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Congo, Democratic Republic of the

Country Reports on Human Rights Practices - [2005](#)

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The Democratic Republic of the Congo (DRC) is nominally a highly centralized republic with a population of approximately 60 million. President Joseph Kabila heads a national transitional government, which was formed in June 2003 to end five years of civil war and is composed of former belligerent factions, including representatives from the former government, former rebel groups, civil society, and the political opposition. President Kabila came to power in 2001 after the assassination of his father, Laurent Desire Kabila. There have not been free national elections since 1960, but elections were scheduled to be held in early 2006, and the transition period will end on June 30, 2006.

At year's end despite the presence of 16,850 UN peacekeeping troops in the country, government control of certain areas of the country remained weak, particularly in the rural areas of North and South Kivu, the Ituri District of Orientale Province, and northern Katanga, where armed groups continued to operate outside of government control. Although the government made progress integrating key institutions such as the army, police, and local administrations, different components of the government sometimes acted independently of, or contrary to, the interests of other components. Civilian authorities generally did not maintain effective control of the security forces, which were poorly trained, poorly paid, undisciplined, and committed numerous serious human rights abuses with impunity, particularly in eastern parts of the country.

In all areas of the country, the human rights record remained poor, and numerous serious abuses were committed; however, there were some improvements during the year. As the country took steps toward elections and as the security situation in the eastern provinces improved during the year, the incidence of severe human rights violations decreased, although press freedom deteriorated. Several of the human rights violations reported in previous years, including militia attacks on internally displaced persons (IDPs), were not reported this year; and there were fewer reports of the recruitment of child soldiers and of attacks on civilians by military forces. During the year there was also a significant reduction in the number of human rights violations in Ituri District and Orientale Province. Specifically, killings and rapes by armed groups decreased as militias were forced to leave areas formerly under their control, although some incidents continued to be reported. In Orientale Province, the government and the UN Observer Mission in the Congo (MONUC) demobilized 12 thousand militia members. During the year magistrates and police returned to and began operating in these areas, and the government exerted more control. However, several factors and developments continued to have a negative impact on the country's human rights situation. The World Bank estimated that 80 percent of the population lived on less than one dollar per day. Infrastructure was in serious disrepair, financial institutions remained weak, and public education and health services continued to deteriorate. Widespread corruption had significant adverse effects on economic conditions. The following human rights problems were reported:

- absence of citizens' right to change their government
- unlawful killings by security forces
- the torture and abuse, including rape, of persons by security forces
- harsh and life threatening prison conditions
- impunity
- arbitrary arrest, prolonged pretrial detention, and judicial corruption
- arbitrary interference with privacy, family, and homes
- restrictions on freedoms of speech, press, and assembly
- occasional restrictions on freedom of association and movement
- corruption and lack of access to information
- restrictions on civil society groups
- violence (including rape) and discrimination against women
- use of child soldiers and abuse of street children
- discrimination against ethnic minorities
- trafficking in persons
- child labor
- lack of protection of some workers' rights

Some armed groups operating outside of government control in four eastern provinces of the country committed serious crimes, including numerous killings, rape, and other possible war crimes.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Unlike in the previous year, in areas under government control, there were no reports that security forces committed politically motivated killings; however, security forces committed other unlawful killings with impunity. During the year authorities arrested two security forces members accused of killing a prominent human rights activist in the South Kivu Province town of Bukavu (see section 4).

Unlike in the previous year, there were no reports that a person died as a result of torture by security forces.

On July 2 and 3, army soldiers fatally shot at least four civilians, wounded 20, and ransacked shops and houses in the western town of Mbandaka. The soldiers, who had been part of the Movement for the Liberation of Congo (MLC), a former rebel faction that was supposed to have been integrated into the country's military, reportedly went on a rampage after finding the mutilated body of one of their fellow soldiers. Most of the soldiers returned to their barracks following the killings. One half of the military unit responsible for the abuses was later sent for *brassage*, a process of training and integration into the Congolese Armed Forces (FARDC), the country's army. Authorities arrested 23 of the soldiers; a court convicted 9, who remained in a Kinshasa prison at year's end.

In August eight soldiers of the Special Presidential Security Group (GSSP) beat to death an official of the national aviation agency in Kindu, capital of the central province of Maniema, after the elderly man's cigarette lit fire to a shrub near live artillery shells. On October 25, a court sentenced the eight soldiers to life imprisonment.

Security forces killed and injured demonstrators while attempting to disperse them (see section 2.b.).

During the year there were many reports that soldiers killed civilians while attempting to steal from them (see section 2.c.). On July 15, Colonel Simba Hussein killed Muyeye Bishamo for refusing to change his tire for less than the agreed price in Bukavu, South Kivu. In July a military court sentenced Hussein to death. He appealed the sentence and was awaiting a hearing at year's end.

There reportedly was no action taken against members of the security forces responsible for numerous killings in 2004.

During the year the FARDC killed an unknown number of civilians in the east (see section 1.g.).

There was no known action taken against parastatal mining company guards who reportedly killed six artisanal diamond miners in February 2004, or against security forces whose actions reportedly resulted in the deaths of at least 10 in miners Western Kasai.

There were reports that unidentified armed men in uniform forcibly entered personal residences in Kinshasa at night to harass civilians, loot personal belongings, and kill persons involved in personal feuds.

There were no developments in the killings committed by unidentified armed men in uniform in 2004.

Although Mai Mai groups were technically integrated into the FARDC, they often acted outside government control, killing civilians and sometimes working with Rwandan Hutu militia groups who killed civilians (see section 1.g.).

Armed groups operating in the east targeted civilians on the basis of ethnicity for extrajudicial killings, rape, and looting (see sections 1.d. and 1.g.). Armed groups committed numerous abuses, including summary executions, civilian massacres, torture, looting and burning of houses, and attacks on civilian areas. Fighting between armed groups displaced thousands of civilians and resulted in hundreds of civilian deaths (see section 1.g.).

No known action was taken against members of armed groups operating in areas under marginal government control who summarily executed persons in 2004.

Unlike in the previous year, there were no reports that police operating in territory controlled by the Congolese Rally for Democracy-Goma (RCD-G) or ex-RCD-G soldiers killed demonstrators.

Unlike in the previous year, there were no reports of high profile killings by unknown actors in Ituri District and Goma, North Kivu. There was no known action taken against unidentified gunmen who killed persons in Goma or Bunia in October and November 2004.

In late September residents of the town of Rutshuru, approximately 40 miles north of Goma, discovered mass graves which were later inspected by UN officials. The graves contained the remains of hundreds of individuals believed to be Rwandan refugees and DRC citizens killed sometime in 1996, during a period of armed conflict. Residents of the area where the graves were found alleged that a Rwandan-backed Congolese armed group, which was fighting former DRC President Mobutu Sese Seko's government, killed at least 300 persons. No further information was available at year's end.

Unlike in the previous year, there were no reports of killings of civilians by mobs. There were, however, confirmed incidents in which parents or relatives of children, along with small groups of other adults, killed children accused of witchcraft.

There were unconfirmed reports that civilians killed and beat men in uniform for committing serious human rights abuses in North and South Kivu, Orientale, and Equateur provinces.

There was no arrest of civilians or security forces responsible for lynching 20 street children in Mbuji Mayi in 2004.

Unlike in the previous year, no demonstrators were killed during crowd dispersal by UN peacekeepers.

b. Disappearance

There were no confirmed reports of politically motivated disappearances by government forces.

Armed groups operating outside government control in four eastern provinces kidnapped numerous persons (see section 1.g.).

On October 23, Mai Mai militiamen took four election officials hostage in an attack on a voter registration center in Burondo village, North Kivu, and looted computers and other materials used to register voters for the national general elections. Government forces freed the hostages on November 1.

Various armed groups abducted women and children from the villages they raided to perform labor, military services, and sexual services (see sections 1.g. and 6.c.). Many of the victims have since disappeared.

There were no developments in any of the numerous cases of disappearance in 2004 and 2003, and no action had been taken against the perpetrators.

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

The law does not criminalize torture; although there was a draft bill before parliament that would criminalize torture, it had not been adopted by year's end. Security forces and prison officials often beat and tortured detainees and prisoners. There were also unconfirmed reports that members of the security services tortured or abused civilians to settle personal disputes for themselves or other government officials. Members of the security services employed cruel, inhuman, and degrading punishment.

On November 27 in Kambabma-Kaboneke, for example a FARDC officer reportedly arrested, beat, and whipped a woman after she refused to let him take shelter in her house during a rainstorm. There was no additional information at year's end.

During the year security forces beat journalists (see section 2.a.).

During the year security forces killed and injured demonstrators while attempting to disperse them (see section 2.b.).

Security forces harassed street children in Kinshasa (see section 5).

Members of the security forces raped civilians (see section 1.g.).

There was no known action taken against members of the security forces responsible for torture or abuse in 2004 or 2003.

Armed groups operating outside government control in four eastern provinces kidnapped, tortured, raped, and otherwise physically abused numerous persons during the year (see section 1.g.).

Unlike in the previous year, former RCD-G officers did not violently disperse demonstrations.

No known action was taken against those members of the former RCD-G militia or any other armed group previously accused of torture, beatings, or cruel, inhumane, or degrading treatment or punishment in 2004 or 2003.

Prisons and Detention Conditions

Conditions in most large, central prisons were harsh and life threatening. During the year an unknown number of persons reportedly died in prisons. The penal system continued to suffer from severe shortages of funds and trained personnel. Most prisons were severely overcrowded, in a poor state of repair, lacked sanitation facilities, or were not designed to detain persons. Health care and medical attention remained inadequate, and infectious diseases were a problem. In some cases, prison doctors were available; when they were, however, they lacked medicines and supplies.

