

# DEMOCRATIC REPUBLIC OF THE CONGO 2016 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 on December 19. The government, however, failed to organize elections by year's end in accordance with constitutional deadlines. On December 31, the government and opposition parties agreed to a power-sharing arrangement and holding elections by the end of December 2017. 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.

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

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

The most significant human rights problems included unlawful killings; torture and other cruel, inhuman, and degrading treatment and punishment; and sexual and gender-based violence (SGBV), including rapes and abductions.

Other major human rights problems included disappearances; life-threatening conditions in prisons and detention facilities; arbitrary arrests and prolonged pretrial detention; arbitrary interference with privacy, family, and home; abuse of internally displaced persons (IDPs); arbitrary arrests and prolonged detention; harassment of civil society and opposition leaders and the inability of citizens to change their government; corruption at all levels of government; and restrictions on freedom of speech and press. Societal discrimination and abuse--particularly against women, children, persons with disabilities, ethnic minorities, and indigenous persons; the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community, and persons with albinism--were problems. Trafficking in persons and forced labor, including of children, occurred, as did violations of worker rights.

Despite modest improvements, authorities often took no steps to investigate, prosecute, or punish officials who committed violations, whether in the security

forces or elsewhere in the government, and impunity for human rights abuses was a problem.

Rebel and militia groups (RMGs) continued to commit abuses, primarily in the east, but also in Katanga and Orientale provinces. These abuses included unlawful killings, disappearances, torture, 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**

Security forces committed arbitrary or unlawful killings in operations against RMGs in the east (see section 1.g.).

There were numerous reports the government or its agents committed arbitrary or unlawful killings. According to the UN Joint Office of Human Rights (UNJHRO), under the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), security forces were responsible for at least 298 extrajudicial killings as of November 30. Victims included 48 demonstrators during September protests in Kinshasa and civilians killed during military operations in the east.

In July, six bodies, some bearing signs of torture, were discovered in Kinshasa's Ndjili River. The government impeded UNJHRO efforts to identify the bodies or conduct an investigation, and no action had been taken against alleged perpetrators by year's end.

According to UNJHRO, seven civilians died on September 20, when security forces attacked and burned the Kinshasa headquarters of the opposition Union for Democracy and Social Progress (see section 3).

In August a captain and lieutenant in the Armed Forces of the Democratic Republic of the Congo (FARDC) were sentenced to life imprisonment for murders committed in Irumu Territory.

RMGs committed arbitrary and unlawful killings throughout the year (see section 1.g.). The United Nations estimated the RMG Allied Democratic Forces (ADF) killed 206 persons near the town of Beni from January through November (see section 1.d.).

### **b. Disappearance**

There were reports of disappearances attributable to state security forces (SSF) during the year and following protests in September and December in Kinshasa. Authorities often refused to acknowledge the detention of suspects and in some cases detained suspects in unofficial facilities. The whereabouts of some civil society activists arrested by SSF remained unknown for long periods. For instance, civil society activist Jean Marie Kalonji's whereabouts were unknown from his arrest by SSF in December 2015 until his transfer to an official prison in April. The National Intelligence Agency (ANR) held another civil society activist, Jean de Dieu Kilima, incommunicado in Kisangani for approximately 10 days following his arrest on July 8 (see section 1.d.). On December 13, SSF arrested civil society activists Carbone Beni wa Beya, Chris Shematsi, Samuel Bosassile, and John Ngandu during a peaceful protest in Kinshasa, and their whereabouts remained unknown until family members located them at an ANR detention facility on December 27. The activists remained in ANR custody, without charge, at year's end.

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 several human rights organizations and activists reported the SSF continued to torture civilians, particularly detainees and prisoners. For example, civil society activist Jean Marie Kalonji was reportedly held in an underground Republican Guard (RG) cell and tortured from December 2015 until his transfer to a regular prison in April. In March the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment found the government tortured civil society activist Fred Bauma after arbitrarily arresting him in March 2015. The government held Bauma incommunicado and subjected him to mistreatment and poor detention conditions, including insufficient food, poor hygiene conditions, and lack of access to medical

care. In May the military garrison tribunal of Haut-Uele convicted a FARDC captain of torture, arbitrary arrest, illegal detention, and violation of orders. He was sentenced to a 10-year prison term and ordered to pay 17.6 million Congolese francs (\$15,000) in damages to four victims of torture and 23.5 million Congolese francs (\$20,000) to three other victims of torture.

The SSF utilized cruel, inhuman, or degrading methods of punishment. For instance, on October 24 in Goma, police caned six arrested civil society activists, giving each 50 lashes to the feet. At year's end the government had taken no disciplinary actions against police officials responsible for this beating.

There were reports that DRC troops operating with multinational forces in the Central African Republic (CAR) sexually exploited and abused members of the local population in 2014 and 2015. During the year the government initiated legal proceedings against 19 troops accused of rape. Legal proceedings were suspended, however, to allow for continued joint DRC-CAR investigations.

### **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 ANR, 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) assisted more than 7,900 detainees who were severely malnourished. Authorities generally confined men and women in separate areas but often held juveniles with adults. They 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, constructed in 1958 to house 1,500 prisoners, regularly held as many as 8,000

inmates during the year. The United Nations reported 59 individuals died in detention from starvation or illness nationwide between January and June.

Most prisons were understaffed, undersupplied, and poorly maintained, often allowing escapes. From January to July, the United Nations documented 519 prison escapes. In February alone the United Nations documented 113 cases of prison escapes, mostly in two mass escapes from prisons in Fizi (43 escapees) and Uvira (31 escapees) in South Kivu.

Authorities often arbitrarily beat or tortured detainees.

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

Administration: Recordkeeping on detainees was inadequate and irregular. Some prison directors could only estimate the numbers of detainees in their facilities. There were no ombudsmen available to respond to complaints. 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. The ICRC visited at least 22,600 detainees over the course of the year and provided support for health care, water, sanitation, and nutrition in 10 prisons.

