

## Democratic Republic of Congo (DRC): Human rights situation

Since 2013, action against armed groups by the national security forces and the UN MONUSCO Mission in the eastern regions has significantly diminished both violence against civilians and related human rights violations. However, in the rest of the country, human rights violations such as violence against women, police impunity, a dysfunctional justice system and shrinking space for political dissent, remain major concerns.

### Ratification of international instruments

The DRC has [ratified](#) eight of the ten core UN human rights instruments. It [has also ratified](#) most of the African human rights instruments. In 2002, DRC ratified the Statute of the International Criminal Court, and in 2004, the President referred the situation in the country to the Court, 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 and EP position

The EU has provided substantial support to the DRC, and will continue to do so. The EU financed the organisation of the first democratic elections in the country, in 2006. Its 2014-20 [National Indicative Programme for DRC](#), funded with €620 million from the 11th [European Development Fund](#), prioritises strengthening governance and rule of law, including reforms in the judiciary, police and army.

The EP 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 its 2012 [Resolution on 'The monitoring of elections in the Democratic Republic of Congo'](#), it condemned the violence related to the 2011 elections and criticised the national electoral commission's lack of efficiency.

### Political context and related issues

After the [bloody conflicts](#) which took place between 1996 and 2003 and directly or indirectly claimed the life of [several million](#) people, [rebel groups](#), supported at times by [neighbouring countries](#), and competing for control of the region's abundant [natural resources](#), continued to operate in the eastern regions (especially in Katanga, North Kivu, South Kivu and Ituri), committing gross human rights violations. In recent years, government forces, acting jointly with MONUSCO, have successfully fought armed groups, without, however, completely eradicating them. They defeated the [March 23](#) rebel movement in late 2013 and began a military offensive at the beginning of 2015 against the [FDLR, a Rwandan Hutu militant group](#), considered the [main source of insecurity](#) in the region. MONUSCO [ended its cooperation](#) with DRC's army in this campaign, due to the presence in its ranks of [two generals](#) suspected by the UN of past grievous human rights violations.

### Human rights in practice

#### *Human dignity*

Numerous 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. For example, between October 2014 and May 2015, over [350 persons](#) were killed in Beni, where the main suspect in the violence is [an insurgency of Ugandan origin](#) (ADF-NALU). This highlights the difficulties the government faces in fighting armed groups. [Local riots](#) and other [protests](#) have been staged over the government's inability to deal with the security situation. In order to encourage armed groups to demobilise,

a [Law of Amnesty](#) was passed, in January 2014, for acts of war committed between 2006 and 2014, but excluding genocide, war crimes, crimes against humanity and other serious human rights violations. Last year however, [over 100 surrendered fighters](#) and their families died of starvation and disease in a remote camp.

In the eastern provinces, the government's military forces have themselves committed major [human rights violations](#), including killings, mass rapes and looting. In the western provinces, according to the [UN Joint Human Rights Office \(UNJHRO\)](#), the national police are responsible for most human rights violations. During [Operation Likofi](#), undertaken to combat violent street gangs in Kinshasa from 15 November 2013 to 15 February 2014, for example, the police allegedly [committed](#) numerous extrajudicial killings and were responsible for forced disappearances. The discovery of a mass grave near Kinshasa in April 2015, raised [fears](#) that it could hide the corpses of persons killed in anti-government protests in January 2015.

#### *Freedoms and citizens' rights*

Freedom of the press is limited by legal restrictions, and also by threats and attacks against journalists. However, the press has often been [critical](#) of government in the past. Reporters Without Borders [ranks](#) RDC at 150th, of 180 countries in the world, in terms of press freedom. According to this organisation, censorship was widespread in 2014, with 61 newspapers, five radio stations and one TV station closed in an illegal manner. Several journalists were arbitrarily arrested. During protests in January 2015, internet and mobile text-message services were shut down by the government.

The latest elections in 2011 were fraught with [problems](#), including lack of transparency and voting irregularities. Between 19 and 21 January 2015, protests erupted in Kinshasa and some other cities, over an electoral law project that would have allowed the extension of the presidential term, against constitutional provisions. According to the authorities, [27 people](#) died in these protests, including two police officers, and 350 people were arrested. In the end, the electoral law [adopted](#) by the Parliament did not include the controversial provision. However, in the aftermath, authorities began a harsh crack-down, arresting human rights activists and opposition politicians. On 15 March 2015, they arrested – and detained without charge – activists of the youth civil movement, [Filimbi](#), who oppose a third presidential mandate, as well as [other international participants](#) present at a workshop.

#### *Equality*

Gender and sexual violence has been committed on large scale in the conflict areas, being used as a weapon of war. Rape and other forms of sexual violence against women and girls are also endemic in other parts of the country, 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. Thus the [Family Code of 1987](#) (amended in 1999) provides a series of [discriminatory provisions](#) in relation to the status of women. It is currently in [the process of being revised](#). Female genital mutilation still affects a low percentage of women, and can attract severe penalties.

Communal violence sometimes occurs between different ethnic groups. Pygmies, generally considered the DRC's indigenous population, and representing around [1%](#) of the total population, face [various forms of discrimination](#), including social exclusion, systematic violations of their rights and low political participation.

#### *Justice*

Impunity for human rights violations by armed groups and government security forces is a persistent problem, despite some encouraging progress. [According to HRW](#), over the past 10 years, about 30 trials for war crimes and crimes against humanity have been heard before military courts in Congo, involving Congolese army soldiers and members of armed groups, but the number is small given the scale of atrocities committed. The justice system in general is fraught with many problems, including clientelism, influence peddling, corruption, impunity and inequity of judicial decisions, as [acknowledged](#) recently by the Minister of Justice himself.

### **Possible evolution**

The possible future development of the human rights situation in the country remains uncertain. Political developments, in the context of the next general elections in 2016, will be crucial to the political climate. In the eastern provinces, the success of the current military campaign is vital to restoring stability and trust, although mineral wealth may continue to [fuel](#) armed groups, albeit on a significantly reduced scale.