Food remained inadequate, malnutrition was widespread, and there were unconfirmed reports of detainees starving to death. In several areas, the government has not provided food for years. In general, prisoners' family and friends were able to provide food and other necessities; however, local nongovernmental organizations (NGOs) reported that authorities sometimes moved prisoners without telling the families where they were sent. Family members were often forced to pay bribes to bring food to prisoners. Prisoners who had no relatives to

bring them food could be subject to starvation.

Conditions in smaller detention facilities were harsher than in larger prisons, and an unknown number of persons died. These facilities were overcrowded and generally intended for short-term pretrial detentions but in practice were often used for lengthy detentions. Authorities often arbitrarily beat or tortured detainees. There usually were no toilets, mattresses, or medical care, and inmates often received insufficient amounts of light, air, and water. Such detention centers generally operated without a budget and with minimal regulation or oversight. Local prison authorities or influential individuals frequently barred visitors or severely mistreated particular detainees. Prison guards frequently required bribes from family members and NGOs to visit or provide detainees with food and other necessities.

The security services, particularly the civilian and military intelligence groups and the GSSP, continued to operate numerous illegal detention facilities. Conditions in these facilities were extremely harsh and life threatening. Detainees were regularly abused, beaten, and tortured. Facilities lacked adequate food and water, toilets, mattresses, and medical care, and authorities routinely denied access to family members, friends, and lawyers.

An unknown number of persons died in prison due to mistreatment and neglect during the year.

Women and juveniles sometimes were held separately from men in larger prisons but were not separated in other detention facilities. There were numerous credible reports that male prisoners raped other prisoners, including men, women, and children. Pretrial detainees were not separated from convicted prisoners, and they were often treated the same. Prisoners detained for state security reasons were generally held by the security services or in special sections of prisons. Soldiers and civilians were both detained in civilian and military prisons and detention facilities. There continued to be sections of prisons and detention facilities where wealthy prisoners paid for special privileges and received better treatment.

In general the government allowed the International Committee of the Red Cross (ICRC), MONUC, and many NGOs access to all official detention facilities; however, these organizations did not have access to illegal detention facilities maintained by security forces.

Prison conditions in the east were extremely harsh and life threatening. Armed groups operating in these areas imprisoned persons in numerous facilities, including personal residences and hastily constructed shacks that were not designed as prisons. Detainees often were kept in overcrowded rooms with little or no light or ventilation. Detainees typically slept in small, overcrowded cells on cement or dirt floors without bedding and had no access to sanitation, potable water, toilets, or adequate medical care. Infectious diseases were widespread. Detainees were provided very little food, and guards demanded bribes to allow family members or friends to bring food to prisoners. Prisoners frequently were subjected to torture, beatings, and other abuse with no medical attention.

During the year MONUC human rights and child protection officers, accompanied by MONUC military escorts, sometimes were allowed access to prisons in areas where armed groups operated outside government control.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, security forces arbitrarily arrested and detained persons, including journalists (see section 2.a.).

Role of the Police and Security Apparatus

The security forces consist of a national police force, including the Rapid Intervention Police unit, which the Ministry of Interior oversees; an immigration service under the Ministry of the Interior; the National Intelligence Agency (ANR) overseen by the National Security Advisor; the military intelligence service overseen by the Ministry of Defense; and the GSSP, which reports directly to the presidency. The national police have primary responsibility for law enforcement and maintaining public order. The ANR is responsible for internal and external security. The FARDC was responsible for external security but also had domestic security responsibilities.

By year's end the national police force was increasingly integrated. On November 8, the government--with financial support from foreign governments--opened a \$1.3 million police facility in Kinshasa to bring the country's disparate police units under central command and control. In addition during the year the government worked with MONUC and members of the international community to train police. There was some police improvement, specifically among the rapid police force, following the training by a foreign country of three thousand officers for riot control and emergencies. These officers were properly armed with tear gas and rubber bullets to handle volatile situations and significantly reduce human rights violations. At year's end the international community was training and professionalizing traffic police.

Although the overall level of professionalism increased during the year, police forces generally remained ineffective and corrupt. During the year members of the police, military, and security forces attacked, detained, robbed, and extorted money from civilians. The government prosecuted and disciplined some abusers; however, the vast majority acted with impunity. Although there were mechanisms available to investigate human rights violations by police, they were used sporadically.

Arrest and Detention

Under the law, certain police officers and senior officers of the security forces are empowered to authorize arrests. Warrants are required only for offenses punishable by more than six months' imprisonment. Detainees must be brought before a magistrate within 48 hours. In practice, these provisions were routinely violated.

Police often arbitrarily arrested and detained persons without filing charges, often to extort money from family members. When authorities did press charges, the claims were rarely filed in a timely manner and were often contrived or overly vague. Reportedly, security forces regularly held alleged suspects for varying periods of time before acknowledging that they were in custody or allowing the detainees to have contact with family or legal counsel.

On November 10, following the November 4 arrest by Kinshasa police of 432 "vagrants," including many street children, authorities released 184 of the children who had been arrested, transferred 94 adults to other prisons, and released the remaining detainees. Prior to the release of these detainees, MONUC's human rights section had condemned the unsanitary and unsafe conditions under which the detainees were being held and the length of detention, which exceeded the 48 hours allowed by law.

Police arrested persons during the year for criticizing the government (see section 2.a.).

Security forces used the pretext of state security to arbitrarily arrest individuals. Individuals arrested and detained in the name of state security frequently were held without charge, presentation of evidence, access to a lawyer, or due process. For example in June police in Kinshasa temporarily arrested approximately 85 persons accused of trying to overthrow the transitional government. Few were detained more than several days, and all were released by year's end. In anticipation of violent demonstrations on June 30, the police temporarily detained approximately 450 persons who were released the same day (see section 2.b.).

There were no reports of political detainees during the year.

Pretrial detention was very frequently prolonged. Human rights NGOs reported that fewer than 20 percent of the inmates at the Kinshasa Penitentiary and Reeducation Center had been charged or sentenced. According to MONUC's April 2004 prison report, only 20 percent of the country's total prison population had been brought to trial and convicted of committing a crime.

Prisoners were often held in detention after their sentences had expired; these extended detentions were due to disorganization, judicial inefficiency, and corruption. In a few instances, when such cases were brought to the attention of the government, prisoners were released.

Armed groups operating outside government control in parts of the east systematically detained civilians, often for ransom. These groups operated outside of the government's criminal justice system.

Near Uvira, South Kivu, a Bembe and a Mfulero Mai Mai commander regularly targeted members of each other's ethnic groups for arrest.

Amnesty

On November 29, the National Assembly passed a law granting amnesty to individuals accused of war crimes and political offences committed between August 1996 and June 2003; A December Supreme Court ruling excludes amnesty for individuals allegedly involved in the assassination of former President Laurent Kabila, calling their acts "common," rather than political crimes.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, in practice, the judiciary continued to be poorly paid, ineffective, subject to influence by other government officials, and corrupt. The civilian judicial system, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, continued to be largely dysfunctional, and the rule of law was not generally respected. Although courts are required to file charges within 48 hours of arrest, they generally did not, and long delays occurred. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently, and there were credible reports that judges regularly prolonged trials as a form of blackmail and a means of soliciting bribes.

Trial Procedures

Civil and criminal codes are based on Belgian and customary law. The legal code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel; however, these rights were not respected in practice. Some trials are public, while others, such as many rape trials, are not. There are no juries. Defendants have the right to appeal in most cases but not in cases involving national security, armed robbery, and smuggling, which generally are adjudicated by the Court of State Security. In some instances the special military tribunals, whose jurisdiction is ill defined, adjudicate national security cases. The law provides for court-appointed counsel at state expense in certain cases, but the government often did not provide such counsel.

Military courts, which had broad discretion in terms of sentencing and no appeal process, tried military defendants. Military courts continued to try civilians during the year. Although the government permitted, and in some cases provided, legal counsel, lawyers often did not have free access to defendants. Trials were open to the public at the discretion of the military judge.

Throughout the country, corruption remained rampant, and judges and other public servants were paid poorly and intermittently. Continued progress on the demobilization of militia groups, particularly in Ituri District, stabilized the situation enough to allow the return of some judicial officials and public servants.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions; however, security forces routinely ignored these provisions. Members of security forces, deserters from the army, and police continued to harass and rob citizens. Security forces routinely ignored legal requirements for search warrants and entered and searched homes or vehicles at will. During the year soldiers regularly occupied civilians' residences. In general those responsible for these acts remained unidentified and unpunished.

Police sometimes looted the homes and vehicles of the persons they arrested and occasionally beat and abused occupants; however, there were fewer reports than in previous years.

ANR security agents monitored mail passing through private express delivery companies and the very limited state mail service. The government was believed to monitor some telephone communications.

Throughout the country, there were credible reports that authorities sometimes arrested or beat a close family member of the person they sought but were unable to locate. For example on August 5, police in Lubumbashi arrested and severely beat Mimi Balela Mbayo in place of her husband, who was wanted for stealing 24 thousand dollars from a former employee. Ms. Mabyo's buttocks were flayed, tearing off large pieces of flesh and muscle. At year's end no action had been taken against OPJ Donat Atwena, the police officer who ordered the beating.

Armed groups operating in the east routinely subjected civilians to arbitrary interference with privacy, family, home, and correspondence (see section 1.g.). In the east, all armed groups and government forces looted homes, seized livestock, and extorted money by charging irregular fees, such as bicycle transit taxes in North Kivu, river tolls in Orientale Province, and protection surcharges in South Kivu.

During the year there were reports that uniformed and armed men, were recruiting Congolese children in two Rwandan refugee camps for use as soldiers (see section 5).

Armed groups operating outside government control in parts of the east continued to recruit children for use as soldiers (see section 5).

