

# Democratic Republic of the Congo

## - Human Rights Scorecard<sup>1</sup>

The Democratic Republic of the Congo (DRC) is the largest country in Sub-Saharan Africa, with only a narrow strip of land providing access to the Atlantic Ocean. This former Belgian colony is bordered by the African Great Lakes in the East.<sup>2</sup>

**Official language:** French

**Ethnic groups:** over 200 ethnic groups, but the Mongo, Luba, Kongo and Mangbetu-Azande peoples represent 45% of the population.

**Government:** Republic

- President: Joseph Kabila

- Prime Minister: Augustin Matata Ponyo

**Death penalty:** Retentionist

**Population:** 79.3 million

**Life expectancy:** 56.9 years

**Under-5 mortality:** 71.5 per 1000

**Adult literacy:** 63.8 percent



### Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

#### Freedom from arbitrary or unlawful deprivation of life



#### Largely disrespected<sup>3</sup>

Security forces are frequently involved in arbitrary or unlawful killings. For example, in 2013 during Operation Lokofi in Kinshasa 51 alleged gang members, men and boys, were killed. Despite evidence of such practices, the authorities rarely investigate or prosecute these abuses.

#### Freedom from disappearance



#### Largely disrespected<sup>4</sup>

There have been reports of abductions by state security forces for several years, with little accountability by perpetrators. Several individuals disappeared after being arrested or were held incommunicado, including 33 young men after Operation Lokofi<sup>5</sup>.

#### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



#### Largely disrespected<sup>6</sup>

Although the use of torture is prohibited by the constitution, torture is endemic throughout the country. State security forces regularly use torture during arrests and against prisoners. There were also reports of death under torture<sup>7</sup>.

#### Freedom from arbitrary arrest or detention



#### Largely disrespected<sup>8</sup>

Although the law prohibits arrest or detention without a court order, the state security forces frequently arrest or detain citizens arbitrarily, including opponents of the government under pretext of state security. Corruption among security forces and impunity remain significant issues.

#### Freedom from denial of fair public trial



#### Largely disrespected<sup>9</sup>

The constitution provides for an independent judiciary, but corruption is widespread among judges. The defendants' rights are generally not respected: most defendants are assumed guilty, free legal counsel is not provided, the right to have a defence attorney is not respected, etc.

#### Freedom from arbitrary interference with privacy, family, home or correspondence



#### Largely disrespected<sup>10</sup>

Although the law protects privacy, the state security forces routinely harass, intimidate, and rob civilians, conduct searches without warrants, and loot businesses. Most of the state security forces members are not held accountable for such acts.

## Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

### Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>11</sup>



**Score: 44.31% Rank: 150 / 180 – Highly controlled, limited or intimidated**<sup>12</sup>

61 newspapers, 5 radio stations, and 1 TV station belonging to one of the main opposition parties were closed by the information minister. The main targets of censorship are journalists, political opponents and human rights groups' members. Criticism of the government is not tolerated.<sup>13</sup>

### Freedom from academic censorship



**Respected**<sup>14</sup>

The government generally respects academic freedom.

### Freedom of peaceful assembly and association



**Largely disrespected**<sup>15</sup>

The constitution guarantees freedoms of peaceful assembly and association, but the authorities restrict these freedoms in practice. Meetings and protests organized by human rights groups and opposition parties are often targeted by the state security forces<sup>16</sup>.

### Freedom of religion



**Respected**<sup>17</sup>

The authorities generally uphold the right to freely exercise one's religion guaranteed by the constitution. There are no reports of religiously motivated violence or discrimination.

### Protection of refugees and stateless persons



**Partially respected**<sup>18</sup>

The law provides for a refugee status determination process but maintains only a rudimentary system of refugees' protection. The government works in cooperation with the UNHCR and the authorities do not treat refugees differently than citizens.

### Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>19</sup>



**6 / 7 – Not free**<sup>20</sup>

Freedom of speech and of the press is highly restricted, and journalists are frequently harassed. Human rights activists and political opponents are often targeted by state security forces. The judiciary is not independent and corruption is widespread at all levels of society.

## Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

### Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>21</sup>



**6 / 7 – Not free**<sup>22</sup>

The 2011 presidential and legislative elections were highly criticized by international observers. The constitution only allows for two 5-year presidential terms. President Kabila's party tried to amend the constitution to his purposes, thus arousing widespread public discontent.

## Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>23</sup>



**Score: 22%, Rank: 154 / 175 – Highly corrupt**<sup>24</sup>

Although the law criminalizes official corruption, the government does not implement these laws effectively<sup>25</sup>. Corruption is endemic among government officials, in state security services, in the judiciary and in mineral extraction industries. Corruption cases are rarely prosecuted<sup>26</sup>.

## Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



#### Largely disrespected<sup>27</sup>

Human rights organizations' members are frequently harassed, intimidated, and arbitrarily arrested and detained by state security forces, especially if they support victims of abuse or report illegal exploitation of mineral resources.

## Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

### Rights of women



#### Largely disrespected<sup>28</sup>

The law criminalizes rape, but the authorities did not implement these laws effectively<sup>29</sup>. Sexual violence against women and girls is common throughout the country, not only in areas of conflict. The perpetrators of such violence enjoy total impunity for their acts.

### Rights of Children (*KidsRights Index Overall Score*)<sup>30</sup>



#### Score: 31%, Rank: 157 / 165 – Highly vulnerable<sup>31</sup>

The law provides for free and compulsory education until the age of 15; however only 28% of children attend to school. The main reasons are that parents are expected to contribute to the teachers' salaries, and they lose the support of their child's labour. Child abuse occurs frequently<sup>32</sup>.

### Rights of persons with disabilities



#### Largely disrespected<sup>33</sup>

Although the law prohibits discrimination against persons with disabilities, they frequently encounter difficulties accessing employment, education or other government services<sup>34</sup>. According to UNICEF, children with disabilities are sometimes branded as witches.

### Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



#### Largely disrespected<sup>35</sup>

The government does not effectively protect indigenous populations' civil and political rights. As a result, discrimination against them remains a significant issue. There are reports of indigenous people being kidnapped and forced into slavery. Rwandophone minorities are also victims of discrimination and violence<sup>36</sup>.

### Freedom from abuse and discrimination based on sexual orientation or gender identity



#### Partially respected<sup>37 38</sup>

The law does not specifically criminalize same-sex sexual relations. However it remains a taboo, and therefore individuals engaging in public display of same-sex conducts are frequently victims of violence<sup>39</sup> especially as they can be prosecuted under public decency laws<sup>40</sup>.

## Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

### Rights to freedom of association and to collective bargaining



#### Partially respected<sup>41</sup>

The law provides for the rights of all workers, except government officials and members of state security forces, to conduct legal strikes, join unions and bargain collectively. Foreigners cannot join a union, unless they have lived in the country for at least 20 years.

### Freedom from forced or compulsory labour



#### Largely disrespected<sup>42</sup>

Although the law prohibits forced or compulsory labour, such practices are common throughout the country especially in the mining sector. There are also reports of slavery and bonded labour. The government does not implement effectively its laws and does not investigate the violations.

## Freedom from forced labour for children, and a minimum age of employment



### Largely disrespected<sup>43</sup>

The law prohibits child labour and sets a minimum age of employment at 16. However, these laws are not effectively enforced. 42% of children between the ages of 5 and 14 are engaged in child labour, notably in the agricultural and mining sectors.

## Right to acceptable conditions of work



### Largely disrespected<sup>44</sup>

Although the law provides for a minimum wage and work time regulations, these laws are generally not respected and the average monthly wage is not sufficient to provide a decent standard of living. More than 90% of workers are engaged in the informal sector with no health or security standards.

## Right to employment



### 7,9 % - Reasonable unemployment<sup>45</sup>

The unemployment rate in the Congo is reasonably high, and is expected to remain stable for the coming years.

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> Commonly-known information on the country is drawn from various Internet sources, including Google country pages, the CIA World Factbook and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed November 18, 2015.

<https://www.amnesty.org/en/documents/act50/001/2014/en/>

<sup>3</sup> "Human Rights Watch-World Report 2015-Democratic Republic of the Congo". January 1, 2015. Accessed November 18, 2015. <https://www.hrw.org/world-report/2015/country-chapters/democratic-republic-congo>

<sup>4</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

<sup>5</sup> "Human Rights Watch-World Report 2015-Democratic Republic of the Congo". January 1, 2015. Accessed November 18, 2015. <https://www.hrw.org/world-report/2015/country-chapters/democratic-republic-congo>

<sup>6</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>7</sup> "Amnesty International report 2014/15 – Democratic Republic of the Congo", Amnesty International, January 1 2014. Accessed November 25, 2015.

<https://www.amnesty.org/en/countries/africa/democratic-republic-of-the-congo/report-democratic-republic-of-the-congo/>

<sup>8</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>9</sup> Ibid. U.S Department of State.

<sup>10</sup> Ibid. U.S Department of State.

<sup>11</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (25 countries), Largely free, diverse and independent; 15 – 24.99 (29 countries), Mostly free, diverse and independent; 25 – 29.99 (32 countries), Partially free, diverse and independent; 30 – 39.99 (49 countries), Partially controlled, limited or intimidated; 40 & higher (42 countries), Highly controlled, limited or intimidated.

