

DEMOCRATIC REPUBLIC OF THE CONGO 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

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

Conflict between government military forces and the more than 15 significant and cohesive armed groups continued in the eastern provinces of the country. In response the president announced a state of siege akin to martial law in Ituri and

North Kivu Provinces in May 2021, which parliament repeatedly extended and remained in effect as of November. The state of siege transfers powers from civilian to military authorities, provides for increased police powers, extends the jurisdiction of military courts to try civilian criminal offenses, restricts certain rights and fundamental freedoms, and suspends immunity from prosecution for certain elected officials (including national and provincial deputies and senators). Separately, beginning in April the armed rebel group March 23 Movement significantly increased attacks against the country's forces and in June took over the border town of Bunagana. In December, the UN Group of Experts reported it had evidence the Rwandan Defense Forces supported the March 23 Movement and were conducting operations on Congolese territory.

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

The government took some steps to identify, investigate, prosecute, and punish

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

Armed groups continued to commit abuses in the eastern provinces. Additionally, large-scale abuses by the Cooperative for the Development of the Congo, ISIS-Democratic Republic of the Congo, also known as Allied Democratic Forces, and other groups persisted in parts of North Kivu and Ituri Provinces. Abuses included unlawful killings, disappearances, physical abuse and other mistreatment, destruction of government and private property, and gender-based violence, widespread even in areas with no armed conflict, by both government and armed groups. Armed groups also reportedly unlawfully recruited, abducted, and retained child soldiers and subjected children and adults to forced labor. The government took military action against armed groups and investigated and prosecuted some armed group members and the state security forces for human rights abuses. The Burundi Human Rights Initiative and local media reported that members of the Imbonerakure, the Burundian government ruling party youth wing, the Burundian National Defense Force and their local allied Congolese armed groups committed abuses against Congolese civilians between December 2021 and July including unlawful or arbitrary killings, looting, extortion, and forced labor. In July, a contingent of Tanzanian UN peacekeepers fired on security forces and civilians at the Kasindi border crossing with Uganda, killing two persons and injuring 15.

Section 1. Respect for the Integrity of the Person

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

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. Military courts had primary responsibility for investigating whether security force killings were justified and for pursuing prosecutions. Although the military justice system convicted some members of state security

forces (SSF) responsible for human rights abuses, impunity remained a serious problem. The government maintained joint human rights committees with the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and used available international resources, such as the UN-implemented technical and logistical support program for military prosecutors as well as mobile hearings supported by international nongovernmental organizations (NGOs). The UN Joint Human Rights Office (UNJHRO) reported that from January to June, 1,156 men, 268 women, and 129 children were victims of extrajudicial executions, the majority occurring in conflict-affected provinces and perpetrated by armed groups.

The SSF were accused of, tried for, and convicted of arbitrary or unlawful killings throughout the first half of the year, mostly in conflict-affected provinces such as Maniema, South Kivu, Ituri, Tanganyika, and North Kivu, and in operations against armed groups. Some arbitrary killings in North Kivu and Ituri Provinces under the state of siege appeared designed to suppress freedom of expression and peaceful assembly. For example, in January, a Congolese National Police (PNC) officer shot and killed Mumbere Ushindi, a civil society activist age 22 with the organization Fight for Change (LUCHA), in Beni, North Kivu Province while attempting to break up a protest against the state of siege. A day prior to the protest, Beni police commander Colonel Jean-Sebastien Kahuma advised protesters to stay home, saying, “We don’t need human rights defenders, I am the president of human rights.” As of November, there had been no prosecutions in the case of Ushindi’s killing.

Marginalized racial and ethnic communities were both perpetrators and victims of arbitrary and unlawful killings. Ongoing conflict with armed groups, tensions concerning land rights, and migration exacerbated long-standing divisions regarding ethnicity (see section 6, Systematic Racial or Ethnic Violence and Discrimination). There were reports that the SSF perpetrated, threatened, and condoned violence against marginalized ethnic communities.

In April the NGO Minority Rights Group (MRG) issued a report alleging that in July 2021, eco-guards working as part of a joint operation with the Armed Forces of the Democratic Republic of Congo (FARDC) killed two Indigenous Batwa while attempting to oust them from villages that lied within the borders of Kahuzi-

Biega National Park (KBNP). The report also claimed that eco-guards had attacked Batwa villages in KBNP over a period of many months, burning homes, raping women, and executing civilians. In April the Congolese National Institute for Environmental Conservation (ICCN), which oversees the eco-guards, set up an inquiry commission to investigate the claims in the MRG report. In a May report responding to the MRG allegations, the ICCN conceded that eco-guards were present and conducted operations to expel civilians from illegally occupied protected land in the locations and on the dates in question in the MRG report. The ICCN report denied all allegations of arbitrary killings and argued that the eco-guards did not engage in systematic attacks against civilians. As of November, MONUSCO was working with a senior military prosecutor to investigate the claims.

In June credible reports of Rwandan support to the March 23 Movement (M23) rebel group contributed to violence and discrimination against Rwandaphones and those with a perceived sympathy for Rwanda or M23 (see section 6, Systematic Racial or Ethnic Violence and Discrimination). Rwandaphone populations (both Kinyarwanda and Kirundi speakers) were also accused of perpetrating violence against other ethnic communities. In June local media reported that a mob brutalized, lynched, and burned a Rwandaphone man in Kalima, Maniema Province due to his Banyamulenge (Congolese Tutsi) ethnicity following a march to show support for the FARDC. As of September, provincial authorities had not shared the findings of their investigation into the killing.

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

On May 11, the High Military Court in Kinshasa upheld the guilty verdicts of PNC Senior Commissioner Christian Kenga and Deputy Commissioner Jacques Mugabo in the trial of the 2010 killing of Floribert Chebeya, the prominent executive director of the human rights NGO Voice of the Voiceless (VSV), and disappearance of his driver and VSV member Fidele Bazana in Kinshasa. The court commuted Kenga's sentence from death to life imprisonment and sentenced Mugabo to 12 years in prison. The court acquitted police officer Paul

Mwilambwe. PNC Inspector General John Numbi, who was implicated in the killings and reportedly fled the country in 2021, remained at large at year's end.

Armed groups committed arbitrary and unlawful killings throughout the year (see section 1.g.).

b. Disappearance

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

Armed groups abducted 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, and Other Related Abuses

The law criminalizes torture, but there were credible reports the SSF continued to abuse civilians, particularly detainees and prisoners. There were also credible reports that SSF subjected individuals, including minority groups and journalists, to cruel, inhuman, and degrading treatment and rape and sexual violence. For example, the NGO Observatory for the Freedom of the Press in Africa reported that on May 19, ANR agents stripped and beat three journalists (Cedar Sabiti Amuri, Junior Batu Ngole, and Samuel Matela) with batons at the ANR headquarters in Boende, Tshuapa Province, after accusing them of contempt of the ANR for a broadcast the day prior in which the journalists criticized ANR agents' alleged surveillance of students at exam centers. The agents allegedly deprived the journalists of food for the rest of the day and night, and then presented them to the Boende High Court the following day, where a judge ordered their unconditional release.