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The transitional government was officially established in July 2003, following political negotiations in 2002 that ended the five-year civil war. The war resulted in the deaths of between three million and four million individuals, and despite the conflict's official end, fighting has continued in mineral-rich eastern parts of the country, particularly in Ituri District and North and South Kivu provinces. By mid-2003, all foreign troops had formally withdrawn from the country. However, Rwanda and Uganda reportedly continued to support armed groups operating in the country, and there continued to be unconfirmed reports from multiple credible sources that Rwandan soldiers and officers were at times present in the country.

There were reports that government forces killed civilians, including civilians in the east, during the year (see section 1.a.). FARDC forces were also responsible for serious human rights violations directly related to internal conflict in the east, including rape, arbitrary arrest, looting, extortion, and harassment.

The FARDC violated fundamental human rights in the eastern part of the country and elsewhere. During the last several months of the year, the FARDC was allegedly responsible for the majority of human rights violations investigated by MONUC. For example a civilian died in a hospital in Gemena from a severe beating by four FARDC soldiers on October 31; he had been beaten for trying to prevent a robbery attempt by the FARDC. On November 23, FARDC soldiers killed a civilian near a military camp in Bukavu for attempting to prevent soldiers from stealing his belongings. On December 7, FARDC soldiers summarily executed a civilian south of Butembo.

In December 2004, ex-MLC troops belonging to the FARDC battalion in the central Equateur towns of Nsongo Mboyo and Bogandanga gang-raped approximately 120 women and girls and looted every household in the two towns. Authorities apprehended and transported the accused to Mbandaka for investigation. Following an investigation in April, a court indicted and convicted 12 soldiers and sentenced them to 15 years in prison. At year's end nine of the convicted soldiers had been imprisoned.

There were credible reports that former members of armed groups who were waiting to demobilize committed rapes, looted food and livestock, and charged tolls for women to work in the fields.

During the year the government conducted some trials regarding violations committed in the context of the ongoing internal conflict in the east. In general, the trials were flawed, and sentences were not always enforced. For example during the year the FARDC tried 29 of its soldiers accused of committing human rights violations in North Kivu in 2004. Courts sentenced 27 to death. The trials were marred by lack of defense counsel and no witness statements.

After luring four armed group commanders to Kinshasa by offering inclusion in the national army and conveyance of high rank, the government arrested them in April. In August the government also arrested Katanga Mai Mai leader Chinja Chinja and reportedly confined him to a residence in Kinshasa at year's end. All five were accused of having ordered or committed war crimes and crimes against humanity, including killings, in previous years.

On September 7, the government issued international arrest warrants against General Laurent Nkunda and Colonel Jules Mutebusi, two dissident officers and former members of the RCD-G for mounting an insurrection movement, war crimes, and crimes against humanity for their activities in North and South Kivu in 2004. By year's end Rwanda reported that Mutebusi had been placed under house arrest in Kigali, but Nkunda had not been arrested and was living in North Kivu.

On November 27, a county court in the northeastern town of Bunia in Ituri District sentenced local militia leader John Tinanzabo, secretary-general of the Union of Congolese Patriots (UPC), to 15 years imprisonment for forgery and extorting money from the public. The court also ordered Tinanzabo to pay a fine of \$200.

No other known action was taken against government troops or government-supported Mai Mai troops who committed human rights violations, including executions and looting, against civilians in 2004 or 2003.

Unlike in the previous year, there were no reports that former members of the armed group ANC had killed civilians.

During the year the government, with support from MONUC, arrested members of various armed groups accused of grave human rights violations over the past several years.

Armed groups operating outside of government control in parts of the east committed numerous human rights violations, including civilian massacres; the burning and destruction of entire villages; frequently killing, abducting, torturing, or raping some of the inhabitants, especially in rural areas of North and South Kivu provinces, northern Katanga Province, and Ituri District of Orientale Province; the forcible recruitment of child soldiers; and the rape of women and girls. Armed groups also forced civilians to pay "security premiums." Large numbers of civilians were displaced (see section 2.d.). Disputes and shifting alliances between various armed groups resulted in frequent human rights violations against civilians, who were accused of supporting one of several groups who opposed each other.

At times, verification of these reports was difficult, due to geographical remoteness, hazardous security conditions, and impediments imposed by local authorities (see section 2.d.); however, MONUC's presence allowed observers to gather more information than would have otherwise been possible, and according to local NGOs, helped decrease human rights violations by armed groups during the year.

There were numerous credible reports that the government of Rwanda continued to provide material support to armed groups in the Kivus and in Ituri, some of which committed human rights violations. There were credible reports that Ugandans provided material support to armed groups, including the Congolese Revolutionary Movement and the Front for the National Integration (FNI), who committed human rights violations while operating in Ituri (see section 4).

There remained between seven thousand and eight thousand soldiers of the Democratic Forces for the Liberation of Rwanda (FDLR) as well as their family members in the eastern provinces of North and South Kivu. The FDLR, largely made up of Rwandan Hutus who fled to the DRC in 1994 after the Rwandan genocide, continued to be led by many individuals responsible for leading the genocide. More than 100 FDLR members opted to voluntarily demobilize and return to Rwanda during the year. However, the vast majority was still outside of government control, and some of them continued to commit violations against rural populations. In November MONUC and the FARDC launched joint operations against the FDLR.

By year's end more than 12 thousand former combatants in Ituri had voluntarily disarmed and joined the UN disarmament process. Several transit sites were set up in Ituri for the disarmament and reintegration of militiamen; however, only a small number of those who had disarmed were able to make use of reintegration programs and jobs promised to them.

On April 15, during part of a national army offensive against the UPC, an hours-long shoot-out between national army troops and UPC militias loyal to Thomas Lubanga in Central Soleniama area, seven miles north of Bunia, resulted in the death of at least one civilian, the alleged rape of a woman by three government soldiers, looting by both sides, and the displacement of thousands of civilians. It was unknown whether any action had been taken against the soldiers accused of committing rape.

FARDC militia were allegedly responsible for several brutal rapes in the east, including the November 15 rape of a pregnant woman in Kalemie and the November 16 rape of a 15-year-old girl in Ituri District.

The Mai Mai militia group continued to commit abuses against civilian populations. For example on November 28, Mai Mai forces attacked villages in northern Katanga, killing a customary chief and setting homes on fire. Approximately 221 individuals were displaced as a result of the attack.

During the year there were reports that ex-RCD-G combatants committed killings or other violations in east.

During the year there were reports that Mai Mai militiamen attacked villages in Katanga Province, killing individuals, raping numerous women, looting, and forcing the displacement of 15 thousand individuals between May and August. For example on July 5, Mai Mai militiamen reportedly attacked the Mitwaba Territory village of Mufule and killed the head of the local school. Also in July, Mai Mai militiamen completely burned down a nearby village, Mukana, and partially destroyed the villages of Kialwe and Mumbolo. On August 1, a program manager for Doctors without Borders (MSF) reported fighting between government forces and Mai Mai militiamen, saying that both groups were committing violence against civilians.

During the year Hema and Lendu militias continued to fight in Ituri District. In January, fighting between the Lendu and the Hema militias resumed in Ituri District, often targeting territory and civilians of the Lendu and Hema ethnic groups. UN officials and local NGOs said they

believed the militias' objectives were to change the ethnic composition of Djugu, a territory of the northern Ituri town of Bunia; and a UN official said the conflict stemmed from a struggle to control smuggling operations and tax collection regimes along Lake Albert.

During the year there were reports that the Lendu-dominated FNI and other Lendu groups in Ituri District killed individuals, gang-raped pregnant women, burned to death children, kidnapped individuals for sexual slavery, razed villages to the ground, and sometimes used fetishes and mutilation to intimidate their opponents and in accordance with a belief that they would improve their fighting capabilities. These groups were responsible for numerous violations and massive population displacements during the year.

On March 16, Ngiti tribal militia kidnapped hundreds of Hema tribesmen on Lake Albert, decapitating some, torturing others, and forcing the remainder to work as porters or sex slaves.

The use of mass rape and sexual violence as weapons of war continued with impunity (see section 5). Armed groups used rape to humiliate and punish victims, families, and communities. Violent gang rapes by members of armed groups were common and were often committed in front of victims' families. Rapes were often extremely violent and were generally accompanied by threats and beatings. These rapes sometimes resulted in vaginal fistula, a rupture of vaginal tissue that left women unable to control bodily functions and vulnerable to ostracism.

During the year the local human rights NGO Women's Network for the Defense of Right and Peace (Reseau des Femmes pour La Defense des Droits et La Paix) detailed approximately 100 cases of rape by armed groups in the territory of Walungu, South Kivu. The women raped ranged in age from 9 to 68. All but three cases were attributed to the FDLR or the splinter group, Rastas.

In some cases sexual abuse committed by various militia groups in the east was of a limited duration or was carried out in a sporadic manner, many times with different victimizers. Other girls and women were subjected to repeated rape over longer periods with one victimizer; some were forcibly abducted (see section 5 and 6.c.). These girls and women were commonly referred to as war wives, who often served both as fighting elements in active combat and sexual slaves for their commanders.

During the year violations of humanitarian law were commonplace, and peacekeepers and humanitarian workers were threatened, harassed, and killed. Armed groups killed at least 11 UN peacekeepers during the year.

On June 2, unidentified individuals kidnapped two staff members of MSF outside Bunia, before releasing them nine days later. As a result MSF suspended all assistance in Ituri District outside Bunia for the rest of the year. During the year there were reports that Ituri armed groups attacked other NGOs, threatened to kill local staff, and stole money, equipment, and telephones. During the second half of the year, MONUC performed cordon and search operations to prevent similar attacks on NGOs.

Armed groups continued to loot, extort, and illegally tax civilians in areas they occupied. For example on March 12, retreating UPC militiamen in Ituri looted the vehicles and personal effects of the NGO German Agro Action.

In many cases, armed groups did not make a distinction between military and civilian targets, used civilians as shields, and often targeted civilians for retribution. For example in August the UPC used human shields against MONUC in the Ituri town of Ngina.

During the year there were sporadic reports of deaths or injury from landmines.

