’s highest labor forum, is a tripartite organization formed by unions, government, and employers. According to the labor code, ordinary sessions of the National Labor Council should take place twice a year. The most recent session took place in October 2017.

In the public sector, the government sets wages annually by decree and permits unions to act only in an advisory capacity.

The law defines different standard workweeks, ranging from 45 to 72 hours, for various jobs and prescribes rest periods and premium pay for overtime. The law establishes no monitoring or enforcement mechanism, and employers in both the formal and informal sectors often did not respect these provisions. The law does not prohibit compulsory overtime.

The National Labor Council met in 2017 and agreed to raise the minimum wage from 1,680 to 7,075 Congolese francs (\$1.02 to \$4.30) beginning January 1, 2018. The average monthly wage did not provide a living wage for a worker and family. Government salaries remained low, ranging from 65,000 to 95,000 Congolese francs (\$41 to \$59) per month (not including bonuses, which in some instances were considerably larger), and salary arrears became more frequent in both the civil service and public enterprises (parastatals). In August the government announced a raise of 20,000 Congolese francs (\$13) per month, but workers had yet to receive the additional funds by year’s end. Many public-sector employees reported that they did not receive their annual bonuses. In 2012 the government began paying some civil servant salaries through the banking system in an effort to stop the practice in which supervisors created fake employees and skimmed off some of their subordinates’ salaries. The Budget Ministry stated that 75 percent of civil servants received their pay through the banking system, but some observers believed that figure was grossly inflated. For others the government delivered cash in large shipments for local authorities and supervisors to distribute.

The labor code specifies health and safety standards. The Ministry of Labor employed 200 labor inspectors, which was not sufficient to enforce consistent compliance with labor regulations. The government did not effectively enforce such standards in the informal sector, and enforcement was uneven in the formal sector. Major international mining companies effectively observed health and safety standards, and the Ministry of Mines validation process includes criteria on minimal safety standards. The law does not allow workers to remove themselves from hazardous situations without putting their employment in jeopardy. Approximately 90 percent of laborers worked in subsistence agriculture, informal commerce or mining, or other informal pursuits, where they often faced hazardous or exploitive working conditions.

In 2015 the international NGO International Peace and Information Services estimated there were approximately 300,000 artisanal miners in the East in the 2,000 identified mine sites. It was estimated there were likely an additional 1,000 mine sites that had not been identified.

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