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Freedom in the World 2021 - Democratic Republic of the Congo

NOT FREE

20

/ 100

[Political Rights](#) 5 / 40[Civil Liberties](#) 15 / 60

LAST YEAR'S SCORE & STATUS

18 / 100 Not Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

The political system in the Democratic Republic of Congo (DRC) has been paralyzed in recent years by the manipulation of the electoral process by political elites. Citizens are unable to freely exercise basic civil liberties, and corruption is endemic. Physical security is tenuous due to violence and human rights abuses committed by government forces, as well as armed rebel groups and militias that are active in many areas of the country.

Key Developments in 2020

- In April, President Félix Tshisekedi's chief of staff, Vital Kamerhe, became the highest-ranking public official to face corruption charges and was sentenced to 20 years' forced labor in June. Fulgence Lobota Bamaros, another official and an ally of former president Joseph Kabila, was convicted of embezzlement in June, receiving a three-year sentence.
- The Tshisekedi administration successfully appointed several high-ranking judges during the year, replacing several judges accused of corruption in February and appointing three Constitutional Court members in July. The judiciary also showed new signs of independence during the year, resisting intimidation and political opposition to its efforts to hear major corruption cases.
- In December, Tshisekedi announced the dissolution of a power-sharing government that had included the Course for Change (CACH) coalition and the Common Front for Congo (FCC) of former president Kabila. The coalition government, which was formed in 2019, was marred by disagreements between the two factions over matters including government appointments and oversight.
- The authorities restricted assemblies and instituted lockdowns in March, as the COVID-19 pandemic became a critical concern, but those restrictions were inconsistently enforced to disrupt antigovernment assemblies. The World Health Organization reported 17,000 cases and 584 deaths at the end of the year.

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

According to the constitution, the president is chief of state and is elected for a maximum of two five-year terms. The prime minister is head of government, and is formally appointed by the president.

Former president Joseph Kabila overstayed his constitutional mandate by two years, leaving the DRC without an elected head of government for a period starting in late 2016. A Constitutional Court ruling that year allowed him to remain in office until a successor was in place, but elections were repeatedly postponed by the Independent National Electoral Commission (CENI), despite mediation efforts by the Roman Catholic Church's National Episcopal Conference of Congo (CENCO), until late December 2018.

In January 2019, Félix Tshisekedi was declared the victor of the preceding month’s presidential election with 38.6 percent of the vote, defeating Martin Fayulu of the Lamuka (Wake Up) coalition, who secured 34.8 percent according to CENI. Tshisekedi, a leader of the Course for Change (CACH) coalition, was believed to have secured the presidency via a backroom deal—meant to preserve political influence for Kabila—under which he allied himself with the Kabila-led Common Front for Congo (FCC). The FCC had previously backed Emmanuel Ramazani Shadary, who received 23.9 percent of the vote as the People’s Party for Reconstruction and Democracy (PPRD) candidate. Several opposition candidates were barred from competing in the poll.

The polls were heavily criticized due to voter suppression and electoral fraud. Observers from the Catholic Church and the civil society coalition Synergy of Citizen Election Observation Missions reported massive fraud and irregularities. CENCO reported widespread ballot-validation procedure violations, large vote-counting discrepancies, and confusion over the locations of vote-counting centers. CENCO’s tally—reportedly reviewed by multiple independent auditors—supported their contention that Fayulu won 60 percent of the vote. Election observers were denied access to polling stations in some cases, and foreign observers were not allowed to participate.

CENI only released a national tally, impeding observers in their efforts to determine where tampering occurred. However, 1.2 million voters were disenfranchised when citizens in three opposition areas—Beni territory and Butembo in North Kivu Province and Yumbi in Mai-Ndombe Province—were prevented from voting, officially for security and public health concerns; residents viewed the decision as politically motivated. Official results reported a margin of victory that was a little over half the number of voters disenfranchised in opposition areas.

In May 2019, Sylvestre Ilunga Ilukamba, a Kabila ally, was appointed prime minister, and remained in his post at the end of 2020.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 1 / 4

The DRC has a bicameral national legislature with a 500-seat National Assembly directly elected for five-year terms, and a 108-seat Senate elected by provincial assemblies. Senators hold a five-year mandate. The DRC’s 715 provincial legislators elect national senators and provincial governors. Eight Senate seats are reserved for customary chiefs.