Armed groups and sometimes FARDC units continued to have children in their ranks (see section 5).

There were no credible attempts by armed groups outside of government control to investigate incidents that occurred since 2003 in which their troops allegedly committed human rights violations.

During the year there were credible reports that foreign rebels killed civilians. On July 9, in the village of Ntulumamba, 43 miles northwest of Bukavu, individuals believed by MONUC to be members of the FDLR herded villagers, mostly women and children, into their homes, which the perpetrators then set on fire. The perpetrators used machetes to hack to death those who tried to escape and killed a total of 40 villagers. On July 13, a UN spokesperson said MONUC had discovered mass graves in Ntulumamba and that the remains were believed to be those of the victims of the July 9 attack. The perpetrators had not been brought to justice by year's end. On October 10, members of the FDLR/RASTAS hacked to death 15 civilians, including 8 women and 6 children, in Kaniola, South Kivu, in retaliation for measures taken by the government against the FDLR/RASTAS.

Unlike in the previous year, there were no reports that soldiers of the Rwanda Defense Forces killed civilians.

At year's end there had been no credible investigation, arrests, or indictments in Burundi or the DRC of those responsible for the August 2004 massacre of Congolese Tutsi refugees in the Gatumba refugee camp in Burundi where at least 152 were killed and more than 100 wounded.

During the year the FNI/Patriotic Resistance Forces of Ituri abducted two Moroccan peacekeepers. They were released within days of their abduction.

Unlike in the previous year, there were no reports of UPC labor camps.

During the year there were numerous allegations of sexual abuse committed by civilian and military personnel of MONUC. Through September, MONUC had conducted and completed more than one hundred investigations. As a result of these investigations, 11 civilian staff members were charged, seven were suspended without pay, and two were suspended with pay pending final decision on disciplinary action. Three UN volunteers were summarily dismissed, and two were reprimanded. Twenty-five MONUC civilian police (including 11 Nigerian police officers found guilty of sexual misconduct) were suspended and repatriated on disciplinary grounds, and 7 UN investigations were ongoing at year's end. By mid-year MONUC had implemented and enforced a new code of sexual conduct for all its personnel.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government sometimes restricted these rights in practice. During the year press freedom deteriorated. There were reports that police or military officers killed at least one journalist, and there were more than 30 reported instances where police and military arrested, detained, threatened, or abused other members of the media. The government temporarily closed several radio and television stations, and journalists practiced self-censorship throughout the year.

Individuals could privately criticize the government, government officials, and private citizens without being subject to reprisal, and during the year individuals often publicly criticized them in the media; however, security forces arrested, detained, and harassed opposition politicians and other high-profile figures for criticizing the government.

On December 29, police arrested Pastor Theodore Ngoy, an opposition politician, for the second time in 15 days. The first arrest occurred during an unauthorized rally by opponents of the constitutional reform. The second arrest followed a complaint lodged by Ngoy, accusing President Kabila of influencing voters after the deadline for the end of campaigning for the December 18 constitutional referendum.

The government required each newspaper to pay a \$500 licensing fee and complete several administrative steps before it could publish legally. There was an active private press, and a large number of daily newspapers were licensed to publish. In general journalists were poorly paid, lacked professional training, and were vulnerable to manipulation by wealthy individuals, government officials, and politicians who paid or provided other benefits to encourage them to write certain types of articles. However, many newspapers were highly critical of the government. Although there was no official newspaper, the government published the *Daily Bulletin*, which included decrees and official statements.

Due to limited literacy and the high cost of newspapers and television, radio remained the most important medium of public information. Numerous privately owned radio stations and privately owned television stations operated, as well as two state-owned radio stations and a state-owned television station. Major political parties represented in the government were generally able to gain access to state radio and television.

Foreign journalists were able to operate freely in the country.

During the year police and military officers allegedly killed at least one journalist; kidnapped another; and arrested, intimidated, harassed, and detained other journalists, often without filing formal charges.

According to New York-based press freedom organization Committee to Protect Journalists (CPJ), on April 4, Tshivis Tshivuadi, secretary general of the Kinshasa-based press freedom organization Journalist in Danger (JED) received an e-mail containing death threats against him, JED President Donat M'baya Tshimanga, and their families. Tshivuadi received the threat one day after giving an interview on Radio France International in which he alleged that the country's politicians were seeking to control local broadcasters during the preparations for national elections.

According to Reporters without Borders (RSF), on May 28, three uniformed soldiers in the Katanga Province town of Lubumbashi attempted to kill Radio Okapi journalist Jean Ngandu. One soldier fired five shots at Ngandu after telling him that he talked too much and that the soldiers were going to "get rid" of him. None of the shots struck Ngandu, and the soldiers fled with Ngandu's bag of radio equipment after a police officer intervened.

According to RSF, on June 30, government security agents in Kinshasa arrested and temporarily detained at least seven journalists and other media personnel of various media outfits who covered demonstrations by persons protesting election delays. For example government intelligence agents arrested RAGA TV news director Luc Mikomo and RAGA TV technician Jules Mpata and took them to a Gombe neighborhood prison in Kinshasa before releasing them hours later. The government also ordered RAGA TV to cease its live coverage of the opposition demonstrations by the Union for Democracy and Social Progress (UDPS) party for broadcasting three-year-old archival clips as if they were live footage. GSSP agents in Kinshasa arrested a camera operator of the French public station RFO/AITV, temporarily seized his equipment, and detained him for several hours at a military base. Kinshasa police also arrested journalist Mills Tshibangu and camera operator Doudou Mukuna, both of the privately owned RadioTele Kin Malebo, and detained them in police cells before releasing them hours later.

Also on June 30, according to RSF, soldiers in the Bandundu Province town of Kikwit beat and injured Kawanda Bakiman Nkorabishen, chief editor of the local Catholic Church-owned radio station TOMISA, as he was covering a protest march by opposition supporters of the opposition Unified Lumumban Party.

On October 28, ANR agents arrested Jean-Marie Kanku, editor and publisher of the Kinshasa-based newspaper *l'Alerte*, and secretly held him at ANR headquarters for at least six days before taking him to the State Security Court on November 5. The incident followed *l'Alerte's*

publication of an interview in which a parliamentarian criticized the alleged incompetence and corruption in the ANR. The court charged Kanku with disseminating "false rumors," and he was released after paying a \$150 bail. His release followed a November 3 meeting between one of the country's vice-presidents and a delegation of journalists.

On November 3, three Kinshasa army officers allegedly killed Franck Kangundu Ngyke, a political reporter at the Kinshasa daily newspaper, *Le Reference Plus*, and his wife as they entered their house. *Le Reference Plus* had in the past been critical of the government and its institutions. On November 21, the inspector general of police presented at a Kinshasa news conference the three army officers suspected of committing the killings. One suspect, 2nd-Lieutenant Mungande Kimbao Joel, denied having any part in the murders and said he only confessed to the crime under torture. On November 7, hundreds of members of the media and press freedom advocates marched in Kinshasa to protest the killings and the intimidation of the press and to demand a transparent investigation of the killings and better protection of journalists. By year's end the trial of the police officers accused of the killing had not taken place.

No action was taken against security forces that beat and harassed journalists in 2004 or 2003.

The government closed or banned radio and television stations during the year. For example on January 18, the government closed for three days two television stations--Canal Congo TV and Canal Kin TV--and a radio station, Radio Liberte Kinshasa. The stations were owned by one of the country's four vice-presidents, former rebel leader Jean-Pierre Bemba, who reportedly was in a dispute with President Kabila.

On January 18, Press and Information Minister Henri Mova Sakanyi banned all religious and specialty radio and television stations from "broadcasting political and news programs" because of their "persistent excesses." He added that they were banned from "serving as a support for political propaganda" and that all phone-in programs were suspended until further notice. The government lifted the ban later in February; however, on December 29 the High Media Authority (HAM) suspended eight television stations for discussing the constitutional referendum on their political talk shows without permission. HAM authorized only a small number of stations to discuss the referendum.

The government suspended a religious television station accused of disseminating ethnic hatred messages during the year (see section 2.c.).

On July 1, police forced RAGA FM, RAGA TV, and RAGA Plus to cease broadcasting and seized broadcasting equipment. On July 1, the High Authority for Media, reportedly under pressure from police, suspended for 10 days RAGA TV and RAGA FM, a private national television station, for broadcasting images of demonstrations in Kinshasa that took place on June 30. The High Authority for Media asserted that the images were from old demonstrations and were broadcast to incite violent demonstrations. In July, local press freedom organization JED criticized the High Authority for Media for its actions. Within days, police had returned the equipment they seized.

Police sometimes seized newspapers from street vendors. There appeared to be no political motive.

The government used criminalized libel laws to suppress criticism and limit press freedom. During the year authorities reportedly imprisoned at least four media personnel, including two journalists, on charges of defamation. For example, according to CPJ, on January 31, police in the western town of Matadi arrested and imprisoned *La Reference Plus* reporter Jose Wakadila on defamation charges filed by two national oil executives, including Mvumba Ntanda, the brother of Abdoulaye Yerodia, one of the country's vice-presidents. In September 2004 a Kinshasa court had sentenced Wakadila in absentia to 11 months in jail for defamation and ordered him to pay a \$600 fine. The judgment followed a July 2004 article that accused certain directors of the national oil refinery, SOCIR, of corruption. On February 8, a court provisionally released Wakadila after he paid a \$200 bail, and at year's end the newspaper's appeal was pending.

According to JED, on July 11, police in Kinshasa arrested *l'Alerte* publisher Jean-Marie Kanku and charged him with criminal defamation. The charge followed a July 8 article alleging that a government official had misused humanitarian funds. On July 25, authorities released Kanku after he paid a bail of approximately \$10. It was unclear whether a court would try him.

The Ministry of Human Rights and the Ministry of Communication and Press continued to intervene on behalf of journalists facing prosecution and held occasional training workshops.