<sup>12</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2015. Accessed November 25, 2015. <http://index.rsf.org/#/>

<sup>13</sup> "Amnesty International report 2014/15 – Democratic Republic of the Congo", Amnesty International, January 1 2014. Accessed November 25, 2015.

<https://www.amnesty.org/en/countries/africa/democratic-republic-of-the-congo/report-democratic-republic-of-the-congo/>

<sup>14</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>15</sup> Ibid. U.S Department of State.

<sup>16</sup> "Freedom in the world-2015-Democratic Republic of the Congo". Freedom House. January 1,2015. Accessed November 25, 2015.

<https://freedomhouse.org/report/freedom-world/2015/congo-democratic-republic-kinshasa>

<sup>17</sup> "Democratic Republic of the Congo 2014 International Religious Freedom Report". US Department of State. January 1,2015. Accessed November 30, 2015.

<http://www.state.gov/documents/organization/238416.pdf>

<sup>18</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>19</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed December 1, 2015 <https://freedomhouse.org/report/freedom-world-2015/methodology>.

<sup>20</sup> "Freedom in the world-2015-Democratic Republic of the Congo". Freedom House. January 1, 2015. Accessed December 1, 2015.

<https://freedomhouse.org/report/freedom-world/2015/congo-democratic-republic-kinshasa>

<sup>21</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed December 1, 2015 <https://freedomhouse.org/report/freedom-world-2015/methodology>.

<sup>22</sup> "Freedom in the world-2015-Democratic Republic of the Congo". Freedom House. January 1, 2015. Accessed December 1, 2015.

<https://freedomhouse.org/report/freedom-world/2015/congo-democratic-republic-kinshasa>

<sup>23</sup> Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt.

<sup>24</sup> "Democratic Republic of the Congo" Corruption by Country. January 1, 2015. Accessed December 1, 2015. <http://www.transparency.org/country#COD>

<sup>25</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>26</sup> "Freedom in the world-2015-Democratic Republic of the Congo". Freedom House. January 1, 2015. Accessed December 1, 2015.

<https://freedomhouse.org/report/freedom-world/2015/congo-democratic-republic-kinshasa>

<sup>27</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>28</sup> "Amnesty International report 2014/15 – Democratic Republic of the Congo", Amnesty International, January 1 2014. Accessed November 25, 2015.

<https://www.amnesty.org/en/countries/africa/democratic-republic-of-the-congo/report-democratic-republic-of-the-congo/>

<sup>29</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>30</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-60% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable.

<sup>31</sup> "The KidsRights Index: Overall Score." The KidsRights Index. January 1, 2014. Accessed December 1, 2015.

<http://www.kidsrightsindex.org/Portals/5/Users/034/34/34/The%20KidsRights%20Index%20-%20Total%20view%20-%20may%202015.pdf>.

<sup>32</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>33</sup> Ibid. U.S Department of State.

<sup>34</sup> "Freedom in the world-2015-Democratic Republic of the Congo". Freedom House. January 1, 2015. Accessed December 1, 2015.

<https://freedomhouse.org/report/freedom-world/2015/congo-democratic-republic-kinshasa>

<sup>35</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>36</sup> "Freedom in the world-2015-Democratic Republic of the Congo". Freedom House. January 1, 2015. Accessed December 1, 2015.

<https://freedomhouse.org/report/freedom-world/2015/congo-democratic-republic-kinshasa>

<sup>37</sup> "State homophobia" International Lesbian Gay and Intersex Association. January 1, 2015. Accessed November 11, 2015.

[http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2015.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2015.pdf). See also Ibid. U.S Department of State.

<sup>38</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

<sup>39</sup> "Democratic Republic of the Congo 2014 Human Rights Report." U.S Department of State. January 1, 2015. Accessed November 25, 2015.

<http://www.state.gov/documents/organization/236558.pdf>, or <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

<sup>40</sup> "Freedom in the world-2015-Democratic Republic of the Congo". Freedom House. January 1, 2015. Accessed December 1, 2015.

<https://freedomhouse.org/report/freedom-world/2015/congo-democratic-republic-kinshasa>

<sup>41</sup> Ibid. U.S Department of State.

<sup>42</sup> Ibid. U.S Department of State.

<sup>43</sup> Ibid. U.S Department of State.

<sup>44</sup> Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at

[http://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country](http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country)

<sup>45</sup> "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed December 1, 2015. [http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS\\_233936/lang--en/index.htm](http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm).