

Congo, Democratic Republic of (Kinshasa)

POLITICAL RIGHTS: 3 / 40 (-1)

A. ELECTORAL PROCESS: 0 / 12

A1. 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 elected for a maximum of two five-year terms. Incumbent Joseph Kabila was declared the winner of his second term in office in 2011 amid widespread criticism of the election by international observers; he defeated longtime opposition leader Étienne Tshisekedi, 49 percent to 32 percent, according to the Independent National Electoral Commission (CENI).

Kabila's constitutional mandate expired in December 2016, but a contentious Constitutional Court ruling allowed him to remain in office until a successor was in place. Under the mediation of the Roman Catholic Church's National Episcopal Conference of Congo (CENCO), representatives of the government and an opposition bloc reached an agreement to hold elections in December 2017. However, in November 2017, CENI announced that elections would take place in December 2018, effectively violating the agreement and provoking a series of protests across the country.

Elections were eventually held on December 30, 2018, pitting Emmanuel Ramazani Shadary—backed by Kabila's People's Party for Reconstruction and Democracy (PPRD)—against Félix Tshisekedi of the opposition Union for Democracy and Social Progress (UDPS) and Martin Fayulu, the candidate of a broader opposition alliance. Several other opposition candidates were barred from competing. Major international monitoring organizations were not permitted to observe, though regional groups were given some access. CENI announced its satisfaction with the vote, but CENCO reported a number of serious problems, including widespread violations of ballot-validation procedures, large vote-counting discrepancies, and confusion over the locations of vote-counting centers. Many polling stations opened late, and results were not publicly posted at some sites, in violation of electoral law. Election observers were denied access to polling stations in some cases. Voting in three areas that were known as opposition strongholds—Beni and Butembo in North Kivu Province and Yumbi in Mai-Ndombe Province—was postponed until March 2019, ostensibly due to an Ebola outbreak and attacks by armed groups, meaning the national results would be announced before residents of those areas could vote. The outcome of the presidential race had yet to be announced at year's end.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

The 500-seat National Assembly is directly elected for five-year terms, and the 108-seat Senate is elected by provincial assemblies. The 2011 elections for the National

Assembly, held concurrently with the presidential vote, were also criticized as deeply flawed. The PPRD itself won 62 seats, but its parliamentary coalition took a total of 260 seats. The UDPS took 41, and smaller parties captured the remainder.

The electoral mandate of the incumbent National Assembly expired in 2016, and overdue elections for the legislature and provincial assemblies were held alongside the presidential vote in December 2018, with all the associated problems. Provincial assembly elections had last been held in 2006, and Senate elections were last held in 2007, meaning the incumbents' five-year mandates had long since expired; as of 2018 the indirect Senate voting was scheduled for early 2019. Results of the 2018 legislative elections had yet to be announced at year's end.

A3. 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. Opposition parties and civil society frequently criticize CENI and the Constitutional Court for lacking independence and for bias in favor of Kabila and the PPRD. In 2018, CENI failed to meet a legal obligation to publish the voter lists at least 90 days before elections to allow verification. Opposition parties alleged that there were some 10 million "ghost" voters on the rolls. An independent inquiry found discrepancies that could affect millions of voters, including the fact that 500,000 blank electoral cards and voter registration kits were missing. The political opposition repeatedly protested that the electoral process was unfair and alleged government tampering with voting machines. Separately, internally displaced people throughout the country faced practical obstacles to participating in the elections.

B. POLITICAL PLURALISM AND PARTICIPATION: 2 / 16 (-1)

B1. 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, communal, or regional lines. However, most lack national reach, and their ability to function is limited in practice. Opposition leaders and their supporters are often intimidated and face restrictions on their movement and right to organize public events.

In June 2018, Kabila and his party, the PPRD, formed the Common Front for Congo (FCC) coalition, which included parliamentary leaders, governors, and some civil society members and journalists. Key opposition groupings include the UDPS, headed by Félix Tshisekedi, and the Lamuka (Wake Up) coalition, which chose Martin Fayulu as its presidential candidate.

B2. 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 elections and various forms of interference and obstruction by the government and its allies have prevented the opposition from taking power to date. As of 2018, the DRC had never experienced a peaceful transfer of power between rival parties.