The government did not restrict access to the Internet.

The government sometimes restricted academic freedom, and in June it prohibited political activity in all universities. The ban, which was criticized by local human rights activists, was reportedly an attempt to prevent protests by students calling for an end to the transitional government on June 30.

Armed groups operating outside government control in the east and local authorities continued to severely restrict freedom of speech and of the press.

Armed groups continued to harass, intimidate, beat, and arrest local journalists. According to a UN news service, in late April, Mai Mai militiamen took five local journalists hostage in Katanga Province, reportedly to protest the arrest of their leader, Mbayo Mwana Butot (alias Chinja Chinja), before they released the journalists 5 days later in exchange for 270 bicycles from MONUC.

Armed groups' treatment of foreign and Radio Okapi journalists improved during the year.

Armed groups took no known credible action against those accused of beating or otherwise abusing journalists or persons critical of their groups in 2004 or 2003.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of peaceful assembly; however, the government restricted this right in practice. The government considered the right to assemble to be subordinate to the maintenance of "public order" and continued to require all organizers to inform the local city government before holding a public event. According to the law, organizers automatically have authorization to hold an event unless the city government denies authorization in writing within five days of receiving the original notification. Some NGOs reported that in practice, local authorities sometimes denied authorization for an event, mostly on the grounds of preserving public order, after the five-day period by backdating the correspondence. Government security services often dispersed unregistered protests, marches, or meetings.

On June 30, local authorities in Kinshasa denied the UDPS party permission to conduct marches protesting the extension of the transition. The authorities cited public safety reasons for their refusal following statements by UDPS leaders encouraging citizens to overthrow the government.

During the year security forces killed demonstrators while dispersing crowds. On January 10, police killed at least four rioters and wounded more than 30 others in Kinshasa while attempting to disperse a violent crowd. On May 17, police killed two demonstrators and injured five in Mbuji Mayi, Eastern Kasai while attempting to disperse a violent crowd protesting election delays. Demonstrators also reportedly burned alive a policeman. On June 30, during violent nationwide demonstrations, security forces killed 2 individuals in Kinshasa and injured at least 15.

During the year police occasionally arrested demonstrators. For example during riots on January 10, the police arrested approximately 240 persons in Kinshasa. Most were released within a few days, but there were credible reports that a few were still in prison at year's end. On June 30, police arrested approximately 450 demonstrators in Kinshasa who were protesting the extension of the transition government and detained them for one day.

No action was taken against security forces responsible for using excessive force during demonstrations in 2004 or 2003.

The government required political parties to apply for permits to hold press conferences. According to local NGOs, such permits sometimes were denied. For example, according to local human rights NGOs, the government three times denied permission for the opposition party UDPS to hold press conferences during the year.

Unlike in the previous year, no demonstrators were killed during crowd dispersal by MONUC forces.

Freedom of Association

The constitution provides for freedom of association; however, in practice the government sometimes restricted this right. During the year government authorities sometimes harassed political parties, including party leaders. For example the GDRC held Transportation Minister Joseph Olengenkoy's passport for several weeks, preventing him from leaving the DRC.

Unlike in the previous year, there were no reports that armed groups operating outside of government control in the east restricted freedom of assembly and association.

No known action was taken against those RCD-G police and soldiers who killed demonstrators in November 2004 or fired upon activists who had gathered to greet a government delegation in 2003.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice, provided that worshippers did not disturb public order or contradict commonly held morals.

The law provides for the establishment and operation of religious institutions, and requirements for the establishment of a religious organization were simple and generally not subject to abuse.

Military officers committed violence against religious groups on at least one occasion. On May 7, men in military uniform shot and killed a 71-year-old Belgian Jesuit priest in Kinshasa while they were robbing a grocery store. In early June, police arrested and charged five FARDC deserters with the crime. The victim was in an area that had a high rate of crime, and there was no evidence that he was targeted because he was a priest. In November a court sentenced the five FARDC deserters to death.

During the year there were no reports that the government suspended or dissolved any religious groups. However, the Bundu Dia Kongo, an ethnically based spiritual and political movement that called for the violent overthrow of the government and the establishment of an "ethnically pure" kingdom for the Bakongo tribe, remained outlawed throughout the year.

During the year the government banned all religious radio and television stations from broadcasting political and news programs (see section 2.a.).

On April 27, the High Media Authority suspended religious television station Radio Tele Message de Vie for one month. The suspension followed the station's refusal to give the government tape recordings of a call-in program broadcast between April 9 and 11 that allegedly "incited violence and rebellion." This particular program edition featured a taped message by Reverend Fernand Couthino, the station's owner, who stated that the transitional government should transfer power to the citizenry on June 30.

While the government generally did not interfere with foreign missionaries, they were not exempt from general restrictions on freedom of movement imposed on all persons by security force members who erected and manned roadblocks, at which they often solicited bribes.

In the east, respect for religious freedom neither deteriorated nor improved. During the year there were no confirmed reports of attacks against priests, parishioners, churches, parish property, or schools.

No action was taken against any armed group members who targeted churches or religious leaders in 2004 or 2003.

Societal Abuses and Discrimination

The Jewish community was very small, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of movement; however, the government occasionally restricted this right.

In Kinshasa, police and soldiers erected roadblocks for security checks and to protect government installations. In general, security forces were more aggressive than during the previous year, and there were instances in which drivers were harassed, forced to pay bribes, and forced to transport soldiers for free. In addition underpaid traffic police continued to routinely harass citizens and demand bribes in the course of pulling vehicles over for ostensible traffic violations. Security services and police routinely extorted money from truckers on two national routes.

The government closed certain national roads at night due to banditry.

On April 28, elements of the FARDC 121st Brigade refused an order from the head of their brigade instructing them to return to their retraining camps after arresting and charging road travelers a "tax" of \$0.25 per person per week. They threatened that failure to pay the "tax" would result in the arrest of the village chief; there were no reports of such an arrest by year's end.

The significant risk of rape perpetrated by uniformed men restricted freedom of movement at night for women in many areas.

Married women were required by law to have their husband's permission before traveling outside the country. Passport issuance was highly irregular and required the payment of significant bribes (up to \$500). However, there were no reports that certain groups were prevented from acquiring them.

In eastern parts of the country, where armed groups operated outside government control, freedom of movement was severely restricted during the year, partially as a result of fighting between armed groups and government forces, who frequently prevented travel and harassed travelers.

Local authorities in the Kivus routinely required citizens to show official travel orders from an employer or government official authorizing travel.

Armed groups and local authorities frequently imposed travel restrictions on NGOs. Throughout the year banditry and poor security hampered NGO activities in large parts of Ituri (see section 1.g.).

Government soldiers established road, river, airport, market, and lake checkpoints and routinely harassed and demanded bribes from civilians, sometimes detaining those who could not pay extortion fees until a family member paid the toll. Foreigners were forced to go through immigration proceedings at airports, lake ports, and when entering and leaving towns.

On February 16, government authorities confiscated the passport of political opposition leader and former minister of transport Joseph Oleghenkoy. His passport was returned in July, and he subsequently left the country; he remained outside the country at year's end.

The law prohibits forced exile, and there were no reports that the government used forced exile.

There were reports about mistreatment of repatriated asylum seekers, including imprisonment, beatings, and disappearances. For example, according to a December 1 BBC article containing an interview with an ANR agent, the ANR regularly interrogated all failed asylum seekers who were sent back to the DRC from Europe and, if deemed necessary, detained them at the Kinshasa airport. Authorities sometimes asked returnees for a bribe for their release. According to the BBC article, the ANR, relying on information obtained by the DRC's embassies in Europe, detained all returnees believed to "have problems with the government," to have criticized the government, or to be political

dissidents. The ANR also worked to identify returnees with connections to Rwanda, who had Rwandan names, or looked Rwandan. The ANR agent said the ANR gave custody of these individuals to authorities but declined to say what happened to them. During the year there were no other reports that corroborated the accounts contained in the BBC article.

During the year more than 20 thousand DRC refugees returned to the country. For example between January and August the Office of the UN High Commissioner for Refugees (UNHCR) facilitated the return to Equateur Province of approximately 2 thousand DRC refugees from the Central African Republic and 2,500 from the Republic of the Congo.

Citizens harassed some Tutsi refugees who returned to South Kivu; however, by year's end there were no further reports of harassment, and additional repatriations were planned by UNHCR.

Unlike in the previous year, there were no reports that local officials in South Kivu or other eastern areas attempted to prevent the return of DRC refugees.

According to the UNHCR, at year's end approximately 372 thousand Congolese refugees were living in several neighboring countries, including Tanzania (155,000).

Internally Displaced Persons

As of November, the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated that there were almost 1.66 million IDPs in the country, the majority of whom were reportedly in the east, mostly concentrated in North Kivu, Orientale, and Katanga. In November, fighting between the national army and local Mai-Mai militiamen resisting demobilization displaced 20 thousand inhabitants of Katanga Province. In addition OCHA reported in November 2005 that there were an estimated 310 thousand IDPs in the Ituri region, an estimated 502,500 IDPs in North Kivu, and 351,500 IDPS in South Kivu. Many of the IDPs received no assistance because of ongoing fighting and the denial of access to NGOs by armed groups.

On several occasions, armed groups denied access to humanitarian organizations or obstructed their ability to deliver humanitarian relief supplies. For example in Ituri, armed groups killed peacekeepers, kidnapped humanitarian workers, and regularly attacked vehicles (see section 1.g.). In April there were reports that armed militia groups near Bunia detained humanitarian workers on their way to and from IDP camps, stole equipment, and threatened NGOs. Many NGOs were forced to relocate numerous times to escape fighting (see section 1.g.).

No known action was taken against soldiers who erected illegal checkpoints, attacked fleeing IDPs, or restricted UN or humanitarian access in 2004 or 2003.