Security forces abused children who lived or worked on the streets (see section 6, Children, Displaced Children).

Impunity among the SSF for mistreatment was a problem, although the government continued to make limited progress in holding security forces accountable for human rights abuses. The UNJHRO reported that during the first half of the year, 12 PNC officers, 41 FARDC soldiers, and 102 members of armed groups were convicted of acts constituting human rights abuses, reflecting efforts by judicial authorities to combat impunity.

During the year the government acted to increase respect for human rights by the security forces. The PNC has a special Child Protection and Sexual Violence Prevention Squadron, and much police training addressed sexual and gender-based violence, such as mining police training in North and South Kivu and community policing programs in Haut-Katanga and Eastern Kasai Provinces. The UNJHRO supported capacity-building sessions on international human rights law, international humanitarian law, and the prevention of conflict-related sexual violence for FARDC and PNC officials. The UNJHRO also contributed to FARDC and PNC training activities as part of a campaign for child protection in armed conflict and the fight against sexual and gender-based violence.

Prison and Detention Center Conditions

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

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

year, particularly those in western provinces, where increases in the prison population and a lack of upkeep contributed to the decay. The UNJHRO recorded a total of 133 deaths in detention through June, mostly due to malnutrition, poor hygiene, lack of access to medical care, and mistreatment.

Central prison facilities were severely overcrowded, with an estimated occupancy rate of 200 percent of capacity; some prisons operated with an estimated occupancy rate more than 500 percent. For example, Makala Central Prison in Kinshasa, constructed in 1958 to hold 1,500 prisoners, held as many as 9,652 inmates simultaneously during the year. In some cases, prison authorities released detainees being held on minor charges, such as fraud, to decongest the prisons.

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

Local media reported that the Ministry of Justice, which oversees prisons, often had insufficient funds to pay for food or medical care for inmates, who instead relied on relatives, NGOs, and church groups to provide them sustenance. Because funds often did not reach prisons in the provinces in a timely manner, there were gaps in food distribution. In February, civil society organizations in North Kivu called for an investigation by the General Inspectorate of Finance (IGF) into the Ministry of Justice's management of funds allocated for prisons.

Generally medical doctors at the prisons did not receive salaries, leading them to work elsewhere to make money. Prisons rarely had budgets for in-house pharmacies, and while prisoners sometimes obtained medication such as pain relievers, prescription medication was generally unavailable, meaning prisoners had to rely on their families. Prisoners who were sick and needed to be transferred required the signatures of all designated officials for the transfer. Sick prisoners were sometimes held in small isolation cells for long periods without an opportunity for movement, exercise, or use of showers or sanitary facilities.

Guards, psychologists, and cooks also generally did not receive salaries, which led to a variety of buying and selling arrangements. Human rights observers reported that the salaries went to those who were retired and no longer working in the prisons. In the provinces there were reports of extortion, where families had to provide guards with food to visit detained family members. Directors and staff generally operated prisons for profit, selling sleeping arrangements to the highest bidders and requiring payment for family visits.

Violence continued to be a problem in certain prisons. According to human rights observers, prisoners themselves were sometimes given the responsibility to maintain order and mistreated others. In January, the court in Lubumbashi found 10 male inmates in Kasapa Central Prison guilty of rape, arson, and attempted escape during the 2020 prison riot that led to mass violence. The defendants were sentenced to 15 years of additional prison time and ordered to pay 800,000 Congolese francs (\$400) each to the 20 women survivors of sexual assault who took part in the trial. During the riot, prisoners chased out the guards, set fire to the buildings, and attacked and raped approximately 37 women over the course of three days before some semblance of order was restored. Many of these women never received adequate medical or psychological care. A prominent human rights observer noted in 2021 that rape of new male prisoners was considered initiation in one prison.

Administration: Authorities denied access to visitors for some inmates and often did not permit inmates to contact or submit complaints to judicial authorities. Authorities rarely conducted investigations into credible allegations of mistreatment. The UNJHRO pointed to the lack of experience of authorities in recently created provinces as a threat to human rights in the provinces.

Independent Monitoring: The government regularly allowed the International Committee of the Red Cross, MONUSCO, and NGOs access to official detention facilities maintained by the Ministry of Justice, but it sometimes denied access to facilities run by the Republican Guard, ANR, and military intelligence services.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest or detention and provides for the right of any

person to challenge the lawfulness of their arrest or detention in court. The government generally did not observe these requirements (see section 1.e.).

Arrest Procedures and Treatment of Detainees

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

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

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

Arbitrary Arrest: Security personnel arrested and detained civil society activists, journalists, and opposition party members and sometimes denied them due process (see sections 1.a., 2.a., and 5). Security forces regularly held protesters and civil society activists incommunicado and without charge for extended periods. Police sometimes arbitrarily arrested and detained persons without filing charges to extort money from family members or because administrative systems were not well established. Persons without national identification cards were sometimes arbitrarily arrested by the SSF.

On February 5, ANR agents arrested former National Security Advisor Francois Beya without formal charges while investigating alleged efforts to undermine national security. On June 3, after four months in pretrial detention at Makala Central Prison in Kinshasa, Beya was formally charged with conspiracy and offenses against the head of state. On August 16, the High Military Court granted

Beya provisional release due to health reasons.

Pretrial Detention: Prolonged pretrial detention, ranging from months to years, remained a problem. Those who should go before the magistrate were often detained locally in a clandestine holding facility and kept there for many months, leaving their families to presume they were dead. The Ministry of Human Rights, the NGO World Prison Brief, and local human rights monitors estimated that between 70 and 80 percent of the prison population was in pretrial detention. Judicial inefficiency, administrative obstacles, corruption, and staff shortages also caused trial delays. In many cases, the length of pretrial detention equaled or exceeded the maximum sentence for the alleged crime.

The state of siege hindered prison administration in the affected eastern provinces and resulted in long pretrial detention periods. Military courts and tribunals struggled to handle criminal cases transferred from civilian courts. Consequently, the processing of cases lagged, and dozens of individuals remained in pretrial detention, without having their cases heard. Severe prison overcrowding quickly followed, which in turn led to extremely poor conditions and malnutrition in the prisons.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary was corrupt and subject to influence and intimidation. Government officials and other influential individuals often subjected judges, prosecutors, or defense attorneys to coercion.