In the run-up to the 2018 elections, CENI rejected the candidacy of six opposition politicians, including former rebel leader Jean-Pierre Bemba and former Katanga governor Moïse Katumbi. Government authorities regularly blocked or delayed the campaign activities of opposition candidates. Congolese officials notably prevented Katumbi from reentering the country, and the head of his foundation was briefly kidnapped and interrogated in Kinshasa in October. Nonstate armed groups also obstructed candidate movements and looted opposition offices. However, Congolese authorities facilitated the movements and campaign activities of Shadary, Kabila's preferred successor.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4 (-1)

The military, security services, and armed rebel or militia groups interfere with citizens' political choices. Throughout 2018, government security personnel used excessive force against opposition supporters, including tear gas and live ammunition, and allegedly paid supporters to provoke violence during opposition rallies. Systematic repression in major cities across the country intensified in the lead-up to elections. In some areas, soldiers and armed groups at polling stations reportedly coerced voters to cast ballots for Shadary and the FCC. The activities of nonstate armed groups in parts of the country also hindered citizens' ability to participate in the political process. Ethnic violence and militia attacks, along with an Ebola outbreak, were cited as justification for postponing the elections in Beni, Butembo, and Yumbi until March 2019.

Score Change: The score declined from 1 to 0 because armed groups, including state and nonstate actors, used violence or the threat of violence to intimidate voters and disrupt election-related activities.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 1 / 4

Ethnic discrimination and lack of access to public services and state institutions in rural areas hinder political participation; certain segments of the population, such as indigenous groups, are particularly marginalized. Women are severely underrepresented in government, making up only 9 percent of the incumbent National Assembly and 6 percent of the Senate. Of the 21 registered candidates for president in December 2018, only one was a woman.

C. FUNCTIONING OF GOVERNMENT: 1 / 12

C1. Do the freely elected head of government and national legislative

representatives determine the policies of the government? 0 / 4

The incumbent president, national legislature, and provincial assemblies as of 2018 had exceeded their electoral mandates by two years or more, undermining the legitimacy of their decisions on state policy and other matters. Moreover, the government lacks effective control over some parts of the country, particularly in the provinces of North and South Kivu.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Extensive corruption in the government, security forces, and mineral extraction industries have corroded basic public services and development efforts. Appointments to high-level positions in government are often determined by nepotism and other malfeasance. Accountability mechanisms are weak, and impunity prevails. In 2018, a civil society group, the Congolese Association for Access to Justice, reported finding evidence that the president's political platform, the FCC, had illegally used public funds to finance its activities.

C3. 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: 12 / 60 (-1)**D. FREEDOM OF EXPRESSION AND BELIEF: 7 / 16****D1. Are there free and independent media? 1 / 4**

Although constitutionally guaranteed, freedom of the press is restricted in practice. Radio is the dominant medium, and newspapers are found in large cities. An estimated 80 percent of the country's media outlets are controlled by politicians. While the media frequently criticized Kabila and his government, political harassment of reporters is common, and outlets encounter pressure to carry progovernment content. Journalists often face criminal defamation suits, threats, detentions, arbitrary arrests, and physical attacks in the course of their work.

Throughout 2018, there were numerous reported cases of intelligence and security services interfering with the media. Several journalists covering demonstrations or politics were detained, arrested, and beaten. Journalists in Danger and its partner organization, Reporters Without Borders, identified 121 attacks on journalists between November 2017 and November 2018, including 54 arrests, 37 cases of censorship, and threats against another 30 journalists. In July 2018, journalists who had worked on a documentary film examining land grabs by Kabila and his family were forced into hiding. A journalist was detained in Kinshasa in November for

allegedly defaming the prime minister's family.

In recent years, the government has closed media outlets linked to the political opposition, and such pressure affected election coverage in 2018. Five opposition outlets remained closed during the year while public stations aired pro-Shadary content. In September, journalist Hassan Murhabazi was abducted and held for nearly three days after he received threats for hosting a political program about Shadary. In late December, the government revoked the accreditation of a Radio France Internationale journalist who was reporting on the elections and subsequently cut the service's FM broadcast signal.

D2. 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 operate unhindered. Some church facilities, personnel, and services have been affected by violence in conflict areas. In 2017 and 2018, as the Catholic Church and some Protestant groups pressed for credible elections, the authorities' aggressive response to their protest activities often entailed violence in and around places of worship, arrests of church leaders and parishioners, and disruption of religious services.