During the year IDPs died as a result of a lack of humanitarian aid. According to MSF, in early March 25 IDPs died within 6 days due to a lack of relief aid and an "alarming" health situation in the Tche IDP camp in the Ituri District of Orientale Province. In addition a UN official said approximately 40 IDPs had died in IDP camps in and around Kakwa, north of the Ituri town of Bunia, between February 28 and March 3. On February 28, humanitarian organizations suspended aid to more than 54 thousand IDPs near the areas of Kakwa, Tche, and Gina due to security concerns.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a very basic system for providing protection to refugees. In practice, the government granted refugee and asylum status and provided protection against *refoulement*, the return to a country where individuals feared persecution. The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The government also provided temporary protection to an unknown number of individuals who may not have qualified as refugees under the 1951 convention and its 1967 protocol.

According to the UNHCR, by November the country was hosting an estimated 250 thousand refugees, including refugees from Angola, Sudan, and Burundi.

In May there were reports that uniformed and armed men, were recruiting children in two Rwandan refugee camps for use as soldiers. There were no further reports of such activities by year's end (see section 5).

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens did not have the right to change their government peacefully and have not been able to change their government through free elections since independence in 1960.

Elections and Political Participation

Joseph Kabila continued to serve as president under the transitional government. There are four vice presidents: two from the main former rebel groups, one from the political opposition, and one from civil society. The bicameral parliament, as established under the transitional constitution, includes members from these groups, civil society, and smaller, former rebel movements. There are also five "citizens'

institutions": an Observatory for Human Rights, a Truth and Reconciliation Commission, a High Authority for Media, an Ethics and Anti-Corruption Commission, and the Independent Electoral Commission. The transitional constitution of 2003 called for national general elections within two years but allowed for two six-month extensions as needed for logistic and technical reasons. During the year many citizens accused politicians of delaying the elections to continue benefiting from their positions of power in the transitional government.

During the year the Independent Electoral Commission conducted a massive voter registration drive in anticipation of the 2006 national general elections. The drive was marred by isolated cases of violence (see section 1.b.) and fraud; however, by year's end the commission--with support from the UN--had registered approximately 25 million eligible voters, including approximately 1.5 million in the eastern district of Ituri. On August 22, unidentified militiamen shot and killed an electoral official when they attacked two voter registration centers in Djugu and Irumu in the northeastern district of Ituri. No additional information was available at year's end.

On November 14, the Independent Electoral Commission announced that authorities had caught more than 150 thousand individuals who registered to vote twice in Kinshasa, where registration ended in July.

On December 18, voters across the country overwhelmingly approved a new constitution in a free and fair national referendum.

The law allows legally registered political parties to operate freely; however, authorities occasionally continued to arrest political activists and to block some activities, including marches and demonstrations (see section 2.b.). Authorities in areas outside the national capital tended to impose more limits on civil and political liberties.

Five of 36 cabinet ministers and 3 of 24 vice ministers were women. Women held 60 of the 620 seats in parliament.

Pygmies had their own political party, based in Kinshasa, and one representative in the National Assembly.

Government Corruption and Transparency

Corruption was still endemic at all levels. Many civil servants, police, and soldiers have not been paid in years, have received irregular salaries, or did not earn enough to support their families, all of which encouraged corruption. For example local authorities and remnants of rebel groups continued to extort "taxes" and "fees" from boats traveling on many parts of the Congo River. In addition government authorities and wealthy individuals sometimes restricted the freedom of press and speech on occasions when there were accusations of corruption (see section 2.a.). According to a Transparency International report released during the year, most citizens said they believed official corruption was rampant in their country. The Ethics and Anti-Corruption Commission had little impact by year's end.

During the year authorities arrested journalists who had accused government officials of corruption (see section 2.a.).

During the year there were reports that civil servants working as professors at the University of Kinshasa extorted money from students in exchange for good grades. The university's rector said less than 10 percent of the university's professors engaged in such corruption and that a few professors were suspended during the year.

During the year the government took a few steps to combat corruption. On October 11, the head of the national tax bureau was arrested for embezzlement.

The law does not provide for public access to government information, and the government was unable to provide information upon request.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights NGOs continued to investigate and publish their findings on human rights cases. The Human Rights Ministry and the Observatory for Human Rights worked with NGOs during the year and were responsive to their requests and recommendations. However, during the year prison officials sometimes obstructed NGO access to detainees, and security forces' personnel harassed and arrested domestic human rights workers.

The main Kinshasa-based domestic human rights organizations included Voices for the Voiceless (VSV); Groupe Jeremie; the Committee of Human Rights Observers; The Christian Network of Human Rights and Civic Education Organizations; Observatoire; and the African Association for the Defense of Human Rights.

Security forces throughout the country employed violence against, arbitrarily arrested, and harassed domestic human rights NGOs and civil society members.

On July 31, soldiers reportedly shot and killed Pascal Kabungula Kibembi, executive secretary of the human rights NGO Heirs of Justice, in his home in Bukavu, South Kivu. In August, South Kivu governor Didas Kaningini said security agents had arrested five army officers accused of the killing. These army officers remained in jail awaiting trial at year's end. On December 12, police also arrested FARDC officer Thierry Ilunga and Kaningini for the murder of Kabungula. The two men were taken to prison, but due to political pressure were later released on bail. Human Rights Watch reported that armed men in uniform broke into Kabungula's home, dragged him out of his bedroom, told him they had been searching for him, and shot him in front of his family. The investigation into this incident was ongoing at year's end.

On October 7, police arrested Maurice Bahati Namwira, a member of Heirs of Justice, for the murder of Kabungula. Police interrogated him without a witness and transferred him to the Kinshasa central prison where he was held with others accused of the crime. By year's end he had been released.

During the year Floribert Chebeya, the president of VSV in Kinshasa, returned to the country following harassment by unidentified men in 2004.

Domestic human rights activists self-censored reports about corruption and human rights abuses committed by certain government officials because they feared arrest.

The government cooperated with international governmental organizations and NGOs and permitted international humanitarian and human rights NGOs access to conflict areas. A number of UN representatives and international NGOs visited the country during the year. During the year international NGOs, including Amnesty International (AI) and Human Rights Watch (HRW), and international organizations such as the UN published several reports on the human rights and humanitarian situation.

In January, a UN panel of experts accused the government of Uganda of continuing to illegally funnel weapons, including land mines, and military support into the DRC to the FAPC, an Ituri-based militia group, despite a 2002 UN embargo prohibiting the delivery of military equipment to any recipient in the DRC other police, military, or MONUC personnel. It also accused the FAPC of controlling key gold fields in northern Ituri and using the gold to purchase weapons from the Ugandan government. In addition the panel accused the Rwandan government of continuing to maintain a "covert residual presence" in the DRC, despite officially withdrawing in 2002. The panel said the Rwandan government was recruiting children of the DRC living in refugee camps in Rwanda and training them to be soldiers. The governments of Rwanda and Uganda denied all the panel's charges.

In February, Juan Mendez, special advisor to the UN secretary-general and president of the International Center for Transitional Justice, called on the government to investigate and prosecute former militia leaders suspected of perpetrating massacres and other war crimes instead of appointing them to high-ranking positions in the integrated national army. Mendez made the appeal a few weeks after the government commissioned four suspected human rights violators as army generals. Under the peace agreement reached in 2003, former rebels could be assimilated into the national army.

A June report by HRW highlighted the role of local militias in illegal exploitation of the country's resources and their alleged ties to neighboring Uganda and Rwanda. According to the report, *The Curse of Gold*, militias have in recent years used gold mining proceeds to buy weapons to commit human rights violations and consolidate control over the most productive mining areas. MONUC has also noted the close link between the illegal exploitation of natural resources and violence.

According to a July 7 report by AI, during the year large quantities of arms trafficked into the DRC and the surrounding region continued to be channeled by powerful agents close to the governments of Rwanda, Uganda, and the DRC to various armed groups and militia in eastern DRC. The report alleged that arms dealers and transporters in Russia, South Africa, Eastern Europe, North America, and the Middle East were facilitating human rights violations by illegally exporting arms to the DRC. AI called on the UN to renew and strengthen the embargo on arms exports to the DRC and ensure that all airports in the eastern DRC were monitored by UN inspectors 24 hours a day.

According to a report by a UN group of experts delivered to the UN Security Council on July 27, the governments of Uganda and Rwanda did not respond to officials monitoring arms sanctions in the DRC. For example the report highlighted the Rwandan government's failure to provide information requested on a number of occasions on the whereabouts of DRC rebel leaders Colonel Mutebutsi and General Nkunda, whom many observers have accused Rwanda of supporting. The report said weak border controls allowed for "lucrative alliances between leaders of armed groups and unscrupulous businessmen." In addition the report underlined "significant inconsistencies" in statistics provided by the governments of Rwanda, Uganda, and the DRC on the production, import, and export of metals. The report recommended extending arms sanctions in the DRC. The governments of the Rwanda and Uganda denied delaying the work of the UN and failing to respond to queries.

The government continued to cooperate with the International Criminal Tribunal for Rwanda (ICTR). ICTR investigators operated freely in areas under government control, seeking a number of individuals indicted for involvement in the 1994 Rwandan genocide whom they believed might be living in the DRC.

During the year the International Criminal Court continued conducting investigations into war crimes and crimes against humanity committed in the country since July 2002.

The constitution provides for an independent Human Rights Observatory and a Truth and Reconciliation Commission. Both bodies functioned during the year but lacked sufficient staff and resources to be truly effective.

In eastern areas of the country, domestic human rights NGOs and civil society members were subjected to frequent harassment and abuse, particularly in Ituri. Prominent organization operating in areas outside Kinshasa included Heirs of Justice in South Kivu; Lotus Group and Justice and Liberation in Kisangani; and Justice Plus in Bunia. Unlike in the previous year, there were no reports that armed groups in the east killed or raped humanitarian workers. However, 11 UN peacekeepers were killed by armed groups during the year. Armed groups frequently imposed travel restrictions on persons who provided humanitarian aid, human rights NGOs, and journalists (see sections 1.g. and 2.d.).