Improvements: Authorities made efforts to improve prison conditions and reduce overcrowding. For example, the government issued collective presidential pardons that would apply to all women, youth, and young adults under 30 years of age and individuals older than 65 who had not committed violent crimes. As of September the minister of justice reported more than 1,800 persons had been released under these measures; however, NGOs and international organizations observed the pardons were rarely and irregularly applied. The ICRC worked with the Ministry of Justice to correct 937 cases with severe judicial irregularities, resulting in the release of 443 prisoners. At the end of 2015, the Ministries of Justice and Health issued a decree that local health zones would assume responsibility for the medical needs of detainees, and ministries made some effort to standardize procedures for this; however, only limited implementation was achieved during the year.

#### **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 president's national security adviser, 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 is 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.

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 October a military court in Kongo Central Province sentenced five FARDC officers and their subordinates to prison terms ranging from one to 15 years for violating orders and attempted corruption in facilitating fraudulent border crossings.

Although the military justice system convicted some SSF agents of human rights abuses, impunity remained a serious problem. For example, during the year the government's inquiry into 2013's Operation Likofi failed to attribute responsibility for extrajudicial killings and disappearances perpetrated by 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 the government convicted at least 79 FARDC soldiers and 35 PNC agents for crimes constituting human rights violations from January to June. On March 4, the military court of Equateur Province convicted a FARDC corporal and sentenced him to seven years' imprisonment, a fine of 400,000 Congolese francs (\$340), and 120,000 Congolese francs (\$100) as court fees for the rape of a girl. Also in March the same court sentenced a PNC agent to 12 years in prison for murder. In June a military court also arrested and began legal proceedings against a provincial member of parliament accused of abduction, rape, and genital mutilation of dozens of children in Kavumu, South Kivu Province, since 2013.

Civilians can be tried in military tribunals if charged with offenses involving firearms. For example, Huit Mulongo, former chief of staff to former governor of Katanga, Moise Katumbi, was arrested on April 22 and tried by a military court for illegal possession of a firearm. On August 30, he was convicted and sentenced to three years in prison. 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.

### **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. Local NGOs reported security officials routinely violated all of these requirements, in particular the 48-hour deadline for pretrial hearings.

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 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.).

Following visits by the vice minister of justice to detention centers, the PNC issued a decree in 2014 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 sometimes arrested and detained 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). For example, on July 8, state agents arrested Jean de Dieu Kilima in Kisangani, and the ANR held him incommunicado for approximately 10 days. The Ministry of Justice and Human Rights filed charges against Kilima upon his transfer from ANR detention. Kilima was provisionally released on September 5 as part of a government effort to reduce political tensions, but charges against him were still pending at year's end. The SSF also arbitrarily arrested numerous civil society activists and civilians following protests in Kinshasa in September and December, often holding them incommunicado and without charge for extended periods.

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

Pretrial Detention: Prolonged pretrial detention, ranging from months to years, remained a problem. Lawyers Without Borders reported between 75 and 82 percent of the prison population was in pretrial detention. In August officials released several dozen youth from pretrial detention in Makala Prison in Kinshasa after a review found they had been in detention longer than the maximum sentences if convicted. Judicial inefficiency, administrative obstacles, corruption, financial constraints, and staff shortages also caused trial delays.

In April Human Rights Watch reported that many prisoners, including at least 29 children, had been detained at Angenga Prison since the first half of 2015 without formally being charged with crimes or having access to lawyers or their families. During that time four of these prisoners died of illness, and, in February, two were shot and killed, allegedly during an escape attempt.

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.

### **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, on June 27, the senior judge presiding over the trial of opposition party leader Moise Katumbi--who was convicted in absentia on June 22 for the fraudulent sale of property, sentenced to three years in prison and ordered to pay 852 million Congolese francs (\$722,000) in damages--wrote a public letter accusing ANR of placing her under “physical and moral” pressure to convict Katumbi. The judge and two of the court reporters involved in the case subsequently went into hiding. In an interview broadcast by international media on December 14, the judge publicly renounced her conviction of Katumbi, which she said was government-ordered. The judge claimed she experienced threats and pressure from the government to convict Katumbi before, during, and after the trial.

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. Authorities did not regularly observe a law that requires defendants have access to government-held evidence. 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 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 and the ANR (see section 1.c.).

On February 16, SSF arrested Bienvenu Matumo, Marcel Heritier Kapitene, and Victor Tesongo of the civil society organization Struggle for Change (LUCHA) in Kinshasa ahead of a general strike planned by opposition and civil society. They were held at an ANR detention center until February 19, when they were transferred to prison. On May 20, they were convicted of inciting civil disobedience and spreading false rumors and sentenced to 12 months in prison. On August 19 and 26, the government released several jailed activists, including Matumo, Kapitene, Tesongo, Fred Bauma, Yves Makwambala, Christopher Ngoy, Jean de Dieu Kilima, and Jean-Marie Kalonji as part of an effort to reduce political tensions. Individuals with pending charges, such as Bauma and Makwambala, who were accused of an attempted attack on the head of state's life, attempted coup, and treason, received a provisional release, meaning their cases could resume at any time. Individuals already convicted, such as Matumo, Kapitene, and Tesongo, received a conditional release. The provisional and conditional nature of these releases curtailed these individuals' right to freedom of expression, assembly, and association.

## **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, 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. In February, PNC officers invaded the house of and ultimately arrested six LUCHA members in Goma. The activists were preparing posters for a demonstration planned for later that day. The SSF also conducted house-to-house searches and arrests in Kinshasa following the September 19-20 protests. Local human rights NGOs reported that between December 16 and 21, SSF conducted house-to-house searches in certain Kinshasa neighborhoods and arrested youth with suspected links to protests.

