

## Human Rights in the Democratic Republic of Congo (DRC): Turmoil in the run-up to elections

DRC is experiencing a plethora of human rights problems. In the east of the country, the national army and the UN peacekeeping mission are not able to deal effectively with the violence still perpetrated by some armed groups – a legacy of the bloody civil war that ravaged the country. The human rights situation has also deteriorated in the run-up to the general elections, which are expected to be postponed; demands from the political opposition, civil society and mass media for timely elections have been met with heavy repression from the government.

### Ratification of international instruments

The DRC has [ratified](#) the core [UN human rights instruments](#) with two exceptions: the Convention on Enforced Disappearances and the Convention on the Rights of Migrant Workers. It [has also ratified](#) most of the African human rights instruments. In 2002, DRC ratified the Statute of the International Criminal Court (ICC), and in 2004, the President referred the situation in the country to the ICC, which started investigations. The results have been [quite unsatisfactory](#). The number of prosecutions has been low compared to the scale of atrocities committed, and only [two defendants](#) have been found guilty to date.

### Relations with the EU; European Parliament position

The EU has provided substantial support to the DRC, financing for example the organisation of its first democratic elections, held in 2006, and will continue to do so through its 2014-2020 [National Indicative Programme for DRC](#), which prioritises strengthening the country's governance and rule of law, including reforms in the judiciary, police and army.

Parliament has adopted several resolutions on human rights violations in DRC. In [2012](#) and [2013](#), it strongly condemned the human rights violations, including sexual and gender-based violence in eastern Congo. In a [resolution](#) from 2012, it condemned the violence related to the 2011 elections and criticised the National Electoral Commission's lack of efficiency. In a [July 2015 resolution](#), Parliament condemned the crackdown on protesters and civil society activists. In its latest [resolution from March 2016](#), Parliament expressed concerns about the deteriorating human rights situation and once again condemned the repression of members of the opposition, civil society and media.

### Political context and related issues

After the [bloody conflicts](#) which took place between 1996 and 2003, and directly or indirectly claimed the lives of [several million](#) people, some [rebel groups](#) have continued to operate in the eastern regions, committing gross human rights violations, despite the government forces' joint efforts with the UN Stabilisation Mission (Monusco, currently the world's biggest UN peace-keeping operation) to eradicate them. Two groups remain particularly harmful for civilians in the region: [FDLR](#), a Rwandan Hutu militant group, and the [ADF-NALU](#), an Islamist insurgency of Ugandan origin. The current political context is another vector of the troubled human rights situation. General elections are scheduled for November 2016 but the National Electoral Commission [envisages](#) postponing them because it [considers it impossible](#) to organise them in due time. A Constitutional Court decision from May 2016, which has been strongly challenged by the opposition and civil society, paves the way for incumbent President Kabila to remain in power if elections cannot be organised on time, despite the constitution stipulating that the transfer of power should take place before the end of the year. The organisation of elections faces real financial and logistical obstacles; the electoral register has not been updated since 2011 and public finances are under great stress, the public



budget having been slashed by a quarter because of the plunge in commodity prices. The opposition accuses the government and President Kabila (who has kept silent on his future intentions) of deliberately postponing the elections in order to extend his tenure unconstitutionally and possibly seek a third term; a legislative attempt to allow him to overstay his tenure took place in January 2015 but failed after it was met with strong popular protests and resistance from within the party in government. A national dialogue on holding the elections is planned between the government and the opposition, with support from the African Union and the [European Union](#).

### Human rights issues

*Human dignity.* Armed groups remain active in the eastern region, committing [egregious human rights](#) violations, including killings, rapes, torture, abductions, use of child soldiers and looting of private property, and causing massive population displacements. The region of North Kivu has been particularly affected by a strong resurgence of violence, with more than [600 people](#) reported killed since October 2014, especially in the surroundings of the town of Beni. The Allied Democratic Forces (ADF), an Islamist rebel group of Ugandan origin, has been blamed for the [particularly brutal acts](#) committed there, but responsibility [may also extend](#) to other groups. Both the government and Monusco have been accused of being ineffective; the local population has protested against their poor performance through [riots](#) and other [actions](#), including an [internet awareness-raising campaign](#). Suspicions of corruption and links with local groups hover over the DRC military, which has been [accused](#) of not doing enough to prevent or stop some massacres. The military has a particularly strong record of impunity, committing major [human rights violations](#) itself, including killings, mass rapes and looting. In the more peaceful western provinces, the national police, [considered](#) the biggest human rights violator, enjoys similar impunity. For example, a mass grave dug in secret by the security forces, possibly to bury those killed in the January 2015 anti-government protests, was discovered near Kinshasa in April 2015. The identity of the corpses [has not been revealed](#) to date. There has been, however, some progress in dealing with the army's impunity. Over the past 10 years, about [30 trials](#) for war crimes and crimes against humanity involving Congolese army soldiers and members of armed groups have been heard before military courts, yet their number is too small given the scale of atrocities committed. The outcome of the proceedings in a widely publicised 2012 rape case involving soldiers was [criticised](#) as being fair neither to the victims nor to the perpetrators.

*Freedoms and citizens' rights.* In the run-up to elections, the rights to freedom of expression and freedom of assembly have been drastically restricted. Freedom of the press is curtailed by legal restrictions and also by threats and attacks against journalists. Non-government organisation 'Reporters without Borders' talks of an [abrupt decline](#) in press freedom during the past year, with an increase in harassment of both state and privately owned media in the run-up to elections. Several journalists have been arbitrarily arrested. During protests, the government has shut down internet and mobile text-message services and taken [independent radio stations](#) off the air.

Anti-government protests have resulted in many arrests and in a number of killings. In the January 2015 protests which erupted in Kinshasa and some other cities over a draft electoral law that would have allowed the president to remain in power after the end of his term, [27 people](#) died (including two police officers), and 350 were arrested. Recent protests against the Constitutional Court's decision to allow the president to stay in power were banned in the eastern region; when they did break out, they were heavily repressed, leading to numerous arrests and [casualties](#). Civil society activists have been arbitrarily arrested. The two [Filimbi](#) youth civil movement activists, who were arrested and detained without charges on 15 March 2015, remain in prison. Moise Katumbi, leading opposition figure and former governor of the mineral-rich Katanga province, was arrested in May a few hours after he announced his candidacy for the presidential elections, and was indicted on [questionable charges](#).

*Equality.* Gender and sexual violence, used as a weapon of war, has been widespread in the conflict areas. In other parts of the country, rape and other forms of sexual violence against women and girls are also endemic, being rooted in socio-cultural norms. Although the 2006 Constitution prohibits discrimination against women and provides for gender parity in public institutions, discrimination is deeply entrenched in [practice](#) and in legislation. Wives are legally [required](#) to obey their husbands. They have to obtain their permission to seek work and, at times, even to using family planning services.

*Justice.* In general, the justice system is fraught with [many problems](#), including clientelism, influence peddling, corruption, impunity and inequity of judicial decisions. Prolonged pre-trial [detention](#) is frequent.