

# DEMOCRATIC REPUBLIC OF THE CONGO 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Democratic Republic of the Congo is a centralized constitutional republic. Voters popularly elect the president and the lower house of parliament (National Assembly). Following a two-year delay, presidential, legislative, and provincial elections were held in December 2018. In January 2019 the National Independent Electoral Commission declared Felix Tshisekedi the winner of the 2018 presidential election. The 2018 election was marred by irregularities and criticized by some observers, including the Council of Bishops, which stated the results did not match those of their observation mission. The 2019 inauguration of President Tshisekedi was the first peaceful transfer of power in the country's history.

The primary responsibility for law enforcement and public order lies with the Congolese National Police, which operates under the Ministry of the Interior. The National Intelligence Agency, overseen by the presidency, is responsible for internal and external intelligence. The Armed Forces of the Democratic Republic of the Congo and the military intelligence service operate under the control of the Ministry of Defense and are primarily responsible for external security. In reality, however, these forces focus almost exclusively on internal security. The presidency oversees the Republican Guard, and the Ministry of Interior oversees the Directorate General for Migration, which, together with the Congolese National Police, are responsible for border control. Civilian authorities exercised limited control over the security forces. There were credible reports that members of the security forces committed numerous abuses.

Conflict between government military forces and the more than 15 significant and cohesive illegal armed groups continued in the eastern provinces of the country. In response the president announced a state of siege in the Ituri and North Kivu Provinces on May 6, which parliament repeatedly extended and remained in effect at year's end. The state of siege transfers powers from civilian to military authorities, provides for increased police powers, extends the jurisdiction of

military courts to try civilian criminal offenses, restricts certain fundamental rights and freedoms, and suspends immunity from prosecution for certain elected officials (including national and provincial deputies and senators).

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture and cases of cruel, inhuman, or degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious abuses in conflict, including reportedly unlawful or widespread civilian harm, enforced disappearances or abductions, torture and physical abuses or punishment, and unlawful recruitment or use of child soldiers by illegal armed groups; serious restrictions on free expression and media, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and the existence of criminal libel laws; substantial interference with the freedom of peaceful assembly and freedom of association; serious government corruption; lack of investigation of and accountability for gender-based violence, including but not limited to domestic and intimate partner violence, sexual violence, child, early, and forced marriage, and other harmful practices; trafficking in persons; crimes involving violence or threats of violence targeting persons with disabilities, members of national, racial, and ethnic minority groups, and indigenous people; crimes involving violence or threat of violence targeting lesbian, gay, bisexual, transgender, queer, and intersex persons; and existence of the worst forms of child labor.

The government took some steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption, although there was impunity for many such abuses. Authorities often did not investigate, prosecute, or punish those who were responsible, particularly at higher levels. The government convicted some officials on counts of murder, rape, torture, arbitrary detention, and corruption, and sometimes punished security force officials who committed abuses.

Illegal armed groups continued to commit abuses in the eastern provinces and the Kasai region. Additionally, large-scale killings by ISIS-Democratic Republic of the Congo persisted in parts of North Kivu and Ituri. These abuses included

unlawful killings, disappearances, torture, destruction of government and private property, and gender-based violence, which was widespread even in areas with no armed conflict, by both government and armed groups. Illegal armed groups also recruited, abducted, and retained child soldiers and subjected children and adults to forced labor. The government took military action against illegal armed groups and investigated and prosecuted some armed group members and the state security forces for human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports the government or its agents committed arbitrary or unlawful killings.

The state security forces (SSF) committed arbitrary or unlawful killings in operations against illegal armed groups (IAGs) in the east and in the Kasai region (see section 1.g.). According to the UN Joint Human Rights Office (UNJHRO), the Forces Armées de la République Démocratique du Congo (FARDC) committed 149 violations of the right to life. For example, UNJHRO reported that in February, a FARDC soldier with the 2103rd regiment shot and killed two girls who had allegedly just stolen from a shop. The UNJHRO also reported that in March in South Kivu province, two FARDC noncommissioned officers from the 2202nd battalion killed two men from the Banyamulenge community and injured one woman. The victims were returning from a market when the two soldiers tried to force them to stop and shot them when they refused. The UNJHRO reported that FARDC soldiers were responsible for the extrajudicial execution of nine civilians and sexual violence against five women and three children in Tanganyika Province. On June 30, approximately eight FARDC personnel raped and killed four women in Minembwe. A court convicted six FARDC personnel to life imprisonment for murder and attempted murder, while two convicted of rape were sentenced to 20 years in prison.

According to the UNJHRO, in October Congolese National Police (PNC) agents committed 56 violations of the right to life, including 47 victims of extrajudicial

executions. In February for example, the UNJHRO reported that in Buvira, Nyiragongo Territory, a PNC officer shot and killed a man who was returning from field work when he failed to produce his identification card.

Military courts had primary responsibility for investigating whether security force killings were justified and for pursuing prosecutions. Although the military justice system convicted some SSF agents of human rights abuses, impunity remained a serious problem. The government maintained joint human rights committees with the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and used available international resources, such as the UN-implemented technical and logistical support program for military prosecutors as well as mobile hearings supported by international nongovernmental organizations (NGOs).

The UNJHRO continued to document appointments to command positions, including for military operations, of FARDC and PNC officers against whom there were serious allegations that they bore responsibility – direct or command responsibility – for human rights violations.

IAGs committed arbitrary and unlawful killings throughout the year (see section 1.g.). IAGs recruited and used children as soldiers and human shields and targeted the SSF, government officials, and others. In October, ISIS-Democratic Republic of the Congo (ISIS-DRC) carried out 13 attacks in the villages of Keterain and Matadi, raising the monthly death toll of ISIS-DRC attacks in Beni to 25.

On September 21, the High Military Court at Ndolo Prison in Kinshasa began hearings in the trial of the killing of Floribert Chebeya, the prominent executive director of the human rights NGO Voice of the Voiceless (VSV), and disappearance of his driver and VSV member Fidele Bazana in Kinshasa in June 2010. A new trial began for two recently arrested defendants, PNC Senior Commissioner Christian Kenga Kenga and Deputy Assistant Commissioner Jacques Mugabo, who were previously convicted and sentenced to death in absentia but acquitted on appeal in 2015. In October testimony Mugabo confessed to having participated in the murders of Chebeya and Bazana. Later in the year, the court also heard testimony implicating former PNC Inspector General John Numbi in Chebeya's killing. In March Numbi disappeared from his Lubumbashi

farm near the Zambian border and reportedly fled the country, being officially declared a deserter in June.

The International Criminal Court continued to conduct an open investigation in the country. In March the Appeals Chamber upheld the conviction and sentence of Bosco Ntaganda, a former Congolese warlord, on war crimes and crimes against humanity. Also in March the Trial Chamber delivered an order on reparations to victims against Ntaganda to be implemented through the Trust Fund for Victims.

## **b. Disappearance**

There were reports of disappearances attributable to the SSF during the year. Authorities often refused to acknowledge the detention of suspects and sometimes detained suspects in unofficial facilities, including on military bases and in detention facilities operated by the National Intelligence Agency (ANR). The whereabouts of some civil society activists and civilians arrested by the SSF remained unknown for long periods. Despite the president's promise to grant the United Nations access to all detention facilities, some ANR prisons remained hidden and impossible to access.

Amid a spate of killings of journalists in North Kivu and Ituri, journalist Pius Manzikala of Ruwenzori Voice Radio Mutwanga disappeared in December 2020. The FARDC officially confirmed Manzikala's death, but his body had not yet been found.

IAGs kidnapped numerous persons, generally for forced labor, military service, or sexual slavery. Many of these victims disappeared (see section 1.g.).

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

The law criminalizes torture, but there were credible reports the SSF continued to abuse and torture civilians, particularly detainees and prisoners. Impunity among the FARDC for mistreatment was a problem, although the government continued to make limited progress in holding security forces accountable for human rights violations and abuses. The UNJHRO reported that during the first half of the year, 84 PNC officers, 196 FARDC soldiers, and 122 members of armed groups were

convicted of acts constituting human rights violations, reflecting a significant effort by judicial authorities to combat impunity.

According to the Conduct in UN Field Missions online portal, there was one open allegation of sexual exploitation and abuse by Congolese peacekeepers deployed to UN peacekeeping missions. Of the 32 allegations against Congolese military personnel deployed to peacekeeping missions from 2015 to the present, the United Nations repatriated six perpetrators, all of whom received prison time upon return to the country. The United Nations and the local government were conducting 27 investigations that remained pending as of September.

During the year the government acted to increase respect for human rights by the security forces. The PNC has a special Child Protection and Sexual Violence Prevention Squadron, and much police training addressed sexual and gender-based violence, such as mining police training in North and South Kivu and community policing programs in Haut-Katanga and Eastern Kasai. From January through June, the UNJHRO supported 46 capacity-building sessions on international human rights law, international humanitarian law, and the prevention of conflict-related sexual violence for a total of 1,705 participants from both the FARDC and PNC. MONUSCO also collaborated with the FARDC to screen recruits and prevent children from joining the military.

### **Prison and Detention Center Conditions**

Conditions in most prisons throughout the country were harsh and life threatening due to food shortages, gross overcrowding, and inadequate sanitary conditions and medical care. Harsher conditions prevailed in small detention centers run by the ANR, Republican Guard (RG), or other security forces, which often detained prisoners for lengthy pretrial periods without providing them access to family or legal counsel.

**Physical Conditions:** Serious threats to life and health were widespread and included violence (particularly rape), food shortages, and inadequate potable water, sanitation, ventilation, temperature control, lighting, and medical care. Most prisons were understaffed, undersupplied, and poorly maintained, leading to corruption and poor control of the prison population, as well as prison escapes.

The UNJHRO reported that detention center conditions deteriorated during the year, particularly those in western provinces, where increases in the prison population and a lack of upkeep contributed to the decay. The UNJHRO recorded a total of 154 deaths in detention through June, a 42 percent decrease from the same period in the previous year. Malnutrition, poor hygiene, lack of access to medical care, and mistreatment were the primary causes of these deaths. A human rights activist attributed the decrease in deaths to improved nutrition.

Local media reported that the Ministry of Justice, which oversees prisons, had insufficient funds to pay for food or medical care for inmates, who instead relied on relatives, NGOs, and church groups to provide them sustenance. Because funds often did not reach prisons in the provinces in a timely manner, there were gaps in food distribution. Human rights monitors reported a 15 percent mortality rate at Kongo Central prison from a lack of nourishment and sanitation.

Central prison facilities were severely overcrowded, with an estimated occupancy rate of 200 percent of capacity. For example Makala Central Prison in Kinshasa, which was constructed in 1958 to hold 1,500 prisoners, held as many as 8,200 inmates simultaneously during the year. Three prisons in the eastern provinces were more than 200 percent capacity, with another at 590 percent capacity. Prisoners were held in buildings originally built for other purposes. For example in Kanana, prisoners were living in a former school. In August the director of the Central Prison of Bunia noted in an interview with local press that the incarceration of those in preventive detention had caused a serious problem of overpopulation. Prisoners were not released due to the COVID-19 pandemic, although some human rights activists advocated for it.

Prisons rarely make accommodations for persons with disabilities. In November disability rights NGO Congo Handicap conducted missions in several prisons to assess conditions for persons with disabilities. Congo Handicap described unsanitary and life-threatening prison conditions, such as the lack of ventilation and toilets, which posed major health risks for persons with disabilities. Poor ventilation subjected detainees to extreme heat. The NGO also cited a lack of accessibility, procedures, and sign language interpreters as examples of problems that affect detained persons with disabilities.

Approximately 110 individuals escaped from correctional facilities through June, compared with 295 documented escapes for the same period in the previous year. More than 1,300 prisoners escaped in North Kivu Province when rebels released the prisoners, some of whom joined the rebels in fighting. The UNJHRO reported that police shot four inmates of Goma Prison who were trying to escape following the volcanic eruption of Mount Nyiragongo in May. In July the UNJHRO reported that 18 prisoners escaped from a hidden detention center in South Kivu.

Authorities rarely separated pretrial detainees from convicted prisoners. Authorities generally confined men and women in separate areas but often held juveniles with adults, especially women with female minors. Women were sometimes imprisoned with their children. International observers noted that children who had been victims of sexual violence and often separated from their families in the eastern conflict zones were sometimes detained with adults.

Violence continued to be a problem in certain prisons. According to human rights observers, prisoners themselves were sometimes given the responsibility to maintain order and mistreated others. Human Rights Watch (HRW) reported that in July the investigation had stalled into a group of prisoners who took over the Kasapa Prison in Lubumbashi, chased out the guards, set fire to the buildings, and attacked and raped approximately 37 women in the prison for three days before some semblance of order was restored. Many of these women never received adequate medical or psychological care. A prominent human rights observer noted that rape of new male prisoners was considered initiation in one prison.

Generally medical doctors at the prisons did not receive salaries, leading them to work elsewhere to make money. Prisons rarely had a budget for in-house pharmacies, and while prisoners sometimes obtained medication such as pain relievers, prescription medication was generally unavailable, meaning prisoners must rely on their families. Prisoners who are sick and need to be transferred must have the signatures of all designated officials for the transfer. In some cases prisoners who were refused transfer subsequently died. For example, the UNJHRO reported that in February in Tanganyika Province, a 59-year-old detainee died in the central prison from severe diarrhea after the judicial inspector rejected all transfer requests to the hospital in the absence of the prosecutor. Another detainee died in the same prison in February under similar conditions. A



prominent human rights observer reported that some prisoners were refused transfers for medical care due to political reasons.

