

# DEMOCRATIC REPUBLIC OF THE CONGO

## 2017 HUMAN RIGHTS REPORT

### EXECUTIVE SUMMARY

The Democratic Republic of the Congo (DRC) is a nominally centralized constitutional republic. Voters popularly elect the president and the lower house of parliament (National Assembly). Under the constitution the president's second and final term in office expired in December 2016. The government, however, failed to organize elections in 2016 in accordance with constitutional deadlines and the president remained in office. In December 2016 the government and opposition parties agreed to a power-sharing arrangement that paved the way for elections in 2017, the release of political prisoners, and an end to politically motivated prosecutions. The government failed to implement the agreement as written, however, and elections had not occurred by year's end. On November 5, the national electoral commission announced that elections would be held in December 2018. The country's most recent presidential and National Assembly elections, which many local and international observers characterized as lacking in credibility and seriously flawed, were held in 2011. All national-level democratically elected officials, including the president and both houses of parliament, have overstayed their elected mandates.

Civilian authorities did not always maintain control over the security forces.

Armed conflict in the east and Kasai regions exacerbated an already precarious human rights situation.

The most significant human rights issues included: unlawful killings; disappearances and abductions; torture and other cruel, inhuman, and degrading treatment and punishment, including sexual and gender-based violence (SGBV) and rape; life-threatening conditions in prisons and detention facilities; arbitrary arrests and prolonged detention; denial of fair public trial; arbitrary interference with privacy, family, and home; restrictions on freedoms of speech and the press, assembly, and association; abuse of internally displaced persons (IDPs); inability of citizens to change their government through democratic means; harassment of civil society, opposition, and religious leaders; corruption and a lack of transparency at all levels of government; violence and stigmatization against women, children, persons with disabilities, ethnic minorities, indigenous persons, lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and persons with albinism, with little government action to investigate, prosecute, or hold

perpetrators accountable; trafficking in persons, including forced labor, including by children; and violations of worker rights.

Authorities often took no steps to investigate, prosecute, or punish officials who committed abuses, whether in the security forces or elsewhere in the government, and impunity for human rights abuses was a problem.

Government security forces, as well as rebel and militia groups (RMGs) continued to commit abuses, primarily in the east and the central Kasai region. These abuses included unlawful killings, disappearances, torture, destruction of government and private property, and SGBV. RMGs also recruited, abducted, and retained child soldiers and compelled forced labor. The government took military action against some RMGs but had limited ability to investigate abuses and bring the accused to trial (see section 1.g.).

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **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.

State security forces (SSF) committed arbitrary or unlawful killings in operations against RMGs in the east and in the Kasai region (see section 1.g.). According to the UN Joint Office of Human Rights (UNJHRO), security forces were responsible for 1,176 extrajudicial killings during the year across the country. Many of these extrajudicial killings occurred in the Kasais, where the SSF fought Kamuina Nsapu and other antigovernment militias. In December, UNJHRO reported that at least 170 women were victims of extrajudicial killings nationwide from January to October.

In February video footage of the SSF massacring unarmed civilians, including women and children, in the village of Mwanza Lomba in East Kasai Oriental circulated on social media. The massacre reportedly occurred in December 2016 during an engagement between the Armed Forces of the Democratic Republic of the Congo (FARDC) and Kamuina Nsapu. Another video, which also appeared on social media at the same time, showed government officials insulting and beating a mortally injured girl in what appeared to be a government office in Kananga (see section 1.d.). On March 14-15, the SSF killed at least 100 individuals, including

women and children, in Kananga, according to reporting by the Catholic Church. From March 28-30 in Kananga, the SSF reportedly killed hundreds more civilians during what the SSF described as cordon and search operations for Kamuina Nsapu members. According to eyewitnesses, the Catholic Church, and UN personnel, civilians executed by the SSF included children as young as six months old, some of whom were shot in their beds.

In June the Office of the UN High Commissioner for Human Rights (OHCHR) confirmed that 251 persons, including 62 children, of whom three were under the age of eight, were victims of extrajudicial and targeted killings from March 12 to June 19 in Kamonia territory of Kasai Province. The OHCHR reported that “local security forces and other officials actively fomented, fueled, and occasionally led, attacks on the basis of ethnicity.” According to the OHCHR, “survivors have spoken of hearing the screams of people being burned alive, of seeing loved ones chased and cut down, of themselves fleeing in terror.” The OHCHR also reported that the SSF and local authorities supported and allegedly armed a militia, the Bana Mura, responsible for killing civilians in Kasai. According to the OHCHR, “FARDC soldiers were seen leading groups of Bana Mura militia during attacks on villages.” In April and May, the Bana Mura reportedly attacked ethnic Luba and Lulua, “beheading, mutilating, and shooting victims; in some cases burning them alive in their homes.” The OHCHR determined that, in one attack on April 24, in the village of Cinq, “90 patients, colleagues and people who had sought refuge in a health center were killed, including patients who could not escape when the surgical ward was set on fire.” The OHCHR reported seeing “children as young as two whose limbs had been chopped off; many babies had machete wounds and severe burns. One two-month-old baby seen...had been hit by two bullets four hours after birth; the mother was also injured. At least two pregnant women were sliced open and their foetuses mutilated.”

In June the country’s Council of Catholic Bishops (CENCO) estimated that at least 3,383 civilians were killed in the Kasai region from October 2016 to June 19 by both the SSF and RMGs. This included as many as 500 persons allegedly killed by the SSF and RMGs in Dibula in December 2016, 150 allegedly killed by RMGs in Mbawu-Milambu in January, 100 allegedly killed by the SSF in Tshimbulu in February, 400 allegedly killed by the SSF in Kananga in March, 800 allegedly killed by the SSF in Mwene-Ditu in March, 100 allegedly killed by the SSF in Tshisuku in May, and 130 allegedly killed by the SSF in Maswika in May.

On September 15, the SSF shot and killed 36 Burundian refugees and asylum seekers in Kamanyola outside of Bukavu in eastern DRC.

In December the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) reported that at least 80 persons were killed by FARDC's 2103 Regiment from November 29 to December 1 in Kabeya Lumbu and Mbawu, which are 15 miles and 27 miles north of Tshikapa, respectively. The killings reportedly took place during a military operation against a Kamuina Nsapu-affiliated militia group. Six FARDC personnel were also reportedly killed.

On December 7, Human Rights Watch and the Congo Research Group published a report stating that at least 526 civilians were killed in North and South Kivu provinces from June to November. The report stated that the Allied Democratic Forces (ADF), other RMGs, and government proxy RMGs were responsible for some of these killings.

RMGs committed arbitrary and unlawful killings throughout the year (see section 1.g.). Kamuina Nsapu militants recruited and used children as soldiers and human shields and targeted SSF, members of the government, and others. In June the OHCHR stated it had documented serious abuses committed by the Kamuina Nsapu militia and accused the Kamuina Nsapu of carrying out targeted killings, including against "members of the armed forces, police, public officials, and civilians perceived to cooperate with them, as well as alleged sorcerers. Witnesses indicated that the Kamuina Nsapu militia comprises many children, some as young as seven, many of them under the influence of drugs." In March Kamuina Nsapu killed, beheaded, and dismembered the wife of a local mayor in Luebo. Kamuina Nsapu killed three employees of the National Independent Electoral Commission (CENI) in Kasai Central Province, including a CENI official who was killed and beheaded on April 3 and the director of the territorial CENI office killed in May. In April the same RMG killed three officials from the Ministry of Education who had travelled to Kasai to administer student examinations. The government stated that the Kamuina Nsapu also beheaded 39 police officers on the road between Tshikapa and Kanaga in March, but provided no names of those allegedly killed.

On August 7, another RMG, the Bundu dia Kongo militia, killed as many as eight SSF members during attacks in Kinshasa. According to the United Nations, the SSF response resulted in the deaths of at least 40 persons.

## **b. Disappearance**

There were reports of disappearances attributable to the SSF during the year. Authorities often refused to acknowledge the detention of suspects and in some cases detained suspects in unofficial facilities, including on military bases. The whereabouts of some civil society activists and civilians arrested by the SSF remained unknown for long periods. For instance, a local NGO reported in July that dozens of individuals arrested during September and December protests in 2016 were still being held at Makala Central Prison.

RMGs and some FARDC elements 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 that the SSF continued to torture civilians, particularly detainees and prisoners. In July the DRC National Human Rights Commission (CNDH) stated, “Most people arrested by security forces on suspicion of belonging to [Kamuina Nsapu] claim they were victims of serious torture. Following this treatment, some lost their lives or became mentally ill.” The CNDH also noted that suspected militants brought to military camp Bobozo in Kananga were “subjected to torture and treatment of a rare cruelty.” In February government officials were filmed beating a mortally injured girl in what appeared to be a government building in Kananga. On December 31, police were filmed beating peaceful and in some cases sedentary protesters with sticks in the towns of Beni and Kasindi.

As of October 24, the United Nations reported that it had received 15 allegations of sexual exploitation and abuse against military, police, and civilian personnel deployed with MONUSCO during the year. Nine of these cases involved allegations of transactional sex; four involved allegations of an exploitative relationship; one involved the sexual assault of a child; and one involved the alleged rape of a child. As of October 24, all investigations were pending.

The United Nations reported that it received one allegation during the year of sexual exploitation and abuse against DRC peacekeepers serving outside the DRC. The allegation of transactional sex, alleged to have taken place at an unspecified time in 2014-15, was made against a DRC military officer deployed with the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). As of October 24, an investigation was pending.

## Prison and Detention Center Conditions

Conditions in most prisons throughout the country remained harsh and life threatening due to food shortages, gross overcrowding, and inadequate sanitary conditions and medical care. Even harsher conditions prevailed in small detention centers run by the National Intelligence Agency (ANR), Republican Guard (RG), or other security forces, which often detained prisoners for lengthy pretrial periods without access to family or legal counsel. Some civil society activists arrested in Kinshasa were reportedly held in an underground cell operated by the RG at a military camp.

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. Because inmates had inadequate supplies of food and little access to water, many relied exclusively on relatives, nongovernmental organizations (NGOs), and church groups to bring them sustenance. The International Committee of the Red Cross (ICRC) visited an unknown number of prisoners. In July a prison director in Tshikapa reported that eight prisoners had died of malnutrition in three weeks, citing food shortages. Also in July part of the central prison in Goma caught fire, reportedly due to electrical problems. Authorities generally confined men and women in separate areas but often held juveniles with adults. In August the provincial office of the CNDH successfully advocated for 10 minors detained in Mbuji Mayi to be separated from adults in the prison. Authorities rarely separated pretrial detainees from convicted prisoners. Central prison facilities were severely overcrowded, with an estimated occupancy rate of 200 percent of capacity; they also had little ventilation or light, subjecting detainees to extreme heat. For example, Makala Central Prison in Kinshasa, which was constructed in 1958 to house 1,500 prisoners, held as many as 8,500 inmates during the year, although as many as 4,000 of these escaped during a mass prison break on May 17. The United Nations reported 100 individuals died in detention between January and June, mostly from starvation or illness; 45 of these deaths occurred in Kongo Central Province.

Most prisons were understaffed, undersupplied, and poorly maintained, often allowing escapes. From January to June 30, the United Nations documented at least 5,528 prisoner escapes.

Authorities often arbitrarily beat or tortured detainees. For example, the United Nations reported that one 14-year-old boy arrested by the FARDC for association with the Kamuina Nsapu militia was tortured by soldiers who hacked off his thumb and cut him at least 22 times over his body with a machete. Government officials were also filmed beating a mortally injured girl in what appeared to be a government building in Kananga (see section 1.a.).

RMGs detained civilians, often for ransom, but little information was available concerning detention conditions (see section 1.g.).

Administration: Some prison directors could only estimate the numbers of detainees in their facilities. Authorities denied access to visitors for some inmates and often did not permit inmates to contact or submit complaints to judicial authorities. Directors and staff generally ran prisons for profit, selling sleeping arrangements to the highest bidders and requiring payment for family visits.

Independent Monitoring: The government regularly allowed the ICRC, MONUSCO, and NGOs access to official detention facilities maintained by the Ministry of Interior but consistently denied access to facilities run by the ANR and the RG.

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

The law prohibits arbitrary arrest or detention, but both the SSF and RMGs routinely arrested or detained persons arbitrarily (see section 1.e.).

#### **Role of the Police and Security Apparatus**

The Congolese National Police (PNC) operates under the Ministry of Interior and has primary responsibility for law enforcement and public order. The PNC includes the Rapid Intervention Police and the Integrated Police Unit. The ANR, overseen by the presidency, is responsible for internal and external intelligence. The FARDC and the military intelligence service operate under the control of the Ministry of Defense and are primarily responsible for external security, but also fulfill an internal security role. The presidency oversees the RG, and the minister of interior oversees the Directorate General for Migration, which, together with the PNC, are responsible for border control. Military magistrates are responsible for the investigation and prosecution of all crimes allegedly committed by SSF members, whether or not committed in the line of duty. Civilians can 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 areas affected by conflict 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 outrank the defendant.

Elements of the SSF were undisciplined and corrupt. PNC and FARDC units regularly engaged in illegal taxation and extortion of civilians. They set up checkpoints to collect “taxes,” often stealing food and money and arresting individuals who could not pay bribes. The FARDC suffered from weak leadership, poor operational planning, low administrative and logistical capacity, lack of training, and questionable loyalty of some of its soldiers, particularly in the east. In August, two FARDC soldiers in Ituri, including a regiment commander, were arrested and brought before a military court in Kisangani for selling their weapons to South Sudanese rebels. On January 5 and 8 in Lubumbashi, Upper Katanga Province, PNC officers shot and injured two men and one agent of the CENI in an altercation related to PNC officers charging a 1,000 Congolese francs (\$0.63) entrance fee to voter registration centers.

Although the military justice system convicted some SSF agents of human rights abuses, impunity remained a serious problem. For example, the government’s inquiry into September and December 2016 opposition protests failed to attribute responsibility for dozens of extrajudicial killings and disappearances perpetrated by the SSF, and no SSF members were prosecuted or held accountable by year’s end. The government maintained joint human rights committees with MONUSCO and used available international resources, such as the UN-implemented technical and logistical support program for military prosecutors as well as international NGO-supported mobile hearings.

Military courts convicted some SSF agents of human rights abuses. The United Nations reported that the government convicted at least 77 FARDC soldiers and 28 PNC officers for crimes constituting human rights violations from January to June. On July 6, a military court in Mbuji Mayi, East Kasai Province, convicted eight FARDC soldiers for their roles in a December 2016 massacre of civilians in Mwanza Lomba in the province. The soldiers received sentences ranging from 12 months to life in prison. Video footage of the massacre circulated in February and showed FARDC executing civilians, including women and children. In May military prosecutors arrested and started legal proceedings against four police officers accused taking a bribe to facilitate the escape of an individual suspected of involvement in the March 12 killings of UN experts Michael Sharp and Zaida



Catalan. The four police officers were charged, and the trial continued at year's end. A fifth police officer implicated in the case remained at large.

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

By law arrests for offenses punishable 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 of these requirements.

While the law provides for a bail system, it generally did not function. Detainees who were unable to pay were rarely able to access legal counsel. Authorities often held suspects incommunicado, including in facilities 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 remained indefinitely in prison (see section 1.e.).

In 2014 the PNC issued a decree reforming arrest and detention procedures. The decree requires the PNC to verify facts before arresting individuals, separate men from women, and ensure the detention centers are sanitary. Authorities did not consistently implement the decree.

Arbitrary Arrest: Security personnel arrested and detained numerous perceived opponents and critics of the government, occasionally under the pretext of state security, and often denied them due process, such as access to an attorney (see sections 1.a., 2.a., and 5). Throughout the year security forces regularly held protestors and civil society activists incommunicado and without charge for extended periods. For example, on June 15, state agents arrested opposition Union for Democracy and Social Progress (UDPS) Youth League president David Mukeba in Kisangani for raising concerns about the country's voter registration process. The ANR allegedly held Mukeba incommunicado until August 31, when he was released.

On July 31, the SSF arbitrarily arrested at least 131 civil society activists and civilians following nationwide protests. While most were released within two

days, five individuals who attempted to deliver a letter to the local CENI office in Lubumbashi were prosecuted. In August a court convicted four of the activists for disturbing the peace and sentenced them to eight months in prison. In November a court convicted the fifth activist, Timothee Mbuya, of provocation and incitation of disobedience and sentenced him to 12 months in prison. The United Nations reported that the SSF arbitrarily arrested 32 persons in Lubumbashi on October 22 in connection with the visit of opposition politician Felix Tshisekedi and released them on October 24.

The SSF arrested as many as 74 persons across the country for planning or participating in November 15 protests. Among those arrested and later released was Binja Yalala, a 15-year-old girl on the island of Idjwi in Lake Kivu. According to MONUSCO, the SSF arbitrarily arrested 213 persons during protests on November 30. Most of those arrested were subsequently released.

On December 31, police arrested as many as 180 persons for participating in peaceful protests organized by the Catholic Church in support of the December 2016 agreement and credible elections. Most of these were subsequently released. Several civil society activists who were arrested on December 30, including Carbone Beni, remained in ANR detention facilities at year's end. Other civil society activists arrested in late December were imprisoned in Kindu, Kananga, and Kisangani.

In December, UNJHRO reported that at least 528 women were victims of arbitrary arrest during the year.

Police sometimes arbitrarily arrested and detained persons without filing charges to extort money from family members or because administrative systems were not well established.

Pretrial Detention: Prolonged pretrial detention, ranging from months to years, remained a problem. NGOs estimated that at least three quarters to four-fifths of the prison population was in pretrial detention. Judicial inefficiency, administrative obstacles, corruption, financial constraints, and staff shortages also caused trial delays.

Local NGOs reported in August that several individuals arrested during or following protests in 2016 were being held incommunicado and without charge at Makala Central Prison in Kinshasa.

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.

Amnesty: Following the defeat of the March 23 Movement (M23) in 2013, the National Assembly enacted a law in 2014 that provides amnesty for acts of insurgency, acts of war, and political offenses. Many individuals who should have benefited from the amnesty, however, reportedly remained in custody at year's end in contravention of both the 2014 law and the December 2016 agreement between the government and opposition parties.

**e. Denial of Fair Public Trial**

Although the law provides for an independent judiciary, the judiciary was corrupt and subject to influence. Officials and other influential individuals often subjected judges to coercion. For instance, during the year CENCO investigated, in accordance with the December 2016 agreement between the government and opposition parties, the 2015 conviction of opposition politician Moise Katumbi for real estate fraud. CENCO concluded that the government and the country's intelligence agencies pressured judicial officials to convict Katumbi, called the case against Katumbi a politically motivated "farce," and recommended that charges be dropped and Katumbi be allowed to return to the country. The government, however, took no action to clear Katumbi's name in accordance with CENCO's recommendations. In July, one of the judges who presided over the Katumbi case, Jacques Mbuyi Lukasu, was shot and injured by unidentified armed men.

CENCO also concluded that a similar property fraud case against opposition member Jean-Claude Muyambo was equally unfounded and amounted to "judicial harassment." CENCO called for Muyambo's immediate release. Muyambo, who claimed to have permanent damage to his foot following beatings during his arrest, was sentenced in February 2016 to 26 months in prison. Instead of releasing him in March for time served, the government appealed the decision and, on April 12, a court in Kinshasa extended Muyambo's sentence to five years in prison plus 1,580,000 Congolese francs (\$9,900) in damages for breach of trust and illegal retention of documents.

In July a court in Kinshasa convicted Sindika Dokolo, a Congolese businessman and son-in-law of former Angolan president Eduardo Dos Santos, of property fraud

in absentia and sentenced him to one year in prison and a \$15,000 fine. During the year Dokolo emerged as a vocal critic of President Kabila on social media while living abroad, and in June accused the ANR of fabricating charges allegedly to prevent him from returning to the country. Local media first reported the existence of the case in February.

A shortage of 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 support them there. Authorities routinely did not respect court orders. Disciplinary boards created under the High Council of Magistrates continued to rule on numerous cases of corruption and malpractice each month. Many of these rulings included the firing, suspension, or fining of judges and magistrates.

### **Trial Procedures**

The constitution provides for a presumption of innocence, but this was not observed in practice. Authorities are required to inform defendants promptly and in detail of the charges against them, with free interpretation as necessary. 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, with the exception of 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. 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. These rights extend to all citizens.

### **Political Prisoners and Detainees**

There were numerous reports of political prisoners and detainees. Authorities charged political prisoners with a variety of offenses, including offending the person or threatening the life of the head of state, inciting tribal hatred or civil

disobedience, spreading false rumors, treason, and attacking state security. While the government permitted international human rights organizations and MONUSCO access to some of these prisoners, authorities consistently denied access to detention facilities run by the RG, military intelligence, and the ANR (see section 1.c.).

During the year CENCO concluded that Jean-Claude Muyambo's conviction and imprisonment were unfounded and amounted to "judicial harassment."

In Goma the SSF arrested 13 opposition activists for planning and participating in peaceful protests in December 2016. The 13 face charges of inciting civil disobedience. According to a report, one of the activists, Sephora Bidwaya, was kept in detention despite serious chronic health problems linked to a miscarriage during her detention as well as chronic asthma, which was aggravated by a fire in the prison in July. All 13 activists remained in prison as of August 16.

In August, four civil society activists who were arrested on July 31 for attempting to march and deliver a letter to the Lubumbashi CENI office were convicted of disturbing the peace and sentenced to eight months in prison. In November a fifth member of this group, NGO activist and human rights lawyer Timothee Mbuya, was convicted of provocation and incitement of disobedience and sentenced to 12 months in prison.

As of June 30, the United Nations estimated that at least 170 persons were held in detention for their political opinions or legitimate citizens' activities.

### **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.

#### **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. The United Nations reported that FARDC soldiers conducted door-to-door searches in the Nganza commune of Kananga,

Kasai Central Province, from March 28 to 30 looking for suspected Kamuina Nsapu militia sympathizers. According to the United Nations, the SSF broke into homes and killed hundreds of civilians. NGOs reported that some individuals were killed if they could not pay members of the SSF.

### **g. Abuses in Internal Conflict**

Both local and foreign-influenced conflicts continued in parts of the East, particularly in the provinces of North Kivu, South Kivu, Tanganyika, Ituri, Upper Uele, Lower Uele, Kongo Central, and provinces in the Kasai region. Foreign RMGs, such as the Democratic Forces for the Liberation of Rwanda (FDLR), the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU), the National Forces of Liberation (FNL), and the Lord's Resistance Army (LRA), as well as indigenous RMGs such as different Mai Mai (local militia) groups, Kamuina Nsapu, and Bundu Dia Kongo, continued to battle government forces and one another and to attack civilian populations.

There were reports the government provided support to the ADF, at least two local militias fighting the FDLR, and three militia groups in the Kasai region. In June the UN high commissioner for human rights stated he was "appalled" by reports that government authorities had created and armed a local militia called Bana Mura to fight Kamuina Nsapu militants in the Kasai region. According to the UN high commissioner, the Bana Mura targeted civilians of the Luba and Lulua ethnic groups for extrajudicial killing, and on April 24, killed dozens of men, women, and children of those communities with firearms or machetes, or burnt them to death. The high commissioner stated that hundreds of Bana Mura assailants also allegedly attacked the health center in the village of Cinq and killed approximately 90 patients, medical personnel, and others.

By impeding humanitarian aid and development assistance in some areas, the fighting in the east exacerbated an already severe humanitarian crisis. There were credible reports that local authorities also impeded humanitarian assistance in Tanganyika Province, where thousands of persons have been displaced by violence between the Twa and Luba communities.

There were credible reports that the SSF and RMGs perpetrated serious human rights abuses during internal conflicts. These RMGs included the Alliance of Patriots for a Free and Sovereign Congo, the ADF, the FDLR, the Forces of the Patriotic Resistance of Ituri (FRPI), the LRA, various ethnic Hutu factions of Nyatura, the Nduma Defense of Congo, Raia Mutomboki, Kamuina Nsapu, Bana

Mura, ethnic Tshokwe and Pende militias, several Burundian antigovernment militias, and the following Mai Mai groups: Mazembe, Charles Shetani, and William Yakutumba, among others. Bakata Katanga leader Gedeon Kyungu Mutunga, who in 2009 was convicted in a national court for crimes against humanity but escaped from prison in 2011, surrendered to the government in October 2016 and remained under a form of government-supported house arrest as of year's end instead of being returned to prison. The government took no steps to hold him accountable.

The United Nations reported that the Kamuina Nsapu militia, based in the central Kasai region, carried out targeted killings of members of the military, police, public officials, and civilians perceived to cooperate with them (see section 1.a.). Kamuina Nsapu militants also allegedly targeted institutions of the Catholic Church for its perceived support of the government through its mediation of the December 2016 agreement. Due to the proliferation of militia groups using the "Kamuina Nsapu" name, however, it was difficult to determine which Kamuina Nsapu groups were responsible for certain attacks.

Kamuina Nsapu militias also committed serious human rights abuses against children (see section 6).

In October the ADF clashed with the FARDC and MONUSCO near Beni in the East, killing several FARDC and three MONUSCO troops and executing as many as 25 civilians. On December 7, an RMG attacked and killed 15 Tanzanian peacekeepers outside Beni.

The government took military action against several major RMGs, including establishing a new operational zone in the Kasai region to fight Kamuina Nsapu militias. Operational cooperation between MONUSCO and the government continued in the East but not in the Kasai region, where FARDC troops were accused of serious human rights abuses. MONUSCO and the FARDC cooperated against the FDLR, the ADF, and the FRPI during the year. Nduma Defense of Congo leader Ntabo Ntaberi Cheka, charged with crimes related to the 2010 Walikale rapes, surrendered to MONUSCO forces on July 25 and was transferred to government custody August 5.

There was widespread killing, rape, and displacement of civilians by ethnic militias in Tanganyika Province in clashes between ethnic Luba and ethnic Twa communities. The United Nations reported at least 58 persons were killed between January and June. During the same period, the United Nations documented rapes

of at least 57 women, five children, and nine men committed by Twa militias. On February 5, Luba elements attacked the majority Twa village of Monde in Tanganyika Province, shooting and killing at least 30 persons and injuring 50 others. In 2015, 10 Twa and 27 Lubas were charged with crimes against humanity and crimes of genocide. On September 30, a Lubumbashi appeal court convicted four of these individuals, sentencing them to 15 years' imprisonment and the payment of \$10,000 in reparation fees for the victims. The others were acquitted.

On March 31, the UN Security Council extended MONUSCO's mandate for 12 months and renewed the intervention brigade to neutralize armed groups. The mandate prioritized protection of civilians and support to the implementation of the December 2016 agreement, and cut the troop ceiling by 3,600 military personnel. As of August 31, MONUSCO consisted of approximately 17,900 peacekeepers, military observers, and police.

Killings: In the Kasai region, CENCO reported that at least 3,383 civilians were killed from October 2016 to June by the SSF and RMG. According to reports by UN agencies and NGOs, the SSF summarily executed or otherwise killed 591 persons, including more than 200 children, from January to June. The United Nations confirmed the existence of as many as 89 mass graves in the Kasai region, where government and Kamuina Nsapu forces were blamed for widespread extrajudicial killings. According to the United Nations, the SSF prevented MONUSCO personnel from accessing some mass grave sites, including a suspected mass grave site located on the grounds of the FARDC officers training school in Kananga.

Abductions: UN agencies and NGOs reported that RMGs abducted individuals, generally to serve as porters or guides or to demand ransom. In August members of the LRA kidnapped at least 40 persons approximately 60 miles from Dungu in Haut Ulele Province. LRA militants robbed them of their belongings and took them into the forest. Two CENI controllers were among the group, and LRA militants reportedly stole information the agents were carrying from 18 enrollment centers as well as a satellite phone and money.

Physical Abuse, Punishment, and Torture: UN agencies and NGOs reported the SSF arrested, illegally detained, raped, and tortured civilians. UN officials reported that the SSF "pre-emptively executed" children, including some as young as six months of age, in Kananga on March 28-30, allegedly to "prevent" them from joining the Kamuina Nsapu militia. The United Nations reported that in April FARDC soldiers arrested at least 30 individuals, including young boys, who



were taken to Kamako village, where they were presented to the public as members of the RMG Kamuina Nsapu. Witness accounts indicated that some of the detainees were executed after digging their graves, while others were executed and dumped in a village well. According to media reports, members of the FARDC raped as many as 25 women in Makobola, 14 miles south of Uvira, in late September and mid-October after the withdrawal of a Mai Mai group that had been operating in the area.

RMGs committed abuses in rural areas of North Kivu, South Kivu, Katanga Orientale, and the Kasai provinces, including killing, raping, and torturing civilians. On June 4, FRPI combatants attacked the town of Mandje in Ituri Province, beating at least three men, raping at least five women, and setting at least 12 homes on fire. FRPI militants reportedly vandalized a government building and looted houses and shops. In certain areas in the east, RMGs looted, extorted, illegally taxed, and kidnapped civilians, often for ransom. For example, in the territory of Lubero, NDC combatants imposed taxes on populations under their control and used violence to enforce payment.

RMG members raped men, women, and minors as part of the violence among and between them and the FARDC. Statistics on rape, including rape of males, were not available.

Child Soldiers: From January through June, the MONUSCO Child Protection Section reported at least 868 children were separated from RMGs and that nearly 37 percent of these were under 15 years of age when recruited, which could constitute a war crime. This represented a 40 percent increase in overall recruitment and a 13 percent increase in children under 15 compared to the same period in 2016. UNICEF assisted the children through a number of NGOs. These children were separated from various RMGs known generally as Mai Mai groups (151), Nyatura (149), Kamuina Nsapu (97), the Forces Democratiques de Liberation du Rwanda-Forces Combattantes Abacunguzi (FDLR-FOCA) (94), Raia Mutomboki (86), Nduma Defense of Congo /Renove/Guidon (45), FDLR-Rassemblement Uni pour la Democratie (FDLR-RUD) (29), the FDLR (29), the Alliance of Patriots for a Free and Sovereign Congo (20), Front Populaire pour la Democratie (FPD)/Shetani (15), and other groups. Most of the children were separated in North Kivu (73 percent), followed by the Kasai region (12 percent), Ituri (7 percent), and South Kivu (5 percent). Eight children were separated from government forces, although these children were not recruited into government forces. Of those eight cases, five children were separated from a rogue FARDC

commander in Ituri and three were separated from a single police officer in the national police.

According to the United Nations, children made up approximately 50-70 percent of Kamuina Nsapu militia ranks, including those used as fighters and human shields. In July the special representative to the secretary general reported thousands of children were estimated to be associated with Kamuina Nsapu; only 375 had been separated to date. There were credible reports that Kamuina Nsapu leaders slashed children across their stomachs to see if they would survive and how the wound would heal as part of an initiation ritual prior to being deployed as human shields or child soldiers. Some children reportedly died as a result of this initiation process.

The SSF continued to arrest and detain children for their association with armed groups. The United Nations secured the release of 474 children from Kananga prison in Kasai Central Province where they were held on allegations of association with Kamuina Nsapu militias. Some children reported having been held for weeks at other remote facilities before being transferred to Kananga.

A presidential advisor on sexual violence and child recruitment, appointed in 2014, raised awareness of the problems of sexual violence throughout the country and encouraged efforts to remove child soldiers from the SSF and provide services to victims. There were no reports of recruitment of child soldiers by the FARDC during the year, but there was evidence of FARDC support to armed groups that recruited and used children in hostilities. The government cooperated with international organizations to eliminate recruitment and remove children from the SSF and RMGs.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

**Other Conflict-related Abuse:** Fighting between the FARDC and RMGs continued to displace populations and limit humanitarian access, particularly in the Kasai provinces; Rutshuru, Walikale, Lubero, Beni, and Nyiragongo territories in North Kivu Province; South Kivu Province; and Tanganyika Province.

In North Kivu, South Kivu, East Kasai, and Upper Katanga provinces, RMGs and FARDC soldiers 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. The natural

resources most exploited were gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore) but also included wildlife products, timber, charcoal, and fish.

According to media and civil society, the LRA trafficked in elephant ivory from Garamba National Park to finance its operations, likely by smuggling ivory through the Central African Republic, South Sudan, and the disputed Kafia Kingi region controlled by Sudan, to link with illicit networks transferring these goods to China.

The illegal trade in minerals was both a symptom and a cause of weak governance. It financed the SSF and RMGs, and sometimes generated revenue for traditional authorities and local and provincial governments. With enhanced government regulation encouraged by global advocacy efforts and donor support, the mining of cassiterite, coltan, and wolframite resulted in a small but increasing amount of legal conflict-free export from North and South Kivu, Upper Katanga, and Maniema provinces. The SSF and RMGs continued to control, extort, and threaten remote mining areas in North Kivu, South Kivu, East Kasai, and Upper Katanga provinces but had much less influence in Maniema Province.

The law prohibits the FARDC and RMGs from engaging in mineral trade, but the government did not effectively enforce the law. Criminal involvement by FARDC units and RMGs included protection rackets, extortion, and theft. There were unsubstantiated reports government officials were involved in illegal gold mining.

The UN group of experts (UNGOE) reported that several RMGs and elements of the FARDC profited from illegal trade and exploitation in the minerals sector (see section 7.b.). The UNGOE also reported that smuggling of minerals continued in the east and from there to Uganda and the United Arab Emirates.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of speech, including for the press. 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, the president, or government policies regarding elections, democracy, and corruption sometimes resulted in intimidation, threats,

and arrest. The government also prevented journalists from filming or covering some protests and refused to renew or grant visas for several foreign media correspondents.

Freedom of Expression: The law prohibits insulting the head of state, malicious and public slander, and language presumed to threaten national security. Authorities sometimes detained journalists, activists, and politicians when they publicly criticized the government, the president, or the SSF. Plainclothes security agents allegedly monitored political rallies and events.

On July 31, authorities arrested human rights lawyer Timothee Mbuya and six other civil society activists and media as they were preparing a march to deliver a letter to the local office of the electoral body demanding an electoral calendar. While two of the detained were released without charges, Mbuya was sentenced to 12 months in prison on November 20 for provocation and incitation of disobedience for organizing the march and the four others were sentenced to eight months in prison.

Press and Media Freedom: The law mandates the High Council for the Audiovisual and Communications (CSAC) 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 predominantly in Kinshasa, although with some representation across the country, and the government licensed a large number of 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 stations and three television stations, and the president's family owned two additional television stations. Government officials, politicians, and to a lesser extent church leaders, owned or operated the majority of media outlets.

The government required newspapers to pay a one-time license fee of 250,000 Congolese francs (\$156) and complete several administrative requirements before publishing. Broadcast media were also 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 about harassment, intimidation, or arrest.

In November the local NGO Journalists in Danger (JED) reported 121 cases of attacks against the media from November 2016 to October and attributed more

than half of these to government security forces. JED also named several government officials responsible for violation press freedoms. Topping the list was Communications Minister Lambert Mende for jamming the signals of Radio France Internationale (RFI) and UN-supported Radio Okapi. JED reported 37 cases of arbitrary arrest of journalists in comparison to 20 cases during the prior year.

From December 2016 to January 23, the government closed CCTV and Radio Liberte Kinshasa, both owned by Jean-Pierre Bemba, leader of the opposition Congolese Liberation Movement party. Authorities maintained they were closed for failing to pay back taxes and licensing fees, although they were allowed back on the air in January.

In South Kivu, armed men attacked Radio Tuungane de Minembwe on May 21 and SSR attacked Radio Mutanga FM in Shabunda on June 12. In North Kivu a Mai Mai RMG destroyed Radio Moto in Butembo on October 7. On June 11, Radio Francophone des Grands Lacs was attacked in Kalemi in Tanganyika Province. Journalists Fidel Nsikundi and Heri Makyambi from Libunda Community Radio were arrested in South Kivu on July 29 and accused of supporting a RMG. The two journalists were reporting on local Mai Mai militia activities when they were arrested. On December 4, JED denounced their continued detention. On December 6-7, security forces allegedly ransacked Radiotelevision Kindu Maniema (TKM). Speaking to Radio Okapi, the owner of the TKM accused Interior Minister and Vice Prime Minister Ramazani Shadari of ordering security forces to attack the radio station after a listener during a call-in show accused Shadari and the provincial governor of accepting bribes.

On August 11, the government allowed RFI to resume broadcasting after the company signed an agreement with national broadcaster Radio Television Nationale Congolaise (RTNC). The government had blocked RFI's signal since November 2016.

Violence and Harassment: Local journalists were vulnerable to intimidation and violence by the SSF. For example, JED reported that three journalists claimed to have been physically beaten by police colonel Van Kasongo in Goma on April 12 while they were covering a peaceful demonstration by civil society group LUCHA (Struggle for Change). According to JED, at least 13 journalists were arrested, intimidated, and some physically attacked while covering peaceful civil society demonstrations throughout the country on July 31. Several journalists reportedly had their equipment confiscated and/or images erased upon their release. For

example, in Bukavu, two journalists from Canal Futur alleged they were violently arrested, driven to an unknown location, and released after police forced them to erase all images they had recorded. According to JED one independent journalist, Jean Pierre Tshibitshabu, was arrested covering the July 31 demonstrations in Lubumbashi and was sentenced to eight months in prison on September 29.

On November 2, JED reported 121 documented press freedom violations since the beginning of the year, up from 87 during the same period in 2016. These violations included 49 journalists detained or arrested, 32 cases of journalists threatened or attacked, and 37 instances of authorities preventing the free flow of information. Other incidents included efforts to subject journalists to administrative, judicial, or economic pressure. At year's end the government had not sanctioned or charged any perpetrator of press freedom violations.

Censorship or Content Restrictions: While the CSAC is the only institution with legal authority to restrict broadcasts, the government, including the SSF and provincial officials, also exercised this power in practice. Some press officers in government agencies allegedly censored news articles by privately owned publications. Privately owned media increasingly practiced self-censorship due to fear of potential suppression and the prospect of the government shutting them down as it had done previously to a handful of major pro-opposition media outlets.

Media representatives reported they were pressured by the government not to cover events organized by the opposition or news concerning opposition leaders. In November 2016 the government blocked the signals of RFI and UN-supported Radio Okapi. Radio Okapi's signal was reestablished after a week. On August 11, the government allowed RFI to resume broadcasting after the company signed an agreement with national broadcasting station RTNC.

In a July 12 decree, Communications Minister Lambert Mende announced the government would require prior authorization for any foreign media personnel wishing to travel from one province to another, which he claimed was for security reasons. The media watchdog JED deemed the decree a tactic to censor media and restrict their working space to prevent their covering sensitive topics.

Several international journalists who were based in the country were forced to leave during the year after they were unable to renew their visas.

Libel/Slander Laws: The national and provincial governments used criminal defamation laws to intimidate and punish critics. For example, in 2016 the

Ministry of Justice revived a defamation case against Vital Kamerhe, leader of the opposition party Union for the Congolese Nation, for his statements concerning electoral fraud in the 2011 elections, despite the settlement made out of court in 2012. If convicted, Kamerhe could face up to one year in prison and a fine, and could be barred from running for certain public offices. On January 6, journalist Serge Kabongo was arrested for writing an article on alleged financial mismanagement by the director of the National Insurance Agency. The director claimed that Kabongo was not a journalist and could not substantiate the allegations. Kabongo was among the estimated 4,000 prisoners who escaped from Kinshasa's Makala prison on May 17. In November the director told JED that the charges had been dropped.

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

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

### **Internet Freedom**

Some private entrepreneurs made moderately priced internet access available through internet cafes in large cities throughout the country. Data-enabled mobile telephones were an increasingly popular way to access the internet. According to the International Telecommunication Union, 6.2 percent of individuals in the country used the internet in 2016.

On August 7, the telecommunications regulatory authority (ARPTC) hindered communications via social media networks, ostensibly "to prevent the exchange of abusive images" in advance of protests planned for August 8-9. In a written directive to all mobile data providers, the ARPTC asked that companies take "technical preventive measures" to "reduce to the absolute minimum the transmission of images" via a number of social networks. The communique said the companies would receive instructions to "return to normal as soon as possible" without specifying an end date. Internet speed was limited for four days from August 7-11, during which time persons could access social media applications but could not download images. On December 30, Posts and Telecommunications Minister Emery Okundi Ndjovu directed internet providers and cell phone companies to "suspend" short message service (SMS) and internet service throughout the country as of 6:00 pm on December 30 "for reasons of State security." Internet and SMS service remained cut during protests led by the

Roman Catholic Church on December 31, and had not been re-established by year's end.

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

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

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

### **Freedom of Peaceful Assembly**

The constitution provides for freedom of peaceful assembly, but the government frequently restricted this right and prevented those critical of the government from exercising their right to peaceful assembly. The law requires organizers of public events to notify local authorities in advance of the event. The government maintained that public events required advance permission and regularly declined to authorize public meetings or protests organized by opposition parties or civil society groups critical of the government. The government did, however, authorize protests and assemblies organized by progovernment groups and political parties. During the year the SSF beat, detained, or arrested persons participating in protests, marches, and meetings. The SSF also used tear gas, rubber bullets, and at times live ammunition, resulting in numerous civilian deaths and injuries.

According to MONUSCO there were 596 violations of democratic space from January through August. 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. At least 81 demonstrations organized by opposition political parties and/or civil society were either prohibited or repressed by authorities from January to June. During the same period, at least 70 demonstrations, including 31 organized by the ruling party coalition, were held without incident.

On June 17, police arrested four performance artists in Goma for protesting civilian massacres in Kasai and Beni. The police transferred the four to the public prosecutor's office on charges of rebellion. The four were provisionally released on June 28 after paying 79,000 Congolese francs (\$49) bail each.

The government interfered with activities held by a coalition of 12 human rights NGOs known as the Collective Action of Civil Society, including a June 30 public conference. Government officials reportedly threatened the owner of the event's



venue and arrested approximately 100 persons who arrived for the event. All were released in the following days. Meanwhile, police provided security for a separate June 30 event held by the ruling People's Party for Reconstruction and Democracy (PPRD).

On July 31, civil society organizations attempted to hold peaceful demonstrations in at least nine cities across the country to call on the government to publish an electoral calendar. The SSF shut down the protests, sometimes violently, and arrested at least 131 demonstrators. Five of these were sentenced in Lubumbashi to prison terms ranging from eight to 12 months for disturbing the peace, provocation, and inciting disobedience. On August 1, MONUSCO's special representative of the secretary general issued a statement condemning the government's repression of peaceful protests on July 31, stating he was "concerned by the restrictions imposed on peaceful assembly and arrests of those who seek to express their political views, as well as by the targeting of journalists and the confiscation of their materials," and called on authorities to "fully uphold the fundamental rights and freedoms as enshrined in the Congolese Constitution."

On August 31, Kinshasa governor Andre Kimbuta informed the opposition Rassemblement coalition that it could not hold a planned September 3 rally. Governor Kimbuta claimed that a dissident, progovernment wing of the Rassemblement led by Joseph Olenghankoy had already informed the Governor's Office of its plan to hold a rally of its own at the same place and the same time. In his letter to the Rassemblement, Kimbuta recalled that since September 2016 security forces had "advised" that political protest should occur only in closed spaces and that allowing the Rassemblement to hold a public rally at the same time as Olenghankoy, and in a public space directly in front of Olenghankoy's New Forces for Union and Solidarity microparty, would be "provocative."

On September 25, authorities arrested 27 citizens, many of whom were members of civil society group LUCHA, for demonstrating in front of the Ministry of Foreign Affairs against a new policy to invalidate all semibiometric passports and replace them with biometric passports. They were released later the same day. On September 30, government security forces arrested 33 LUCHA members in Goma and 16 civil society members in Kisangani for protesting the government's failure to hold elections in 2017. The civil society activists in Kisangani were released later that same day, and the Goma activists were released on October 3.

On October 22-24, in Lubumbashi, the SSF prevented opposition Rassemblement president and UDPS party leader Felix Tshisekedi from meeting with other

Rassemblement members or holding a public rally. On October 19, in advance of Tshisekedi's arrival, Lubumbashi Mayor Jean Oscar Sanguza Mutunda issued a directive stating that "for the umpteenth time" no public meetings may occur without authorization. On October 22, the SSF stormed the UDPS party office in Lubumbashi and reportedly arrested 32 party members for planning to hold an unauthorized public meeting. All 32 were released on October 23 after the public prosecutor reportedly declined to press charges. More persons were arrested and tear-gassed on October 23 while trying to welcome Tshisekedi at the Lubumbashi airport and another opposition leader, Gabriel Kyungu, was blocked from reaching the airport. On October 24, police confined Tshisekedi to his Lubumbashi hotel; on October 25, the public prosecutor summoned the hotel's owner for questioning. When Tshisekedi tried to leave his hotel, first by car and then on foot, police in riot gear barricaded the road and used tear gas.

Kinshasa Governor Kimbuta disallowed opposition and civil society protests on November 15 and November 30. On November 14, Kinshasa police commander Sylvano Kasongo told local media that Governor Kimbuta had ordered police to "disperse without mercy" gatherings of five persons or more. In Goma, North Kivu, police inspector Placid Nyembo told local media that protests would be "suppressed without hesitation." On November 23, the mayor of Kananga banned all public demonstrations "until further notice." After the opposition Rassemblement coalition scheduled another protest for November 28, the deputy secretary general of the ruling Presidential Majority (MP) coalition and Minister of Urban Affairs Joseph Kokonyangi sent Governor Kimbuta a letter declaring the MP's plan to hold a march of its own in support of the new electoral calendar on November 28. Almost simultaneously, the founder of a progovernment group called the Front for a Referendum informed Governor Kimbuta of its plan to hold a progovernment march on November 28. When the Rassemblement shifted its protest to November 30, the youth wing of Communications Minister Lambert Mende's Convention of Unified Congolese party and two more MP-affiliated groups called Cafe Kinois and the National Union of Nationalists also scheduled protests for November 30. Citing the conflicting routes and overlapping requests, the Governor's Office refused to authorize any of the protests.

Opposition and civil society groups attempted to march anyway on November 15, November 28, and November 30. The SSF arrested as many as 74 persons across the country for planning or participating in November 15 protests. Among those arrested and later released was Binja Yalala, a 15-year-old girl on the island of Idjwi in Lake Kivu. Police in Goma arrested 22 members of LUCHA on November 28. According to MONUSCO, the SSF arbitrarily arrested 213 persons

during protests on November 30. Most of these were subsequently released. According to MONUSCO, one protester was killed on November 30.

On December 29, Kinshasa Governor Kimbuta claimed he could not authorize a peaceful December 31 protest organized by the Catholic Church because he would need 240,000 police officers to provide security throughout Kinshasa. Police arrested 11 civil society activists in Kananga on December 29 and arrested five others, including civil society activist Carbone Beni, in Kinshasa on December 30. On December 31, despite Governor Kimbuta's claim to lack the police needed to secure the protests, the SSF appeared in force, using batons, rubber bullets, tear gas, and live ammunition to disperse protesters. In some cases the SSF fired tear gas, rubber bullets, and live ammunitions into church compounds. At least six persons were killed. The United Nations and civil society organizations accused the government of obscuring the actual number of persons killed and injured by preventing the United Nations and civil society groups from accessing morgues, hospitals, and detention facilities. The injured included a woman who was shot in the head by a live bullet inside a church compound and a priest who was hit in the head by a rubber bullet as he pulled her to safety. At least 180 were arrested and at least 92 were injured. The Apostolic Nunciature reported that six of its priests were arrested on December 31 and that the SSF encircled 134 of its parishes. Video showed police beating peaceful and in some cases sedentary protesters in Beni and Kasindi.

### **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 cannot generate any revenue, even if it is not at a profit. The registration process is burdensome and very slow. Some groups, particularly within the LGBTI community, reported the government had denied their registration requests.

During an interactive dialogue with civil society in Kinshasa in March 2016, the minister of justice and human rights stated that only 63 of more than 21,000 NGOs in the country were formally registered. Many NGOs reported that, even when carefully following the registration process, it often took years to receive legal certification. Many interpreted registration difficulties as intentional government obstacles for impeding NGO activity. On October 17, Rural Development Minister Justin Bitakwira, acting as the human rights minister, called for the

dissolution of local NGOs that had opposed the government's candidacy to the UN Human Rights Council.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

In September 2016 the country sent one of several delegations from African nations, UNHCR, and the African Union that, after seven years of negotiations, reached an agreement on steps to end the protracted Rwandan refugee situation by the end of 2017. More than 5,700 Rwandans voluntarily repatriated from the country between January and July. As of July 31, UNHCR estimated there were 245,052 Rwandan refugees in the country.

In July, UNJHRO reported that the leader of the opposition party National Union of Federalists of Congo, Gabriel Kyungu, and members of his family and party were victims of threats and harassment by FARDC and national police. The SSF deployed several times throughout the year to blockade Kyungu in his home in Lubumbashi and prevent political gatherings from taking place at his residence.

In November human rights lawyer George Kapiamba told local media that the Ministry of Foreign Affairs had refused to issue him a new fully biometric passport. Kapiamba alleged that his name figured on a list of individuals blacklisted by the ANR from obtaining new passports. Also in November the Directorate General of Migration confiscated the passport of opposition UDPS party secretary general Jean Marc Kabund Kabund at Kinshasa's airport and prevented him from leaving the country. Both cases remained unresolved at year's end.

Abuse of Migrants, Refugees, and Stateless Persons: Continuing conflict in North and South Kivu provinces harmed refugees and IDPs in the region, with attacks often resulting in deaths and further displacement. The armed conflict sometimes exacerbated ethnic tensions and clashes between communities and displaced groups. On September 15, the SSF fired on Burundian refugees and asylum seekers in the town of Kamanyola in the East, resulting in the deaths of 38 civilians and one FARDC soldier. As many as 135 persons were injured. The Burundians were reportedly protesting the deportation of four members of their community when the SSF opened fire.

In-country Movement: The SSF and RMGs established barriers and checkpoints on roads and at airports and markets, ostensibly for security reasons, and 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.

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 that FARDC soldiers and RMG 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: Because of inadequate administrative systems, passport issuance was irregular. On September 15, the Ministry of Foreign Affairs announced that only full-biometric DRC passports would be valid after October 16 and that citizens holding nonbiometric or semibiometric passports would need to apply for new passports. The Foreign Ministry stated the government would confiscate passports from citizens returning from abroad after November 15 with nonbiometric or semibiometric passports. The Foreign Ministry subsequently delayed this deadline to January 2018 and stated that passports with valid visas would not be confiscated. In April the media reported that, for every \$185 biometric passport, \$60 went directly to a company owned by an alleged relative of the president, Marie Makoyo Wangoi. Officials accepted bribes to expedite passport issuance, and there were reports the price of new fully biometric passports varied widely. There were also credible reports that the government refused to

issue new passports to civil society activists and opposition members critical of the government.

### **Internally Displaced Persons (IDPs)**

Due to the conflict in the East and heightened conflict in areas of the Kasai region and former Katanga province, by November there were an estimated 4.1 million IDPs throughout the country. According to the UN Office for the Coordination of Humanitarian Affairs, there were by November approximately 1.1 million IDPs in North Kivu, 763,000 in the Kasai region, 654,000 in Tanganyika, 598,000 in South Kivu, 343,000 in Ituri, and 276,000 in Maniema. The government was unable to protect or assist IDPs adequately but generally allowed domestic and international humanitarian organizations to do so. UNHCR and other international humanitarian organizations worked to close IDP sites where the security situation was relatively stable. UNHCR closed 12 camps where local integration and relocation or return was possible. These were Bulengo, Mugunga 3, Lushebere, Bonde, Burora, Nyabiondo, Kalembe Remblais, Mushababwe, Muhanga, Lusogha, Luve, and Katsiru camps.

Conflict and insecurity, as well as poor infrastructure, adversely affected humanitarian efforts and led to new IDP camps. Late November fighting in the Bweru area of North Kivu led to temporary displacements from Mpati, Kivuye, Bweru, Kabukombo, Ngoriba, and Nyange to Kirumbu, Kalengera, and other nearby villages. There were credible reports that local authorities impeded humanitarian access to IDP camps in Tanganyika Province. In addition at least six IDP sites in Kalemie Territory were destroyed by fire. The cause of these fires was undetermined.

Population displacements continued throughout the year, particularly in the east. Many areas continued to experience insecurity, such as North Kivu's Beni Territory, Ituri Province, and South Kivu's Fizi Territory. Intercommunal violence and fighting among armed groups in the east resulted in continued population displacement and increased humanitarian needs for IDPs and host communities.

Due to the remote location 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. More than 30,000 citizens from Kasai fled as refugees to Angola beginning in April.

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.

In the Kasai provinces, UNHCR reported IDPs started to return to their homes, but continued insecurity, abuses by the SSF and RMGs, as well as thorough destruction of homes impeded returns. UNHCR considered most of the 710,000 returnees from January to November to be living in extremely precarious conditions. From January until November, approximately one million IDPs returned to their areas of origin, according to UNHCR. This included 491,000 returnees in Kasai-Central, 270,000 in North Kivu, 154,000 in Tanganyika, 121,000 each in Lomami and South Kivu, and 45,000 each in Maniema and Ituri.

Conditions in IDP camps in Kalemie territory and Twa-Bantu interethnic conflict complicated the returns in Tanganyika Province, resulting in 584,000 IDPs. Six unexplained fires burned more than 5,000 huts in IDP camps in the province, and the United Nations reported that more than 13,000 IDPs were either relocated to more remote camps or returned to their villages under questionable conditions.

### **Protection of Refugees**

As of August 22, UNHCR reported 671,000 refugees in the country from seven adjacent countries, of which approximately 245,000 were from Rwanda.

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 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 than citizens.

Durable Solutions: Through the application of the cessation clauses of the 1951 Convention and the 1969 Organization of African Unity Convention, Angolans

who fled the Angolan civil war (which ended in 2002) ceased to be refugees in 2012. In 2014 UNHCR launched the final assisted voluntary repatriation of former Angolan refugees. From January through September 2015, 3,916 Angolans returned home; another 21,290 Angolans in Kinshasa, Kongo Central, and Upper Katanga provinces awaited return. UNHCR helped another 18,638 Angolan refugees to file for local integration in 2015, including paying for their residency permits. As of June, 494 Angolan refugees remained in the country.

The country has not invoked the cessation clause effective in 2013 for Rwandan refugees who fled Rwanda before the end of 1998. In September 2016 the government joined other refugee-hosting countries and UNHCR to commit to facilitating repatriation of Rwandans from countries of asylum through December 31. To implement the tripartite agreement from 2014, the National Commission on Refugees (CNR) and UNHCR began in 2016 the process of biometrically registering Rwandan refugees. The FDLR impeded the process in North Kivu, where most of the refugees were located. UNHCR and the CNR suspended biometric registration following FDLR attacks on UNCHR-supported registration teams in February and April 2016, during which the teams lost all of their data. An effort during the year registered 42,000 Rwandan refugees in South Kivu. UNHCR continued to support voluntary repatriation and between January and April it assisted in repatriating 1,347 Rwandan refugees.

On September 15, the SSF shot and killed 36 Burundians refugees and asylum seekers in Kamanyola outside of Bukavu in eastern DRC.

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

### **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, but citizens were unable to exercise this right during the year due to the government's and CENI's failure to organize elections in accordance with the constitution.

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



Recent Elections: The government failed to organize elections in 2016 in accordance with the constitution. In December 2016 the government and opposition parties agreed to a power-sharing arrangement that paved the way for elections by the end of December. The government failed to implement the agreement as written, however, and elections had not occurred by year's end. On November 5, CENI announced that elections would be held in December 2018. The country's most recent presidential and National Assembly elections, which many local and international observers characterized as lacking in credibility and seriously flawed, were held in 2011. All national-level democratically elected officials, including the president and both houses of parliament, have overstayed their elected mandates.

CENI held indirect gubernatorial elections in eight provinces on August 26. Since only provincial assembly members could vote, the total number of voters in these contests ranged from 17 provincial assembly members in Lower Uele Province to 34 in South Kivu. The ruling party coalition and independent candidates each won four gubernatorial seats. Critics accused the ruling party coalition of manipulating the rules to disqualify independent candidates who were critical of the government.

CENI last held presidential and parliamentary elections in 2011 and declared Joseph Kabila the winner of the presidential election. Several international observer missions stated the results of the elections were "seriously flawed" and "lacked credibility" due largely to irregularities and a lack of transparency in the vote tabulation process. NGOs reported security forces killed or arbitrarily detained dozens of citizens prior to the voting. The United Nations confirmed at least 41 persons had died at the hands of the SSF throughout the electoral period and that security forces physically harmed hundreds. Losing candidates contested the election results for approximately 340 of the 500 parliamentary seats at the Supreme Court. Many of the cases reportedly had little merit. In 2012 the Supreme Court certified the results of 482 parliamentary electoral contests. Denis Engunda of the Christian Democratic Party won election to the National Assembly from Equateur Province in 2012, marking the resolution of the last contested result from the 2011 parliamentary elections.

Political Parties and Political Participation: Although President Kabila was nominally independent, the president's Presidential Majority political alliance--which included his former party (the PPRD), the Alliance of Democratic Forces for Congo, and other parties--enjoyed majority representation in government, the parliament, and judicial bodies, including on the Constitutional Court and CENI. State-run media, including television and radio stations, remained the largest

source of information for the public and government (see section 2.a.). There were reports of government intimidation of opposition members, such as denying opposition groups the right to assemble peacefully (see section 2.b.), limiting travel within or outside the country, targeting opposition leaders in politically motivated judicial actions, and exercising political influence in the distribution of media content.

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 and arbitrarily arrested opposition party members. At various points during the year, the SSF used force to prevent or disrupt opposition-organized events. National Assembly president Aubin Minaku prevented the opposition UDPS party from changing its representative to the CENI, allegedly in violation of a December 2016 agreement between the government and opposition parties. The government and Prime Minister Bruno Tshibala also continued its practice of duplicating opposition parties, also allegedly in violation of the December 2016 agreement.

In a number of 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 then are approved and paid by the government.

Participation of Women and Minorities: Women held 10 percent of seats in the National Assembly (50 of 500) and 6 percent in the provincial assemblies (43 of 690). Four of 108 senators were women. Among the 59 government vice prime ministers, ministers, ministers of state, and vice ministers, six were women, a decrease in the total number from that of the government formed earlier in 2016 (from 11 percent of 68 such positions to 10 percent of 59 such positions). Some observers believed cultural and traditional factors prevented women from participating in political life to the same extent as men.

Some groups, including indigenous persons, claimed they had no representation in the Senate, the National Assembly, or provincial assemblies. Discrimination against indigenous groups continued in some areas, such as Equateur, East Kasai, and Upper Katanga provinces, and contributed to their lack of political participation (see section 5).

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

#### **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, and officials frequently engaged in corrupt practices with impunity.

Corruption: Corruption by officials at all levels as well as within state-owned enterprise continued to deprive state coffers of hundreds of millions of dollars. During the year the Congo Research Group and the media alleged that the family of President Kabila had illegally amassed hundreds of millions of dollars in revenue from a broad array of companies. In April the media reported that, for every \$185 biometric passport produced by the government, \$60 went directly to a company owned by an alleged relative of the president, Marie Makoyo Wangoi. Additional revenue losses were due to racketeering and exploitation of minerals in the east by the SSF, FARDC elements, and RMGs. Artisanal mining remained predominantly informal and illicit and strongly linked to armed groups and elements of the FARDC. Artisanal mining products, particularly gold, were smuggled into Uganda and Rwanda, often with the connivance of government officials. As of 2017 research by NGO International Peace Information Service estimated 44 percent of artisanal mine sites in the east were free of illegal control or taxation by the SSF or RMGs; 38 percent were under the control of elements of the FARDC; and the remainder was under the control of various armed groups. In 2014 the government launched a mechanism to standardize supply-chain processes across the Great Lakes Region for artisanally produced cassiterite (tin ore), wolframite (tungsten ore), and coltan (tantalum ore), the implementation of which continued. The government publicly launched an artisanal gold traceability initiative on June 12 but did not begin implementation by year's end.

In 2013 Kofi Annan's Africa Progress Panel estimated that the country lost \$1.36 billion between 2010 and 2012 due to undervalued mining asset sales. In July the NGO Global Witness reported that more than \$750 million in payments by mining companies to country's tax agencies and state mining companies between 2013 and 2015 never reached the national treasury. In November the Carter Center reported that 1.2 trillion Congolese francs (\$750 million) in mining revenues earned by the parastatal Gecamines from 2011 to 2014 was unaccounted for. This constituted more than two-thirds of the 1.75 trillion Congolese francs (\$1.1 billion) in mining revenues earned by Gecamines during this period. The Carter Center's analysis of

Gecamines contracts and finances found that the government could also not account for over half a billion dollars in infrastructure loans from Chinese banks. The report documented how government officials circumvented the mining code and regulations governing state-owned enterprises to divert revenue and observed that suspicious financial transactions appeared to coincide with the country's electoral cycles. In a public statement after the Carter Center's report was released, Gecamines chief executive officer Albert Yuma denied the allegations and claimed that all revenues were accounted for.

An UNGOE report published in August documented cases involving FARDC elements and RMGs in the exploitation and trade of gold in the country, including by Major General Gabriel Amisi Kumba, also known as Tango Four. According to the report, Amisi owned several gold dredges through a local gold mining company that benefited from FARDC protection. The UNGOE previously reported that "almost all artisanally sourced gold in the DRC is exported illegally and underestimated in both value and volume." The report also documented substantial fraud in the tagging and transport processes of various minerals in the east, noting that, while some projects are underway to strengthen the government's technical capacity to detect fraud in the transport of minerals, the UNGOE believed structural measures were also needed to address the problem of corruption among agents responsible for tagging.

A report published by the UNGOE in 2014 indicated that elements of the FARDC, local poachers, and armed groups remained involved in the illegal exploitation of and trade in wildlife products, including ivory (see section 1.g.).

In January 2016 the government launched an initiative to boost the economy that included specific measures to fight tax evasion and enforce penalties against corrupt civil servants. In July 2016 the prime minister established the corruption and professional ethics watchdog, the Corruption and Ethics Monitoring Observatory (OSCEP) to monitor corruption in the civil service. OSCEP's mandate includes generating a database of corruption-related activities as well as coordinating anticorruption activities among government agencies, including the antifraud brigades of the Customs Authority, the Ministry of Mines, the General Inspectorate of Finance, CENAREF (the financial intelligence unit), and the Bureau of the Special Advisor of the Head of State in Charge of Good Governance. Although CENAREF undertook some anti-money-laundering activities, OSCEP remained largely inactive.

In an effort to combat corruption, the government continued a program to pay many civil servants and security forces in major cities by direct deposit, eliminating an important means of graft. Previously, the government utilized a cascading cash payment system disbursing salaries to senior officials for payment to subordinate officials, who in turn paid their staffs.

The law criminalizes money laundering and terrorist financing. Limited resources and a weak judicial system hampered the ability of CENAREF to enforce regulations against money laundering. Local institutions and personnel lacked the training and capacity to enforce the law and its attendant regulations. The president appointed a former minister of justice, Luzolo Bambi, as his special envoy to fight corruption and money laundering several years ago. In July 2016 the president issued an executive ordinance granting Bambi's office broad arrest authority. The arrest authority did not prove effective, since the special envoy lacked the personnel to make arrests, and for the most part remained limited to referring suspects to the court system for prosecution. On August 4, Bambi set out his renewed "battle against impunity" in a letter to the attorney general.

Government authorities and wealthy individuals at times used antidefamation laws that carry criminal punishments, as well as other means of intimidation, to discourage media investigation of government corruption (see section 2.a.).

Financial Disclosure: The law requires the president and ministers to disclose their assets to a government committee. The president and all ministers and vice ministers reportedly did so when they took office. The committee had yet to make this information public.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Elements of the SSF continued unlawfully/extrajudicially 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. During 2016 the government declined to renew the work permit of a Human Rights Watch researcher and revoked the visa of Congo Research Group director Jason Stearns, officially for reasons of "undesirability." During the year the government declined to issue or renew visas for some international journalists and researchers. 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 instance, the government refused to grant the United Nations access to certain detention centers, particularly at military installations such as military intelligence headquarters, where political prisoners were often detained. In Kasai the government and the SSF prevented MONUSCO from visiting suspected mass grave sites, including a site located inside the FARDC officers training school in Kananga, and impeded UN access to individuals arrested in connection with the killing of two UN experts, Michael Sharp and Zaida Catalan. The government also blocked UNJHRO access to morgues, hospitals, and detention facilities during protests on December 31 in Kinshasa.

On March 12, UN experts Michael Sharp and Zaida Catalan were killed in Kasai Central Province. Cell phone video footage showed the two being shot and Catalan later being decapitated by a group of militants. The UNGOE called the incident an assassination “in a premeditated setup under hitherto unclear circumstances” and stated the killings constituted “a deliberate attack against the UN Security Council, which is a serious violation of international humanitarian law.” The government accused members of the Kamuina Nsapu militia of killing the experts, and in June a trial began in Kananga of 18 defendants, 14 of whom, including several individuals who appeared in the video, remained at large. The trial was continued at year’s end. In their annual report, the UNGOE wrote that evidence they reviewed “does not yet allow the Group to attribute responsibility for the murder. However, the available evidence does not preclude the involvement of different actors such as (pro- or antigovernment) Kamuina Nsapu factions, other armed groups, as well as members of state security services.”

Government Human Rights Bodies: During the year the CNDH made some progress, publishing reports on violence in Beni territory, December protests, and the Kamuina Nsapu phenomenon in the Kasais. It also visited detention centers, followed up on complaints of human rights abuses from civilians, and held a meeting on the right to demonstration. It continued to lack sufficient funding for overhead costs or to have representation in all 26 provinces.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

## Women

Rape and Domestic Violence: The law on sexual violence criminalizes rape, but the offense was not always reported by victims and the law was not always enforced. Rape was common. The legal definition of rape does not include spousal rape. It also prohibits extrajudicial settlements (for example, a customary fine paid by the perpetrator to the family of the victim) and forced marriage, allows victims of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality. The minimum penalty prescribed for rape is a prison sentence of five years, and courts regularly imposed such a sentence in rape convictions.

According to media, members of the FARDC raped as many as 25 women in Makobola, 14 miles south of Uvira, in late September and mid-October after the withdrawal of a Mai Mai group that had been operating in the area.

In December, UNJHRO reported that at least 170 women were victims of extrajudicial killings, at least 420 women were victims of SGBV, and at least 528 women were victims of arbitrary arrest during the year. UNJHRO stated that perpetrators were primarily police for arbitrary arrest and the FARDC with regard to extrajudicial killings and SGBV. UNJHRO stated that RMGs, including the FPRI and Twa militias, also targeted women during the year. Implementation, including promulgation of the text of the amended family code adopted in June 2016, had not begun by year's end.

The SSF, RMGs, and civilians perpetrated widespread sexual violence (see section 1.g.). During the year the United Nations documented 267 adult victims and 171 child victims, including two boys, of sexual violence in conflict. Crimes of sexual violence were sometimes committed as a tactic of war to punish civilians for having perceived allegiances to rival parties or groups. The crimes occurred largely in the conflict zones in North Kivu Province and in the Kasai region, but also throughout the country. The 2013-14 *Demographic and Health Survey* (DHS) found that more than one in four women nationwide (27 percent) had experienced sexual violence at some point in their lives, up from 22 percent in 2007.

Some prosecutions occurred for rape and other types of sexual violence. In June 2016 at least 57 persons, including a provincial member of parliament, were arrested in connection with a local militia allegedly responsible for a surge in sexual violence against children in Kavumu, South Kivu Province. Many individuals were subsequently released, although 14 persons, including the

parliamentarian, were ultimately charged in military court with crimes against humanity, rape, murder, assault, and participation in an insurrectional movement. On December 13, a provincial military court convicted parliamentarian Frederic Batumike and 10 others associated with Batumike's RMG to life in prison for murder and crimes against humanity for the rape of 37 girls ranging in age from 18 months to 12 years.

Most survivors of rape did not pursue formal legal action due to insufficient resources, lack of confidence in the justice system, fear of subjecting themselves to humiliation and/or reprisal, or family pressure.

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 of judicial authorities taking action in cases of domestic or spousal abuse.

Female Genital Mutilation/Cutting (FGM/C): The law describes FGM/C as a form of sexual violence, provides a sentence of two to five years in prison, and levies fines of up to 200,000 Congolese francs (\$125); in case of death due to FGM/C, the sentence is life imprisonment.

For more information, see [data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/](https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/).

Other Harmful Traditional Practices: UNICEF and MONUSCO attributed some abuses of children, including mutilation of children and use of children in combat in the Kasais, to harmful traditional and religious practices. The United Nations reported that Kamuina Nsapu militias often put children, particularly young girls, on the front lines of battle, believing they have powers that could protect them as well as other fighters. For example, it reported Kamuina Nsapu militias often believed young girls could trap bullets fired at them and fling them back at attackers. The Kamuina Nsapu also reportedly slashed children's stomachs as part of an initiation ritual to see if they would survive and how the wound would heal.

Sexual Harassment: Sexual harassment occurred throughout the country. Legislation passed in 2006 prohibits sexual harassment with a minimum sentence of one year, but there was little or no effective enforcement of the law.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates



on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

**Discrimination:** The constitution prohibits discrimination based on gender, but the law does not provide women the same rights as men. A 2015 women's parity law provides women a number of protections. It 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 abuse. Women, however, experienced economic discrimination.

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 that they were officially recognized by the father), rather than the widow, have precedence with regard to inheritance. Courts may sentence women found guilty of adultery to up to one year in prison, while adultery by men is punishable only if judged to have "an injurious quality."

## **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 located in the country in 1960. The government registered 25 percent of children born in some form of medical facility. Lack of registration rarely affected access to government services. For additional information, see Appendix C.

**Education:** The constitution provides for tuition-free and compulsory primary education. It was not, however, compulsory or tuition free, and the government inconsistently provided it across the 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.

Primary and 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. Additionally, children in school were not particularly safe.

Teachers subjected one in four children to corporal punishment and pressured one in five girls to exchange sexual favors for high grades.

Many of the schools in the east were dilapidated and closed due to chronic insecurity. The government used other schools as housing for IDPs. Parents in some areas kept their children from attending school due to fear of RMG forcible recruitment of child soldiers.

Schools were sometimes targeted in attacks, particularly by Kamuina Nsapu militants in the Kasai region. From August 2016 to June, UNICEF documented more than 404 attacks on schools in the Kasai region, including more than 300 by RMGs that sometimes targeted schools as symbols of the government and as sources of child recruitment.

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.

Many children suffered abuse from militia groups that recruited children and believed they possessed magic powers. The United Nations reported that Kamuina Nsapu militants forced children to undergo a “baptism” ritual of a deep knife cut to the stomach. Those children who did not die of these wounds were reportedly recruited to the militia and used as combatants, often put on the front lines as “fetish keepers” due to their supposed powers. These practices resulted in the deaths of many children during the Kasai conflict.

Early and Forced Marriage: While the law prohibits marriage of boys and girls under the age of 18, many marriages of underage children took place. Bridewealth (dowry) payment made by a groom or his family to the relatives of the bride to

ratify a marriage greatly contributed to underage marriage, as parents forcibly married daughters to collect bridewealth or to finance bridewealth for a son.

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 of 92,500 Congolese francs (\$58). The penalty doubles when the child is under 15. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age of consensual sex is 18 for both males and females, and the law prohibits prostitution by anyone under 18. The penal code prohibits child pornography, with imprisonment of 10 to 20 years for those convicted. During the year UNICEF assisted 4,627 victims of sexual exploitation, including 1,671 children, of whom 228 reported being victims of sexual violence by armed men. According to a 2010 World Bank report, 26 percent of children living on the streets were girls, of whom 70 percent were victims of rape and 90 percent were victims of child sex trafficking. There were also reports that child soldiers, particularly girls, faced sexual exploitation (see section 1.g.).

There was an increase in sexual violence against children and infants in Kavumu, South Kivu Province, during 2016 (see section 6). While targeted sexual violence against children decreased during the year in the region following arrests and charges against some militia members responsible, many of the survivors continued to face stigmatization from their communities.

Child Soldiers: Armed groups recruited boys and girls (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 and other vulnerable children in the country. Of these, 91 percent received no external support of any kind and only 3 percent received medical support. An estimated 30,000 to 40,000 children lived on the streets, with the highest concentration in Kinshasa. The families of many of these children forced them out of their homes, accusing them of witchcraft and bringing misfortune to their families.

Since 2016 the conflict in the Kasais displaced more than 1.4 million persons, including many children who were kidnapped by militia members or otherwise separated from their families. The government was not equipped to deal with such

large numbers of homeless children. The SSF abused and arbitrarily arrested street children.

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.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 [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with disabilities and provides specific government protection for them. The constitution states all persons should have access to national education. The law states that private, public, and semipublic companies may not discriminate against qualified candidates based on disabilities. The government did not enforce these provisions effectively, and persons with disabilities often found it difficult to obtain employment, education, and government services.

The law does not mandate access to government buildings or services for persons with disabilities. While persons with disabilities may attend public primary and secondary schools and have access to higher education, no special provisions are required of educational facilities to accommodate their specific needs. Consequently, 90 percent of adults with disabilities do not achieve basic literacy. The Ministry of Education increased its special education outreach efforts but estimated it was educating fewer than 6,000 children with 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 from officials to avoid being required to send them to school.

### **National/Racial/Ethnic Minorities**

Ethnic Twa persons frequently faced severe societal discrimination and had little protection from government officials (see section 1.g.).

There were reports of societal discrimination and violence against foreign minority groups. For example, protesters attacked businesses owned by ethnic Chinese during the January protests.

### **Indigenous People**

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 RMGs and the SSF, expansion by farmers, and increased trading and excavation activities caused displacement of some indigenous populations.

While the law stipulates that 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.

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

While no law specifically prohibits consensual sexual conduct between same-sex adults, individuals engaging in public displays of same-sex sexual conduct, such as kissing, were sometimes subject to prosecution under public indecency provisions, which society rarely applied to opposite-sex couples. The law prohibits those persons in same-sex relationship from adopting children. Same-sex relationships and identifying as LGBTI remained cultural taboos, and harassment by the SSF and judiciary occurred. During the year a local organization was able to identify 97 cases of gender-based attacks targeting members of the LGBTI community in one province, ranging from death threats, to discrimination in a health facility, to

arbitrary arrest, to sexual-based violence. On the night of March 24, three men accosted an individual, accusing him of being a homosexual. When he denied that he was, the three beat him with a stick and attempted to tie a noose around his neck in an apparent attempt to hang him before the victim was able to escape.

LGBTI individuals were subjected to harassment, stigmatization, and violence, including “corrective” rape, which was further fueled by condemnation from some religious leaders, radio broadcasts, and political organizations.

### **HIV and AIDS Social Stigma**

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

The 2013-14 DHS 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. A total of 72 percent of respondents said they were ready to take care of an HIV-positive parent, but only 47 expressed willingness to purchase produce from a HIV-positive seller. A total of 49 percent of respondents would accept having an HIV-positive teacher teach their children, and 26 percent said it would not be necessary to hide the HIV status of a family member. The study estimated a global tolerance level towards HIV-positive persons at 4 percent in women and 12 percent in men.

According to the survey, the adult HIV prevalence rate was 1.2 percent, and according to UNAIDS, an estimated 560,798 persons of all ages in the country had HIV in 2015.

### **Other Societal Violence or Discrimination**

Discrimination against persons with albinism was widespread and limited their ability to marry and to obtain employment, health care, and education. Families and communities frequently ostracized persons with albinism. There were also reports of spontaneous mobs responding to crimes and perceived attacks.

Longstanding ethnic tensions also fueled some community violence. Small-scale conflicts in the Rutshuru and Lubero territories of North Kivu conflict exacerbated longstanding tensions between Hutu, on the one hand, and the Kobo, Nyanga, and Nande ethnic communities, on the other hand. On January 9, the Nande-affiliated Mai Mai Mazembe RMG attacked the town of Kibirizi, decapitating one Hutu,

burning one woman to death, and burning 16 homes. In April intercommunity tensions between Tshokwe and Pende (accused of being affiliated with the Congolese security forces) and Luba and Lulua communities (accused of being Kamuina Nsapu militia sympathizers) turned violent, particularly in Kamonia territory, Kasai Province. From April 13 to 25, Tshokwe youths armed with rifles and machetes killed at least 38 persons, including eight women and eight children, mainly of Lulua ethnicity, in several parts of the territory.

## **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 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, although by law police, army, and domestic workers may not strike. The law also prohibits directors in public and private enterprises from striking. The law gives administrative authorities the right to dissolve, suspend, or deregister trade union organizations. The law provides 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 more than one union may be represented within a single business. Foreigners may not hold union office unless they have lived in the country for at least 20 years. Collective bargaining requires a minimum of 10 union committee members plus 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 the unions. Certain subcategories of public employees, such as staff members of decentralized entities (towns, territories, and sectors) do not have the right to participate in the wage-setting consultations.

The union committee is required to notify the company's management of a planned strike, but it does 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. 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. Sometimes employees provide minimum services during negotiations, but this is not a requirement. Unless unions notify employers of a

planned strike, the law disallows 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.

The law prohibits discrimination against union employees and requires employers to reinstate workers dismissed for union activities, but the penalties for violations were not adequate to deter violations. The law considers those who have worked for a minimum of three contiguous 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 lacked the capacity to enforce the law effectively or to provide oversight.

The government recognizes 12 private sector and public enterprise unions at the national level. The public administration sector has a history of organizing, and the government negotiates with sector representatives when they present grievances or go on strike. The public administration sector is divided among and represented by 15 different national unions, five of which represent the majority of the workers. Among those five unions, three coordinate their activities, while the remaining two operate independently. The largest private-sector unions, including the Union Confederation of Congo, the National Union of Congolese Workers, and the Democratic Confederation of Work continued to expand into rural areas, particularly near major mines in the eastern part of the country. The expansion resulted in more sectors, companies, and workers represented. Additionally, antiunion discrimination was widespread, particularly in foreign-owned companies. In many instances during the year, to undermine unions’ collective bargaining efforts, companies refused to negotiate with unions but opted to negotiate individually with workers.

Employees of the Port and Transportation Authority, whose services are essential to maintain the country’s heavily import-based economy, went on strike twice during the year due to salary arrears. Other civil servants including doctors, nurses, and Ministry of Foreign Affairs and Ministry of Budget personnel also went on strike repeatedly during the year due to salary issues. The most recent doctors’ strike was suspended in September; the nurses’ strike continued. A nationwide teachers’ strike began on September 4, but by September 11, Kinshasa and South Kivu teachers suspended their strikes until October, giving the government time to fulfill their demands. In other provinces, such as Kasai Oriental, the strike continued, albeit sporadically.



In small and medium-sized businesses, workers could not effectively exercise the right to strike. Due to lax enforcement of labor regulations, companies and shops could immediately replace any workers attempting to unionize, bargain collectively, or strike with contract workers to intimidate workers and prevent them from exercising their rights, despite workers' legal protections.

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

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

The constitution prohibits all forms of forced or compulsory labor. Under the labor code, forced labor is punishable by a maximum of six months' imprisonment, a fine, or both; forced child labor is punishable by one to three years' imprisonment, a fine, or both. The law also provides for a penalty of 10 to 20 years' imprisonment for the enrollment or use of children under the age of 18 in the armed forces or police. Penalties for violations were an insufficient deterrent, as the government did not effectively enforce the law.

In cases of nonpayment of requisite and applicable taxes, the law allows detention or the exaction of work for the purpose of national development (as a means of levying taxes). The government, however, did not invoke this provision.

There were reports that forced labor, including forced child labor, regularly occurred throughout the country. Violations included bonded labor, domestic servitude, and slavery. In the artisanal (nonindustrial) mining sector, individuals took on debt from intermediaries and dealers to acquire food, supplies, and mining tools and equipment, often at high interest rates despite low wages. Miners who failed to provide sufficient ore to pay debt were at risk of becoming perennial debtors. The government continued to try to formalize the artisanal mining sector but did not attempt to regulate this practice. In the East RMGs 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 and held men, women, and children captive for trafficking, including forced labor and sexual exploitation. In North Kivu and South Kivu provinces, some members of FARDC units and RMGs taxed or, in some cases, controlled mining activities in gold, coltan, wolframite, and cassiterite mines.

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

The government did not effectively enforce laws prohibiting forced or compulsory labor and took no action against those who used forced labor and abducted civilians for forced labor.

The government did not report any official child labor investigations. Little if any information existed on the removal of victims from forced labor. As of year’s end, there was no effective government effort underway to limit child labor in mines.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The child protection code and labor code set the minimum age for work at 16, and Ministerial Order No. 12 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. Penalties for violations for the worst forms of child labor, which are one to three years of imprisonment and fines as high as 20,000 Congolese francs (\$13), were insufficient to deter violations.

While criminal courts continued to hear child labor complaints, neither the courts nor other government agencies effectively enforced these laws. The government did not allocate relevant ministries and the National Committee to Combat the Worst Forms of Child Labor specific budgetary resources.

The Ministry of Labor has responsibility for investigating child labor abuses but had no dedicated child labor inspection service. In August 2016 the National Labor Committee adopted a new action plan to fight the worst forms of child labor; its implementation was scheduled to start during the year; however, implementation had not begun as of September due to lack of funds. 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. These agencies had no budgets for inspections and conducted no child labor investigations.

In March the governor of Lualaba Province in the Katanga region made a public announcement prohibiting children from participating in mining activities in two villages near the artisanal mines of Kasulu and Kipuki, encouraging the children to go to school instead. Children had been employed at the two sites to clean copper and cobalt ores, and haul sacks of minerals. It was unclear what impact the governor's declaration had.

There was no effective systematic government effort to redirect child labor away from artisanal mines. The Ministry of Mines International Conference on the Great Lakes Region certificate-validation process prohibits artisanal mines with child labor from exporting, but the ministry had limited capacity to enforce this process.

In August an interministerial committee including the Ministries of Labor and Mining organized a national workshop at which Minister of State for Employment and Labor Lambert Matuku announced a strategy to eliminate child labor, including in the mining sector, by 2025. No effective implementation had taken place by year's end.

The government did not undertake any measures to reinforce the capacities of the labor inspectors to prevent children under the age of 18 from engaging in hazardous work in mines.

Child labor, including forced child labor, was a problem throughout the country (see section 7.b.). Child labor was most common in the informal sector, including in artisanal mining and subsistence agriculture. For their economic survival, families often encouraged children to work. 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. The commercial exploitation of children also occurred (see section 6).

Various mining sites, located principally in the eastern regions of North Kivu and Katanga, employed many child workers. Data on Katanga estimated that children under the age of 18 made up 40 percent of all workers in the region's mines. According to a 2014 UNICEF estimate, 40,000 boys and girls were used for dangerous mining activities in the South, primarily in cobalt extraction. The working conditions for children at these mining sites were poor. Given the same status as adults, children worked without breaks and without any basic protective measures.

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 Upper 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 the ages of 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 treated them as domestic slaves, subjecting them to physical and sexual abuse.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **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 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.

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 International Labor Organization, 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.

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

The government sets regional minimum wages for all workers in private enterprise, with the highest pay scales applied to the cities of Kinshasa and Lubumbashi. The government-established minimum wage of 1,680 Congolese francs (\$1.05) per day, less than the official estimate of the poverty income level, remained unadjusted since 2009, despite continued devaluation of the currency and increases in the cost of living. The National Labor Council, the country's highest labor

forum, is a tripartite organization formed by unions, government, and employers. According to the labor code, ordinary sessions of the National Labor Council should take place twice a year. The most recent session took place in 2015. A session scheduled for October 2016 did not take place, and had yet to take place as of September. The most recent National Labor Council gathering was scheduled to make a decision to raise the minimum wage, but no action was taken. The minimum wage remained unchanged since 2009, when it was worth approximately three dollars but, at the September exchange rate, the minimum wage was approximately one dollar.

In the public sector, the government sets wages annually by decree and permits unions to act only in an advisory capacity.

The law defines different standard workweeks, ranging from 45 to 72 hours, 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 average monthly wage did not provide a living wage for a worker and family. Government salaries remained low, ranging from 65,000 to 95,000 Congolese francs (\$41 to \$59) per month (not including bonuses, which in some instances were considerably larger), and salary arrears became more frequent in both the civil service and public enterprises (parastatals). The government announced a raise of 20,000 Congolese francs (\$13) per month in August, but workers had yet to receive the additional funds. Many public-sector employees reported that they did not receive their annual bonuses. In 2012 the government began paying some civil servant salaries through the banking system in an effort to stop the practice in which supervisors created fake employees and skimmed off some of their subordinates' salaries. The Budget Ministry stated that 75 percent of civil servants received their pay through the banking system, but some observers believed that figure was grossly inflated. For others the government delivered cash in large shipments for local authorities and supervisors to distribute.

The labor code specifies health and safety standards. The Ministry of Labor employed 200 labor inspectors, which was not sufficient to enforce consistent compliance with labor regulations. The government did not effectively enforce such standards in the informal sector, and enforcement was uneven in the formal sector. Major international mining companies effectively observed health and safety standards, and the Ministry of Mines validation process includes criteria on

minimal safety standards. Approximately 90 percent of laborers worked in subsistence agriculture, informal commerce or mining, or other informal pursuits, where they often faced hazardous or exploitive working conditions.

In 2015 the international NGO International Peace and Information Services estimated there were approximately 300,000 artisanal miners in the East in the 2,000 identified mine sites. It was estimated there were likely an additional 1,000 mine sites that had not been identified.