A shortage of prosecutors and judges hindered the government's ability to provide expeditious trials, and judges occasionally refused transfers to remote areas where shortages were most acute because the government could not sufficiently support judges in these areas. The Ministry of Human Rights reported in 2021 that 90 percent of cases lacked magistrates. Authorities routinely did not respect court orders. Disciplinary boards created under the High Council of Magistrates continued to rule on cases of corruption and malpractice. Rulings included the firing, suspension, or fining of judges and magistrates.

Military magistrates are responsible for the investigation and prosecution of all

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

Trial Procedures

The constitution provides for the right to a fair and public trial, an independent judiciary, and a presumption of innocence on the part of an accused person, but these rights were not always observed. Authorities are required to inform defendants promptly and in detail of the charges against them, with free interpretation as necessary, but this did not always occur. 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, except in murder trials. The government did not regularly provide free legal counsel to indigent defendants in capital cases, although lawyers often represented indigent defendants free of charge with the financial support of foreign governments and organizations. Lawyers often did not have adequate access to their clients. Defendants have the right to be present and to have a defense attorney represent them; authorities occasionally disregarded these rights. Authorities generally allowed adequate time to prepare a defense, although there were few resources available. Defendants have the right to confront witnesses against them and to present evidence and witnesses in their own defense, but witnesses often were reluctant to testify due to fear of retaliation. Defendants have the right to appeal, except in cases involving national security, armed robbery, and smuggling, which the Court of State Security usually adjudicates.

Political Prisoners and Detainees

There were reports of political prisoners or detainees during the year, consisting primarily of individuals arrested under defamation laws for criticizing the actions of government officials. In late July and early August, several opposition party

members and supporters were arrested in Kinshasa on separate charges of defamation, public insult, and spreading false rumors. For example, on August 9, the former head of the president's political party, Union for Democracy and Social Progress, Jean-Marc Kabund, was arrested on the charges of contempt of the head of state, defamation, and spreading false rumors for statements he made during a July 18 press conference in which he called President Tshisekedi "irresponsible" and "a public danger" and accused government officials of lying, manipulation, embezzlement of public funds, and corruption. As of November, Kabund remained at Makala Central Prison, despite an August 12 Court of Cassation ruling that Kabund be remanded to house arrest. Kabund's trial opened on September 5 in the Court of Cassation and remained pending. Officials, particularly in the provinces under the state of siege, commonly used the charges of contempt, defamation, spreading false rumors, and public insult against persons critical of the government. At least five provincial and national politicians were arrested in North Kivu and Ituri for criticizing the state of siege in the two provinces. In November 2021, ANR agents arrested Luc Malembe, spokesperson for the opposition party Engagement for Citizenship and Development (ECIDe), on charges of spreading false rumors after he posted to social media a publication criticizing the state of siege. After seven months in detention, a civil court judge acquitted Malembe of the charges.

Political prisoners generally faced similar prison conditions as the rest of the general population. While the government permitted international human rights and humanitarian organizations and MONUSCO access to some prisoners, authorities denied access to detention facilities run by the Republican Guard, military intelligence, and the ANR (see section 1.c.).

Amnesty: On June 18, President Tshisekedi granted presidential amnesty to Jacky Ndala, a member of the opposition party Ensemble pour la Republique. Ndala had been sentenced in July 2021 to two years in prison on charges of incitement to civil disobedience for allegedly encouraging Ensemble party members to protest a draft law barring citizens with one non-Congolese parent from presidential office.

Civil Judicial Procedures and Remedies

Individuals may seek civil remedies for human rights abuses within the civil court

system. Most individuals, however, preferred to seek redress in the criminal courts. The government at times failed to comply with court decisions pertaining to human rights. Individuals and organizations may appeal adverse domestic decisions domestically or to regional human rights bodies.

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

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

g. Conflict-related Abuses

There were credible reports that armed groups and the SSF perpetrated serious human rights abuses during internal conflicts. In the first half of the year, the UNJHRO documented a total of 2,960 human rights abuses in conflict-affected provinces, including North Kivu (1,871), followed by Ituri (485), and to a lesser extent South Kivu, Tanganyika, and Maniema. Conflict-affected provinces accounted for more than 90 percent of all abuses throughout the country. Local NGOs reported that SSF committed abuses under the cover of the state of siege in North Kivu and Ituri Provinces. Armed groups committed approximately 69 percent of documented cases in conflict-affected provinces in the first half of the year according to UNJHRO. Combatants abducted victims for ransom, for forced labor, and in retaliation for suspected collaboration. UNJHRO reported that armed groups used extrajudicial killings as a tactic to force populations to abandon their property, crops, or areas vital for agriculture and mining.

The UN Group of Experts reported in June that members of the Imbonerakure and the Burundian military, Burundi National Defense Force, conducted incursions into South Kivu Province beginning in December 2021, assisted by Congolese armed groups acting as scouts or joining operations against the Burundian armed group Résistance pour un État de Droit (RED-Tabara). The Burundi Human Rights Initiative and local media reported that members of the Imbonerakure, the Burundi

National Defense Force, or local allied Congolese armed groups engaged in abuses against Congolese civilians between December 2021 and July including extrajudicial killings, looting, extortion, and forced labor.

The SSF continued fighting armed groups in the east of the country, and conflict among armed groups resulted in significant population displacement and human rights abuses, especially in Ituri and North Kivu Provinces. Among the 15 major armed groups in the country, Nyatura, ISIS-Democratic Republic of the Congo (ISIS-DRC, locally known as the Allied Democratic Forces), and the Cooperative for the Development of the Congo (CODECO) perpetrated the most abuses according to a UNJHRO report covering the first half of the year. A UN Group of Experts report released in June noted that rising tensions since October 2021 between the armed groups CODECO and Zaire contributed to numerous crimes against civilians, particularly in Djugu Territory. Operations by M23, Nyatura, Nduma Defense of Congo-Renewal, the Alliance of Patriots for a Free and Sovereign Congo, the Democratic Forces for the Liberation of Rwanda (FDLR), and ISIS-DRC caused significant population displacement in North Kivu Province, which experienced 63 percent of all human rights abuses in conflict-affected provinces. CODECO attacks in Ituri also resulted in significant population displacement, particularly in Djugu Territory. In South Kivu Province, there continued to be reports of cycles of retaliatory clashes between armed groups and attacks against civilians in the Hauts-Plateaux of Mwenga, Uvira, and Fizi Territories.