Guards, psychologists, and cooks also generally did not receive salaries, which led to a variety of buying and selling arrangements. Human rights observers reported that the salaries went to those who were retired and no longer working in the prisons. In the provinces there were reports of extortion, where families had to provide guards with food to visit detained family members. Directors and staff generally operated prisons for profit, selling sleeping arrangements to the highest bidders and requiring payment for family visits. For example, HRW reported that in April two activists from the youth civil society movement LUCHA were arrested and held at an intelligence agency detention facility for two days before being sent to a severely overcrowded prison, where they had to pay to be allowed to bring in a mattress. HRW also reported in April that another activist from LUCHA had to pay to avoid being tortured after he was arrested and spent the night in a cell at the prosecutor's office. In February the African Association for Human Rights condemned the purchase of presidential pardons at Kinshasa Makala Prison, where administrative staff asked to be paid amounts ranging from 200,000 to 300,000 Congolese francs (\$100 to \$150), a sum comparable to a civil servant's monthly salary, to add inmates to the list of recipients of the presidential pardon.

**Administration:** Authorities denied access to visitors for some inmates and often did not permit inmates to contact or submit complaints to judicial authorities. The UNJHRO pointed to the lack of experience of these authorities in recently created provinces as a threat to human rights in the provinces. Furthermore, the lack of resources for the judicial system, including staffing shortages and a lack of magistrates to process detainee caseloads, prevented the effective administration of justice. MONUSCO also cited outdated prison laws and poor data and records management among the prison problems.

**Independent Monitoring:** The government regularly allowed the International Committee of the Red Cross, MONUSCO, and NGOs access to official detention facilities maintained by the Ministry of Justice, but it sometimes denied access to facilities run by the RG, ANR, and military intelligence services. COVID-19 restrictions negatively affected monitoring efforts.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest or detention, but the SSF routinely arrested or detained persons arbitrarily (see section 1.e.). IAGs also abducted and detained persons arbitrarily, often for ransom. Survivors reported to MONUSCO they were often subjected to forced labor (see section 1.g.).

##### **Arrest Procedures and Treatment of Detainees**

By law arrests for offenses punishable if convicted by more than six months' imprisonment require warrants. Detainees must appear before a magistrate within 48 hours. Authorities must inform those arrested of their rights and the reason(s) for their arrest, and they may not arrest a family member in lieu of the suspected individual. Authorities must allow arrested individuals to contact their families and consult with attorneys. Security officials, however, routinely violated all these requirements.

While the law provides for a bail system, it generally did not function. Detainees who were unable to pay for a lawyer were rarely able to access legal counsel. Authorities often held suspects incommunicado, including in unofficial detention centers run by the ANR, military intelligence, and the RG and refused to acknowledge these detentions.

Prison officials often held individuals longer than their sentences due to disorganization, inadequate records, judicial inefficiency, or corruption. Prisoners unable to pay their fines often remained indefinitely in prison (see section 1.e.).

**Arbitrary Arrest:** Security personnel arrested and detained civil society activists, journalists, and opposition party members and sometimes denied them due process (see sections 1.a., 2.a., and 5). Security forces regularly held protesters and civil society activists incommunicado and without charge for extended periods. Police sometimes arbitrarily arrested and detained persons without filing charges to extort money from family members or because administrative systems were not well established. The UNJHRO reported that human rights defenders continued to be subject to arbitrary arrest and detention without a fair public trial. In January in Kasai Province, the UNJHRO reported that six PNC officers illegally detained and beat 11 men with gun butts and cords.

In March the UNJHRO reported that FARDC soldiers of the 21041st Battalion arbitrarily arrested one man and two women in Mulangabal, Kasongo Territory. The soldiers accused the arrested man, a motorbike taxi driver, of transporting two female clients on his motorbike. The soldiers then beat the driver, released him, and attempted to sexually assault the two women, who escaped. When the driver returned the following day to find the women, soldiers beat him again.

In March local human rights activists reported that the PNC rearrested a woman who at an International Women's Day Event described the conditions she had experienced in prison.

In July local media reported that LUCHA condemned the alleged disappearance of LUCHA member Parfait Muhani, who had received a call from someone who claimed to work for the foundation of First Lady Denise Nyakeru Tshisekedi and offered to discuss LUCHA's allegations that the foundation misappropriated aid for the victims of the Mount Nyiragongo volcanic eruption. Muhani appeared the next day in police custody, where he remained as of September 16.

The UNJHRO reported that in July in North Kivu Province the territorial administrator (*administrateur du territoire*) ordered soldiers of the 3410th FARDC regiment to arrest and detain three members of civil society organizations for having denounced FARDC abuses during military operations against armed groups in the area. Police released one detainee that day after paying a fine, while the other two were reportedly later released.

In August Radio France Internationale (RFI) reported that a second member of LUCHA, Ghislain Muhiwa, had been arrested in Goma in connection with a July complaint regarding misappropriation of funds by the foundation of the First Lady.

In August the UNJHRO reported that FARDC soldiers arbitrarily arrested and illegally detained a human rights defender in Wamaza-centre, Kabambare Territory, for protesting soldiers' illegal collection of money at checkpoints. After advocacy by the local Human Rights Defenders Protection Network, the commander of the FARDC unit released the victim the following day.

**Pretrial Detention:** Prolonged pretrial detention, ranging from months to years, remained a problem. Those who should go before the magistrate were often

detained locally in a clandestine holding facility and kept there for many months, leaving their families to presume they were dead. The Ministry of Human Rights and local human rights monitors estimated that between 70 and 80 percent of the prison population was in pretrial detention. Judicial inefficiency, administrative obstacles, corruption, financial constraints, and staff shortages also caused trial delays.

The state of siege hindered prison administration in the affected eastern provinces and resulted in long pretrial detention periods. The government did not provide sufficient resources to military courts and tribunals to handle criminal cases transferred from civilian courts. Consequently, the processing of cases lagged, and dozens of individuals remained in pretrial detention, without having their cases heard. Severe prison overcrowding quickly followed, which in turn led to extremely poor conditions and malnutrition in the prisons. The minister of human rights toured many of the country's prisons in July, and his advocacy resulted in the transfer of prisoners' files from civil to military authorities in provinces affected by the state of siege.

#### **Detainee's Ability to Challenge Lawfulness of Detention before a Court:**

Detainees are entitled to challenge in court the legal basis or arbitrary nature of their detention; however, few were able to obtain prompt release and compensation.

#### **e. Denial of Fair Public Trial**

Although the law provides for an independent judiciary, the judiciary was corrupt and subject to influence and intimidation. Officials and other influential individuals often subjected judges to coercion.

A shortage of prosecutors and judges hindered the government's ability to provide expeditious trials, and judges occasionally refused transfers to remote areas where shortages were most acute because the government could not sufficiently support judges in these areas. The Ministry of Human Rights reported that 90 percent of cases lacked magistrates. Authorities routinely did not respect court orders. Disciplinary boards created under the High Council of Magistrates continued to rule on cases of corruption and malpractice. Rulings included the firing,

suspension, or fining of judges and magistrates.

Military magistrates are responsible for the investigation and prosecution of all crimes allegedly committed by SSF members, whether committed in the line of duty or not. Civilians may be tried in military tribunals if charged with offenses involving firearms. The military justice system often succumbed to political and command interference, and security arrangements for magistrates in conflict areas were inadequate. Justice mechanisms were particularly ineffective for addressing misconduct by mid- and high-ranking officials due to a requirement the judge of a military court must have either the same or a higher rank than the defendant.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial, an independent judiciary, and a presumption of innocence on the part of an accused person, but these rights were not always observed. Authorities are required to inform defendants promptly and in detail of the charges against them, with free interpretation as necessary, but this did not always occur. The public may attend trials at the discretion of the presiding judge. Defendants have the right to a trial within 15 days of being charged, but judges may extend this period to a maximum of 45 days. Authorities only occasionally abided by this requirement. The government is not required to provide counsel in most cases, excepting murder trials. While the government regularly provided free legal counsel to indigent defendants in capital cases, lawyers often did not have adequate access to their clients. Defendants have the right to be present and to have a defense attorney represent them. Authorities occasionally disregarded these rights. Authorities generally allowed adequate time to prepare a defense, although there were few resources available. The law provides for interpretation when necessary for defendants. Typically, defendants were assigned interpreters, but on occasion this delayed proceedings while the court searched for an appropriate interpreter. Defendants have the right to confront witnesses against them and to present evidence and witnesses in their own defense but witnesses often were reluctant to testify due to fear of retaliation. Defendants are not compelled to testify or confess guilt. Defendants have the right to appeal, except in cases involving national security, armed robbery, and smuggling, which the Court of State Security usually adjudicates.

## **Political Prisoners and Detainees**

There were reports of political prisoners or detainees during the year, consisting primarily of individuals arrested under defamation laws for criticizing the actions of government officials.

Local press reported that Ituri provincial parliamentarian Jean-Bosco Asamba was arrested in June for criticizing President Tshisekedi for allegedly making false promises, and he was detained in Bunia Prison for two days before being released.

In July international and local media reported that the president of the youth league of the Together for the Republic party, Jacky Ndala, was sentenced to two years' imprisonment for his rhetoric against a proposed bill that would restrict eligibility for senior offices, including the presidency, based on the nationality of an individual's parents. Local press reported that Ndala was accused of inciting rebellion and civil disobedience after asking persons in eastern Kinshasa to oppose the bill. The case went to appeal, and the sentence was reduced to 22 months in prison.

While the government permitted international human rights and humanitarian organizations and MONUSCO access to some prisoners, authorities denied access to detention facilities run by the RG, military intelligence, and ANR (see section 1.c.).

## **Politically Motivated Reprisal against Individuals Located Outside the Country**

**Threats, Harassment, Surveillance, and Coercion:** In August HRW reported that a few days after Jean-Jacques Lumumba, a whistleblower exiled in France, spoke to a gathering of Congolese activists in Belgium about impunity and fighting corruption, his bag was stolen on his return train trip and his car was burned in its parking place on the outskirts of Paris. Police in Kinshasa also threatened his tenants with eviction if they did not provide documents containing personal information about Lumumba.

## **Civil Judicial Procedures and Remedies**

Individuals may seek civil remedies for human rights violations within the civil court system. Most individuals, however, preferred to seek redress in the criminal courts. Individuals and organizations may appeal adverse domestic decisions domestically or to regional human rights bodies.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

Although the law prohibits arbitrary interference with privacy, family, home, or correspondence, the SSF routinely ignored these provisions. The SSF harassed and robbed civilians, entered and searched homes and vehicles without warrants, and looted homes, businesses, and schools. Family members were often punished for offenses allegedly committed by their relatives.

### **g. Conflict-related Abuses**

The SSF continued fighting IAGs in the east of the country, and conflict among armed groups resulted in significant population displacement and human rights abuses, especially in Ituri and North Kivu Provinces. Fighting among the Nyatura, Nduma Defense of Congo-Renewal (NDC-R), Mai Mazembe, the Democratic Forces for the Liberation of Rwanda (FDLR), and ISIS-DRC (formerly the Allied Democratic Forces or ADF) caused significant population displacement in North Kivu Province.

There were credible reports that the IAGs and the SSF perpetrated serious human rights violations and abuses during internal conflicts. UNJHRO director Abdoul Aziz Thioye stated that state actors committed abuses under the cover of the state of siege. He attributed the majority of IAG violations to ISIS-DRC, which took advantage of historical tension to incite interethnic fighting. In the first half of the year, the UNJHRO documented a total of 3,068 human rights violations and abuses in conflict-affected provinces, including North Kivu (1,662), followed by Ituri (506), and to a lesser extent South Kivu, Tanganyika, Kasai, Kasai-Central, Kasai-Oriental, Maniema, and Bas-Uele. Conflict-affected provinces accounted for more than 93 percent of all violations and abuses throughout the country. Armed groups

committed approximately 60 percent of documented cases. Combatants abducted victims for ransom, for forced labor, and in retaliation for suspected collaboration. On July 7, combatants from the Alliance of Patriots for a Free and Sovereign Congo abducted and killed a man in Masisi Territory after accusing him of collaborating with another combatant group.

There were credible reports that elements within the FARDC collaborated with some IAGs. In June the UN Group of Experts on the Democratic Republic of the Congo reported that soldiers of the 3404th and 3410th FARDC regiments cooperated with or participated in operations alongside the Bwira faction of the NDC-R against other IAGs.

The UNJHRO reported that assailants from the armed group Cooperative de Developpement economique du Congo (Cooperative for Economic Development of the Congo or CODECO) were responsible for 401 violations between January and June. CODECO attacks against civilians in Djugu and Irumu Territories resulted in the deaths of at least 361 individuals. Throughout October CODECO, Force Patriotique et Integrationniste du Congo (Patriotic and Integrationist Force of the Congo or FPIC), and Force de Resistance Patriotique d'Ituri (Patriotic Resistance Front of Ituri) attacked multiple villages in Ituri Province, leading to numerous reports of civilian deaths, looting, and property destruction. Additionally, more than 5,000 persons abandoned their homes after clashes between FARDC and CODECO militiamen on October 17 in North Kivu Province.

North Kivu Province saw the most abuses in internal conflict, as the UNJHRO reported ISIS-DRC combatants committed 25 abuses in the province in July. On July 15, ISIS-DRC combatants attacked civilians in Beni Territory, killing at least five civilians, including the president of a local civil society organization, a woman, and a child, and set fire to 10 houses and abducted numerous individuals. Following UNJHRO advocacy, a team of investigators from the military prosecutor's office launched an investigation that continued in early November. According to UNJHRO, ISIS-DRC combatants committed 27 abuses in September and 33 abuses in October.