There were at least 30 local NGOs operating in Ituri District. In Ituri and other eastern parts of the country, the capacity of local NGOs remained weak and subject to corruption. According to an April 8 UN media report, only a single local NGO, the Bukavu-based Association

for Social and Community Development, was able to comply with the accounting, reporting, and monitoring standards required to work on projects with international organizations such as the UN Development Program.

International NGOs active in eastern areas of the country included the ICRC, Global Rights, HRW, and various humanitarian organizations. Although most armed groups permitted international humanitarian and human rights NGOs access to conflict areas, certain groups in Ituri and South Kivu regularly harassed persons who provided humanitarian aid and levied illegal taxes at ports and roadblocks (see section 1.g.). Armed groups generally allowed international NGOs such as AI and HRW to conduct investigations and publish reports; however, there were some exceptions.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on ethnicity, sex, or religious affiliation; however, the government was unable to enforce these prohibitions effectively. Private citizens and some extremist religious groups incited violence against street children. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women and indigenous Pygmies (Batwa). There were also reports of discrimination against individuals suspected of being infected by HIV/AIDS.

Women

Domestic violence against women, including rape, was common throughout the country; however, there were no known statistics on the extent of this violence. Assault and rape are crimes; judges set the penalties, and the laws establish minimum penalties as well. Police rarely intervened in domestic disputes, and rapists were very rarely prosecuted. There were no laws prohibiting spousal abuse or assault. It was common for family members to instruct a rape victim to keep quiet about the incident, even to health care professionals, to save the reputation of the victim and her family. The press rarely reported incidents of violence against women or children; press reports of rape generally appeared only if it occurred in conjunction with another crime, or if NGOs reported on the subject.

Armed groups used rape as a weapon of war, and government security forces committed rapes as well (see section 1.g.).

Victims and experts cited widespread impunity as the main reason sexual violence continued. A small number of sexual violence cases, mostly committed by civilians, have been brought to court. In general, however, most victims did not have sufficient confidence in the justice system to be willing to subject themselves to further humiliation and possible reprisals by pursuing formal legal action.

Girls and women who had been raped often found it difficult to get married, and married women who were raped were often abandoned by their husbands.

The law does not prohibit female genital mutilation (FGM). Although FGM was not widespread, it was practiced on young girls among isolated groups in the north. The National Committee to Fight Harmful Traditional Practices/Female Genital Mutilation continued to develop a network of community leaders, women representatives, and health professionals dedicated to the prevention and treatment of FGM; however, the committee lacked adequate resources for prevention and treatment.

The law does not prohibit prostitution except in cases involving children under the age of 14. Prostitution, including child prostitution, was a problem mainly due to poor economic conditions, and there were reports of women and girls pressured or forced to engage in prostitution by their families. There was no statistical information available on the extent of adult or child prostitution in the country. Security forces encouraged prostitution and used prostitutes, and there were unconfirmed reports that security forces harassed and raped prostitutes.

There were reports that women were trafficked (see section 5, Trafficking).

There were no laws preventing sexual harassment, and the extent of the problem was unknown.

Women were relegated to a secondary role in society. They constituted the majority of primary agricultural laborers and small-scale traders, and they almost exclusively were responsible for child rearing. In the formal sector, women commonly received less pay than men for comparable work and rarely occupied positions of authority or high responsibility.

The law required married women to obtain their husband's permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. The law permits a woman to inherit her husband's property, to control her own property, and to receive a property settlement in the event of divorce; however, in practice women often were denied these rights, which in some cases was consistent with traditional law. The deceased husband's family commonly stripped widows of all possessions--as well as their dependent children. Human rights groups and church organizations worked to combat this custom, but there was little government intervention or legal recourse available. Women also were denied custody of their children in divorce cases, but they retained the right to visit them. Polygyny was practiced, although it was illegal. Father-child relationships resulting from polygynous unions were recognized legally, but only the first wife was recognized legally as a spouse.

There were a number of active and effective women's groups throughout the country.

Children

Government spending on programs for children's welfare was almost nonexistent. Primary school education was not compulsory, free, or universal. In public schools, parents were required to pay a small fee and were expected--although not required--to pay teachers' salaries. These fees plus the loss of labor while the child was in school meant parents often could not afford to enroll their children. During the year despite government efforts to abolish all school fees, fiscal constraints on the government and a prolonged teacher strike for higher pay resulted in continued parental contributions to school costs, albeit at a reduced level. According to the UN Children's Fund (UNICEF), net primary school attendance was 55 percent for boys and 48 percent for girls. Attendance rates for girls were lower because parents with meager financial resources preferred to send their sons to school.

At least 8 thousand children were victims of polio. Local and international health officials continued to fight the virus. For example on September 12, local health authorities and UNICEF launched a campaign to vaccinate 10 million children against polio in 6 provinces bordering Angola.

The extent of child abuse was unknown and had not been investigated. However, the accusation of witchcraft against children by certain extremist churches has led to cases of child murder, child abuse, and child abandonment.

FGM was not widespread but was performed on girls among isolated ethnic groups (see section 5, Women).

Although the legal age of marriage is 15 for girls and 18 for boys, underage marriage involving girls younger than 15 was widely accepted. In many rural areas, a significant number of girls got married at the age of 13. According to a 2001 UNICEF study, the average age of marriage was 26 for males and 21 for females. Dowry payments greatly contributed to underage marriage. In some cases parents married off a daughter against her will to collect a dowry payment or to finance a son's dowry payment to his future wife. Underage marriage limited girls' access to education and led to unsafe pregnancies.

Trafficking was a problem (see section 5, Trafficking), and child prostitution was a problem (see section 5, Women).

The FARDC and other armed groups continued to have child soldiers in their ranks. Unlike in the previous year, there were no reports that the government provided support to armed groups that continued to recruit child soldiers. The government continued to collaborate with UNICEF and other partners to demobilize children associated with the FARDC and armed groups.

In eastern parts of the country, where armed groups operated outside government control, children committed and were victims of serious crimes. Credible estimates of the total number of children associated with armed groups varied widely from 15,000 to 30 thousand, many of whom were between 14 and 16. Armed groups, including Mai Mai, continued to abduct and forcibly recruit children to serve as forced laborers, porters, combatants, "war wives," and sex slaves (see sections 5, Women and Trafficking, and 6.c.).

In May an international organization reported that uniformed armed men were recruiting Congolese children in two Rwandan refugee camps for use as soldiers. According to the organization's report, on May 10, 45 children between the ages of 10 and 18 climbed onto a truck parked outside the entrance to Kiziba Camp in Rwanda's Kibuye Province, and their whereabouts were still not known by year's end. Parents in the camp told the organization's representative that the militia, which they said was the RCD-G, intended to attract at least a total of 80 new recruits. However, the organization's representative received differing reports; a local government official attributed the recruitment to Ugandans, while other sources indicated that members of the Rwandan military were recruiting in one of the camps. There were no further reports of such activities by year's end.

There were numerous reports that some local authorities in the country attempted to recruit child soldiers for armed groups, although there was no specific information that they or higher-level officials assisted traffickers for bribes or other compensation. There were no reports that action had been taken against those accused or suspected of facilitating recruitment of child soldiers, or other forms of trafficking. In anticipation of a national military census, some armed group commanders reportedly recruited child soldiers and regularly diverted the salaries of child soldiers for their own gain.

Girls associated with armed groups were often assaulted, raped, and infected with HIV/AIDS. According to *Forgotten Casualties of War*, a report published in August by the NGO Save the Children, 12,500 girls belonged to government and non-government forces, and a program to disarm, demobilize, and reintegrate all militias into society was failing these girls. According to the report, the girls did not see themselves as child soldiers, but as "wives" or camp followers and therefore did not believe they were entitled to demobilization and reintegration benefits. In addition the NGO said the disarmament, demobilization, and reintegration process informed communities that girls were involved with armed groups, triggering community rejection of them. Girls told the NGO that community members assumed them to have been sexually abused and to be carriers of HIV and sexually transmitted diseases. As a result, they were seen as having "lost their value" to their communities.

Child labor, including forced child labor, was a problem (see sections 1.g. and 6.d.).

According to UNICEF, between 25 thousand and 50 thousand child refugees, war orphans, and children accused of witchcraft or sorcery lived on the streets throughout the country, although some of those who were not orphans returned to their families at day's end. So-called child sorcerers were accused of having mystical powers and their families often abandoned them, most often because of socio-economic difficulties. The government was ill-equipped to deal with large numbers of street children.

There was widespread discrimination and violence by average citizens against these children, who were widely perceived to be street thugs engaged in petty crime, begging, and prostitution. There were numerous reports of collusion between police and street children, including street children who paid police officers for the right to sleep in abandoned buildings, and children who paid police a percentage of goods they stole in large markets. In addition there were reports that different groups and individuals regularly rented groups of these children to disrupt

public order.

Violence against street children continued during the year. Soldiers and police subjected street children to harassment. Security forces in Kinshasa rounded up street children and there were unconfirmed reports that police transferred them outside the city. For example on November 4, police arrested more than 430 "vagrants," including more than 70 street children, and detained them with adults (see section 1.d.).

During the year there were reports that mobs killed street children. In Mbuji-Mayi, Eastern Kasai, a group of adults, reportedly incited by extremist religious organizations, burned to death several children suspected of witchcraft.

No action had been taken against those responsible for killing alleged child sorcerers in 2004 or 2003.

There were several active and effective local and international NGO groups working with MONUC and UNICEF to promote children's rights throughout the country, and with the government's national committee on disarmament, demobilization, and reintegration.