There were credible reports that elements within the FARDC collaborated with some armed groups. For example, on March 29, five FARDC officers, including one lieutenant colonel, were arrested and charged with arms trafficking for allegedly selling guns and ammunition to the armed group CODECO. The officers were presented before the military governor of Ituri; the case remained pending as of August. Additionally in July, the Rwandan government cited an unpublished UN Group of Experts document alleging that the FARDC engaged in fighting against M23 alongside the FDLR and that some FARDC members provided the FDLR with weapons, ammunition, and uniforms.

The government took steps to neutralize armed groups and fight impunity. Operational cooperation between MONUSCO and the government continued in the

east. The MONUSCO Force Intervention Brigade supported FARDC troops in North Kivu and southern Ituri Provinces. MONUSCO forces deployed and conducted patrols to protect internally displaced persons (IDPs) from armed group attacks in North Kivu, South Kivu, and Ituri Provinces. The FARDC continued joint operations with Ugandan military forces, the Uganda Peoples' Defense Force, under Operation Shujaa.

Killings: The UNJHRO reported that 1,505 civilians were killed in conflict-affected provinces in the first six months of the year, of which 123 were children. The armed groups Nyatura, ISIS-DRC, Mai Mai armed groups, and CODECO committed most of these killings and mutilations, while FARDC soldiers and PNC agents contributed to the abuses.

Peacekeepers were also responsible for deliberate killings of civilians and the indiscriminate use of force. On July 31, Tanzanian MONUSCO forces opened fire on civilians at a border crossing with Uganda near Kasindi, North Kivu Province, killing two persons and injuring 15 others. The suspected perpetrators were arrested and removed from their positions with MONUSCO. The troop contributing country in question has responsibility for judicial proceedings, and a joint Democratic Republic of the Congo-MONUSCO investigation into the incident remained pending as of the end of August.

Abductions: UN agencies and NGOs reported armed groups abducted individuals to perform forced labor or guide them, or to ransom them. Armed groups also utilized abductions as reprisal for a victims' alleged collaboration with the security and defense forces or rival groups, or because of their refusal to pay illegal taxes or to participate in so-called community work. The UNJHRO reported that from January through June, a total of 297 children were abducted from the provinces of North Kivu, Ituri, Tanganyika, South Kivu, and Maniema. Mai Mai armed groups, ISIS-DRC, CODECO, and Nyatura were responsible for most abductions.

Physical Abuse, Punishment, and Torture: Gender-based violence was often used as a tactic of war, and the FARDC, PNC, ANR, armed groups, and civilians perpetrated widespread sexual violence. From January through June, the UNJHRO documented 239 cases of conflict-related sexual violence affecting women and children. Nearly 18 percent of these violent crimes were attributable to state

agents, notably FARDC soldiers and PNC agents. UNJHRO found that FARDC soldiers perpetrated sexual violence against 54 survivors (30 women and 24 children) from January through June. Most of the sexual violence attributable to state agents was committed in North and South Kivu Provinces. Physical mistreatment of civilians, prisoners, and injured or sick persons by the government and armed groups was also common.

According to the UN Conduct in UN Field Missions online portal, there were seven allegations of sexual abuse or exploitation committed by MONUSCO personnel during the year. There were also during the year seven UN investigations into allegations of sexual abuse or exploitation. Armed groups also perpetrated numerous incidents of physical abuse and sexual violence.

According to the *Conduct in UN Field Missions* online portal, there were three open allegations of sexual exploitation and abuse by the country's peacekeepers deployed to UN peacekeeping missions. Of the 32 allegations against the country's military personnel deployed to peacekeeping missions from 2015 to the present, the United Nations repatriated six perpetrators, all of whom received prison time upon return to the country. The United Nations and the local government were conducting 20 investigations into allegations of sexual exploitation and abuse perpetrated by non-Congolese MONUSCO forces deployed to the country that remained pending as of August.

In January, the FARDC and PNC disseminated action plans to combat conflict-related sexual violence. As part of the implementation of these action plans, the FARDC and PNC held monthly meetings with UNJHRO beginning in May. The FARDC and PNC collaborated with UNJHRO on training activities as part of a campaign on child protection in armed conflict and gender-based violence in North Kivu. In February, as part of the Joint Technical Working Group, UNJHRO conducted training sessions in Bunia (Ituri) for FARDC and PNC commanders on the mechanisms for prevention and protection of civilians from gender-based violence and the commitments contained in the FARDC and PNC action plans.

Child Soldiers: The U.S. government has determined that the SSF and armed groups in the country had or used child soldiers throughout 2021. The country was also included on the 2022 Child Soldiers Prevention Act list because the FARDC

recruited or used child soldiers. Please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/trafficking-in-persons-report/.

Other Conflict-related Abuse: Armed groups deliberately targeted health-care facilities and medical personnel and intentionally deprived civilian populations of food, water, and humanitarian aid. For example, in July, ISIS-DRC claimed responsibility for an attack on a hospital in Lume, North Kivu Province, which left 13 persons dead, including infants and patients.

Fighting between the FARDC and armed groups as well as among armed groups continued to displace populations and limit humanitarian access, particularly in Ituri, North Kivu, South Kivu, Maniema, and Tanganyika Provinces. The government took steps to assist displaced persons, including by coordinating with humanitarian organizations, UNHCR and MONUSCO on IDP protection and humanitarian assistance.

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

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

Section 2. Respect for Civil Liberties

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

The law provides for freedom of speech, including for members of the press and other media, but the government did not always respect this right. The press frequently and openly criticized public officials and public policy decisions.

Individuals generally could criticize the government, its officials, and other citizens in private without being subject to official reprisals. Public criticism, however, of government officials and corruption sometimes resulted in intimidation, threats, or arrest. Provincial governments also prevented journalists from filming or covering certain protests.

The UNJHRO reported that journalists and human rights defenders were regularly targeted by arbitrary arrests. Government officials, particularly in the state of siege provinces North Kivu and Ituri, used charges of contempt, defamation, spreading false rumors and public insult to silence persons critical of the administration, including journalists and human rights defenders. In the first six months of the year, UNJHRO documented 43 abuses of the right to freedom of opinion and expression. The PNC and FARDC were the main perpetrators of these abuses.

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

In August, officials arrested Marie Masemi, a social media star age 69 and supporter of opposition figure Martin Fayulu, on the charges of defamation and public insult after she posted a video to social media criticizing First Lady Denise Nyakeru Tshisekedi and claiming Nyakeru was not Congolese. Masemi was provisionally released three days later, and the charges were dropped. The day after her release, Nyakeru met with Masemi, who later posted a video to social media apologizing for her comments. Devos Kitoko, Secretary General of Fayulu's party ECIDE, alleged Masemi's apology had been coerced as a condition of her release.