In August, HRW decried the appointment of Tommy Tambwe, a former rebel



leader of a group responsible for many human rights abuses, as coordinator of the new Disarmament, Demobilization, Community Recovery, and Stabilization program in eastern Congo. According to HRW, Tambwe led major Rwandan-backed rebel groups responsible for countless human rights abuses in eastern Congo during the last 25 years. Prominent human rights groups accused Tambwe of ordering the arrest of journalists perceived as critics in 2002 when he was vice governor of South Kivu.

Operational cooperation between MONUSCO and the government continued in the east. The MONUSCO Force Intervention Brigade supported FARDC troops in North Kivu and southern Ituri Provinces. MONUSCO forces deployed and conducted patrols to protect internally displaced persons (IDPs) from armed group attacks in North Kivu, South Kivu, and Ituri Provinces.

**Killings:** The UNJHRO reported that 1,147 civilians were killed in conflict-affected provinces in the first six months of the year. IAG killings decreased from 1,315 in 2020 to 962, while killings of civilians by state agents in conflict-affected areas increased from 155 to 185. Approximately 209 children were killed and maimed in the North Kivu, Ituri, Tanganyika, South Kivu, Maniema, and the Kasai Provinces. IAGs, ISIS-DRC, Nyatura, and Mai Mai armed groups committed most of most of these killings and mutilations, while FARDC soldiers and PNC agents contributed to the abuses.

The UNJHRO reported that on July 1, Union des Patriotes pour la Liberation du Congo (Patriotic Union for the Liberation of Congo) Mai Mai combatants abducted, abused, and killed a member of a local civil society organization who had just left the village of Mabalako in Beni Territory. Although the local police opened an investigation, the UNJHRO noted no progress by year's end, adding that tracking armed group members in that area was very difficult.

**Abductions:** UN agencies and NGOs reported IAGs abducted individuals to perform forced labor, obtain ransom, or guide them. Armed groups also utilized abductions as reprisal for a victims' alleged collaboration with the security and defense forces or rival groups, or because of their refusal to pay illegal taxes or to participate in so-called community work. The UNJHRO reported that from January through June, a total of 204 children between ages one and 17 were

abducted, most from the provinces of North Kivu and Ituri, but also from Tanganyika, South Kivu, the Kasai Provinces and Maniema.

The UNJHRO reported in August that armed groups abducted at least 305 individuals, including 24 women and 27 children, in the conflict-affected provinces, a significant increase from July's 208 victims. Of the 305 persons abducted by armed groups in August, 33 were killed and 92 were released, sometimes following the intervention of the security forces or negotiations with local community members. The whereabouts of 115 abducted persons were unknown. ISIS-DRC combatants were responsible for the abductions of 197 individuals. The UNJHRO reported that of the 208 individuals abducted by armed groups in July, 45 were released, often following FARDC intervention, while 11 were killed. The location of 94 individuals was unknown as of the end of September.

In March Radio Okapi reported that Lord's Resistance Army militiamen released 27 hostages detained in one of their camps situated in Ango Territory, Bas-Uele. Former captives included five children younger than five years of age and six women, as well as South Sudanese, Congolese, and Central African Republic nationals.

**Physical Abuse, Punishment, and Torture:** The FARDC, PNC, ANR, IAGs, and civilians perpetrated widespread sexual violence. From January through June, the UNJHRO documented 265 cases of conflict-related sexual violence affecting 258 women and seven adult men, a significant decrease from the previous six months, when they documented 398 adult survivors. Nearly 35 percent of these violent crimes were attributable to state agents, notably FARDC soldiers and PNC agents. Most of the sexual violence attributable to state agents in these provinces was committed in Ituri.

The UNJHRO reported that in February, in Kasumbalesa, Sakania Territory, Haut-Katanga Province, the Kipushi Tribunal militaire de garnison convicted three FARDC soldiers of rape during mobile hearings supported by the UNJHRO. They were sentenced to terms of one to 10 years in prison and payment of compensation to the victims. In July in South Kivu, a military court ruled on sexual violence cases and sentenced 11 FARDC soldiers to between four to 20 years in prison and

ordered the seizure of their salaries for victims' compensation. The UNJHRO reported that through June there were 48 convictions by judicial authorities, following a legal support project that assisted 191 survivors, most of whom were girls.

The UNJHRO reported that a FARDC soldier raped a 38-year-old woman in July in South Kivu after breaking into her house and was not arrested. The UNJHRO separately reported that the special police for the protection of children and the fight against sexual violence arrested a FARDC soldier from the 31st FARDC Rapid Reaction Commando Brigade when the parents of a 12-year-old rape survivor accused him of assault.

IAGs also perpetrated numerous incidents of physical abuse and sexual violence. For example, the UNJHRO reported that combatants of NDC-R committed 10 human rights abuses in July, including the fatal shooting of a man and the rape of a 14-year-old girl.

In July local press reported that the military court of South Kivu sentenced a leader of the FDLR militia to 10 years' imprisonment for committing crimes against humanity in the eastern regions of the country. The militia leader, Lenine Kizima Sabin, was prosecuted for rape, extortion, murder, and acts of plundering committed against more than 500 civilians between 2004 and 2006 in Shabunda Territory. A military tribunal had sentenced Kizima to life imprisonment in 2015, but his lawyers successfully appealed the conviction.

**Child Soldiers:** FARDC officers unlawfully used three children and continued coordinating with an armed group that recruited and used children during the reporting period.

Through June MONUSCO's Child Protection Section documented 1,195 violations of the rights of the child in the context of armed conflict in the country, a decrease of 23 percent from the same period in 2020. Most of the violations documented the recruitment and use of children by armed groups and militias. Following a screening by the MONUSCO Child Protection section, 45 children were separated from Mai Mai Biloze Bisambuke combatants.

The government continued to work with MONUSCO to engage IAGs directly to

end the use of child soldiers. As of September 16, a total of 2,378 children had been voluntarily released by commanders as part of the roadmap to end the recruitment and use of children and prevent sexual violence of children. In October and November, a Canadian NGO trained FARDC officers on how to approach children and identify child soldiers in conflict zones and contact child protection officials. According to MONUSCO's Child Protection Section, a joint MONUSCO-FARDC vetting mechanism led to the screening of 414 FARDC recruits and identification of 35 children who were separated before they received further training. Through October, MONUSCO trained 894 Congolese security forces (611 FARDC and 283 PNC) on the Children and Armed Conflict mandate including age verification methods. The government and the United Nations had a joint action plan to end the recruitment and use of children with other grave violations.

In September a military court in South Kivu handed down a life sentence to warlord Chance Mihonya. The former FARDC captain was found guilty of crimes against humanity, murder, rape, in addition to war crimes for using children as combatants.

Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

**Other Conflict-related Abuse:** Fighting between the FARDC and IAGs as well as among IAGs continued to displace populations and limit humanitarian access, particularly in Ituri, South Kivu, Maniema, and Tanganyika Provinces as well as in Rutshuru, Masisi, Walikale, Lubero, Beni, and Nyiragongo Territories in North Kivu Province.

In North Kivu, South Kivu, Ituri, Kasai-Oriental, and Haut-Katanga Provinces, IAGs and elements of the FARDC continued to illegally tax, exploit, and trade natural resources for revenue and power. Clandestine trade in minerals and other natural resources facilitated the purchase of weapons and reduced government revenues. Gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore) were the most exploited minerals, but wildlife products, timber, charcoal, and fish were also sought after.

The illegal trade in minerals financed IAGs and individual elements of the SSF. Both elements of the SSF and certain IAGs continued to control, extort, and threaten remote mining areas in North Kivu, South Kivu, Ituri, Maniema, and Haut Katanga Provinces and the Kasai region (see section 4).

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provides for freedom of speech, including for members of the press and other media, but the government did not always respect this right. The press frequently and openly criticized public officials and public policy decisions. Individuals generally could criticize the government, its officials, and other citizens in private without being subject to official reprisals. Public criticism, however, of government officials and corruption sometimes resulted in intimidation, threats, or arrest. Provincial-level governments also prevented journalists from filming or covering certain protests.

The UNJHRO reported that journalists and human rights defenders were regularly targeted by arbitrary arrests. Members of the FARDC were also responsible for 18 violations of the right to freedom of opinion and expression and four violations of the right to peaceful assembly, according to the UNJHRO. The UNJHRO also reported that the PNC committed 19 violations of the right to freedom of opinion and expression, 15 violations of the right to freedom of assembly, and one violation of the right to freedom of association from January through June.

**Freedom of Expression:** The law prohibits insulting the head of state, malicious and public slander, and language presumed to threaten national security. Authorities sometimes intimidated, harassed, and detained journalists, activists, and politicians when they publicly criticized the government, president, or the SSF.

In January, Daniel Ngoy Mulunda, former chairman of the Independent National Electoral Commission (CENI), was arrested in Lubumbashi for antagonizing tribal tensions.

According to the UNJHRO, ANR agents arrested a journalist and facilitator of the

program *Bosolo Na Politik* in April for criticizing politicians and the COVID-19-related curfew during a broadcast. The public prosecutor of the Gombe Court of First Instance released the journalist after he paid a fine.

According to local media reports, on December 17, a military court sentenced two musicians to prison time for songs calling government officials “crooks” and allegedly inciting violence against the FARDC and their families. The musicians were charged with four offenses, including offending the president, contempt against national deputies, creating false rumors, and failing to present their songs to the National Song and Entertainment Censorship Commission; they received sentences of two to 10 years in prison. At year’s end the musicians remained in detention and their lawyers were preparing appeals.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** The law mandates the High Council for the Audiovisual and Communications to provide for freedom of the press and equal access to communications media and information for political parties, associations, and citizens. A large and active private press functioned in Kinshasa and in other major cities, and the government licensed many daily newspapers. Radio remained the principal medium of public information due to limited literacy and the relatively high cost of newspapers and television. The state owned three radio and three television stations, and the former president’s family owned two additional television stations. Government officials, politicians, and some church leaders, owned or operated most media outlets.

The government required newspapers to pay a one-time license fee and complete several administrative requirements before publishing. Broadcast media were subject to a Directorate for Administrative and Land Revenue advertisement tax. Many journalists lacked professional training, received little or no set salary, could not access government information, and exercised self-censorship due to concerns of harassment, intimidation, or arrest.

In February the National Union of the Congolese Press (UNPC) condemned the arrest of Radio Liberte Bikoro journalist Christophe Yoka Nkumu in Bikoro, Equateur Province. Reporters Without Borders reported in July that supporters of the Union for Democracy and Social Progress party physically attacked Canal Kin

Television presenter Dosta Lutula in the street as he attempted to interview members of the public about the government's COVID-19 restrictions limiting the number of persons allowed to travel in public buses or taxis in Kinshasa.

In mid-September Reporters Without Borders and Journaliste en Danger (JED) denounced the police for engaging in physical violence against *Actu 24 CD* journalist Louange Vangu and seizing his press card. According to the same report, police fired tear gas at the headquarters of RTVS1, a media outlet owned by Adophe Muzito, an opponent of the government and one of the protest organizers.

In late September the human rights organization Voice of the Voiceless issued a statement criticizing the governor of Kinshasa for banning protests on the road from Ndjili Airport to the area known as Pont Matete and in central Kinshasa, characterizing the ban as a violation of the constitution and a return to past practices of banning peaceful demonstrations. Also in late September, the chairman of the New Generation for Congo's Emergence party, Constant Mutamba, was arrested in Kinshasa shortly after attempting to assemble with several party members to demonstrate against the government's alleged efforts to hijack the electoral process, according to independent outlet *Election-net.com*.

In September RFI and local press reported the detention of journalist Sosthene Kambidi, in connection with the 2017 killings of UN experts Zaida Catalan and Michael Sharp in the Kasais. FARDC auditor general prosecutors stated that Kambidi was detained for questioning as a witness in the case of Catalan and Sharp's deaths and was also being questioned as a suspect in the parallel investigation of the disappearance of the four Congolese nationals accompanying Catalan and Sharp. Kambidi was initially questioned in the presence of his attorney by both FARDC military prosecutors and legal personnel from the United Nations' Follow-On Mechanism for inconsistencies in his account of how and when he obtained the video of the experts' murders. On October 12, Kambidi was granted provisional release, and military prosecutors dropped the conspiracy, rebellion, and terrorism investigations but continued to investigate Kambidi for "culpable abstention." Attorneys for the remaining detained witnesses began a trial boycott on October 12, demanding the release of fellow attorney and witness Prosper Kamalu as a condition of their return. Kamalu was released on October 29. The trial proceedings resumed on November 2.

**Violence and Harassment:** Local journalists were vulnerable to SSF intimidation and violence. According to the Committee to Protect Journalists (CPJ), one journalist, Joel Musavuli, was killed in the country during the year (see section 2.a, Nongovernmental Impact).

The UNJHRO reported that in January in Kasai-Central Province, five PNC agents kicked and slapped a journalist from a local television station as he was trying to cover a demonstration organized by LUCHA. Although the journalist was wearing a T-shirt of his media employer, the PNC confiscated two cell phones and a recorder while he was showing his business card. Following the intervention of a UNPC member, his equipment was returned, although PNC agents had deleted all images and videos taken during the march. The commander in charge of intelligence at the PNC station indicated an investigation was opened, but the UNJHRO reported in November that it had noted no progress in the investigation.

On February 13, Radio Liberte Lisala journalist Erick Ngunde was arrested in the station's studio, reportedly at the behest of the interim governor of Mongala Province, Clementine Sole, according to local press. Before his arrest the reporter had hosted a program in which a close aide to the former governor of Mongala urged the population to remain "vigilant" regarding Sole's actions.

In February JED condemned the arrest and subsequent conviction of six journalists working for a community radio station in Bumba, Mongala Province. The reporters were sentenced to three years in jail for denouncing the sexual harassment faced by some of their female colleagues and mismanagement practices at the station. They were not granted access to lawyers of their choosing.

