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Responses to Information Requests

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3 April 2020

COD200185.FE

Democratic Republic of the Congo: The situation of human rights activists, including women's and children's rights activists; treatment by the authorities and by society (July 2019-March 2020)

Research Directorate, Immigration and Refugee Board of Canada

1. Situation of Human Rights Activists

In a report covering the period from 29 June to 25 September 2019, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) reports the following:

[UN English version]

Obstacles to freedom of the press and attacks and threats against human rights defenders and other civil society actors continued to be observed. In some cases, armed groups targeted journalists and civil society members who had reported human rights abuses or supported the

work of Ebola response teams. While several peaceful demonstrations were held without incident, others were suppressed by the authorities, including through lethal force. (UN 27 Sept. 2019, para. 55)

In a second report, covering 28 September to 25 November 2019, the same source states that [UN English version] “there have been continued reports of violations of press freedom, as well as attacks and threats against human rights defenders and other civil society actors” (UN 26 Nov. 2019, para. 8). In an article published in November 2019, Protection International [1] lists the human rights violations experienced by both men and women human rights activists in the North Kivu region:

[Protection International English version]

Arbitrary executions, torture, violence, arbitrary arrests and detentions, death threats, harassment and defamation, restrictions on freedom of movement, expression, association and assembly, criminalization, false accusations and false trials: The list of human rights violations against Congolese men and women defenders is long. (Protection International 21 Nov. 2019)

According to the US Department of State’s *Country Reports on Human Rights Practices for 2019*, “[h]uman rights defenders continued to be subject to arbitrary arrest and detention without a fair public trial” in the Democratic Republic of the Congo (DRC) (US 11 Mar. 2020, 8).

In an August 2019 report, the UN Committee on the Elimination of Discrimination against Women (CEDAW) states the following:

[UN English version]

[W]omen human rights defenders suffer double discrimination, violence and prejudice, both in the family and in society, and are exposed to expulsion from work and divorce. (UN 6 Aug. 2019, para. 42)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In a note documenting the main trends in terms of human rights violations in the DRC in January 2020, the UN Joint Human Rights Office (UNJHRO) in the DRC reports the following:

[translation]

In January 2020, the UNJHRO documented 91 human rights violations in the democratic space, a substantial increase from the 41 violations documented in December 2019. This increase is mainly due to the high number of arbitrary arrests and illegal detentions, violations of the right to freedom of opinion and expression, and death threats from Congolese National

Police (Police nationale congolaise, PNC) officers and members of the Armed Forces of the DRC (Forces armées de la RDC, FARDC), primarily against human rights activists and other members of civil society. (UN 26 Feb. 2020)

According to a report by Front Line Defenders [2], an Irish human rights organization, on 6 September 2019, 18 human rights activists taking part in a peaceful demonstration against the alleged misappropriation of public funds were arrested and whipped by police officers while in detention at a Kinshasa police station (Front Line Defenders 10 Sept. 2019). The same source also reports that on 9 September 2009, four human rights activists, members of Struggle for Change (Lutte pour le changement, LUCHA), who took part in a protest in Kananga (Kasaï-Central Province) “to request that the provincial governor rescind his decision to appoint local authorities as the move is not aligned with the Constitution” were wounded by police and taken to the hospital (Front Line Defenders 10 Sept. 2019). According to this source, they were released from the hospital the next day (Front Line Defenders 10 Sept. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Also in September 2019, according to Agence France-Presse (AFP), the LUCHA movement reported that some of its members who were demonstrating in Butembo and Bukavu (in eastern DRC) against a telephone company and in Matadi (in southwestern DRC) for the dismissal of the provincial governor [translation] “were beaten by police officers” (AFP 24 Sept. 2019). In Matadi, four LUCHA activists were arrested and released (AFP 24 Sept. 2019). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that two human rights activists—the coordinator of the NGO Action for Rural Promotion (Action pour la promotion rurale) and the president of the New Civil Society of Faradje (Nouvelle société civile de Faradje)—were arrested in December 2019 and [[translation] “arbitrarily” (Observatory 24 Jan. 2020)] detained in Haut-Uélé Province after a vehicle belonging to the Garamba National Park (Parc national de la Garamba, PNG) was damaged during a conflict between PNG officials and local communities (Observatory 24 Jan. 2020; Kongo Social-Care, et al. 30 Dec. 2019).