Violence and Harassment: Journalists were frequently subjected to violence, harassment, and intimidation by SSF due to their reporting. There were credible reports that SSF were responsible for extrajudicial killings of journalists. Impunity for such abuses, due to corruption, remained a problem.

For example, in July, Radio Okapi reported that a FARDC officer had shot and killed journalist Chadrack Senghi in Irumu (Ituri), allegedly for his reporting on the harassment of army officials towards civilians in Ituri and the military's failures in the fight against ISIS-DRC. Lieutenant Jules Ngongo announced on July 10 that the FARDC officer had been arrested after fleeing the scene and was charged with flagrancy.

Censorship or Content Restrictions for Members of the Press and Other Media, including Online Media: The law mandates the High Council for the Audiovisual and Communications to provide for freedom of the press and equal access to communications media and information for political parties, associations, and citizens. While the High Council for Audiovisual and Communications is the only institution with legal authority to restrict broadcasts, the government, including the SSF and provincial officials, also de facto exercised this power.

Many journalists exercised self-censorship due to concerns of harassment, intimidation, or arrest. Media representatives also reported they were pressured by provincial authorities not to cover certain events, including those organized by the opposition or local activists.

Libel/Slander Laws: Under the law, defamation, public insult, and contempt are criminal offenses subject to prison time and fines if convicted. The law does not consider the veracity of reported facts in the case of a defamation complaint. Instead, the judge is to consider only the damage to the accused from revelations in a journalist's work. The national and provincial governments used defamation laws to intimidate and punish critics, restrict public discussion, and retaliate against journalists and political opponents (see also Freedom of Expression above).

National Security: The government used a law that prohibits anyone from making general defamatory accusations against the military to restrict free speech. For example, on February 8, authorities arrested National Deputy Josue Mufula at the airport in Goma, North Kivu Province on the charges of contempt of the army, flagrancy, and provocation and incitement to breaches of public authority for passing out leaflets criticizing the state of siege. Mufula was provisionally released on February 9, and on February 11, the military court of North Kivu declared itself incompetent to try the case against Mufula, sending it back to the

civilian courts.

Authorities engaged in rhetoric that had the effect of limiting freedom of expression by members of the press. In May, local correspondents of *The New York Times* and *Jeune Afrique* received death threats on social media for reporting on the operations of the M23 armed group in the eastern part of the country. During a press conference in July, the minister of communications and media warned journalists against criticizing the president in times of war and said members of the press had a patriotic duty not to divulge operational or war-related information. The minister also cautioned that “the enemy” had “channels” to pass messages and spread division, insinuating that rebel groups were using some reporters as conduits to communicate, infiltrate the population, and divide the country.

Nongovernmental Impact: Armed groups and their political wings regularly restricted and sought to restrict freedom of expression, including for members of the press, in the areas where they operated. For example, in August, the Committee to Protect Journalists (CPJ) reported that a person identifying himself as a “general” with the Patriotic Force and Integrationist of Congo armed group sent a message threatening Jean Christian Bafwa Kabaseke, a reporter and editor with the privately owned radio station *Candip FM* in Ituri Province, concerning his coverage of the Patriotic Force and said he would be killed if he continued speaking publicly about the group.

Actions to Expand Freedom of Expression, Including for Members of the Media: In January, the Ministry of Communications and Media hosted the General Assembly of Communication and Media, a conference that gathered journalists and government officials, for a retrospective evaluation of the state of media and discussions of media reforms.

Internet Freedom

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

Restrictions on Academic Freedom and Cultural Events

The National Song and Entertainment Censorship Commission, an independent body under the umbrella of the Ministry of Justice composed of 11 members appointed by the minister, reviews content to ensure it does not “disturb public order or good morals” and does not contain racial or tribal slurs, insults, slanderous language, or pornographic content. According to the commission’s rules, each artist must pay a tax of 630,000 to 1.2 million Congolese francs (\$315 to \$600) before their work can be released to the public. At times, government authorities exercised the National Song and Entertainment Censorship Commission’s power to arrest artists whose work was critical of the government. There were also reports the commission took longer to approve songs perceived as critical of the government.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, but the government frequently did not respect these rights. The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution provides for freedom of peaceful assembly, but government authorities restricted this right and prevented those critical of the government from exercising their right to peaceful assembly, especially in the eastern provinces. The declaration of a state of siege since May 2021 in Ituri and North Kivu Provinces resulted in further restrictions on peaceful assembly. The law requires organizers of public events to notify local authorities in advance of the event. The government sometimes used this advance notification requirement to decline to authorize public meetings or protests organized by opposition parties or civil society groups critical of the government. SSF at times responded to peaceful protests with deadly force. From January to June, UNJHRO documented 15 abuses of the freedom of demonstration and peaceful assembly.

Freedom of Association

The constitution provides for freedom of association, and the government generally

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

c. Freedom of Religion

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

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

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

In-country Movement: 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.

Armed groups engaged in similar activity in areas under their control, routinely extorting civilians at checkpoints and holding them for ransom.

Foreign Travel: Due to inadequate administrative systems, passport issuance was irregular and at times prevented citizens from leaving the country. Officials accepted bribes to expedite passport issuance, and there were reports the price of fully biometric passports varied widely. Sitting and former senior government officials were required to seek authorization from the ANR for foreign travel. In some instances, the ANR either did not respond in a timely fashion or denied requests for authorization, including of political figures viewed as critical of the government.

e. Protection of Refugees

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

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

The government generally 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 former Congolese refugees to their homes by allowing their entry into the country and facilitating immigration processing. In establishing security mechanisms, government authorities did not treat refugees differently from citizens.

Abuse of Migrants and Refugees: Continuing conflict in the provinces of North and South Kivu, Ituri, Haut Uele, Bas Uele, and Tanganyika subjected refugees and IDPs to attacks, often resulting in deaths and further displacement. UNHCR reported Rwandan refugees in the Masisi Territory, North Kivu, were subject to cyclical displacement as a result of FARDC and armed group operations and were forced to relocate to South Kivu Province. As a result of conflict, refugees reported a range of human rights abuses and instances of forced displacement, according to UNHCR. Because of a perception that Rwandan refugees were

aligned with or support the FDLR, an armed group whose original founders included some perpetrators of the 1994 Rwandan genocide, they were discriminated against and harassed, and subject to arbitrary detention during military operations to a greater extent than the general population.

Gender-based violence continued to be a problem for refugees. Recently arrived refugees from the Central African Republic mostly lived in dire conditions in border areas, near the Ubangi River, although some were relocated to more secure areas. Refugees at the river's edge lacked shelter, access to clean water, sanitation facilities, and sufficient food. As of August, more than 80 percent of refugees from the Central African Republic had been biometrically registered, and many had received refugee cards.