Trafficking in Persons

There were no specific laws prohibiting trafficking in persons, and trafficking occurred. There are laws that prohibit slavery, rape, and prostitution of children under the age of 14 that could be used to prosecute traffickers; however, the laws rarely were enforced. During the year the government did not investigate or prosecute any cases against traffickers.

There was no information available on reports from late 2004 that persons were recruiting children in South Kivu for use as child soldiers.

Internal trafficking for forced labor and forced sexual exploitation occurred, and child prostitution were reported. The majority of reported trafficking occurred in the northeast and east.

In eastern parts of the country, armed groups operating outside government control continued to kidnap men, women, and children and force them to provide menial labor and sexual services for members of armed groups (see sections 1.g. and 6.c.). In addition armed groups abducted children to serve as combatants in areas under their control (see section 5, Children).

The government had few programs in place to prevent trafficking. The Ministry of Women's and Family Affairs and Labor implemented an action plan against sexual exploitation in conjunction with an international organization. In addition the government coordinated with other countries on trafficking issues and attended some regional meetings on trafficking in persons. However, government efforts to combat trafficking were limited by a lack of resources and information and because much of the country's trafficking problem was related to the use of children associated with armed groups operating outside of government control. The government had few resources for training; however, it permitted training of officials by foreign governments and NGOs. The government had no funding available for protection services. Victims were not prosecuted.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities; however, persons with disabilities were subjected to discrimination in employment, education, and the provision of other government services. Persons with disabilities were exempt from some civil laws, such as paying some taxes, or in some cases, paying customs duties.

The law does not mandate accessibility to buildings or government services for persons with disabilities. There were some special private schools that used private funds and limited public support to provide education and vocational training to students who were blind or had physical disabilities.

National/Racial/Ethnic Minorities

There were at least 200 separate ethnic groups, which generally were concentrated regionally and spoke distinct primary languages. There was no majority ethnic group; some of the largest ethnic groups were the Luba, Kongo, and Anamongo. Four indigenous languages--Kiswahili, Lingala, Kikongo, and Tshiluba--had official status. French was the language of government, commerce, and education. Societal discrimination on the basis of ethnicity was practiced by members of virtually all ethnic groups and was evident in private hiring patterns in some cities. President Kabila's cabinet and office staff were geographically and ethnically diverse. However, a significant amount of political influence remained in the hands of individuals from Katanga.

Birth on national territory did not necessarily confer citizenship. The constitution that citizens approved in December and the 2004 nationality law provide means to acquire nationality for immigrants, as well as for longtime residents--including certain Congolese Tutsis from South Kivu, known as Banyamulenge--whose ancestors had immigrated to the country.

The constitution allows citizens to hold only Congolese nationality. The president of the Tutsi community in Goma, Dunia Bakarani, said this provision was biased and discriminated against Tutsis. In September, following the return of approximately 700 Congolese from Rwanda to the North Kivu town of Goma, the Independent Electoral Commission disqualified almost 500 individuals attempting to register as voters for the 2006 national general elections because they held dual citizenship, according to election officials.

FARDC soldiers and Mai Mai in South Kivu occasionally harassed, arbitrarily arrested, and threatened Banyamulenge, a minority group of Congolese Tutsis from South Kivu.

Unlike in the previous year, there were no reports of any armed groups forcing other ethnic group members to work in labor camps.

Indigenous People

The country had a population of fewer than 10 thousand Pygmies (Batwa), who were believed to have been the country's original inhabitants; during the year societal discrimination against them continued. Although they were citizens, most Pygmies continued to live in remote areas and took no part in the political process.

Unlike in the previous year, there were no reports that some tribes used Pygmies as slaves.

Incitement to Acts of Discrimination

Unlike in the previous year, anti-Tutsi sentiments--including appeals to force Tutsis into exile and practice discrimination toward Tutsis in regard to citizenship rights--were not expressed in private media or government-affiliated media. There were no known reports that government members encouraged hate speech against Tutsis.

A provincial leader in Katanga attempted via local media to incite acts of discrimination against persons from Western and Eastern Kasai in October. No official action had been taken against the leader by year's end.

Section 6 Worker Rights

a. The Right of Association

The law permits all workers, except magistrates and military personnel, to form and join trade unions without prior authorization; workers formed unions in practice. Since the vast majority of the country's economy was in the informal sector, only a small percentage of the country's workers were organized.

The Labor Code prohibits discrimination against unions, although this regulation was not enforced effectively. The law also requires employers to reinstate workers fired for union activities.

Labor unions functioned countrywide, though they were generally weak. MONUC reported that authorities arrested at least one trade union representative during the year.

b. The Right to Organize and Bargain Collectively

The law provides for the right of unions to conduct activities without interference and the right to bargain collectively; however, in practice the government did not protect these rights, due in part to a lack of resources, and collective bargaining was not used in practice. In the public sector, the government set wages by decree, and the unions could only act in an advisory capacity. There are no export processing zones.

The law provides for the right to strike, and workers exercised this right in practice. The law requires unions to have prior consent and adhere to lengthy mandatory arbitration and appeal procedures. During the year there was increased labor union activity, and public sector unions organized several legal strikes to call for increased wages and back pay. By year's end most civil servants' salaries were not current, and most arrears had not been addressed. Some arrears were paid to certain workers with particularly effective unions or critical jobs.

The law prohibits employers or the government from retaliating against strikers, and in practice this law generally was respected during the year.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, there were reports that such practices occurred (see sections 5 and 6.d.).

Unlike in the previous year, there were no reports that some tribes used Pygmies as slaves.

Soldiers used forced labor during the year (see sections 1.g., 5, and 6.d.).

There were numerous reports that armed groups operating outside government control in the east used forced labor. Armed groups routinely forced civilians to carry heavy loads, including looted household items and livestock, for long distances without pay, and abducted men, women, and children and forced them to work in rural areas.

Armed groups and, to a lesser extent, government forces, abducted women and children and forced them to provide household labor or sexual services for periods ranging from several days to several months (see section 5). Specific information was difficult to obtain due to

limited NGO access and victims' reluctance to discuss their experiences because of possible reprisal from the perpetrators and the social stigma attached.

Unlike in the previous year, there were no reports of forced labor camps.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace; however, the government did not effectively implement these laws, and child labor was a problem throughout the country. The employment of children of all ages was common in the informal sector and in subsistence agriculture, which were the dominant portions of the economy. Such employment often was the only way a child or family could obtain money for food. The legal minimum age for full-time employment without parental consent is 18 years. Employers legally may hire minors between the ages of 15 and 18 with the consent of a parent or guardian, but those under age 16 may work a maximum of four hours per day. Larger enterprises reportedly did not exploit child labor. Neither the Ministry of Labor, which was responsible for enforcement, nor labor unions effectively enforced child labor laws.

Reliable statistics on child labor were not available; however, according to data collected by UNICEF between 1999 and 2003, an estimated 28 percent of children between the ages of 5 and 14 were involved in child labor activities at the time of the survey. UNICEF considered a child to be involved in labor activities according to the following classification: first, children 5 to 11 years old who, during the week preceding the survey, did at least 1 hour of economic activity or at least 28 hours of domestic work; and second, children 12 to 14 years old who, during the week preceding the survey, performed at least 14 hours of economic activity, or at least 42 hours of economic activity and domestic work combined.

There continued to be reports that forced child labor occurred (see sections 5 and 6.c.). Some parents forced their children to leave school and beg in the streets, hunt or fish, or engage in prostitution to earn money for their families.

In eastern parts of the country, where armed groups operated outside government control, there were numerous credible reports that armed groups used forced child labor, including the recruitment of children--sometimes reportedly with the aid of local Congolese officials--for use in armed conflict conducted by armed groups, and the use of girls as sex slaves and prostitutes (see sections 2.d., 5, and 6.c.).

Children, including child soldiers, were involved in the illegal exploitation of natural resources in Ituri District to the benefit of their militia commanders. For example according to an August 25 article in the *Christian Science Monitor*, in a gold mine near the Ituri District town of Mongbwalu, approximately 40 percent of the miners were under 18, and approximately 25 percent of all miners were between 12 and 14 years old. Many of the children said they were former militia members. For a full day's work, each miner was usually paid three buckets of mud, sand, and rocks from the mine, including all the gold that might have been in the buckets. According to the BBC, the FNI, which continued to benefit from mining taxes, controlled the gold mines in the Mongbwalu area of Ituri.

There were continued reports that re-recruitment of former child soldiers took place to secure mine labor for armed groups. There continued to be reports that, often because of economic necessity, children worked in mines extracting colombo-tantalite ore, or coltan, used to make mobile telephones.

e. Acceptable Conditions of Work

Most citizens were engaged in subsistence agriculture or commerce outside the formal wage sector. The average wage did not provide a decent standard of living for a worker and family, and most workers relied on extended family and informal economic activity to survive. Minimum wage laws continued to be suspended at year's end. Civil servant salaries remained very low, ranging anywhere between \$4 and \$20 per month, and salary arrears continued to be a problem (see section 6.b.). However, depending on their position, civil servants--including police and soldiers--frequently supplemented their incomes by extracting bribes and various other practices of corruption.

The maximum legal workweek (excluding voluntary overtime) was 48 hours. One 24-hour rest period was required every seven days, however no monitoring or enforcement mechanism existed.

The Labor Code specifies health and safety standards; however, the Ministry of Labor did not effectively enforce these standards. No provisions in the Labor Code permit workers to remove themselves from dangerous work situations without jeopardizing their continued employment.

In the eastern parts of the country, where armed groups operated outside government control, most citizens relied on informal economic activity, humanitarian aid, and scavenging in the forest to survive. Due to extended pillaging, extortion by armed groups, and instability forcing families to flee their homes and crops, poverty and economic hardship generally were more severe in eastern areas such as the Kivus, northern Katanga, and Ituri than in other parts of the country. Salary arrears for police, soldiers, and other public officials encouraged extortion and theft from the population.

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