Media sources report that on 18 January 2020, police officers tried to arrest Firmin Yangambi, a human rights activist, in Kisangani during a conference on the future of the DRC but that they were stopped by conference participants (Afrik.com 19 Jan. 2020; Politico.cd 18 Jan. 2020). According to Congolese news site Politico.cd, Firmin Yangambi is a former political prisoner who was held at Makala Prison in Kinshasa for around ten years after being convicted of organizing an insurrection in Kisangani (Politico.cd 18 Jan. 2020).

Information specifically on women's and children's rights activists between July 2019 and March 2020 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Laws Protecting Human Rights Activists

In an article published in November 2019, Protection International reports the following:

[Protection International English version]

The DRC does not yet have effective national or local legal frameworks that can effectively protect human rights defenders. Violators go unpunished and there is no mechanism to compensate the harm [men and women human rights defenders] suffer. In the last two Universal Periodic Reviews (in 2014 and 2019), several recommendations were made to the DRC in favour of the creation and establishment of a legal framework for the protection of [men and women human rights defenders], but so far nothing concrete has been achieved. (Protection International 21 Nov. 2019)

However, in a report to the UN Committee on Economic, Social and Cultural Rights (CESCR) in October 2019, the DRC states that it has implemented the following measures to protect human rights activists:

[DRC English version]

Special note should be taken of the following legal and regulatory instruments: Ministerial Order No. 219/CAB/MIN J&DH/2011 of 13 June 2011 on the establishment, organization and functioning of the Protection Unit for Human Rights Defenders, which is tasked with providing assistance to human rights defenders in distress pending the adoption of the bill on the protection of human rights defenders that is currently being examined by the joint parliamentary commission following its adoption, in different terms, by the Senate and the National Assembly; and Edict No. 001/2016 of 10 February 2016 on the protection of human rights defenders and journalists in Sud-Kivu province. (DRC 30 Oct. 2019, para. 127)

Sources report that an edict on the protection of human rights activists was adopted in North Kivu on 11 November 2019 (Protection International 21 Nov. 2019; Radio Okapi 13 Nov. 2019). According to Protection International, [Protection International English version] "[w]ith the adoption of this provincial edict, a fundamental step towards the effective recognition of the fundamental right to defend human rights in the DRC has been taken" (Protection International 21 Nov. 2019). Information on the content of this edict could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

CEDAW reported in 2019 that [UN English version] “the draft bill on the protection of human rights defenders has not yet been adopted” (UN 6 Aug. 2019, para. 42). An article on a visit by the UN High Commissioner for Human Rights to the DRC in January 2020 similarly states that [UN English version] “a law on the protection of human rights defenders” is still “pending” (UN 29 Jan. 2020).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Protection International in an international non-profit organization based in Brussels that [Protection International English version] “supports human rights defenders in developing their security and protection management strategies” and that has worked in more than 30 countries since 2004 (Protection International n.d.).

[2] Front Line Defenders, an organization based in Dublin with an office in Brussels and staff in Africa, Asia, the Middle East and the Americas, aims to protect human rights defenders by offering training, an emergency phone line and emergency support for human rights defenders in immediate danger (Front Line Defenders n.d.).

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Internet sites, including: Agence d'information d'Afrique centrale – Congo; Amnesty International; Les Dépêches de Brazzaville; ecoi.net; Factiva; Freedom House; Human Rights Watch; International Crisis Group; UN – Refworld.

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