Incursions by South Sudanese forces into Aru Territory and Ituri Province continued during the year. The incursions affected security for South Sudanese asylum seekers and refugees as well as local populations.

Durable Solutions: UNHCR worked with the government to facilitate the voluntary repatriation of some Rwandan refugees. UNHCR reported that 137,424 Rwandan refugees of the 209,080 residing in the country were registered by the government as of October 31.

UNHCR worked with the government to voluntarily repatriate 7,480 persons between January and August, including 1,401 Rwandan refugees, 2,726 Burundian refugees, and 3,350 refugees from the Central African Republic.

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

f. Status and Treatment of Internally Displaced Persons

UNHCR estimated that there were 5.6 million IDPs in the country, more than half of whom were children who had been displaced for longer than 12 months. The government was unable to consistently protect or assist IDPs adequately but generally allowed domestic and international humanitarian organizations to assist. The government was unable to consistently promote IDPs' safe, voluntary, and dignified return, resettlement, or local integration. The government sometimes

closed IDP camps without coordinating with the international humanitarian community. Humanitarian access was difficult in some locations, due to weak civilian authority, insecurity, and poor infrastructure. In many locations IDPs lived in poor conditions without adequate shelter or protection. Intercommunal violence and fighting among armed groups in the east resulted in continued population displacement and increased humanitarian needs for IDPs and host communities. Armed groups also attacked individuals and organizations providing humanitarian assistance. According to a United Nations Office for the Coordination of Humanitarian Affairs Humanitarian Fund annual report, from January to October, seven humanitarian workers were killed, 26 injured, and 23 abducted.

Combatants and other civilians abused IDPs. Abuses included killings, rape and sexual exploitation of women and children, abduction, forced conscription, looting, illegal taxation, and general harassment. Women and girls were particularly vulnerable to sexual violence, including gang rape.

Fighting among armed groups and with the SSF was a primary cause of displacement. The state of siege and intensification of military operations against armed groups contributed to the displacement of persons and affected the situation of IDPs. Armed groups continued to target IDP sites, as well as supporting community infrastructure such as schools and health facilities.

In Ituri Province, UNHCR noted that conflict-related activities of armed groups, including CODECO, ISIS-DRC, and Mai Mai armed groups, exacerbated long-standing community conflicts, threatened the safety of 1.78 million IDPs, and contributed to cyclical displacement. Of the approximately 1.8 million IDPs in Ituri, an estimated 80 percent lived with host families and 20 percent lived in 59 IDP sites, 25 of which were coordinated by UNHCR and the remainder by the International Organization for Migration. CODECO attacked no less than eight IDP sites between November 2021 and June. On February 1, CODECO militants attacked the Plaine Savo IDP site in Mbudjona, killing more than 60 persons. In April, UNHCR estimated that the activities of M23 in North Kivu had displaced 55,000 persons, 34 percent of whom crossed into Uganda.

Lack of shelter, low capacity for agricultural recovery, lack of basic infrastructure, and an absence of development partners all impeded the successful reintegration of

IDPs. Some international relief workers warned that failure to integrate returnees and support livelihood activities and local infrastructure could lead to renewed interethnic fighting concerning limited resources.

g. Stateless Persons

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

The law does not discriminate in granting citizenship on the grounds of gender, religion, or disability; however, the naturalization process is cumbersome and requires parliamentary approval of individual citizenship applications. Individuals lacking documentation were often denied identity documents, political rights, and employment. Persons whose names were not spelled according to local custom were often denied citizenship, as were individuals with lighter-colored skin.

The law allows for the acquisition of citizenship through birth and residence in the country, marriage, adoption, and naturalization. Administrative practices for acquiring nationality through marriage, adoption, or naturalization were increasingly political and put more persons at risk of statelessness.

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

Section 3. Freedom to Participate in the Political Process

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

suffrage.

Elections and Political Participation

Recent Elections: On May 6, after nearly two years of interim governors and vice governors ruling in more than half of the country's provinces, the National Independent Electoral Commission (CENI) held gubernatorial elections in 14 of 26 provinces for governors or vice governors who had been previously dismissed by provincial deputies. Gubernatorial elections are indirect, with only provincial deputies casting votes. The elections were largely peaceful, and the CENI accredited national and international observers, including representatives from various diplomatic missions. Unsuccessful candidates and some journalists alleged vote buying by President Tshisekedi's coalition, the Sacred Union, which swept the elections and holds 20 gubernatorial seats.

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

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

Many international actors expressed concern regarding CENI's decision to deny accreditation to several international election observers and media representatives. Some persons questioned the final election results due to press reports of unverified data leaked from unnamed sources indicating opposition candidate Martin Fayulu received the most votes. The election aftermath was calm, with

most citizens accepting the outcome. In 2019, Tshisekedi was sworn in as president, marking the first peaceful transfer of power since the country's independence in 1960.

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

Political Parties and Political Participation: The law recognizes opposition parties and provides them with “sacred” rights and obligations. Government authorities and the SSF, however, prevented opposition parties from holding public meetings, assemblies, and peaceful protests (see section 2.b.). The government and the SSF also limited opposition leaders' freedom of movement. The SSF used force to prevent or disrupt opposition-organized events.

State-run media, including television and radio stations, remained the largest sources of information for the public and government. There were reports of government intimidation of political opponents, such as exercising political influence in the distribution of media content.

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

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

Participation of Women and Members of Minority Groups: No law limits the participation of women or members of minority groups in the political process, and they did participate, although some ethnic groups in the eastern part of the country claimed discrimination. Women faced obstacles to full participation in politics and leadership positions generally. Women in leadership positions were often given portfolios focused on so-called women's topics, such as those related to gender-based violence, cultural norms, and discrimination against women. Women generally had less access to financial resources needed to participate in politics.

Furthermore, insecurity, particularly in the eastern provinces, presented a major obstacle for women who wished to run for office and campaign, because the risk of rape and other sexual violence forced them to limit activities and public exposure.

Some groups, including Indigenous persons and LGBTQI+ persons, claimed they had no representation in the Senate, National Assembly, or provincial assemblies. Discrimination against Indigenous groups continued in some areas, such as Equateur, Kasai-Oriental, and Haut-Katanga Provinces, and such discrimination contributed to the lack of Indigenous group political participation (see section 6, Indigenous Peoples). Local NGO Congo Handicap reported that persons with disabilities frequently faced societal barriers to participating in politics.

Section 4. Corruption and Lack of Transparency in Government

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

The Supreme Audit Court is charged with investigating and prosecuting public financial mismanagement. In June, President Tshisekedi dismissed several magistrates on the Supreme Audit Court who had allegedly failed to pursue and prosecute corruption and financial crimes and appointed new leadership. In August, following a two-year delay, President Tshisekedi swore in 57 Supreme Audit Court magistrates who had received training from the European Union. Although the Supreme Audit Court prosecuted individuals throughout the year, it rarely published its findings.