National Assembly elections were held concurrently with the presidential vote in December 2018 and were also criticized as deeply flawed. The FCC won 341 seats, Lamuka took 112, and the CACH took 47. Because elections were postponed until March 2019 in opposition areas of Beni, Butembo, and Yumbi, voters in these areas were prevented from influencing the National Assembly race.

Senate elections were held in March 2019, with the FCC taking 91 seats. As former president, Kabila holds a lifetime Senate appointment. Provincial elections, last held in December 2018, were compromised by vote buying, so national senators are not freely elected.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

The country’s electoral framework does not ensure transparent elections in practice. Opposition parties and civil society frequently criticize CENI and the Constitutional Court for lacking independence and for pro-Kabila bias. Throughout 2018 and 2019, the political opposition repeatedly protested that the electoral process was unfair, and Fayulu unsuccessfully appealed the presidential election’s result to the Constitutional Court in January 2019. One month later, the United States announced diplomatic sanctions on the then president and vice president of CENI, the National Assembly president, and the chief judge of the Constitutional Court, for electoral fraud.

In July 2020, the National Assembly nominated CENI secretary general Ronsard Malonda, a Kabila ally, as the electoral authority’s president. Lamuka, civil society groups, and the Catholic Church objected, noting Malonda’s tenure as secretary general while compromised provincial elections were held in 2018. The nomination prompted protests that month, and President Tshisekedi rejected the nomination soon after.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

People have the right to organize political parties. Hundreds of parties exist, with many configured along ethnic or regional lines. However, most lack national reach, and their ability to function is limited in practice. Opposition leaders and supporters are often intimidated and face restrictions on movements and rights to campaign or organize public events.

Opposition and government coalitions shifted before and after the December 2018 elections. In 2018, Kabila formed the FCC, which included parliamentary leaders, governors, and some civil society members and journalists. Lamuka, meanwhile, selected Fayulu as its presidential candidate and counts former rebel leader Jean-Pierre Bemba Gombo as a senior official. Tshisekedi leads the Union for Democracy and Social Progress (UDPS), a member of CACH.

CACH finalized a power-sharing government with the FCC in August 2019. However, that power-sharing government was felled by major disagreements between the two factions, leading President Tshisekedi to announce its collapse and vow to assemble a new coalition in December 2020.

Under the Tshisekedi administration, some opposition members have been released from prison, and some politicians living in exile were permitted to return. However, political party officials still faced reprisals for criticizing the power-sharing government. In May 2020, Henri Magie, the leader of the PPRD's youth wing, was accused of contempt for suggesting that Tshisekedi did not win the 2018 elections, and received an 18-month prison sentence in July.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Although opposition groups enjoy significant public support, the repeated postponement of and government interference in elections have prevented the opposition from gaining power through electoral competition.

The government prevented an opposition coalition from rising to power despite evidence that it won the vote in 2018. In the run-up to those elections, the CENI rejected the candidacy of six opposition politicians, including Bemba and former Katanga governor Moïse Katumbi, who had entered self-imposed exile in 2016 and returned to the DRC in 2019. Government authorities regularly blocked or delayed the campaign activities of opposition candidates. Authorities helped facilitate the movement and campaign activities of Kabila's favored candidate. Nonstate armed groups also obstructed candidate movements.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 0 / 4

The military, security services, and armed rebel or militia groups interfere with citizens' political choices. Systematic repression in major cities across the country intensified in the lead-up to the December 2018 elections, including excessive force against opposition demonstrators by government personnel who employed tear gas and live ammunition, as well as reports of people being paid to provoke violence during opposition rallies. In some areas, soldiers and armed groups at polling stations reportedly coerced voters to cast ballots for the FCC. Armed groups also hindered citizens' ability to participate in the political process.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Lack of access to public services and state institutions in rural areas hinders political participation. While women are politically underrepresented, female politicians hold more seats in the parliament selected in 2018 and 2019 than in the previous body, holding 64 lower-house seats and 23 Senate seats. Internally displaced people throughout the country, meanwhile, face practical obstacles to participating in elections.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Massive electoral fraud and irregularities prevent democratically elected officials from determining government policies. Prior to the December 2018 and March 2019 elections, the incumbent president, national legislature, and provincial assemblies had exceeded their electoral mandates by two years or more.

While former president Kabila maintained political power through the FCC's governing agreement with CACH, the two coalitions came into conflict throughout the year, impeding the business of government. In January, for example, Tshisekedi claimed that pro-Kaliba legislators were obstructing his government, and threatened to dissolve the body.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 1 / 4

Corruption in the government, security forces, and mineral extraction industries is extensive and has corroded public services and development efforts. Appointments to high-level positions in government are often determined by nepotism. Accountability mechanisms are weak, and impunity is commonplace.

President Tshisekedi publicly committed the government to fighting corruption, and created a Corruption Prevention and Combating Agency (APLC) by decree in March 2020. However, the creation of the APLC, which possesses broad powers, was controversial, with an opposition legislator publicly criticizing the fact that the APLC was not created via legislation. In December, agency head Ghislain Kikangalao was arrested on suspicion of embezzling funds from a Nigerian bank.

Major corruption cases surfaced during 2020. In April, Tshisekedi’s chief of staff, Vital Kamerhe, was charged with embezzling over \$50 million in public funds earmarked for an infrastructure program. Kamerhe, the highest-ranking DRC politician to face such a prosecution, was convicted in late June, receiving a 20-year forced-labor sentence that he vowed to appeal. Also in April, the Court of Cassation issued an arrest warrant for public official Patient Sayiba Tambwe, who was accused of misappropriating public funds; Sayiba was detained and interrogated for several days in September before he was released. In April, prosecutors issued a warrant against Kaliba ally Fulgence Lobota Bamaros for misappropriating \$50 million in infrastructure funds. In June, Lobota received a three-year labor sentence.

In June 2020, Deputy Health Minister Albert M’peti Biyombo warned Prime Minister Ilukamba that other cabinet members may have participated in a kickback scheme that involved the DRC’s COVID-19 response efforts.

Score Change: The score improved from 0 to 1 due to signs of greater political will to combat corruption, including the conviction of President Tshisekedi’s chief of staff in an embezzlement case.

C3 0-4 pts

Does the government operate with openness and transparency? 1 / 4

Despite previous, incremental improvements in revenue reporting, there is little transparency in the state’s financial affairs. The law does not provide for public access to government information, and citizens often lack the practical ability to obtain records on public expenditures and state operations. Required financial disclosures from top officials have not typically been made public.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 1 / 4

Although press freedom is constitutionally guaranteed, journalists often face criminal defamation suits, threats, detentions, arbitrary arrests, and physical attacks in the course of their work. Radio is the dominant medium, and newspapers and state-sponsored news channels are found in large cities. While journalists frequently criticize authorities, political harassment of reporters is common, and authorities have sometimes attempted to shutter media outlets. Some foreign reporters were barred from the country during the last national elections. Artists also face government reprisal.

When President Tshisekedi came to power in 2019, he pledged to improve the DRC’s media environment. Despite this pledge, journalists continued to face detention, government scrutiny, and physical attack in 2020, with authorities sometimes using COVID-19 measures to justify those actions. In late March, police officers in the city of Likasi chased and physically attacked reporter Tholi Totali Glody after he informed them that he was covering the COVID-19 lockdown. In May, journalist Fabrice Ngani was arrested along with three local activists for delivering a critical letter to the governor of Mongala Province. Ngani was released in June, but was banned from reporting by the provincial government. In November, nongovernmental organization (NGO) Journalists in Danger reported that a total of 40 journalists were detained, 1 was killed, and another was missing in the DRC in the year to date.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

The constitution guarantees freedom of religion, and authorities generally respect this right in practice. Although religious groups must register with the government to be recognized, unregistered groups typically operate unhindered. Some church facilities, personnel, and services have been affected by violence in conflict areas. Despite this overall tolerance, the authorities responded aggressively to protest activities by the Catholic Church and some Protestant groups following the announcement of election results in 2019, sometimes entailing violence in and around places of worship.

The government has also used violence in its efforts to suppress the Bundu dia Kongo (BDK), a religious movement that calls for autonomy in Kongo Central Province. In late April 2020, police in the town of Songololo killed at least 15 people when firing into, and then setting fire to, a home where BDK members were meeting. Several days later, BDK leader Zacharie Badiengila was detained in Kinshasa after negotiations to secure his surrender failed; Human Rights Watch (HRW) reported that at least 33 BDK members were killed in the subsequent raid.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 2 / 4

There are no formal restrictions on academic freedom. Primary and secondary school curriculums are regulated but not strongly politicized. However, political events and protests at universities and schools are subject to violent repression. Armed group attacks have also targeted schools, preventing children from accessing education.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

4

Open political dissent is routinely suppressed, though Congolese can express their views on some subjects. When presidential chief of staff Kamerhe was tried for corruption in 2020, many Congolese openly discussed systemic corruption on social media platforms.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 1 / 4

The constitution guarantees freedom of assembly, and demonstrations are held regularly, but those who participate risk arrests, beatings, and lethal violence. Assemblies of larger than 20 people were banned in March 2020, under COVID-19 restrictions that were used to disrupt opposition protests.

Despite these historical and pandemic-related restrictions, major assemblies and rallies were nevertheless held in 2020. In April, 300 supporters of Vital Kamerhe blocked a road in the town of Bukavu in opposition to his arrest on corruption charges. Demonstrators opposed FCC-backed reforms to the prosecutorial system in protests held in June; some of the participants in the Kinshasa demonstration used incendiary devices and blocked traffic, and security forces used tear gas to disperse them. In July, nationwide protests were held in opposition to the attempted appointment of Ronsard Malonda to the CENI presidency. At least six people died in those protests, and authorities in Kinshasa used tear gas to disperse another anti-Malonda protest held later in the month.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Thousands of NGOs are active in the DRC, but many face obstacles to their work. Domestic human rights advocates in particular are subject to harassment, arbitrary arrest, and detention. In May 2020, the UN Joint Human Rights Office in Congo publicly criticized their ongoing treatment.

Female NGO workers in the health-care field have been subjected to sexual exploitation in the DRC. In September 2020, the New Humanitarian and Reuters reported that individuals supporting an Ebola response effort in the DRC were regularly forced to engage in sex acts to gain employment from NGOs and the Health Ministry.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

A number of national labor unions and professional associations, covering parts of the public and private sectors, operate legally in the DRC, but the overwhelming majority of workers are informally employed. Some civil servants and members of state security forces are not permitted to unionize and bargain collectively. Violations of the procedures for a legal strike can result in prison terms. Although it is against the law for employers to retaliate against workers for union activities, such legal protections are poorly enforced.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 1 / 4

The judiciary is often seen as corrupt and subject to political manipulation. It often shows bias against the opposition and civil society, while government allies typically enjoy impunity for abuses.

The Tshisekedi administration replaced several judges suspected of corruption in February 2020, when it appointed six high-ranking judges. In July, Tshisekedi appointed three judges to the Constitutional Court, who were sworn in at an October ceremony despite FCC claims that their appointments were unconstitutional.

The judicial branch also showed greater independence in trying officials suspected of wrongdoing in 2020. In April, then justice minister Célestin Tunda called on the Court of Cassation to rescind its warrant against government official Patient Sayiba Tambwe, but the court declined. The judiciary also oversaw the notable corruption trial of Vital Kamerhe despite the suspicious death of the trial's first judge in May.

Score Change: The score improved from 0 to 1 due to the replacement of flawed judicial officials and the courts' ability to resist attempted political interference in high-profile corruption cases.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 0 / 4

Courts are concentrated in urban areas; rural areas rely on customary courts. Informal justice mechanisms are common throughout the country. Civilians are often tried in military courts, which have weak safeguards for defendants' rights, poor witness protection mechanisms, and are subject to interference from high-ranking military personnel. Arbitrary arrests and detentions are common, as is prolonged pretrial detention. Much of the prison population consists of pretrial detainees.

Courts have inconsistently provided justice for killings or other severe crimes in recent years. In November 2020, a military court convicted militia leader Ntabo Ntaberi Sheka and two codefendants of war crimes perpetrated in the Walikale and Masisi territories, with Sheka and one codefendant receiving life sentences. However, courts have

failed to provide justice for police killings or massacres in South Kivu Province and the Beni territory in North Kivu Province that have together resulted in over 3,000 civilian deaths over the past six years. DRC courts have officially granted reparations to the targets of sexual violence and other serious crimes, but these are rarely paid in practice.