### **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, Haut-Uele, and Bas-Uele. Foreign RMGs, such as the Democratic Forces for the Liberation of Rwanda (FDLR), Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU), National Forces of Liberation (FNL), and Lord's Resistance Army (LRA), as well as indigenous RMGs such as different Mai-Mai (local militia) groups, continued to battle government forces and one another and to attack civilian populations.

There were credible reports the government provided support to at least two local militias fighting the FDLR. 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 SSF and RMGs perpetrated serious human rights abuses. These RMGs included the Alliance of Patriots for a Free and Sovereign Congo (APCLS), the ADF, Bakata Katanga, the FDLR, FNL, Forces of the

Patriotic Resistance of Ituri (FRPI), the LRA, various Nyatura factions, Raia Mutomboki, and the following Mai-Mai groups: Mazembe, Charles Shetani, Yakutumba, and several others.

The government took military action against several major RMGs. Operational cooperation between MONUSCO and the government resumed after a one-year hiatus after UNJHRO discovered two generals appointed in January 2015 to lead counter-FDLR efforts had records of violating human rights. Disagreements between the two sides on the appropriate troop-level reductions stalled efforts to restart cooperation during 2015. The two forces were able to strengthen their cooperation against the FDLR, ADF, FRPI, and FNL during 2016.

There was widespread killing, rape, and displacement of civilians by ethnic militia in Tanganyika Province in clashes between ethnic Luba and ethnic Batwa communities. The conflict erupted in mid-2013 and continued intermittently through the year. In August 2015, 10 Batwa and 27 Lubas were charged with crimes against humanity and crimes of genocide. Their trial was underway at year's end.

In March the UN Security Council extended MONUSCO's mandate for 12 months and renewed the intervention brigade to neutralize armed groups. At year's end MONUSCO consisted of approximately 17,500 peacekeepers, military observers, and police.

Killings: According to reports by UN agencies and NGOs, the SSF and RMGs summarily executed or otherwise killed 315 civilians from January to June. On August 13, alleged ADF combatants killed 50 persons with machetes and axes near the town of Beni.

Abductions: UN agencies and NGOs reported RMGs abducted individuals, generally to serve as porters or guides, or to demand ransom. In August the NGO Caritas accused the FDLR of kidnapping three of its Congolese workers in an area approximately 75 miles northwest of Goma. The three were released a few days later.

Physical Abuse, Punishment, and Torture: UN agencies and NGOs reported the SSF arrested, illegally detained, raped, and tortured civilians. The United Nations reported that on July 3-4, FARDC soldiers raped 10 women who had been gathering firewood in Virunga National Park. The PNC opened an investigation into the case.

RMGs committed abuses in rural areas of North Kivu, South Kivu, Katanga, and Orientale, including killing, raping, and torturing civilians. Many of the victims of the August 13 massacre by suspected ADF members outside Beni town were bound and possibly tortured before they were killed. In certain areas in the east, RMGs looted, extorted, illegally taxed, and kidnapped civilians, often for ransom.

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

The ADF continued using crude improvised explosive devices that resulted in FARDC casualties. For example, on November 8, one of the devices exploded in Goma, killing a child and injuring 32 UN peacekeepers. No one claimed responsibility for the attack, and the perpetrators remained unknown at year's end.

Child Soldiers: From January through November, the UN Children's Fund (UNICEF) reported 1,196 children were separated from RMGs; UNICEF assisted the children through a number of NGOs. These children were separated from the FDLR (379), Nyatura (201), FRPI (105), other Mai-Mai groups (77), Raia Mutomboki (72), FPD/Shetani (67), UPDI/Mai-Mai Mazembe(56), FDLR/RUD (50), NDC/Renove/Guidon (33), UPCP (31), APCLS (24), ADF (17), NDC/Cheka (18), GA Burundais (14), Mai-Mai Yira (13), LRA (11), Mai-Mai Kata Katanga, (eight) Mai-Mai Simba (seven), MAC (four), Mai-Mai Kifuafua (three), FARDC (two), FRF (two), FPP (one), and M23 (one). Most of the children were separated in North Kivu (81 percent), followed by Ituri (9 percent), South Kivu (8 percent) and Haut Ulele (2 percent). Twelve children were separated from FARDC during the year. Eleven of these children had been recruited in previous years, and one was recruited during the year.

Of the 3,338 children associated with armed forces and groups assisted by UNICEF via partners during the year, the majority--886--declared they were used as combatants; 744 were used for domestic work; 200 to fetch water, wood, and food; 391 as escorts; 147 to bear "fetishes" or transport weapons; and 148 as wives and/or for sexual exploitation. Other forms of use included working as spies, bodyguards, recruiters, camp guards, animal guards, or healers.

The SSF continued to arrest and detain children for their association with armed groups. The United Nations secured the release of nearly 200 children, mostly boys, from FARDC, police, and military prosecutor detention centers.

The president appointed an advisor on sexual violence and child recruitment in 2014. She 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. The government cooperated with international organizations to eliminate recruitment and remove children from SSF and RMGs.

See also 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 Rutshuru, Walikale, Lubero, Beni, and Nyiragongo territories in North Kivu Province. During the year, according to the UN Office for the Coordination of Humanitarian Affairs, humanitarian agency personnel were involved in 152 security incidents in North and South Kivu. This total included all incidents affecting national and international NGOs (humanitarian and postconflict/development combined), as well as the ICRC, but excluded all incidents against UN organizations or other international organizations (such as donors). There was a 22 percent reduction in incidents during the year, but the number of humanitarian workers killed in such incidents increased from one to four.

RMGs and SSF destroyed and looted towns and homes as a tactic in conflicts. For example, FARDC Sokola II forces targeted and emptied some of the Hutu IDP camps in North Kivu and burned several villages in an effort to disperse local civilian Hutu populations during their counter-FDLR operations. The FARDC alleged these communities held many FDLR "reservists" and dependents, and it took the actions to reduce the ability of Hutu communities to provide support for the FDLR.

In North Kivu, South Kivu, Oriental, and 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 CAR, South Sudan, and the disputed Kafia Kingi region controlled by Sudan to link with illicit networks transferring these goods to China. The final report of the UN Group of Experts (UNGEOE) in May 2015 indicated FARDC elements, local poachers, and armed groups were involved in the illegal exploitation of and trade in wildlife products, including ivory.

The illegal trade in minerals was both symptom and 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, Katanga, and Maniema provinces. The SSF and RMGs continued to control, extort, and threaten remote mining areas in North Kivu, South Kivu, Orientale, and 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 UNGEOE reported several RMGs and elements of the FARDC profited from illegal trade and exploitation in the minerals sector (see section 7.b.). The UNGEOE also reported that smuggling of minerals continued in the east and from there to Rwanda, Uganda, and Burundi.

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

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and 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.

Freedom of Speech and 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 April 22, Godefroy Mwanabwato was convicted and sentenced to 24 months in prison for offending the head of state, offending the government and parliament, and inciting racial and ethnic hatred. Mwanabwato was arrested in June 2015 for a social media post criticizing the government and calling for the release of detained activists Fred Bauma and Yves Makwambala. He was held incommunicado for 15 days in ANR detention and allegedly tortured, then conditionally released on August 31 as part of a government effort to reduce political tensions.

On December 27, reportedly acting on a request from the public prosecutor, the provincial assembly in Haut Katanga stripped opposition National Federalists Union of Congo party president Gabriel Kyungu Wa Kumwanza of parliamentary immunity for allegedly insulting the head of state during a speech in April.

Press and Media Freedoms: 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 (\$210) 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.

The local NGO Journalists in Danger reported seven independent media outlets, including Nyota Television, Mapendo Television, Jua Television, La Voix du Katanga, and Radio Liberte Butembo, were closed during the year for political reasons. In August the minister of justice and human rights announced Canal

Congo Television (CCTV) and Canal Kin Television, both owned by opposition leaders and closed since 2011, could resume broadcasting as a measure to ease political tensions. Canal Futur Television, also closed in 2011, for allegedly owing back taxes, remained closed at year's end. On December 19, the government closed CCTV and Radio Liberte Kinshasa, both owned by Jean-Pierre Bemba, leader of the opposition Congolese Liberation Movement party. The CSAC and the teledistribution company that manages media in Kinshasa denied involvement in closing the stations. Authorities maintained they were closed for failing to pay back taxes and licensing fees. The stations remained closed at year's end.

Violence and Harassment: Local journalists were vulnerable to intimidation and violence by the SSF. According to *Journalists in Danger*, 12 journalists were mistreated, arrested, or harassed by SSF while covering the September 19-20 protest in Kinshasa. For example, on September 19, Kinshasa SSF arbitrarily arrested Canal Congo Television journalist Dosta Lutula while he was covering an opposition demonstration. Lutula said he was taken to a military camp, beaten, and stripped. He was released the next day, but authorities kept his equipment and recordings. On the same day, La Prosperite reporter Kevin Inana and Eliezer Thambwe, host of the popular television show *Tokomi Wapi*, were arbitrarily arrested in Kinshasa, subjected to abuse, and briefly detained in military camps.

In 2015 two journalists were killed, one by a civilian attacker and the other by unidentified assailants. According to local NGOs, no investigation into these killings had begun by year's end. *Journalists in Danger* reported an increase in press freedom violations from 72 in 2015 to 87 during the year. The NGO reported authorities assaulted or tortured 16 journalists, arrested and held 11 for more than 48 hours, detained and interrogated 31 for less than 48 hours, and threatened or harassed 15 in the 12-month period ending November 30. Other incidents included efforts to subject them to administrative, judicial, or economic pressure or to obstruct the free circulation of information. 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. On November 4, the government blocked the signals of Radio France Internationale and UN-supported Radio Okapi. Radio Okapi's signal was reestablished November 11, but RFI's signal remained blocked at year's end.

Libel/Slander Laws: The national and provincial governments used criminal defamation laws to intimidate and punish critics. For example, the Ministry of Justice revived a defamation case against Vital Kamerhe, leader of the opposition party Union for the Congolese Nation (UNC), 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. As of September the case was pending an appeal to the Constitutional Court. In addition, Kamerhe's Canal Futur Television was closed in 2011 for allegedly owing back taxes. The government authorized the station to resume broadcasting in August, days before the start of talks between the government and several opposition parties including Kamerhe's UNC. The station did not resume broadcasts, however, because by then another company was illegally using its frequency. It remained closed at year's end.

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, 3.9 percent of individuals in the country used the internet during the year.

Ahead of anticipated protests on December 19, the government ordered internet providers to prohibit the sharing of video, images, or sound over social media, on penalty of revocation of their operating licenses. Companies were responsible for

either isolating and prohibiting this feature or shutting down all related data services. Companies re-opened full use of internet features by December 28.

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

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

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

#### **Freedom of Assembly**

The constitution provides for freedom of peaceful assembly, but the government sometimes restricted this right. 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 sometimes declined to authorize public meetings or protests. The SSF occasionally beat, detained, or arrested participants in unauthorized protests, marches, or meetings.

UNJHRO's report on opposition September 19-21 protests noted that, according to the constitution, neither permission nor justification is required prior to demonstrations but that citizens planning to demonstrate in public must inform the relevant authority in writing. UNJHRO found that the government was enforcing a 1999 law requiring prior authorization, which, according UNJHRO, is "in contravention with the constitution."

According to MONUSCO at least 81 demonstrations organized by opposition political parties and/or civil society were either prohibited or repressed by the 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. In October local authorities prevented, or SSF forcibly repressed, seven demonstrations planned or organized by opposition parties and civil society organizations and monitored by UNJHRO. On the other hand, at least 11 demonstrations, including nine organized by the ruling majority, took place without problems. For example, in September in Mbuji-Mayi, capital of Kasai Province, the governor organized a march in support of the head of state. The city's mayor, however, banned a march scheduled by the opposition Union for Democracy and Social Progress two weeks later and deployed police to prevent the rally.

After opposition protests in September, the government banned all public gatherings in most major cities, and SSF shut down subsequent peaceful protests and arrested participants. For example, on October 29, SSF arrested eight activists from the group Filimbi for staging a peaceful sit-in outside the African Union offices in Kinshasa. The Kinshasa governor's office issued a press release on October 31 announcing it would continue to enforce the ban on public gatherings and demonstrations in order "to guarantee the tranquil and serene conditions necessary for communal life, tolerance, and democratic values." On November 5, SSF surrounded the home of opposition leader Etienne Tshisekedi and prohibited him from holding a planned public meeting.

On November 3, the UN special rapporteurs on freedom of peaceful assembly and association, the promotion and protection of the right to freedom of opinion and expression, and the situation of human rights defenders issued a statement condemning the government's protest ban, stating, "It is clear that the current situation in the DRC does not justify a general ban on demonstrations in several cities. In fact, given that the country is in a hotly disputed election period, people should be given more space, not less, to express their democratic freedoms." The special rapporteurs called the prohibitions on marches "disturbing signs that democratic space is rapidly dissipating in the DRC, with human rights organizations and opposition parties bearing the brunt of the repression."

### **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 on March 21, 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.

### **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, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

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.

On September 30, the DRC was one of several delegations from African nations, UNHCR, and the African Union to reach an agreement on steps to end the protracted Rwandan refugee situation by the end of 2017, after seven years of negotiations. At the end of the year, UNHCR estimated there were 267,463 Rwandan refugees in the country.

Continuing conflict in North Kivu Province 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. For instance, on June 8, local Kobo and Nyanga leaders gave displaced and refugee Hutu populations in Bulehusa--approximately 5,000 persons--an ultimatum to leave the town within 48 hours. Later that night youths from the Kobo and Nyanga communities burned several Hutu homes in the town, and on June 12, Mai-Mai militias returned to the site and killed several residents.

In-country Movement: The SSF--and to a greater extent 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 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. Officials accepted bribes to expedite passport issuance.

### **Internally Displaced Persons**

Due to the conflict in the east and heightened conflict in areas of ex-Katanga Province, by June there were 1.7 million IDPs throughout the country, according to the UN Office for the Coordination of Humanitarian Affairs, including approximately 678,000 in North Kivu, 375,000 in South Kivu, 147,000 in Tanganyika, and 142,000 in Maniema. The government was unable to protect or assist IDPs adequately but generally allowed domestic and international humanitarian organizations to do so. In 2014, however, the governor of North Kivu banned the creation of any new IDP camps in the province, insisting instead that government officials redirect any persons in spontaneous settlements to an established camp or encourage them to return home. UNHCR and other international humanitarian organizations worked to close several IDP sites, encouraging voluntary returns where possible and pursuing local integration in areas with sufficient land and a relatively stable security environment. The government and FARDC unilaterally and abruptly closed a number of IDP sites, including in the Mpati area of North Kivu, resulting in a new displacement of thousands of IDPs. Conflict and insecurity, as well as poor infrastructure, adversely affected humanitarian efforts. In July humanitarian organizations were unable to assess and verify displaced populations in North Kivu's Mweso and Nyanzale towns due to insecurity. Multiple abductions of relief workers occurred in the east. In early May, three humanitarian organizations temporarily suspended operations in North Kivu's Rutshuru Territory due to abductions of relief workers.

Population displacements continued throughout the year, particularly in the east. Many areas continued to experience insecurity such as North Kivu's Beni Territory. Attacks by the ADF had killed more than 500 persons since October 2014. Intercommunal violence and fighting among armed groups in the east from late April through July resulted in population displacement and increased humanitarian needs for IDPs and host communities.

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

From 2015 until June, approximately 857,000 IDPs returned to their areas of origin, according to the United Nations. This included 185,000 returnees in North Kivu, 130,000 in South Kivu, 27,000 in Maniema, and 136,000 in Tanganyika.

### **Protection of Refugees**

As of July 31, UNHCR reported 387,963 refugees in the country from seven adjacent countries, the greatest number being from Rwanda. Since late 2015, 13,972 new arrivals from South Sudan registered as refugees.

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, Bas-Congo, and Katanga provinces awaited return. UNHCR helped another 18,638 Angolan refugees to file for local integration in 2015, including paying for their residency permits. Repatriation and integration continued through the year; as of December only 494 Angolan refugees remained in the country.

UNHCR recommended invocation of the cessation clause effective June 30 for Rwandan refugees who fled Rwanda before the end of 1998. To implement the tripartite agreement from 2014, the National Commission on Refugees (CNR) and UNHCR began in April 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, during which the teams lost all of their data. UNHCR continued to support voluntary repatriation. In December the government completed a pilot study of two IDP sites and reported that many presumed IDPs were actually Rwandan nationals. UNHCR was working with the government to address the issue.

Temporary Protection: The government provided temporary protection to an undetermined number of individuals who may not qualify as refugees.

### **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 the right was restricted.

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

Recent Elections: The government was constitutionally mandated to hold the presidential election in November, 30 days prior to the end of the president's second and final term in office on December 19. The government failed to organize the presidential and national legislative elections in accordance with the constitution.

The Independent National Electoral Commission (CENI) held indirect gubernatorial elections in March. Incidents of corruption and intimidation during the period preceding the elections, alleged by civil society groups and disqualified candidates, were widely seen as contributing to an unfair process that resulted in the near total control of all governorships by the presidential majority.

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 security forces physically harmed hundreds. Losing candidates contested at the Supreme Court the election results for approximately 340 of the 500 parliamentary seats. 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 for the 2011 parliamentary elections.

Political Parties and Political Participation: Although President Kabila was nominally independent, the president's political alliance--which includes his former party (the People's Party for Reconstruction and Democracy), the Alliance of Democratic Forces for Congo, and other parties--enjoyed majority representation in government, 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 peaceably (see section 2.b.), limiting travel within or outside the country, and political influence in the distribution of media content.

The law recognizes opposition parties and provides them with "sacred" rights and obligations. While political parties were generally able to operate without restriction or outside interference, government authorities--sometimes through violent surrogate groups or the SSF--arbitrarily arrested, harassed, attacked, and prevented opposition members from holding public rallies.

On May 4, the day opposition leader Moise Katumbi announced his candidacy for president, the minister of justice launched an investigation and later leveled charges against the former Katanga governor for recruitment of mercenaries. According to Human Rights Watch, SSF arrested at least 27 Katumbi associates between April 22 and May 7 in relation to the trial, which was underway at year's end.

On September 19-20, protests erupted in Kinshasa over the government's failure to organize presidential elections in accordance with the constitution. Originally intended as peaceful protests authorized by the government, the demonstrations devolved into violence and looting. According to UNJHRO, at least 53 persons were killed in clashes between protesters and SSF, including seven women, two

children, and four police agents. The SSF were responsible for 48 of these deaths. UNJHRO in Kinshasa reported that many of those killed or wounded suffered gunshot wounds to the head and torso, suggesting “shoot-to-kill” orders within the SSF. The government prevented UNJHRO from investigating additional reports of casualties by denying UNJHRO access to morgues, hospitals, and detention centers. The violence also included attacks on numerous ruling and opposition party offices. For instance, a satellite office of the ruling People’s Party for Reconstruction and Democracy (PPRD) was attacked and damaged along with two PPRD youth offices in Kinshasa. Three offices of parties in the Presidential Majority coalition were also looted, and some banks and government buildings were looted and burned. During the night of September 19-20, SSF attacked the New Forces for Union and Solidarity and Union for Democracy and Social Progress (UDPS) party headquarters in Kinshasa with RPGs and grenades. They killed as many as 11 civilians in the attack on UDPS headquarters, including seven burned to death, possibly after being tortured and hacked with machetes. Eyewitnesses reported SSF blocked efforts to extinguish the fires and prevented civilians burned during the attack on UDPS headquarters from seeking medical attention.

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 the 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 37 government ministers and vice ministers, six were women, an increase from that of the government formed in 2012 (from 9 percent to 16 percent). Some observers believed cultural and traditional factors prevented women from participating in political life to the same extent as men.

Some groups, including indigenous people, 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, Orientale, and 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: The industrial mining sector continued to lose millions of dollars because of corruption by officials at all levels as well as corruption within state-owned enterprises. Additional revenue losses were due to racketeering and exploitation of minerals in the east by SSF and RMGs. Artisanal mining remained predominantly informal and illicit and strongly linked to armed groups and elements of the FARDC. Research by the NGO International Peace Information Service estimated 41 percent of artisanal mine sites in the east were free of illegal control or taxation by SSF or RMGs; 33 percent were under the control of elements of the FARDC; and the remainder were under the control of various armed groups. In 2014 the government launched a mechanism to standardize across the Great Lakes Region supply-chain processes for artisanally produced cassiterite (tin ore), wolframite (tungsten ore), and coltan (tantalum ore). The government was in the process of developing a mechanism for supply-chain management for artisanal gold mining. A report published by the UNGOE in 2014 indicated 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 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 the prime minister established the corruption and professional ethics watchdog Observatoire de surveillance de la corruption et de l'éthique professionnelle (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 money laundering intelligence unit) and the Bureau of the Special Advisor of the Head of State in Charge of Good Governance.

In an effort to combat corruption, the government sometimes suspended officials for the misuse of funds, including donor funds. It also 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 the Financial Intelligence Unit 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. Bambi was responsible for filing a money laundering case on behalf of the government. After his designation there were press reports several prominent political figures would be subjects of a corruption investigation. Civil society groups raised concerns there was a political agenda behind the selection of these targets. In July the president issued an executive ordinance granting Bambi's office broad arrest authority. Concerns remained about politicization of the special envoy's mandate.

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 did not make this information public.

Public Access to Information: The law does not provide for public access to government-held information. The government did not grant access to citizens or noncitizens, including foreign media.

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

Elements of the SSF continued to 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 SSF or reported on the illegal exploitation of natural resources in the east. During the year 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." 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. In July, for instance, the government refused to grant the United Nations access to investigate the killings and suspected torture of six individuals whose bodies were discovered in the Ndjili River in Kinshasa. The government also prevented the United Nations from accessing morgues to confirm the number of persons killed during the September 19-20 protests in Kinshasa.

Government Human Rights Bodies: An interministerial human rights committee met to address high-profile problems, but its effectiveness was limited. In 2013 the president promulgated a law to create a human rights commission, and in July 2015 the members of the National Commission for Human Rights (CNDH) were sworn in. During the year the CNDH made some progress in its work.

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

### **Women**

Rape and Domestic Violence: The law on sexual violence criminalizes rape, but it was underreported by victims and thus not always enforced. Rape was common. The legal definition of rape includes male victims, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes but not 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.

At year's end the government was reviewing and amending the national gender policy and the national strategy to combat SGBV to include recommendations from the mid-term review of both documents. The law on parity, designed to operationalize the articles of the constitution that provide for equal representation and participation of women at decision-making levels and processes, was adopted and promulgated in August 2015. In June an amended family code was adopted and signed by the president. Implementation of the legislation, including promulgation of the text, 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 committed sometimes as a tactic of war to punish civilians for perceived allegiances with rival parties or groups. The crimes occurred largely in the conflict zones in North Kivu Province 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. On May 21, 90 persons, including a provincial member of parliament, were arrested and charged in military court for abduction, rape, and genital mutilation in Kavumu, South Kivu Province. The cases were pending at year's end.

On March 31, FARDC leadership and some government ministers signed a pledge to combat rape in war. The pledge requires all FARDC commanders to take a number of actions, such as disciplining and assuring prosecution of alleged perpetrators of SGBV, facilitate access to perpetrators for military prosecutors, and raise awareness of SGBV.

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.

It was common for family members to pressure a rape survivor to remain silent, even in collaboration with health-care professionals, to safeguard the reputations of the survivor and her family. Survivors of SGBV faced significant social stigma. Society tended to label many young women and girls who survived a sexual assault as unsuitable for marriage, and husbands frequently abandoned wives who had been assaulted. Some families forced rape survivors to marry the men who raped them or to forgo prosecution in exchange for money or goods from the rapist.

The law does not provide any specific penalty for domestic violence despite its prevalence. The 2013-14 DHS found 57 percent of girls and women ages 14 and above had suffered physical violence. 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 (\$170); in case of death due to FGM/C, the sentence is life imprisonment. There were no reports of FGM/C during the year.

Other Harmful Traditional Practices: UNICEF and MONUSCO attributed abuses of children, including the increase in sexual violence against infants in Kavumu, to harmful traditional practices. Perpetrators allegedly targeted children and infants because they believed harming children or sleeping with virgins could bring wealth and/or provide protection from death in conflict.

Sexual Harassment: Sexual harassment occurred throughout the country. A 2010 study conducted by the World Health Organization found 64 percent of all workers surveyed experienced sexual harassment at the workplace. 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. For example, sexual harassment was common at the University of Kinshasa, where students reported that professors traded higher grades for sexual favors.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children, free from discrimination, coercion, or violence, but they often lacked the information and means to do so. The law does not require a husband's permission before providing family planning services to married women, but providers generally required it. In the case of a minor, intercourse is legally rape. Health-care providers hesitated to provide family planning materials in such instances for fear of legal repercussions. Women's access to contraception remained extremely low. The UN Population Division estimated 8.3 percent of girls and women ages 15 to 49 used a modern method of contraception in 2015. According to the survey, the maternal mortality rate was 846 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 24. A number of factors contributed to the continued high maternal mortality ratio, including high fertility rates. For example, adolescent (ages 15 to 19) fertility rates were 138 per 1,000 live births. Other causes of maternal mortality included limited access to health providers and specialists, frequent shortages in supplies and equipment for health centers, lack of specialized knowledge and training, and transportation problems. At times pregnant women delayed seeking health-care services due to cost and lack of knowledge of the seriousness of a related health problem.

Discrimination: The constitution prohibits discrimination based on gender, but the law does not provide women the same rights as men. An August 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.

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." In their 2009 report to the UN Human Rights Commission, seven UN special rapporteurs and representatives expressed concern that although the family code recognizes equality between spouses, it "effectively renders a married woman a minor under the guardianship of her husband" by stating the wife must obey her husband. The 2015 family code includes this provision.

Women experienced economic discrimination. Various laws require political parties to consider gender when presenting candidates at all levels, although it is not compulsory for political parties to present women, making this difficult to enforce within constitutional requirements.

## **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 constitution does not allow Congolese nationals to hold the citizenship of another country. According to UNICEF, only 14 percent of children under age five had a birth certificate; the government had registered 25 percent of children born in some form of medical facility. Lack of registration rarely affected access to government services. Parents who failed to register a birth within 90 days were subject to fines, regardless of transportation difficulties or poverty.

Education: The constitution provides for tuition-free and compulsory primary education; in practice, however, it was not compulsory or tuition free, and the government inconsistently provided it across the provinces. Public schools

generally expected parents to contribute to teachers' salaries, with parents typically funding 77 percent or more of school expenses, and an average of 11 percent of family spending going to education costs. 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. A 2013 government study found that between the ages of five and 17, girls made up more than half of the out-of-school population, with 68.3 percent of girls attending school as compared with 74.5 percent of boys.

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. A recent code of conduct, signed and promulgated by the minister of education, is partially intended to address the latter practice.

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

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.

Early and Forced Marriage: While the law prohibits marriage of boys and girls under age 18, many marriages of underage children took place. According to the 2013-14 DHS, 37.3 percent of women between ages 20 to 24 cohabitated with a

partner before the age of 18, and 10 percent before the age of 15, most of which arrangements the government treated as common-law marriages. 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 (\$78). The penalty doubles when the child is under age 15. Magistrates in the northern provinces of North Ubangi and South Ubangi began trying child marriage cases as gender violence, although the penalties were difficult to enforce. Local NGOs credited the magistrates' efforts to information campaigns conducted among the local population and refugee camps, often supported by UNHCR.

Female Genital Mutilation/Cutting: Information is provided in women's section above.

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 age 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 forced prostitution. The NGO Physicians for Human Rights reported sexual abuse of children was more prevalent in rural areas. A UN Security Council report on conflict-related sexual violence in 2014 confirmed 332 cases of conflict-related sexual violence perpetrated against girls and two against boys. The report asserted the actual numbers were higher, as most cases were unreported. There were also reports 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. In the last two years, there were at least 34 reported cases of sexual violence against babies, toddlers, and young children.

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. Ninety-one 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.

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 physical, intellectual, or mental disabilities; stipulates all citizens regardless of disability should have access to public services; and provides specific government protection to persons with disabilities. The constitution states all persons should have access to national education regardless of their mental, physical, or sensory state. The law states that private, public, and semipublic companies may not discriminate against qualified candidates based on intellectual, sensory, and physical disabilities. The government did not enforce these provisions effectively, and persons with disabilities often found it difficult to obtain employment, education, and government services. According a 2012 study by the National Federation of Associations of People Living with a Disability in Congo (FENAPHACO), an estimated 93 percent of persons with disabilities were unemployed.

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, according to FENAPHACO, 90 percent of adults with disabilities do not achieve basic literacy. Some schools for persons with disabilities, including persons with visual disabilities, received private and limited public funds to provide education and vocational training. Persons with disabilities have the right to vote, although lack of physical accessibility constituted a barrier for some persons with disabilities in exercising that right. The Ministry of Education increased its special education outreach efforts but estimated it was educating fewer than 6,000 children with disabilities.

The Ministry of Social Affairs, in cooperation with other concerned ministries (Labor, Education, Justice, and Health), had the lead in seeking to provide for the equitable treatment of persons 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 Batwa 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, Batwa, 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. According to the NGO Dynamic of Indigenous Peoples, there were no indigenous people in parliament or the government. Most indigenous people took no part in the political process, and many lived in remote areas. Fighting in the

east between RMGs and SSF, expansion by farmers, and increased trading and excavation activities caused displacement of some indigenous populations. Throughout the year conflict between indigenous peoples and Balubakat communities led to mass movements of IDPs in northern Katanga Province (see section 1.g.).

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 people 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. For example, one individual reported that when he attempted to report being raped to police, they harassed and insulted him for being dressed as a woman and arrested him instead of the rapist. He was charged with pedophilia and detained three days before a local NGO arranged for a lawyer who successfully pled for his release.

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. In a 2012 UN-sponsored survey of 1,475 persons with HIV, 18 percent of participants reported losing their job, 6 percent reported medical staff had denied them access to some form of health care, and 50 percent reported school officials had denied some of their children access to education. A significant number of participants reported exclusion from family, social, and religious activities due to

their HIV/AIDS status. Forty-nine percent of survey respondents in rural areas reported they faced coercion to undergo medical procedures, including HIV testing, and to disclose their HIV status. Respondents also indicated they had difficulty accessing public services and that their rights to make informed decisions about sex and reproduction were compromised when, for example, they were forced to be sterilized or told they should not have children since they were HIV positive. A total of 71 percent of the respondents had suffered verbal harassment and 38 percent physical harassment.

The 2013-14 DHS captured a proxy indicator measuring the level of tolerance of respondents towards an HIV-positive person (either family member, business person, 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 2013-14 DHS, 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.

In most cases Mai-Mai RMGs were originally formed as voluntary local self-defense militias, either to protect their families in the absence of the SSF or against abusive SSF personnel. There were also reports of spontaneous mobs responding to crimes and perceived attacks. Longstanding ethnic tensions also fueled some community violence. For example, in August a mob in Butembo in the east removed two women from a public bus to kill them and set them on fire. The mob reportedly targeted the two women because it believed them to be Hutus involved with ADF rebels.

## **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, excepting 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 to occupy 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 and the National Union of Congolese Workers, expanded 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. The CDT continued to allege that management interfered in union elections in favor of management's preferred candidates. 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.

In January the employees of the Import-Export Authority conducted a two-week strike because of the CEO's alleged mismanagement and succeeded in obtaining his dismissal. In February the employees of the River Authority observed a two-week strike and obtained payment of two months' (of a total of eight months') salary arrears.

Independent workers such as truck drivers formed unofficial unions independent of the government or political parties. In the mining sector, which was the largest private sector employer, the state recognized unions for collective bargaining even without formal recognition on the national level. Some of these unions affiliated with larger official unions, which stressed that the unofficial unions abide by the labor code, which governs both official and unofficial unions.

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.

There were reports employers who agreed to bargain pressured unions to replace bargaining agents. 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 age 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 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. For example, the UNGOE reported that a FARDC colonel illegally controlled a gold mine in Ituri Province and that FARDC elements came to secure the site when gold was discovered. According to the UNGOE, an internal information leak helped the colonel avoid prosecution through military justice.

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. By 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 200,000 Congolese francs (\$170) 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. On August 26, 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 yet to begin 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.

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.

The government did not undertake any measures to reinforce the capacities of the labor inspectors to prevent children under age 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).

According to a 2010 UNICEF survey, approximately 42 percent of children between ages five and 14 were involved in child labor. The same survey indicated 46 percent of children in rural areas were involved in child labor, compared with 34 percent in urban areas. Based on a 2015 study, UNICEF estimated nearly a third of Congolese mining employees (40,000 of 150,000) were children.

Various mining sites, located principally in the eastern regions of North Kivu and Katanga, employed many child workers. Data on Katanga estimated the number of children under 18 years to be 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 Katanga, Kasai Oriental, Kasai Occidental, Orientale, 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 ages five to 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 the children 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 (\$1.40) per day 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 last session took place August 25-29, 2015. A session scheduled for October did not take place. The last National Labor Council gathering was scheduled to make a decision to raise the minimum wage, but no action was taken. The minimum wage had been \$3 per day since 2009.

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 (\$55 to \$80) per month (not including bonuses, which in some instances were considerably larger), and salary arrears were common in both the civil service and public enterprises (parastatals). 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 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. Labor experts concurred that reasonable estimates were that two to three million citizens earned their living through artisanal mining, and with an average of six persons per household; this produced a low estimate of 15 percent of the population indirectly relying on artisanal mining. Overall estimates were challenging to verify, and determining the number of miners working in the conflict areas also was difficult.

In 2015 the international NGO International Peace and Information Services estimated there were approximately 300,000 artisanal miners in the eastern part of

the country in the 2,000 identified mine sites. It was estimated there were likely an additional 1,000 mine sites that had not been identified.