In 2020, President Tshisekedi created the Agency for the Prevention and Fight against Corruption (APLC). A special service under the Office of the President, the APLC is responsible for coordinating all government entities charged with fighting corruption and money laundering, conducting investigations with the full authority of judicial police, and overseeing transfer of public corruption cases to appropriate judicial authorities. The Platform for the Protection for

Whistleblowers in Africa asserted in 2021 that APLC's record was mixed, without visible results.

Corruption: Corruption by officials at all levels as well as within state-owned enterprises continued to deprive state coffers of hundreds of millions of dollars per year. There were also credible reports of government corruption related to the repression of human rights.

The IGF accused several government officials of embezzlement throughout the year, including the minister of primary, secondary, and technical education for embezzling 799 million Congolese francs (\$400,000) from a youth soccer program. In February *Radio France International* (RFI) reported that the IGF alleged the Ministry of Health had embezzled 600 million Congolese francs (\$300 million) in the past six years through various programs, including vaccination initiatives. In June, the IGF released an audit report showing that from 2010-20 an estimated 799 billion Congolese francs (\$400 million) that the state-owned mining enterprise Gecamines paid to the government in tax advances and loans could not be traced. The head of the IGF, Jules Alingete, was quoted by the independent radio station *Top Congo FM* in 2021 as saying that at least 70 percent of public funds were routinely misappropriated.

Lack of enforcement of court decisions in corruption cases contributed to impunity, as rulings were often overturned in appellate proceedings or dismissed due to procedural errors. In June, the Kinshasa Court of Appeals acquitted the president's former chief of staff Vital Kamerhe, who had been convicted and sentenced to 13 years in prison for allegedly embezzling 99.9 billion Congolese francs (\$50 million), citing insufficient evidence for a prosecution.

Artisanal mining remained predominantly informal, illicit, and strongly linked to both armed groups and certain elements of the FARDC. Government officials were often complicit in the smuggling of artisanal mining products, particularly gold, into Uganda and Rwanda. The law prohibits the FARDC from engaging in mineral trade, but the government did not effectively enforce the law. Criminal involvement by some FARDC units and armed groups included protection rackets, extortion, and theft. The illegal trade in minerals was both a symptom and a cause of weak governance. It illegally financed armed groups and individual elements of

the SSF and sometimes generated revenue for traditional authorities and local and provincial governments. A June report by the UN Group of Experts reported that FARDC members trafficked and profited from untagged coltan in North Kivu Province and illegally mined and taxed gold in Ituri Province. Individual FARDC commanders also sometimes appointed civilians to manage their interests at mining sites covertly.

In conflict areas, both armed groups and elements of the SSF regularly set up roadblocks and ran illegal taxation schemes. In 2019, IPIS published data showing state agents regularly sold tags meant to validate clean mineral supply chains. The validation tags, a mechanism designed to reduce corruption, labor abuses, trafficking in persons, and environmental destruction, were regularly sold to smugglers. In April, the NGO Global Witness published a report finding that government agents routinely and knowingly tagged minerals from unvalidated mines in North and South Kivu Provinces through the International Tin Supply Chain Initiative (ITSCI), a program to monitor supply chains and ensure extracted minerals are not linked to child labor or the influence of armed groups.

As in previous years, a significant portion of the country's enacted budget included off-budget and special account allocations that were not fully published. These accounts shielded receipts and disbursements from public scrutiny. Eight parastatal organizations held special accounts and used them to circumvent the government's tax collection authorities. "Special accounts" are, in theory, subjected to the same auditing procedures and oversight as other expenditures; however, due in large part to resource constraints, the Supreme Audit Authority did not always publish its internal audits, or in many cases published them significantly late. Under the Extractive Industries Transparency Initiative (EITI) standard of 2016, the government is required to disclose the allocation of revenues and expenditures from extractive companies. In 2019, the EITI board noted the country had made meaningful progress in its implementation of the 2016 standard but also expressed concern regarding persistent corruption and mismanagement of funds in the extractive sector. On October 12, the EITI board gave the country a high overall score in implementing the 2019 EITI standard (85.5 points), largely due to the country's efforts to publish extractives sector contracts. The country received lower scores regarding beneficial ownership and delays in establishing the

sovereign mining fund for future generation and problems in transparency of mining royalty payments to the provincial and local levels.

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

A variety of domestic and international human rights groups generally operated with varying government restrictions, investigating and publishing their findings on human rights cases. Government officials, including representatives from the Ministry of Justice, Ministry of Human Rights and the ANR, were sometimes cooperative and responsive to their views of domestic NGOs.

Retribution against Human Rights Defenders (HRDs): Elements of the SSF continued to kill, harass, beat, intimidate, and arbitrarily arrest and detain domestic human rights advocates and domestic NGO workers, particularly when the NGOs reported on or supported victims of abuses by the SSF, or reported on the illegal exploitation of natural resources. Armed groups repeatedly targeted local human rights defenders for violent retribution when they spoke out against abuses. Frontline Defenders documented at least five cases of human rights defenders facing threats, harassment, arbitrary arrest, and ill treatment in custody as a result of their advocacy during the year. There were also regular reports of retribution against human rights defenders by armed groups, particularly in the eastern provinces of the country.

The United Nations or Other International Bodies: The government at times cooperated with and permitted visits by United Nations representatives and other international organizations but was not consistent in doing so. For example, the government refused to grant the United Nations access to certain detention centers, particularly at military installations such as military intelligence headquarters. The government and military prosecutors cooperated with the UN team supporting investigations related to the 2017 killing of two UN experts, Michael Sharp and Zaida Catalan, in Kasai Central Province.

Government Human Rights Bodies: During the year the National Commission on Human Rights published reports and made public statements on prison

conditions and human rights abuses. It also held human rights training sessions for magistrates, visited detention centers, conducted professional development workshops for human rights defense networks, and followed up on complaints of human rights abuses from civilians. Both the National Commission on Human Rights and the Human Rights Ministry continued to lack full-time representation in all 26 provinces.

Section 6. Discrimination and Societal Abuses

Women

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

Government agents raped and sexually abused women and girls during arrest and detention, as well as during military action, according to UNJHRO reporting (see sections 1.a., 1.c., and 1.g.). While sexual violence was a problem throughout the country, most cases took place in areas affected by internal conflict. Armed groups frequently used rape as a tactic of conflict (see section 1.g.).