The CPJ reported in June that at least 10 armed men, some of whom wore military uniforms, entered the home of a freelance journalist in Goma in response to his reporting on the government's inadequate response to the Nyiragongo Volcano eruption. The armed men reportedly assaulted the journalist's wife and aggressively questioned her regarding his whereabouts, threatened to kill him, and took a bag of his reporting equipment.

In July local press reported that JED condemned the intrusion of police officers into the facilities of Radio Sarah, in Mbandaka, Equateur Province. The police



reportedly broke into the station's studio during the broadcast of a debate on the possible removal of the governor of the province by the local parliament. Law enforcement officers reportedly destroyed the station's generator and stole broadcasting equipment.

On September 17, PNC officers assaulted RFI correspondent Patient Ligodi while he was covering an unauthorized demonstration organized by the Lamuka coalition of political parties in Kinshasa. Ligodi was hospitalized and subsequently released. On the same day, the PNC announced the arrest of an officer for the assault.

**Censorship or Content Restrictions:** While the High Council for Audiovisual and Communications is the only institution with legal authority to restrict broadcasts, the government, including the SSF and provincial officials, also exercised this power. The National Song and Entertainment Censorship Commission, an independent body under the umbrella of the Ministry of Justice and composed of 11 members appointed by the minister, reviews content to ensure it does not “disturb public order or good morals” and does not contain racial slurs, tribal slurs, insults, slanderous language, or pornographic content. According to Article 13 of the commission's rules, each artist must pay a tax of 630,000 to 1.2 million Congolese francs (\$330 to \$600) before their work can be released to the public.

On November 5, Congolese rap group Musique Populaire de la Revolution (MPR) released a new music video on their YouTube channel with lyrics and a video that referred to the hopelessness of many Congolese youth. Citing MPR's failure to submit the song for review in advance, the National Song and Entertainment Censorship Commission banned the broadcast of the song. Two days later Minister of Justice Rose Mutombo declared the ban illegal and asked the commission to explain its decision, accusing it of acting without following its own rules to convene a quorum of its members.

Media representatives reported they were pressured by provincial government authorities not to cover events organized by the opposition or report news concerning opposition leaders. There were also reports the commission took longer to approve songs perceived as critical of the government.

**Libel/Slander Laws:** The law does not consider the veracity of reported facts in the case of a defamation complaint. Instead, the judge is to consider only the damage to the accused from revelations in a journalist's work.

The national and provincial governments used defamation laws to intimidate and punish critics. On July 6, LUCHA activist Parfait Muhani was arrested on charges of "criminal association" for allegedly "having formed an association with the aim of discrediting persons and properties" and criminal defamation for posting a tweet denouncing allegations of misappropriated funds by the foundation of First Lady Tshisekedi. According to HRW, he faced the death penalty because of the charges. Although the death penalty had not been carried out in two decades, Muhani could still receive a life sentence. Muhani was provisionally released on November 6 after four months in detention.

**National Security:** The national government used a law that prohibits anyone from making general defamatory accusations against the military to restrict free speech.

The CPJ reported in April that the SSF threatened staff at two radio stations in Ituri Province after they broadcast a local human rights activist's accusations that a senior military officer had overseen the detention and torture of adults and children.

The CPJ also reported in May that two uniformed men entered the home of a community broadcaster in Ituri Province, robbed him, and threatened to kill him for reporting allegations that military personnel had looted properties. One of the men also reportedly threatened to kill the journalist's mother as she was witnessing the attack.

**Nongovernmental Impact:** IAGs and their political wings regularly restricted press freedom in the areas where they operated.

In July JED reported that Thomson Undji Batangalwa, a correspondent for the South African radio station Channel Africa and a reporter for the Tanganyika radio station Espoir des opprimés based in Fizi, received a series of death threats from unknown persons claiming to belong to the Banyamulenge tribe. He reportedly broadcast a story on Channel Africa about an attack by Ngumino and Twirwaneo

rebels from the Banyamulenge communities on the FARDC base near Minembwe, South Kivu. Following the broadcast, the journalist received several threatening telephone calls, including one that accused him of being a “spokesperson for the FARDC.”

On August 13, days after Joel Musavuli broadcast a radio program in which he referred to human rights violations committed by different factions under the state of siege, unidentified intruders in Mambasa Territory in the northeastern province of Ituri broke into Musavuli’s home and stabbed him to death.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, but there were some reports that the government monitored private online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

There were no reported government restrictions on academic freedom or cultural events.

## **b. Freedoms of Peaceful Assembly and Association**

The government restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The constitution provides for freedom of peaceful assembly, but government authorities restricted this right and prevented those critical of the government from exercising their right to peaceful assembly, especially in the eastern provinces. The declaration of a state of siege since May 6 in Ituri and North Kivu Provinces resulted in further restrictions on peaceful assembly. The law requires organizers of public events to notify local authorities in advance of the event. The government sometimes used this advance notification requirement to decline to authorize public meetings or protests organized by opposition parties or civil society groups critical of the government. SSF agents reportedly also used COVID-19 restrictions to mistreat, arbitrarily arrest, or extort persons participating in peaceful gatherings.

The UNJHRO reported 271 restrictions of fundamental freedoms, a decrease from the 573 during the same period in 2020. These included restrictions on freedom of assembly, the right to liberty and security of person, and of the right to freedom of opinion and expression. The UNJHRO explained this downward trend as a decrease in law enforcement activity following the lifting of COVID-19 restrictions.

In January a military court in Beni Territory acquitted eight LUCHA members who faced 10 years in prison after being arrested in December 2020 during a march to call for peace and criticize MONUSCO. On February 15, LUCHA was denied the right to protest in Butembo. When LUCHA held a protest demanding the opening of the schools that had been closed due to COVID-19, police whipped protesters, injured 17 activists, and arrested 21 protesters, who were released three hours later.

The UNJHRO reported that in June police in Kinshasa arrested persons at a local restaurant whom they accused of violating COVID-19 protocols. Some of those arrested reported being assaulted and robbed.

On September 8, Kinshasa's governor rejected opposition coalition Lamuka's request for a public demonstration to be held on September 15, giving as a justification "President Felix Tshisekedi's instructions and COVID-19 measures," although the governor stated he would authorize the demonstration on September 17 instead. Lamuka attempted to organize the march on September 15 despite the denial, leading the PNC to break up the incipient march with tear gas and beatings.

### **Freedom of Association**

The constitution provides for freedom of association, and the government generally respected this right. Civil society organizations and NGOs are required to register with the government and may receive funds only through donations; they may not generate any revenue, even if it is not at a profit. The registration process was burdensome and very slow. Some groups, particularly within the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community, reported the government had denied their registration requests. Many NGOs reported that, even when carefully following the registration process, it often took years to receive certification. Many interpreted registration difficulties as intentional government

obstacles to impede NGO activity.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government sometimes restricted these rights.

**In-country Movement:** The SSF established barriers and checkpoints on roads and at airports and markets, both for security reasons and to track movement related to the Ebola and COVID-19 outbreaks. Checkpoints were put up at the time of curfew, which varied during the year from beginning at 8 p.m. earlier in the year, to beginning at 11 p.m. and ending at 4 a.m. as of September 20. Sometimes the SSF requested travel orders at checkpoints. Travel was significantly restricted due to regulations intended to reduce the spread of the COVID-19. The SSF routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The government required travelers to submit to control procedures at airports and ports during domestic travel and when entering and leaving towns.

IAGs engaged in similar activity in areas under their control, routinely extorting civilians at checkpoints and holding them for ransom. MONUSCO confirmed curfews were in effect in various parts of the East and that those curfews were often associated with an earlier prohibition on motorbike travel with the justification that most attacks are carried out by men on motorbikes. For example, travel by motorbike was not allowed after 7 p.m. in Goma, a restriction that continued to year's end. Movement between cities remained problematic because of insecurity. Local authorities continued to collect illegal taxes and fees for boats to travel on many parts of the Congo River. There also were widespread reports FARDC soldiers and IAG combatants extorted fees from persons taking goods to market or traveling between towns (see section 1.g.).

The SSF sometimes required travelers to present travel orders from an employer or

government official, although the law does not require such documentation. The SSF often detained and sometimes exacted bribes from individuals traveling without orders.

**Foreign Travel:** Due to inadequate administrative systems, passport issuance was irregular. Officials accepted bribes to expedite passport issuance, and there were reports the price of fully biometric passports varied widely.

### **e. Status and Treatment of Internally Displaced Persons**

The Office of the UN High Commissioner for Refugees (UNHCR) estimated that, including individuals displaced for longer than 12 months, there were 5.5 million IDPs in the country, more than half of whom were children. An additional 1.5 million persons were displaced during the year. The government was unable to consistently protect or assist IDPs adequately but generally allowed domestic and international humanitarian organizations to assist. The government sometimes closed IDP camps without coordinating with the international humanitarian community. In June UNHCR and other international humanitarian organizations worked to close three IDP sites in Kalemie, the capital of Tanganyika Province, by providing shelter and hygiene kits, along with transportation money and some food.

Conflict, insecurity, poor infrastructure, and a lack of funding adversely affected humanitarian efforts to assist IDPs. Insecurity and an inability to travel impeded some humanitarian access to certain zones in the eastern provinces.

Intercommunal violence and fighting among armed groups in the East resulted in continued population displacement and increased humanitarian needs for IDPs and host communities.

Combatants and other civilians abused IDPs. Abuses included killings, sexual exploitation of women and children (including rape), abduction, forced conscription, looting, illegal taxation, and general harassment.

On May 22, the Nyiragongo Volcano, located about seven miles north of Goma in North Kivu Province, erupted, causing as many as 40,000 residents to flee.

Thereafter, the government ordered the evacuation of one-half the city with an estimated population of nearly one million. Most of these residents later returned

home, but as many as 4,000 households remained displaced as of early November. The UNJHRO reported that most of the IDPs in Goma housed in various IDP camps and private residences were asked by the local authorities to return to their places of origin without prior assessment, contrary to international principles on internal displacement.

In May the UN Population Fund (UNFPA) described the experience of four internally displaced women and two young girls who were returning from a food distribution center in Bukavu when they were attacked and gang-raped by five men.

In Ituri Province, UNHCR noted that conflict-related activities of IAGs, including CODECO, FPIC, ADF, and Mai Mai armed groups, exacerbated long-standing community conflicts and threatened the safety of IDPs. Approximately 1.7 million IDPs relocated within the province: an estimated 80 percent lived with host families and 20 percent lived in 59 IDP sites, 25 of which were coordinated by UNHCR. The state of siege and intensification of military operations against IAGs contributed to the displacement of persons and affected the situation of IDPs. Through June there were 13,509 documented violations of physical integrity of IDPs in Ituri Province, with assault and battery cases constituting 76 percent of the violations, followed by homicide at 23 percent, and torture at 1 percent. IAGs committed 97 percent of these violations, while the FARDC were responsible for the remainder.

On November 21, 44 persons were killed at Tche, an IDP site in Drodro, Ituri Province, according to local news sources. After this attack nearly 20,000 IDPs fled to Rhoe, a site close to MONUSCO's military base, doubling the site's size.

According to the UNJHRO, ISIS-DRC activities in Irumu and Mambasa Territories led to massive population displacement, and ISIS-DRC carried out violent ambushes against IDP sites. The UNJHRO also reported that some youths attacked the IDP accommodation camps located at Neo Apostolic Church and Mubambiro, looted their food supplies, and threatened the IDPs with abduction. This led to a shortage of food supplies and posed security problems for the displaced.

Due to the remote location, weak civilian authority, and insecurity of the Kasai region, humanitarian access was difficult, and IDPs lived in poor conditions without adequate shelter or protection. Women and girls were particularly vulnerable to sexual violence, including gang rape.

Lack of shelter, low capacity for agricultural recovery, lack of basic infrastructure, and an absence of development partners all impeded the successful reintegration of IDPs. Some international relief workers warned that failure to integrate returnees and support livelihood activities and local infrastructure could lead to renewed inter-ethnic fighting over limited resources.

In an October briefing the UN Office for the Coordination of Humanitarian Affairs noted that local authorities and civil society groups estimated nearly 100,000 individuals had fled Komanda, Ituri Province, and its surroundings following attacks since September 23. Among them were at least 95 percent of the 60,000 inhabitants of Komanda, Makayanga, and Mangiva and the 40,000 persons who had found refuge there in 2020 and had to flee again. The displaced had little access to food, water, shelter, and medicine.

## **f. Protection of Refugees**

The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government established a rudimentary system for providing protection to refugees. The law, which allows for flexibility, provides most fundamental rights to refugees and citizens on an equal basis. UNHCR worked with the government to bring its system up to international standards and increase its efficiency and effectiveness. Because the Appeals Commission had not been convened in years, rejected asylum seekers remained in limbo. UNHCR was assisting the government in scaling up its ability to undertake biometric registration of refugees and issue refugee identification cards. The government system granted refugee and asylum status and provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their



race, religion, nationality, membership in a particular social group, or political opinion.

The government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers with welfare and safety needs. The government assisted in the safe, voluntary return of refugees to their homes by allowing their entry into the country and facilitating immigration processing. In establishing security mechanisms, government authorities did not treat refugees differently from citizens. Returns occurred at a rate lower than originally expected due to COVID-19 restrictions.

**Abuse of Migrants, Refugees, and Stateless Persons:** Continuing conflict in North and South Kivu, Ituri, Upper Uele, and Tanganyika Provinces subjected refugees and IDPs to attacks, often resulting in deaths and further displacement. UNHCR reported Rwandan refugees in the Masisi Territory, North Kivu, were subject to cyclical displacement as a result of FARDC and IAG operations and were forced to relocate to South Kivu Province. As a result of conflict, refugees in Masisi reported a range of human rights violations and instances of forced displacement, according to UNHCR. Because of a perception that Rwandan refugees are aligned with or support the FDLR, they were discriminated against and harassed, and subject to arbitrary detention during military operations to a greater extent than the general population.