D3. 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. In October 2018, for example, police used force and tear gas to disperse an assembly at a school in Lubumbashi, injuring and arresting protesters. In November, two students were killed when police fired live ammunition to disperse a campus protest against a teachers' strike at the University of Kinshasa.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Private discussion of politically sensitive topics can be open, but civilians sometimes face reprisal for voicing critical views in public, and conditions have grown worse during the political crisis surrounding Kabila's tenure and the delayed elections. Internet and telecommunications services were temporarily shut down on at least two occasions in early 2018, and on December 31 the government imposed another shutdown, preventing citizens from sharing information and election observers from reporting findings.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 1 / 12
(-1)**

E1. Is there freedom of assembly? 0 / 4

The constitution guarantees freedom of assembly, and demonstrations are held

regularly, but those who participate risk arrests, beatings, and lethal violence in practice. The government repeatedly banned opposition demonstrations and used force against protesters during 2018. Among numerous other incidents over the course of the year, in January security forces arrested church-led protesters calling for elections across the country. In July, police arrested peaceful protesters from two youth organizations who were demanding the release of fellow activists detained in Kinshasa. In August, government forces used tear gas and live ammunition to disperse opposition protests. Protest-related violence continued as the December elections approached, and more than a dozen people were reportedly killed at various demonstrations in the final weeks before the balloting.

E2. Is there freedom for nongovernmental organizations, particularly those engaged in human rights– and governance-related work? 0 / 4 (–1)

Thousands of nongovernmental organizations (NGOs) are active in the country, but many face violence and other obstacles to their work. Domestic human rights advocates in particular are subject to harassment, arbitrary arrest, and detention. In September 2018, four democracy activists affiliated with the citizens' movement Filimbi who had been arrested in December 2017 for mobilizing against Kabila's extended tenure in office were sentenced to a year in prison. Also that month, more than 30 activists from the Struggle for Change (LUCHA) democracy organization were arrested for demanding an audit of voter lists. A leading LUCHA activist died in mysterious circumstances in a house fire in June; state authorities found that the fire was accidental, but the victim's colleagues alleged that the government was responsible. Another member of the organization was kidnapped and held for three days by unidentified assailants in November.

Score Change: The score declined from 1 to 0 due to increased disruption of NGO activity related to human rights and governance, including arrests, detentions, and extralegal violence affecting members of prominent organizations.

E3. 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. Congolese and foreigners who meet a residency requirement of 20 years can hold union posts. 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, particularly in the private sector.

F. RULE OF LAW: 0 / 16

F1. Is there an independent judiciary? 0 / 4

The president appoints all members of the judiciary, which is seen as corrupt and subject to political manipulation. The judiciary often shows bias against the opposition and civil society, while the government and its allies typically enjoy

impunity for abuses.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Courts are concentrated in urban areas; the majority of the country relies on customary courts or informal justice mechanisms that lack due process. Civilian cases are often tried in military courts, which have weak safeguards for defendants' rights and are subject to interference from high-ranking military personnel. Arbitrary arrests and detentions are common, as is prolonged pretrial detention. Most of the prison population reportedly consists of pretrial detainees.

F3. 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 2018. Soldiers and police regularly commit serious human rights abuses, including rape and other physical attacks. In July, Kabila promoted Generals Gabriel Amisi and John Numbi, both of whom had been subjected to sanctions by the United States and the European Union for alleged involvement in human rights violations.

Rebel groups have also contributed to years of armed conflicts and communal violence that have had a catastrophic impact on civilians, with over five million conflict-related deaths since 1998. Ongoing insecurity in the eastern provinces during 2018 obstructed efforts to contain an Ebola virus outbreak. Separately, violence between rival ethnic groups in Mai-Ndombe Province killed hundreds of people in December.

Government officials have been implicated in the 2017 murder of two UN experts who were investigating human rights violations associated with a civil conflict in the Kasai region; four Congolese traveling with the experts also went missing. A trial of suspects accused of involvement in the crime was ongoing at the end of 2018.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 0 / 4

Ethnic discrimination is common, contributing to many of the country's local armed conflicts. While the constitution prohibits discrimination against people with disabilities, they often encounter obstacles when attempting to find employment, attend school, or access government services. Discrimination based on HIV status is also prohibited, but people with HIV similarly face difficulties accessing health care and education. LGBT (lesbian, gay, bisexual, and transgender) 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.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 4 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 1 / 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 4.5 million people are displaced within the country. In 2018, Angola expelled 360,000 Congolese who had sought work and refuge there, and they were forced to return to the Kasai region, where they face ongoing insecurity. In Ituri Province, the government ordered tens of thousands of internally displaced people to return home, despite concerns about further violence, which had forced others to flee to neighboring Uganda. Various armed groups, including government forces, impose illegal tolls on travelers passing through territory under their control.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Individuals have the right to own property and establish private businesses. In conflict zones, however, 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 further 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. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Sexual and gender-based violence is common, especially in conflict zones; sex crimes affect women, girls, men, and boys. Rebel fighters and government soldiers have regularly been implicated in rape and sexual abuse. 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, an estimated 37 percent of women aged 20 to 24 were married before reaching 18.

G4. 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.