Pro-Kabila legislators sought to lessen the independence of prosecutors through a legislative proposal that would have given the justice minister more prosecutorial control in June 2020. The proposal was denounced by CACH and Lamuka legislators and President Tshisekedi. The parliament suspended its consideration in early July. Pro-Kaliba Justice Minister Tunda resigned later that month after facing accusations of bypassing the government to support the proposal.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

Prison conditions are life-threatening, and torture of detainees is common. Civilian authorities do not effectively control security forces. The military is notoriously undisciplined. Incidents of soldiers exchanging intelligence and weapons with rebel or militia groups continued during 2020. Soldiers and police regularly commit serious human rights abuses, including rape and other physical attacks, and high-ranking military officials enjoy impunity for crimes.

Government forces have participated in summary killings and forced disappearances, and the judicial system has not held officials accountable. Senior intelligence officials accused of serious human rights abuses have not been tried for their acts. In July 2020, General Gabriel Amisi Kumba, who was sanctioned by the United States and European Union for human rights abuses, was appointed army chief, succeeding another general who faced sanctions.

Armed groups have contributed to years of conflicts and communal violence that have had a catastrophic impact on civilians, with over five million conflict-related deaths since 1998. Despite continued attempts to demobilize combatants, the Kivu Security Tracker counted approximately 130 armed groups in the DRC in 2020.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Ethnic discrimination is common, and is both a contributing factor and an outcome of armed conflicts across the country. While the constitution prohibits discrimination against people with disabilities, they often encounter obstacles to finding employment, attending school, or accessing government services. Discrimination based on HIV status is also prohibited, but people with HIV similarly face difficulties accessing health care and education. LGBT+ people can be prosecuted for same-sex sexual activity under public decency laws.

Although the constitution prohibits discrimination against women, in practice they face discrimination in nearly every aspect of their lives, especially in rural areas. The family code assigns women a subordinate role in the household. Young women are increasingly seeking professional work outside the home, particularly in urban centers, though they continue to face disparities in wages and promotions. When families are short on money to pay school fees, boys are often favored over girls to receive education.

Across the country, people seen as “outsiders” to a specific town or province face discrimination. In Haut-Katanga Province, for example, tensions exist between residents and migrants from the Kasai regions, many of whom are members of the Luba tribe. The BDK, meanwhile, has called for the expulsion of “nonnative” residents from areas where they are active. Members of the Banyarwanda lingual group have faced a lack of clarity over their political status within the DRC and, in some cases, internal displacement at the hands of militia groups.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, 1 / employment, or education? 4

Freedom of movement is protected by law but seriously curtailed in practice, in large part due to armed conflicts and other security problems. An estimated 5.5 million people were internally displaced at the end of 2019 according to the Internal Displacement Monitoring Centre. Various armed groups and government forces impose illegal tolls on travelers passing through territory under their control.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without 1 / undue interference from state or nonstate actors? 4

Individuals have the right to own property and establish private businesses. In conflict zones, armed groups and government soldiers have seized private property and destroyed homes. Property ownership and business activity are also hampered by pervasive corruption and a complicated system of taxation and regulation that encourages bribery.

Although the constitution prohibits discrimination against women, some laws and customary practices put women at a disadvantage with respect to inheritance and land ownership.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, 1 / protection from domestic violence, and control over appearance? 4

Sexual and gender-based violence is common; sex crimes affect women, girls, men, and boys. Rebel fighters and government soldiers have regularly been implicated in rape and sexual abuse. Rebel commanders have abducted girls into forced marriages. Convictions for these offenses remain rare. Abortion is prohibited except to save the life of a pregnant woman, and illegal abortions can draw lengthy prison sentences.

The family code obliges wives to obey their husbands, who are designated as the heads of their households. Married women are under the legal guardianship of their husbands. Although the legal minimum age for marriage is 18, many women are married earlier.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 1 / 4

Formal protections against economic exploitation are poorly enforced, and most Congolese are informally employed. Although the law prohibits all forced or compulsory labor, such practices are common and include forced child labor in mining, street vending, domestic service, and agriculture. Some government forces and other armed groups force civilians to work for them, and the recruitment and use of child soldiers remains widespread. Working conditions can be life threatening. Accidents are common in the mining sector, and safety precautions are rarely enforced.

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