As of August UNHCR reported there were 221,694 refugees from the Central African Republic in the country. Gender-based violence continued to be a problem for refugees arriving from the Central African Republic. Most of these refugees lived in dire conditions in border areas, near the Ubangi River, although some were relocated to more secure areas. Refugees at the river's edge, as well as many of the December 2020 arrivals lacked shelter, access to clean water, sanitation facilities, and sufficient food. Thousands of individuals had been biometrically registered, some had received refugee cards, and a small number had received COVID-19 vaccinations.

Incursions by South Sudanese forces into areas in the northern portions of the country continued during the year, with at least a dozen incidents as of December. All incursions as of December had occurred in the Aru Territory and Ituri Province

and affected security for asylum seekers, refugees, and Congolese returnees, as well as local populations.

**Durable Solutions:** A smaller number of Congolese refugees returned home to the country than originally expected due to COVID-19 restrictions.

UNHCR worked with the government to implement a comprehensive strategy to facilitate the repatriation of Rwandan refugees and integrate those who choose to resettle in the country. In 2016 the government through the National Commission for Refugees and UNHCR launched a biometric registration, but this process was halted due to security concerns and problems of access. Local authorities estimated that approximately 75,000 Rwandan refugees of the 215,000 residing in the country were biometrically registered and an estimated 213,000 remained in the country as of November 1.

**Temporary Protection:** The government provided temporary protection to an undetermined number of individuals who may not qualify as refugees (see section 1.g.).

### **g. Stateless Persons**

The country has a population of de facto stateless residents and persons at risk of statelessness, including persons of Sudanese origin living in the Northeast, Mbororo pastoralists in the far North, long-term migrants, forced returnees from Angola, former Angolan refugees, mixed-race persons who are denied naturalization, and Congolese citizens without civil documentation. There were no national statistics on stateless persons because such data are linked with the general population census process, which was last completed in 1984.

The law does not discriminate in granting citizenship on the grounds of gender, religion, or disability; however, the naturalization process is cumbersome and requires parliamentary approval of individual citizenship applications. Individuals lacking documentation were often denied identity documents, political rights, and employment. Persons whose names were not spelled according to local custom were often denied citizenship, as were individuals with lighter-colored skin. Persons without national identification cards were sometimes arbitrarily arrested by the SSF.

The law allows for the acquisition of citizenship through birth and residence in the country, marriage, adoption, and naturalization. Administrative practices for acquiring nationality through marriage, adoption, or naturalization were increasingly political and put more persons at risk of statelessness. The government has ratified neither the 1954 Convention Relating to the Status of Stateless Persons nor the 1961 Convention on the Reduction of Statelessness.

Authorities do not issue national identification cards for citizens. A voter card or passport serves as an identifying document. Most citizens did not have a passport, and only citizens 18 and older are eligible for a voter registration card. The lack of identification documents could hinder the ability to register at university, obtain a passport, or gain certain employment.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

**Recent Elections:** Presidential, legislative, and provincial elections were held in December 2018 and drew criticism grounded in procedural transparency concerns. CENI cancelled elections in Beni and Butembo in North Kivu Province, reportedly due to health concerns generated by the Ebola crisis, and in Yumbi in Mai Ndombe Province due to insecurity. Although CENI organized legislative and provincial contests in those areas in March 2019, more than one million voters were disenfranchised from the 2018 presidential contest.

In January 2019 CENI announced opposition candidate Tshisekedi won the presidential election, and in accordance with electoral law, the Constitutional Court confirmed CENI's results later that month. The Council of Bishops criticized the outcome, noting "the results of the presidential election as published by CENI do not correspond to the data collected by our observation mission."

Many international actors expressed concern regarding CENI's decision to deny accreditation to several international election observers and media representatives.

Some persons questioned the final election results due to press reports of unverified data leaked from unnamed sources indicating opposition candidate Martin Fayulu received the most votes. The election aftermath was calm, with most citizens accepting the outcome. In January 2019 Tshisekedi was sworn in as president, marking the first peaceful transfer of power since the country's independence in 1960.

Tshisekedi's Union for Democracy and Social Progress political party won 32 seats in the National Assembly, whereas the Common Front for Congo coalition won 335 seats of 500 seats total. Senatorial elections were held in March 2019 through an indirect vote by provincial assemblies.

**Political Parties and Political Participation:** The law recognizes opposition parties and provides them with "sacred" rights and obligations. Government authorities and the SSF, however, prevented opposition parties from holding public meetings, assemblies, and peaceful protests. The government and the SSF also limited opposition leaders' freedom of movement. The SSF used force to prevent or disrupt opposition-organized events.

State-run media, including television and radio stations, remained the largest sources of information for the public and government (see section 2.a.). There were reports of government intimidation of political opponents, such as denying opposition groups the right to assemble peacefully (see section 2.b.) and exercising political influence in the distribution of media content.

The national electoral law prohibits certain groups of citizens from voting in elections, in particular members of the armed forces and the national police.

In several districts, known as *chefferies*, traditional chiefs perform the role of a local government administrator. Unelected, they are selected based on local tribal customs (generally based on family inheritance) and if approved are paid by the government.

**Participation of Women and Members of Minority Groups:** No law limits participation of women or members of minority groups in the political process, and they did participate, although some ethnic groups in the East claimed discrimination. Women held only 12 percent of the seats in parliament. The new

government formed in April included several women as ministers or deputies, such as the minister of state of portfolio, the minister of relations with parliament, and the minister of mines. Approximately 27 percent of the 57 vice prime ministers, ministers, ministers of state, vice ministers, and minister delegates were women, an increase in the total number from the previous government. Of 108 senators, 23 were women. Changes to the electoral law in 2017 included the introduction of a minimum “threshold of representation,” but it disadvantaged women, partly because it favored the major parties, in which women faced challenges gaining prominent positions.

Women faced obstacles to full participation in politics and leadership positions generally. Women in leadership positions were often given portfolios focused on so-called women’s issues, such as those related to gender-based violence, cultural norms, and discrimination against women. Women generally had less access to financial resources needed to participate in politics. Furthermore, insecurity, particularly in the eastern provinces, presented a major obstacle for women who wished to run for office and campaign, because the risk of rape and other sexual violence forced them to limit activities and public exposure.

Some groups, including indigenous persons, claimed they had no representation in the Senate, National Assembly, or provincial assemblies. Discrimination against indigenous groups continued in some areas, such as Equateur, Kasai-Oriental, and Haut-Katanga Provinces, and such discrimination contributed to the lack of indigenous group political participation (see section 6).

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption during the year, and officials frequently engaged in corrupt practices with impunity. Local NGOs blamed these levels of corruption, in part, to the lack of a law providing for access to public information.

In 2020 President Tshisekedi created the Agency for the Prevention and Fight against Corruption (APLC). A special service under the Office of the President,

the APLC is responsible for coordinating all government entities charged with fighting corruption and money laundering, conducting investigations with the full authority of judicial police, and overseeing transfer of public corruption cases to appropriate judicial authorities. The Platform for the Protection for Whistleblowers in Africa asserted that APLC's record was mixed, without visible results.

**Corruption:** Corruption by officials at all levels as well as within state-owned enterprises continued to deprive state coffers of hundreds of millions of dollars per year. In January RFI reported the General Inspectorate of Finance (IGF) alleged that three billion Congolese francs (\$1.5 million) was embezzled every month at the Ministry for Primary and Secondary Education through a scheme diverting public funds to pay thousands of fictitious teachers. RFI also noted that the director of the agency supervising the teachers' pay process and the inspector general of the Ministry of Primary, Secondary, and Vocational Education were arrested, following the issuance of a report by the IGF. In March Radio Okapi reported that the Appellate Court of Kinshasa-Gombe sentenced the inspector general for primary, secondary, and vocational education, Michel Djamba, and the head of the Teachers' Payroll and Control Service, Delphin Kampayi, to 20 years of hard labor for embezzling public funds.

In June independent outlet *Actualite.cd* quoted a public finance expert as saying that there was not adequate accounting for more than 80 percent of the country's public spending, which potentially encourages embezzlement. A former minister of the economy said in local press that the country's budgetary accounting system was weakened by "numerous notable deficiencies." The head of the IGF, Jules Alingete, was quoted by independent radio station Top Congo FM as saying that at least 70 percent of public funds were routinely misappropriated. Alingete added that only one-third of the 146 billion Congolese francs (\$73 million) invested in road construction work in Kinshasa was actually used to support the construction effort. Alingete also alleged that over-invoicing that occurred during the development of the Bukangalonzo agro-industrial park cost the government 400 billion Congolese francs (\$200 million).

In June local media reported that a group of researchers working for the Goma Volcano Observatory (OVG) submitted a memorandum to President Tshisekedi

alleging the embezzlement of OVG's staff salaries since 2013, the misappropriation of funds disbursed by the government, and the "recruitment" of a plethora of fictitious employees. According to the representatives of the observatory's staff, the government misappropriated international donations worth more than six million euros (seven million dollars).

In August local press reported that the IGF took legal action against the governor of Kongo Central Atou Matubuana for misappropriating more than six billion Congolese francs (three million dollars) earmarked to finance several "special intervention funds." The IGF also accused Matubuana and some of his aides of embezzling more than 10 billion Congolese francs (five million dollars) earmarked for civilian and military services.

On August 27, authorities arrested and jailed former minister of health Eteni Longondo for the misappropriation of funds intended to fight the COVID-19 pandemic. The IGF reported the minister failed to account for more than two billion Congolese francs (one million dollars) allocated by the World Bank.

In November Reuters reported that the Constitutional Court dismissed the case of former prime minister Augustin Matata Ponyo, stating that its jurisdiction only covered sitting, not former, prime ministers. According to *Jeune Afrique*, Ponyo was suspected of involvement in an embezzlement scheme concerning a 570 billion Congolese francs (\$285 million) agrifood project, and the IGF concluded more than 90 percent of that amount was embezzled. The Sentry, an investigative and policy team that tracks war criminals' money in Africa, published a report alleging that a brother of former president Joseph Kabila benefitted from embezzled Congolese money, using it to buy expensive properties abroad.

The law prohibits the FARDC from engaging in mineral trade, but the government did not effectively enforce the law. Criminal involvement by some FARDC units and IAGs included protection rackets, extortion, and theft. The illegal trade in minerals was both a symptom and a cause of weak governance. It illegally financed IAGs and individual elements of the SSF and sometimes generated revenue for traditional authorities and local and provincial governments. A 2019 report from the International Peace Information Service (IPIS), a Belgian research group, determined that in the trading hub of Itebero, North Kivu Province, traders

paid \$10 per ton of coltan to the president of the local trading association, who distributed this money to the FARDC, ANR, and Directorate General for Migration. Individual FARDC commanders also sometimes appointed civilians to manage their interests at mining sites covertly.

Artisanal mining remained predominantly informal, illicit, and strongly linked to both armed groups and certain elements of the FARDC. Government officials were often complicit in the smuggling of artisanal mining products, particularly gold, into Uganda and Rwanda. A 2020 UN Group of Experts report highlighted Ituri Province as a major source of smuggled gold found in Uganda. The UN Group of Experts also reported that FARDC soldiers regularly accepted bribes from artisanal miners to access the Namoya site, which was owned by the Banro Mining Corporation. Mining experts and law enforcement officers interviewed in the report described natural resource-related crimes as “quick cash” and explained that violators often bribed law enforcement agencies to secure safe transit of illegal goods.

Between 2017 and 2020, IPIS visited 920 artisanal mine sites in the East and observed illegal interference (by either the FARDC or an IAG) at 363 sites. At 251 sites, IPIS reported FARDC interference, mostly by illegal taxation, but also by creating a trade monopoly over both mineral and nonmineral products. IPIS research noted that for armed interference, FARDC units were the main culprits at 66 percent of the affected mining sites (198 out of 265) in the 2016-18 sample, while 46 percent of the mines with armed interference were controlled or frequented by different armed groups, especially Raia Mutomboki, NDC-R, Mai Mai Yakutumba, and Mai Simba.

In conflict areas both IAGs and elements of the SSF regularly set up roadblocks and ran illegal taxation schemes. In 2019 IPIS published data showing state agents regularly sold tags meant to validate clean mineral supply chains. The validation tags, a mechanism designed to reduce corruption, labor abuses, trafficking in persons, and environmental destruction, were regularly sold to smugglers.

As in previous years, a significant portion of the country’s enacted budget included off-budget and special account allocations that were not fully published. These accounts shielded receipts and disbursements from public scrutiny. Eight



parastatal organizations held special accounts and used them to circumvent the government's tax collection authorities. "Special accounts" are, in theory, subjected to the same auditing procedures and oversight as other expenditures; however, due in large part to resource constraints, the Supreme Audit Authority did not always publish its internal audits, or in many cases published them significantly late. Under the *Extractive Industries Transparency Initiative* (EITI) standard of 2016, the government is required to disclose the allocation of revenues and expenditures from extractive companies. In 2019 the EITI board noted the country had made meaningful progress in its implementation of the 2016 standard but also expressed concern regarding persistent corruption and mismanagement of funds in the extractive sector. During the year the EITI published Gecamines' contracts with third parties but did not fully publish contract annexes containing contract values and mining royalties' allocations.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Elements of the SSF continued to kill, harass, beat, intimidate, and arbitrarily arrest and detain domestic human rights advocates and domestic NGO workers, particularly when the NGOs reported on or supported victims of abuses by the SSF or reported on the illegal exploitation of natural resources in the East. IAGs repeatedly targeted local human rights defenders for violent retribution when they spoke out against abuses. Representatives from the Ministry of Justice and the ANR met with domestic NGOs and sometimes responded to their inquiries.

**The United Nations or Other International Bodies:** The government cooperated at times with investigations by the United Nations and other international bodies but was not consistent in doing so. For example, the government refused to grant the United Nations access to certain detention centers, particularly at military installations such as military intelligence headquarters. The government and military prosecutors cooperated with the UN team supporting investigations related to the 2017 killing of two UN experts, Michael Sharp and Zaida Catalan, in Kasai Central Province. After a four-month recess, the trial involving more than 50 witnesses and suspects resumed on November 2.

**Government Human Rights Bodies:** During the year the National Commission on Human Rights (CNDH) published reports and made public statements on prison conditions, the Universal Periodic Review, and human rights violations during the COVID-19 state of emergency. It also held human rights training sessions for magistrates, visited detention centers, conducted professional development workshops for human rights defense networks in the interior, and followed up on complaints of human rights abuses from civilians.

Both the CNDH and the Human Rights Ministry continued to lack sufficient funding for overhead costs and full-time representation in all 26 provinces. A CNDH spokesperson reported the organization had received less funding than in previous years, hindering the implementation of programs in the provinces.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law on sexual violence criminalizes rape of all persons, but the law was not often enforced. Rape and other forms of gender-based violence were widespread throughout the country, even in areas without armed conflict. The survivors seldom reported this for cultural and social reasons, and the perpetrators were rarely punished. Rape was also common and used as a tactic in areas of armed conflict. The legal definition of rape does not include spousal rape or intimate partner rape. It also prohibits extrajudicial settlements (for example, a customary fine paid by the perpetrator to the family of the survivor), but such practices still occurred. Both international organizations and local NGOs reported that female rape survivors were sometimes forced to pay a fine to return to their families and to gain access to their children. Husbands often divorced wives who were survivors. The law also prohibits forced marriage, but it continued to take place. The law allows survivors of sexual violence to waive appearance in court and permits closed hearings to protect confidentiality. The minimum penalty prescribed for conviction of rape is a prison sentence of five years, and courts sometimes imposed such sentences in rape convictions in the infrequent instances when these crimes came to trial. Some prosecutions occurred for rape and other types of sexual violence.

IAGs frequently used rape as a tactic of conflict (see section 1.g.). The UNJHRO reported that from January through June, Nyatura combatants committed the greatest number of human rights abuses, attacking the civilian population and committing sexual violence against 39 women, one man, and 22 children. Local NGOs and international organizations reported that sexual mutilation was often used as a tactic of conflict, with rapists in conflict using weapons or sharp objects to torture women. The UNJHRO reported that in January in Kalembe, Nyatura Coalition des Mouvements pour le Changement (CMC) combatants raped two women, killed one man, and wounded another with a machete. The FARDC was also responsible for sexual violence, especially in conflict areas, where the UNJHRO documented 72 sexual violations against women.

Government agents raped and sexually abused women and girls during arrest and detention, as well as during military action, according to UNJHRO reporting (see sections 1.a. and 1.c.). While sexual violence was a problem throughout the country, most cases took place in areas affected by internal conflict. The PNC continued its nationwide campaign, with support from MONUSCO, to eliminate gender-based violence by the SSF, including through the fight against impunity and the protection of survivors and witnesses. The campaign to operationalize the national action plan to combat gender-based violence was not fully funded by October, and few activities had taken place.

In analyzing the impact of COVID-19 on women and girls, UNICEF found increased exposure to and increased incidence of sexual and gender-based violence with fewer persons on the streets after curfews. Women in Lubumbashi reported increased break-ins and sexual assaults during the COVID-19 curfew, some by armed men in uniform. Seven women told Agence France Presse in January that they had suffered a break-in and been raped during curfew hours in Lubumbashi.

As noted below, persons with disabilities faced high rates of gender-based violence and suffered health consequences as a result. LGBTQI+ persons were targeted by particular forms of gender-based violence, including “corrective” rape. Most survivors of rape did not pursue formal legal action due to insufficient resources, lack of confidence in the justice system, family pressure, and fear of subjecting themselves to humiliation, reprisal, or both.

UNFPA's most recent statistics indicated that 37 percent of women had experienced intimate partner violence during the previous 12 months. Among the barriers to reporting for women who had been sexually abused, UNICEF noted in an April report on sexual exploitation and abuse (SEA) that women said they would not confide in anyone if they were sexually abused, and that they feared diminished marriage prospects and community gossip after surviving this crime.

The law does not provide any specific penalty for domestic violence despite its prevalence. Although the law considers assault a crime, police rarely intervened in perceived domestic disputes. There were no reports judicial authorities took action in cases of domestic or spousal abuse.

**Other Harmful Traditional Practices:** UNICEF and MONUSCO attributed some abuses of children, including sexual violence against young girls, to harmful traditional and religious practices. Perpetrators allegedly targeted children because they believed harming children or having sex with virgins could protect against death in conflict or give them better luck with mining, and children often died because of these rapes.

Accusations of witchcraft often targeted women and resulted in killings, including some by burning. The NGO Association of Women in the Media said it had recorded 324 accusations of witchcraft from June through September. An administrative chief for Kabare Territory, South Kivu, said those killed were mainly women, more than 60 of whom had been designated as witches by individuals who claimed they could detect witches. A report by the Permanent Consultative Framework for Congolese Women (CAFCCO) recorded more than 37 women killed by mobs following witchcraft accusations in South Kivu, Ituri, Kinshasa, and Kongo Central during the year. CAFCCO called on national authorities to punish those responsible and ensure the safety of the victims.

In September the *Guardian* reported that eight women had been accused of witchcraft and burned to death or lynched in South Kivu during the month. An attorney quoted in the *Guardian* noted that a 2014 provincial law forbidding mob justice had not been applied.

**Sexual Harassment:** Sexual harassment occurred throughout the country. The

law prohibits sexual harassment and stipulates a minimum sentence of one year if convicted, but there was little or no effective enforcement of the law.

In late September several international news organizations reported allegations of SEA by World Health Organization (WHO) staff members working on the Ebola efforts in the country during the 2018-20 epidemic. The United Nations reported that the perpetrators included both Congolese and foreign staff, with an investigation by a WHO commission identifying 83 persons involved in the abuse, 21 confirmed as WHO employees. A *New York Times* article noted that women reported being asked to provide sex in exchange for a job or even to get water. The BBC reported that local women described being ambushed in hospitals, where they were raped. A Reuters article noted 29 women reported they were raped, with some forced by their abusers to have abortions. The United Nations noted that the report described how managers refused to consider verbal reports. In late October Reuters reported that more women had reported SEA, and the WHO issued a plan to prevent such misconduct by humanitarian workers.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The law recognizes the rights of all couples and individuals of reproductive age to benefit from information and education on contraception and to have free access to reproductive health services, although many couples and individuals lacked the means and access to information.

In 2020 according to UNFPA, 28 percent of women and girls ages 15 to 49 obtained access to modern contraception after requesting it, while reproductive health needs for 21 percent of women were unmet. The prevalence of modern methods of contraception was approximately 12 percent.

According to the Guttmacher Institute's selected sexual and reproductive health indicators between 2007 and 2018, 32 percent of respondents' recent births were unplanned. According to a 2016 study by the Guttmacher Institute, there were 147 unintended pregnancies per 1,000 women ages 15 to 49 in Kinshasa in 2016. The study found that in Kinshasa, 5 percent of women seeking postabortion care after using misoprostol were discharged in good health in less than 24 hours and did not require treatment.

Problems affecting access to family planning and reproductive health services included an inadequate transportation infrastructure, funding shortfalls for procuring adequate quantities of contraceptives, and poor logistics and supply chain management leading to frequent stock shortages. Cultural norms favoring large families; misinformation surrounding contraceptive use, including fear that contraception causes infertility; and especially the population's general inability to pay for contraceptive services were also barriers.

The adolescent birth rate was 138 per 1,000 girls ages 15 to 19. UNICEF reported that 27 percent of girls ages 15 to 19 had been pregnant. In an analysis of the impacts of COVID-19 and its impact on women and girls in the country, UNICEF reported an increase in the use of family planning services, an increase in sexual activity among adolescents, a reduction in antenatal care visits, and an increase in the number of pregnancies and women and adolescents seeking clandestine abortions.

The government provided access to sexual and reproductive health services to survivors of gender-based violence. The provision of emergency contraception was included as part of clinical management of rape, but women could not always access them in time. The services were free and intended to provide a postexposure prophylaxis kit within 72 hours to avoid unwanted pregnancy and sexually transmitted diseases. Prominent human rights observers reported, however, that women who went to the police to report rape were often asked to pay for actions needed to investigate and prosecute the crime. The government established mobile clinics for gender-based violence survivors in remote areas. LGBTQI+ survivors reported barriers to accessing emergency care.

According to the 2013-14 *Demographic and Health Survey*, the maternal mortality ratio was 846 deaths per 100,000 live births, despite sustained high usage of health facilities for deliveries, which suggested a poor quality of health services.

Geographic barriers, lack of appropriate equipment, and low health professional capacity also hindered the provision of quality maternal and child health services and led to high maternal mortality and childbirth complications, such as obstetric fistula.

After analyzing the impact of COVID-19 on women and girls, UNICEF noted that

school closures and financial difficulties pushed some adolescent girls to engage in transactional sexual relationships. Young women often did not have access to menstrual hygiene, which impacted their ability to attend schools, which often lacked bathrooms and running water. Furthermore, unwed girls who became pregnant were pressured to drop out of school, and young women who become mothers often faced societal stigmas.

**Discrimination:** The constitution prohibits discrimination based on gender, but the law does not provide women the same rights as men. The law permits women to participate in economic domains without approval of male relatives, provides for maternity care, disallows inequities linked to dowries, and specifies fines and other sanctions for those who discriminate or engage in gender-based violence. Nonetheless, women experienced economic discrimination, and there were legal restrictions on women in employment, including limitations on occupations considered dangerous, but no restrictions on women’s working hours.

In an analysis of the impacts of COVID-19 on women and girls, UNICEF found that women were disproportionately affected by the health and socioeconomic impacts of COVID-19 restrictions. Most women worked in the informal sector, and border and market closures limited business opportunities.

According to UNICEF many widows were unable to inherit their late husbands’ property because the law states that in event of a death in which there is no will, the husband’s children, including those born out of wedlock (provided they were officially recognized by the father), rather than the widow, have precedence with regard to inheritance. Since changes in the family law in 2017, women and men receive the same punishments for adultery of “an injurious quality,” but this change was not applied to the criminal law.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution provides that “no one could be discriminated on the basis of his race, ethnic, tribe, cultural or linguistic minority.” Ethnic Twa persons frequently faced severe societal discrimination and had little protection from government officials (see section 1.g.).

Long-standing ethnic tensions also fueled some community violence. The

UNJHRO reported the resurgence of interethnic conflict between Twa and Luba communities in Tanganyika Province and noted that conflicts between the Twa and the Bantu in Monkoto, Tshuapa Province, led to violence and casualties. The UNJHRO also reported persistent ethnic conflicts and attacks by the Mai-Mai Bakata Katanga in Lualaba and Haut-Katanga Provinces between January and June. According to MONUSCO, hate speech was spreading on social media among local communities in the city of Uvira and surrounding areas.

From January through June the UNJHRO documented 278 human rights violations and abuses committed in the context of the intercommunal conflict in the Haut Plateau covering parts of the territories of Uvira, Fizi, and Mwenga. The UNJHRO reported this conflict pitted the Banyamulenge community against the Bafuliiru, Bayindu-Banyindu, and Babembe communities and was characterized by the involvement of multiple armed groups and militias organized in ethnically based alliances, notably combatants from the Ngumino armed group and the Twigwaneho and Android militias, linked to the Banyamulenge community, and Mai Mai, and Biloze Bishambuke combatants linked to the Bafuliiru, Banyindu, and Babembe communities.

In May a journalist from the magazine *New Yorker* reported that when he was traveling in Kolwezi, a mining town in the South, staff at a casino run by and frequented by foreigners told him that Black Africans were not allowed to gamble. The journalist further wrote that the treatment of Congolese artisanal miners by their foreign bosses in the mining areas evoked that of the colonial period.

On September 27, two lawyers from South Kivu filed a complaint with the public prosecutor and the auditor general of the FARDC alleging acts amounting to ethnic cleansing in Minembwe between 2018 and 2020. The complaint, filed on behalf of 71 Banyamulenge living in the highlands of South Kivu, alleged that armed Mai Mai militia from the Fuliiru, Bembe, and Nyindu ethnic groups killed, raped, tortured, and kidnapped Banyamulenge and also burned houses and farm buildings and looted cattle, with the indifference or complicity of the FARDC. The complaint also denounced hate speech against Banyamulenge, sometimes propagated by well-known politicians and social-media influencers.

Uvira mayor Kiza Muhato banned an anti-Banyamulenge march after it had been



postponed from October 12 to October 15, leading organizers to cancel it again. The organizers planned the demonstration in support of the comments made by former minister of rural development Justin Bitakwira calling for Bafuliuro youth to take up arms to defend their ancestral land from Banyamulenge “invaders.”

On December 9, FARDC major Joseph Rugenerwa Kaminzobe was accompanying a patient in an ambulance carrying four other FARC soldiers headed to the Fizi General Referral Hospital when demonstrators in Lweba village pulled him from the ambulance, assaulted him, and burned him alive, allegedly for his Banyamulenge ethnicity. According to local sources, the demonstrators were a mix of young persons called “Bazalendo” (Swahili for “patriot”) and Mai Mai rebels protesting against the killing of three civilians during an attack by the Banyamulenge-linked Ngumino militia two days earlier. The deputy prime minister of interior and security launched an investigation and maintained the government was committed to combating hate speech. A FARDC delegation arrived in Lweba on December 11 to begin the investigation.

## **Indigenous Peoples**

Estimates of the country’s indigenous population (Twa, Baka, Mbuti, Aka, and others believed to be the country’s original inhabitants) varied greatly, from 250,000 to two million. Societal discrimination against these groups was widespread, and the government did not effectively protect their civil and political rights. Most indigenous persons took no part in the political process, and many lived in remote areas. Fighting in the East between IAGs and the SSF, expansion by farmers, and increased trading and excavation activities caused displacement of some indigenous populations. Political, social, and economic discrimination and exclusion of Pygmy, an ethnic community locally referred to as Twa, drove conflict throughout the country, most notably in Tanganyika Province, and around Kahuzi-Biega National Park in South Kiva Province.

While the law stipulates indigenous populations receive 10 percent of the profits gained from use of their land, this provision was not enforced. In some areas surrounding tribes kidnapped and forced indigenous persons into slavery, sometimes resulting in ethnic conflict (see section 1.g.). Indigenous populations also reported high instances of rape by members of outside groups, which

contributed to HIV/AIDS infections and other health complications.

## **Children**

**Birth Registration:** The law provides for the acquisition of citizenship through birth within the country or from either parent being of an ethnic group documented as having been in the country in 1960. According to UNICEF, the government registered approximately 25 percent of children born in some form of medical facility, but only 14 percent children had a birth certificate. Without a birth certificate, which provides proof of where a child was born and the identity of the child's parents, a child lacked any proof of entitlement to a nationality and was therefore left at risk of statelessness. Lack of registration rarely affected access to government services.

**Education:** The constitution provides for tuition-free and compulsory primary education. Despite President Tshisekedi's policy to provide free primary education, the government was unable to offer it consistently in all provinces. Public schools generally expected parents to contribute to teachers' salaries. These expenses, combined with the potential loss of income from their children's labor while they attended class, rendered many parents unable or unwilling to enroll their children. UNICEF reported that approximately 7.6 million children ages five to 17 were out of school, and half of girls ages five to 17 did not attend school. For the vast majority of schools, the lack of funding led to decreased access and quality of learning, rendering the policy heavily politicized and at times unpopular.

Secondary school attendance rates for girls were lower than for boys due to financial, cultural, or security reasons, including early marriage and pregnancy for girls. There were reports of teachers pressuring girls for sexual favors in return for higher grades. Educational obstacles for children with disabilities included inaccessible infrastructure; exams provided in formats not accessible to everyone; and a lack of awareness among teachers, students, and staff in addition to the reluctance to include children with disabilities.

Many of the schools in the East were dilapidated and closed due to chronic insecurity. Schools were sometimes targeted in attacks by IAGs. Parents in some areas kept their children from attending school due to fear of IAG forcible

recruitment and use of child soldiers. In March the Child Protection Section of MONUSCO documented one attack against a school and another against a hospital in Mabelenge, Irumu Territory, both perpetrated by ADF combatants in Ituri Province. The school was destroyed, and the hospital was looted. In April approximately 30 schools closed due to insecurity in Ikobo, North Kivu. Radio Okapi reported that most schools in Beni Territory were closed in May because of rampant insecurity and the subsequent displacement of students and teachers from troubled areas.

**Child Abuse:** Although the law prohibits all forms of child abuse, it regularly occurred. The constitution prohibits parental abandonment of children accused of sorcery. Nevertheless, parents or other care providers sometimes abandoned or abused such children, frequently invoking “witchcraft” as a rationale. The law provides for the imprisonment of parents and other adults convicted of accusing children of witchcraft. Authorities did not implement the law.

Many churches conducted exorcisms of children accused of witchcraft. These exorcisms involved isolation, beating and whipping, starvation, and forced ingestion of purgatives. According to UNICEF some communities branded children with disabilities or speech impediments as witches. This practice sometimes resulted in parents’ abandoning their children.

**Child, Early, and Forced Marriage:** While the law requires consent and prohibits marriage of boys and girls younger than age 18, many marriages of underage children took place, in part due to continued social acceptance. The constitution criminalizes forced marriage. Courts may sentence parents convicted of forcing a child to marry to up to 12 years’ hard labor and a fine. The penalty doubles when the child is younger than age 15; however, enforcement was limited.

Provisions in the law do not clarify who has standing to report forced marriage as a crime or if a judge has the authority to do so. UNFPA reported that child marriage was widespread, with approximately 37 percent of girls married by age 18 and 10 percent of women ages 20 to 24 having been married before the age of 15. Dowry payments greatly incentivized underage marriage, as parents forcibly married daughters to collect dowries or to finance dowries for sons. UNFPA further reported that some parents considered child marriage a way to protect a girl from

sexual violence, reasoning that her husband would be responsible for her safety.

**Sexual Exploitation of Children:** The minimum age of consensual sex is 18 for both men and women, and the law prohibits the commercial sexual exploitation of anyone younger than age 18. The penal code prohibits child pornography, with imprisonment of 10 to 20 years for those convicted. The law criminalizes child sex trafficking, with conviction carrying penalties ranging from 10 to 20 years' imprisonment and a heavy fine. In April UNICEF published a report on SEA that highlighted persistent social beliefs that undermine protection for child survivors. For example, UNICEF noted in the report that adolescent girls who were in exploitative relationships and received money in exchange for sex were not perceived to be children. According to the report, sexual violence against children was considered more serious and more likely to be reported than sexual violence against adults, as it was commonly believed that child victims do not bear the same stigma as adult victims.

There were also reports child soldiers, particularly girls, faced sexual exploitation (see section 1.g.).

**Displaced Children:** According to the *2007 Rapid Assessment, Analysis, and Action Planning Report*, the most recent data available, there were an estimated 8.2 million orphans, children with disabilities, and other vulnerable children in the country. Of these, 91 percent received no external support and only 3 percent received medical support. In 2019 the NGO Humanium estimated 70,000 children lived on the streets, with at least 35,000 in Kinshasa. The families of many of these children forced them out of their homes, accusing them of witchcraft and causing misfortune. Humanium noted that street children were unsupervised with no access to food, education, or shelter and other basic necessities, circumstances that left them vulnerable to abuse and exploitation by adults and law enforcement personnel who forced them into illegal criminal activity. Law enforcement officials sometimes recruited street children to disrupt political protests and cause public disorder, making children liable for injury or death.

In February UNICEF reported that there were an estimated three million child IDPs in the country, largely as a result of violence in the east of the country (see section 2.e.).

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The country had a very small Jewish population, and there were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's Trafficking in Persons Report at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and requires the state to promote their participation in national, provincial, and local institutions. The constitution states all persons should have access to national education. The law prohibits private, public, and semipublic companies from discriminating against qualified candidates based on disability. The government did not enforce these provisions effectively, and persons with disabilities often found it difficult to obtain employment, education, and other government services. Many persons with disabilities, consequently, resorted to begging. Conflict in several areas of the country left many thousands of former military and civilians with significant disabilities. Disability groups reported extensive social stigmatization, including children with disabilities being expelled from their homes and accused of witchcraft. Families sometimes concealed their children with disabilities due to shame.

No legislation mandates access to government buildings or services for persons with disabilities, including access to health care, information, communication, transportation, the judicial system, or other state services. While persons with disabilities may attend public primary and secondary schools and have access to higher education, no reasonable accommodations are required of educational

facilities to support their full and equal inclusion. Schools for children with hearing impairments, for example, were private and generally in poor condition. According to the Ministry of People Living with Disabilities, less than 1 percent of children with disabilities attended school. In a study done between 2019 and 2020 with support from UNESCO, the ministry reported that of 10,000 persons with disabilities in Kinshasa, only 36 percent had some primary school education and 49 percent had no formal education. The government began a program to standardize sign language throughout the provinces due to differences between the signs used in different provinces.

A local NGO Congo Handicap reported in September that women with disabilities were up to four times as likely to be survivors of domestic violence as other women and often did not report abuses due to a lack of awareness of their rights. Persons with disabilities were also frequently survivors of gender-based violence. Congo Handicap also noted in a report published in September that 1,500 women with disabilities in and near the city of Bukavu had survived rape and other forms of sexual violence. Many survivors reported unwanted pregnancies and sexually transmitted infections as a result. The NGO reported that the perpetrators were not held to account for the alleged abuses.

Violence against persons with disabilities was a serious problem. Victims often did not report abuses, and when they did, they experienced financial, social, and cultural obstacles to accountability. Often police and other officials who played a role in the judicial system asked victims for money before investigating. The family of a young autistic girl who was raped by a manual laborer in Kinshasa did not have the money to pursue justice. The family then brought the case to the attention of the minister of people living with disabilities, who described how she intervened to ensure the case was brought to trial, which resulted in a six-year prison sentence for the perpetrator.

Frontline Defenders reported that Sinzeri Nabeza Jolie, a prominent human rights defender with a physical disability, was released from detention in January due to deteriorating health after spending four days in detention without being presented to a judge. Jolie is a member of SOS HANDICAP, an organization in South Kivu created by women with disabilities to defend and protect the human rights of women and girls with disabilities. Police had arrested her following a meeting to

prepare for a march protesting discrimination against women and girls with disabilities. A Congo Handicap report published in December asserted that the right to access to justice for people with disabilities was not respected. According to the report, persons with disabilities often would not lodge complaints, because their complaints were often not taken seriously and were often either dismissed or not recorded.

Persons with disabilities also encountered many challenges in exercising their rights to participate in civic life. During the 2018 election, for example, persons with visual impairments encountered difficulties trying to use voting machines. Obstacles to voting included a lack of support and information, in addition to an inaccessible physical environment. Many potential voters with physical disabilities were forced to abandon the effort to participate in elections when physical limitations did not permit them to wait in the lines. Additionally, authorities sometimes changed the location of polling places at the last minute, making it difficult for persons with disabilities to reach the new location due to limited accessible transportation.

## **HIV and AIDS Social Stigma**

The law prohibits discrimination based on HIV status, but social stigma continued.

*The Demographic and Health Survey 2013-14* captured a proxy indicator measuring the level of tolerance of respondents towards an HIV-positive person (either family member, businessperson, or teacher) and the necessity of hiding the HIV-positive status of a family member. Of those responding, 72 percent said they were ready to take care of an HIV-positive parent, but only 47 percent expressed willingness to purchase produce from an HIV-positive seller; 49 percent would accept having an HIV-positive teacher with their children, and 26 percent said it would not be necessary to hide the HIV status of a family member.

A 2020 Ministry of Health study conducted in conjunction with WHO and other organizations surveyed those with HIV about stigmatization and discrimination towards them. Approximately 40 percent gave their HIV status as a reason to have moved during the previous 12 months. Nearly 75 percent said they had not lost a job or source of revenue during the previous 12 months due to their HIV status.

Fewer than 5 percent said they had been refused health care because they were HIV positive, and 62 percent of respondents said they had read about or discussed the law providing protection for the rights of persons with HIV and AIDs.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

While no law specifically prohibits consensual same-sex sexual conduct between adults, individuals engaging in public displays of consensual same-sex sexual conduct, such as kissing, were sometimes subject to prosecution under public indecency provisions, which were rarely applied to opposite-sex couples. A local NGO reported authorities rarely took steps to investigate, prosecute, or punish officials who committed abuses against LGBTQI+ persons, whether in the security forces or elsewhere in the government.

Identifying as LGBTQI+ remained a cultural taboo. LGBTQI+ individuals were subjected to harassment, stigmatization, and violence, including “corrective” rape. Some religious leaders, radio broadcasts, and political organizations played a key role in supporting discrimination against LGBTQI+ individuals.

LGBTQI+ persons in South Kivu Province reported that in 2018 a coalition of revivalist churches in Bukavu published materials characterizing LGBTQI+ persons as acting against the will of God. The publications contributed to a deteriorating environment for LGBTQI+ rights in the area. Advocates in the eastern part of the country reported arbitrary detentions, acts of physical violence, including beatings, being stripped naked, sexual abuse in public settings, and rape. In some cases LGBTQI+ persons were forced by threats of violence to withdraw from schools and other public and community institutions.

In June LGBTQI+ persons who participated in Pride Month activities were subjected to harassment, physical violence, and threats when photographs became public. An NGO supporting LGBTQI+ rights reported receiving hate mail and threats of violence. The NGO reported there was rarely condemnation when LGBTQI+ persons were attacked and that LGBTQI+ individuals faced difficulties pursuing claims of discrimination in employment.



An NGO promoting LGBTQI+ rights claimed other human rights organizations excluded and ostracized LGBTQI+ rights organizations due to their religious beliefs or belief that LGBTQI+ rights do not constitute human rights. One activist reported being explicitly excluded from other meetings of human rights organizations or women's rights organizations due to her affiliation as an LGBTQI+ activist.

A human rights NGO reported that a gay man was severely beaten by a mob, which included several security force members, after he was lured to meet another man at a local hotel. Human rights activists alleged that some in the mob were members of the Republican Guard. The mob later attacked the man's house and stole his money, causing the man to go into hiding and to be disowned by his family.

LGBTQI+ activists reported that there were many cases of "corrective" rape against both men and women during the year. When the survivors came to a health clinic for care, they were either rejected for being LGBTQI+ or the staff at the health clinic tried to talk them out of being LGBTQI+.

An influential church, Centre Missionnaire Philadelphie, where several high-ranking politicians attended services, held a seminar with hundreds of participants about the "causes and consequences" of being LGBTQI+, claiming it was immoral.

In July former human rights minister Marie-Ange Mushobekwa, responding to a tweet, wrote that LGBTQI+ persons could "love each other privately" but claimed that representative of foreign governments "will have to walk over the dead bodies of Congolese people to impose such behavior in public or legalize it."

## **Other Societal Violence or Discrimination**

Discrimination against persons with albinism was widespread and limited their ability to marry and obtain employment, health care, and education. Families and communities frequently ostracized persons with albinism. Civil society groups reported albinos were killed and their bodies disinterred from their graves and cut up for use in rituals meant to grant special powers in any endeavor.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide all workers, including those in both the informal and formal sectors, except top government officials, judges, and SSF members, the right to form and join trade unions and to bargain collectively. The law also provides for the right of most workers to conduct legal strikes. It is against the law, however, for police, army, directors of public and private enterprises, and domestic workers to strike. The law gives administrative authorities the right to dissolve, suspend, or deregister trade union organizations. It also grants unions the right to conduct activities without interference, although it does not define specific acts of interference. In the private sector, a minimum of 10 employees is required to form a union within a business, and a single business may include members of more than one union. Foreigners may not hold union office unless they have lived in the country for at least 20 years, a length of time deemed excessive by the International Labor Organization (ILO). Collective bargaining requires a minimum of 10 union committee members and one employer representative; union committee members report to the rest of the workforce. In the public sector, the government sets wages by decree after holding prior consultations with unions.

Union committees are required to notify company management of a planned strike, but they do not need authorization to strike. The law stipulates unions and employers shall adhere to lengthy compulsory arbitration and appeal procedures before unions initiate a strike. At times, however, workers strike without adhering to these lengthy compulsory arbitration and appeal procedures, thus engaging in a “wildcat” strike. Generally, the committee delivers a notice of strike to the employer. If the employer does not reply within 48 hours, the union may strike immediately. If the employer chooses to reply, negotiations, which may take up to three months, begin with a labor inspector and ultimately continue in the Peace Court. At times employees provide minimum services during negotiations, but this is not a requirement. If negotiations are taking place, public-sector workers must continue to provide “vital services.” Unless unions notify employers of a planned strike, the law prohibits striking workers from occupying the workplace during a strike, and an infraction of the rules on strikes may lead to incarceration of up to

six months with compulsory prison labor. This rule was not enforced.

The law prohibits discrimination against union employees and requires employers to reinstate workers dismissed for union activities, but the associated penalties were not adequate to deter violations. Penalties were not commensurate with penalties for other civil rights violations. Workers have access to a labor court for discrimination issues, but no cases were brought during the year. Judicial procedures were subject to lengthy delays and appeals. The law considers those who have worked for a minimum of three continuous months as “workers” and thereby protected by relevant labor law. Unless they are part of a union, most workers in agricultural activities and artisanal mining, domestic and migrant workers, and workers in export-processing zones were unfamiliar with their labor rights and did not often seek redress when employers breached applicable labor laws.

The government recognizes 12 private-sector and public-enterprise unions at the national level, as well as 15 unions that represented the public administration sector. The public administration sector has a history of organizing, and the government negotiates with sector representatives when they present grievances or go on strike. Of the 15 national unions that represented the public administration sector, five accounted for most workers. Several unions had strong ties to government or parties, and some reported interference with union affairs and elections.

Workers exercised their right to strike. Workers in the public and private sectors held strikes regarding unpaid salaries. In October medical doctors and nurses delivered notice prior to striking, but teachers in Catholic schools who went on strike refused to teach after the government had accepted demands to negotiate, leading some observers to call the strike illegal. Local media reported that PNC officers occasionally violently broke up these protests. In June health-care workers including hospital administrative staff went on strike to demand a salary increase.

In July local press reported that Kinshasa taxi drivers started a strike to protest harassment by local police and transport agents, with the president of the Association of DRC Drivers declaring that taxi drivers were tired of being arrested or robbed by the police. The strike lasted for one week.

Also in July, Radio Okapi reported that the physicians' unions SYMECO, SYNAMED, and SYLIMED coordinated to launch a strike following the government's failure to take their July 10 strike notice into account. The unions noted the authorities' apparent unwillingness to address grievances ranging from calls for pay raises to complaints regarding physicians' working conditions and the poor management of the country's hospitals.

The government did not effectively enforce the law. In small and medium-sized businesses, workers could not properly exercise the right to strike. Government and employers did not respect the right of freedom of association and collective bargaining. Due to lax enforcement of labor regulations and lack of capacity for the General Labor Inspectorate, companies and shops could immediately replace any workers attempting to unionize, bargain collectively, or strike with contract workers to intimidate the workers and prevent them from exercising their rights, despite legal protections. Antiunion discrimination was widespread, particularly in foreign-owned companies. In many instances companies refused to negotiate with unions and negotiated individually with workers to undermine collective bargaining efforts. In the retail sector, strike leaders working for supermarkets were threatened with termination. Unions had an active complaint with the ILO pertaining to past allegations of government interference in union elections.

Despite collective agreements on union dues, employers often did not remit union dues or did so irregularly.

## **b. Prohibition of Forced or Compulsory Labor**

The constitution prohibits all forms of forced or compulsory labor. Penalties were commensurate with the penalties for other serious crimes.

In cases of nonpayment of requisite and applicable taxes, the law allows for arrest and compulsory labor as a penalty to enforce payment of the tax debt. The government did not effectively enforce the law.

Forced labor, including forced child labor, regularly occurred throughout the country (see section 7.c.). Violations included bonded labor, domestic servitude, and slavery. In the artisanal mining sector, individuals took on debt from intermediaries and dealers to acquire food, supplies, and mining equipment, often

at high interest rates. Miners who failed to provide sufficient ore to pay their debt were at risk of debt bondage. The government continued to try to formalize the artisanal mining sector but did not attempt to regulate the practice.

In the East, IAGs continued to abduct and forcibly recruit men, women, and children to serve as laborers, porters, domestic laborers, and combatants (see section 1.g.). In eastern mining regions, there were reports that armed groups violently attacked mining communities and surrounding villages; held men, women, and children captive; and exploited them in forced labor and sex trafficking. In North Kivu and South Kivu Provinces, some members of FARDC units and IAGs taxed or, in some cases, controlled mining activities in gold, coltan, wolframite, and cassiterite mines. There were no reports of FARDC units forcing persons to work in mines. IAGs sometimes forced local communities to perform construction work and other labor at mine sites. The deputy administrator of Ngungu, Theophile Ndikabuze, told a local news site that the self-proclaimed General Mahachano, a Masisi rebel, continued to recruit young persons for gold trafficking. The government did not enforce laws banning this practice. In the provinces of the Katanga region, the use of force to evict artisanal diggers led to violence and casualties.

Some police arrested individuals arbitrarily to extort money from them (see section 1.d.). There were reports in North and South Kivu Provinces of police forcing those who could not pay to work until they “earned” their freedom.

The government took limited action against those who used forced labor and abducted civilians for forced labor. Following a five-month closure of courts for pandemic restrictions, civilian and military courts resumed investigations and prosecutions of multiple traffickers for cases in which victims were subjected to forced labor, sex trafficking, and domestic servitude. The prosecutions continued through the year. Little if any information existed on the removal of victims from forced labor.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The government prohibits all of the worst forms of child labor. The law sets the minimum age for work at 16, and a ministerial order sets the minimum age for hazardous work at 18. The law also stipulates children may not work for more than four hours per day and restricts all minors from transporting heavy items.

The government did not effectively enforce the law. While criminal courts heard some child labor complaints, it was unclear if these resulted in sentences. Penalties were not commensurate with other serious crimes. The Ministry of Labor has responsibility for investigating child labor abuses but had no dedicated child labor inspection service. Other government agencies responsible for combating child labor include the Ministry of Gender, Family, and Children; Ministry of Justice; Ministry of Social Affairs; and National Committee to Combat the Worst Forms of Child Labor. The Ministry of Mines employed mining inspectors, whose duties include inspecting for child labor at mine sites. The government did not devote adequate support to these agencies, and they conducted no inspections or specialized investigations for child labor during the year.

Child labor, including forced child labor, was prevalent throughout the country. Child labor was most common in the informal sector, including in artisanal mining and subsistence agriculture. According to the Ministry of Labor, children worked in mines and stone quarries and as child soldiers, water sellers, domestic workers, and entertainers in bars and restaurants. Commercial sexual exploitation of children also occurred (see section 6).

Children were also the victims of exploitation in the worst forms of child labor, many of them in agriculture, illicit activities, and domestic work. Children mined diamonds, gold, cobalt, coltan, wolframite, copper, and cassiterite under hazardous conditions. In the mining regions of Haut-Katanga, Kasai-Oriental, Kasai-Central, North Kivu, and South Kivu Provinces, children sifted, cleaned, sorted, transported heavy loads, and dug for minerals underground. In many areas of the country, children between ages five and 12 broke rocks to make gravel.

Parents often used children for dangerous and difficult agricultural labor. Families unable to support their children occasionally sent them to live with relatives who at

times treated them as domestic slaves, subjecting them to physical and sexual abuse.

In 2016 the National Labor Committee adopted an action plan to fight the worst forms of child labor; however, as of September it had not been implemented. In 2020 the General Labor Inspectorate issued a plan to conduct a child labor survey and develop a roadmap to review and curb the use of child labor in the rice sector in Kongo Central Province, but no survey was conducted during the year.

Forced child labor was prevalent in the mining sector. The law prohibits violations of child labor laws in the mining sector and imposes fines in cases of violations. Nonetheless, various mining sites, located principally in North Kivu and Haut-Katanga Provinces, employed many child workers. The working conditions for children at these mining sites were poor. Treated as adults, children worked without breaks and without any basic protective measures. According to the civil society organization Leave Kabare to Live (MLKAV), surveys carried out in Kabare territory in South Kivu indicated that more than 70 percent of laborers in stone-mining quarries were minor children, both girls and boys, ages eight to 15.

The mining police and private security forces, including those guarding large-scale mining concessions, reportedly subjected child laborers on artisanal mining sites to extortion and physical abuse.

There was a systematic government effort in conjunction with NGOs to redirect child labor away from mines. The government and the African Development Bank continued a 160 billion Congolese francs (\$80 million) project to provide alternative livelihoods for children engaged in the cobalt sector.

The Ministry of Mines prohibits artisanal mines with child labor from exporting minerals; however, the ministry had limited enforcement capacity.

In 2019 the government undertook a five billion Congolese francs (\$2.5 million) project to boost the capacity of labor inspectors to prevent children younger than age 18 from engaging in hazardous work in mines. Additionally, in March the Ministry of Mines issued a decree forming an interministerial commission with the Ministry of Labor to inspect child labor in artisanal mines. As of September the commission had yet to act, due primarily to the COVID-19 pandemic.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>, and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment and occupation based on race, gender, language, or social status. The law does not specifically protect against discrimination in respect of employment and occupation based on religion, age, political opinion, national origin, disability, pregnancy, sexual orientation, gender identity, or HIV-positive status. Additionally, no law specifically prohibits discrimination in employment of career public-service members. The government did not effectively enforce relevant employment laws, and penalties were not commensurate with other violations of civil rights.

Gender-based discrimination in employment and occupation occurred (see section 6). Although the labor code stipulates men and women must receive equal pay for equivalent work, the government did not enforce this provision effectively. According to the ILO, women often received less pay in the private sector than did men doing the same job and rarely occupied positions of authority or high responsibility. There were legal restrictions on women's employment in occupations deemed arduous, and women were prohibited from occupying many jobs that require night work. Persons with disabilities, including albinism, and certain ethnicities such as Twa faced discrimination in hiring and access to the worksites.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The government sets regional minimum wages for all workers in private enterprise, with the highest minimum wages applied to the cities of Kinshasa and Lubumbashi. The minimum wage was above the poverty line, but it did not provide a living wage for a worker and family. Most businesses were not in compliance with this minimum wage but faced few penalties.

In the public sector the government sets wages annually by decree and permits



unions to act only in an advisory capacity. Certain subcategories of public employees, such as staff members of decentralized entities (towns, territories, and sectors), do not have the right under the law to participate in the wage-setting consultations.

The law defines different standard workweeks, ranging from 45 hours per week to 72 hours every two weeks, for various jobs and prescribes rest periods and premium pay for overtime. The law establishes no monitoring or enforcement mechanism, and employers in both the formal and informal sectors often did not respect these provisions. The law does not prohibit compulsory overtime.

The government did not effectively enforce wage and hour regulations. Penalties were not commensurate with those for similar violations and were seldom applied. The Ministry of Labor employed 115 labor inspectors and 71 labor controllers, which was not sufficient to enforce consistent compliance with labor regulations. Labor inspectors have the authority to make unannounced inspections and initiate penalties.

**Occupational Safety and Health:** The labor code specifies health and safety standards, but they had not been updated in many years.

The government did not effectively enforce health and safety standards in the informal sector, and enforcement was uneven in the formal sector. The Ministry of Mines validation process includes criteria on minimal safety standards. Nonetheless, the law does not allow workers to remove themselves from hazardous situations without putting their employment in jeopardy. Penalties were not commensurate with those for similar violations.

**Informal Sector:** Labor laws apply to the informal sector, but they were rarely applied. Approximately 90 percent of laborers worked in the informal sector in subsistence agriculture, informal commerce or mining, or other informal pursuits, where they often faced hazardous or exploitive working conditions.

In 2015 IPIS estimated there were 300,000 artisanal miners in the 2,000 identified mine sites in the East. It was estimated there were likely an additional 1,000 mine sites that had not been identified. In October seven artisanal gold miners were reported dead and five missing in South Kivu after a landslide caused by torrential

rain.