The PNC and FARDC continued its nationwide campaign, with support from MONUSCO, to eliminate gender-based violence by the SSF, including through the fight against impunity and the protection of survivors and witnesses (see section 1.g.). Few activities took place under the campaign to operationalize the national action plan to combat gender-based violence. The government operated a toll-free hotline for cases of gender-based violence and referred survivors to shelters and psychosocial services. Provincial ministers in some provinces adopted provincial action plans to combat gender-based violence. In June, the provincial minister of gender, family, and children of Kasai-Central adopted an action plan for the prevention and response to gender-based violence with the goal of reducing such cases by 10 percent by 2024.

As noted below (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics, Violence against LGBTQI+ Persons, and section 6, Persons with Disabilities), persons with disabilities faced high rates of gender-based violence and suffered health consequences as a result. LGBTQI+ persons were targeted by particular forms of gender-based violence, including so-called corrective rape. Most survivors of rape did not pursue formal legal action due to insufficient resources, lack of confidence in the justice system, family pressure, and fear of subjecting themselves to humiliation, reprisal, or both.

The law does not provide any specific penalty for domestic violence despite its prevalence. Although the law considers assault a crime, police rarely intervened in perceived domestic disputes. In limited instances, judicial authorities took action in cases of domestic or spousal abuse. For example, in February, a military court in South Kivu sentenced FARDC Captain Saleh Bin Jeremie to death for the murder of his wife, Anne-Marie Buhoro, as well as to 10 years in prison for violating orders, 10 years for dissipating ammunition, and \$25,000 in damages. Accusations of witchcraft often targeted women and resulted in killings.

Sexual Harassment: The law prohibits sexual harassment and stipulates a minimum sentence of one year if convicted, but there was little or no effective enforcement of the law. Sexual harassment occurred throughout the country. There were reports that SSF and government agents incited, perpetrated, or explicitly or implicitly condoned sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Problems affecting access to family planning and reproductive health services included an inadequate transportation infrastructure, inadequate quantities of contraceptives, and poor logistics and supply chain management leading to frequent stock shortages. Cultural norms favoring large families, misinformation surrounding contraceptive use, including fear that contraception caused infertility, and especially the population's general inability to pay for contraceptive services were also barriers. Emergency contraception was not always available.

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

According to the 2013-14 *Demographic and Health Survey*, the maternal mortality ratio was 846 deaths per 100,000 live births, despite sustained high usage of health facilities for deliveries. Geographic barriers, lack of appropriate equipment, and low health professional capacity also hindered the provision of quality maternal and child health services and led to high maternal mortality and childbirth complications, such as obstetric fistula.

Young women often did not have access to menstrual hygiene, which impacted their ability to attend schools, which often lacked bathrooms and running water. Furthermore, unwed girls who became pregnant were pressured to drop out of school, and young women who become mothers often faced societal stigma.

Discrimination: The constitution prohibits discrimination based on gender, but the law does not provide women the same rights as men. The law permits women to participate in economic domains without approval of male relatives, provides for

maternity care, disallows inequities linked to dowries, and specifies fines and other sanctions for those who discriminate or engage in gender-based violence. The government did not effectively enforce the law. Women experienced economic discrimination, and there were legal restrictions on women in employment, including limitations on occupations considered dangerous, but no restrictions on women's working hours. Women who identified as LGBTQI+, migrants, refugees and asylum seekers, and persons of marginalized racial, ethnic, or religious groups at times faced discrimination when seeking employment, housing, or access to public services (see section 7.d.).

According to UNICEF, many widows were unable to inherit their late husbands' property because the law states that in event of a death in which there is no will, the husband's children, including those born out of wedlock (provided they were officially recognized by the father), rather than the widow, have precedence with regard to inheritance.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provides that no one may be discriminated against on the basis of his race, ethnicity, tribe, or cultural or linguistic minority. Nevertheless, long-standing ethnic tensions – often revolving around land rights – fueled some community violence. Ethnic Twa persons frequently faced severe societal discrimination and had little protection from government officials (see section 1.g.). Hate speech and calls for violence against Congolese ethnic Tutsi and Rwandaphones, including the Banyamulenge community, increased since mid-2021 and was exacerbated by the resurgence of the M23 armed group, supported by the government of Rwanda.

In June, reports of Rwandan government support to M23 rebels contributed to violence and discrimination against Rwandaphones and those with a perceived sympathy towards Rwanda or the M23 armed group (see section 1.a.).

Rwandaphone populations (both Kinyarwanda and Kirundi speakers) were also perpetrators of violence against other ethnic communities. The UNJHRO reported that anti-Rwandaphone hate speech and violence was most prevalent in the High Plateaus, including in the territories of Fizi, Uvira, and Mwenga in South Kivu Province. In these areas, conflict often pitted the Banyamulenge community

against the Bafuliiru, Bayindu-Banyindu, and Babembe communities and was characterized by the involvement of multiple armed groups and militias organized in ethnic and community-based alliances. Media reported that Rwandaphone individuals in North and South Kivu were denied access to restaurants and shops and that some businesses owned by Rwandaphone individuals were looted or destroyed.

Intercommunal violence between the Teke and Yaka ethnic groups in Kwango and Mai-Ndombe Provinces resulted in at least 40 deaths, the destruction of more than 200 homes, and the displacement of thousands of inhabitants since August. According to the Ministries of Human Rights and Interior, both of whom dispatched their ministers to reduce tensions, the conflict stemmed from disagreements concerning land rights and tax collection. Violence continued despite the presence of FARDC reinforcements sent to reestablish security in the region and the steady efforts to reduce tensions from senior officials and prominent politicians. In September, officials from the Ministry of Human Rights and Interior proposed reconciliation talks between Teke and Yaka leaders in a neutral territory.

There were reports that government agents incited, perpetuated, condoned, and tolerated violence and abuse against racial and ethnic groups (see section 1.a.). In February, Human Rights Watch reported officials failed to investigate the killings of 40 Iyeke children, 22 men, and four women by ethnic Nkundo assailants in Bianga, Tshuapa Province in February 2021. According to the report, officials initially opened an inquiry but failed to conduct a field investigation and find and prosecute the offenders. In May, Human Rights Watch released another report alleging that authorities had failed to investigate a spate of extrajudicial killings and violence in April 2021 perpetrated by ethnic Kumu men against ethnic Nande in Buhene, North Kivu Province. The report claimed that police commanders and officers had been implicated in at least three extrajudicial executions that resulted from the intercommunal conflict that killed eight Nande and wounded 40 persons.

Indigenous Peoples

Estimates of the country's Indigenous population (Twa, Baka, Mbuti, Efe, Aka, and other peoples collectively called "pygmies" by many residents and believed to

be the country's original inhabitants) varied greatly, from 250,000 to two million. Societal discrimination against members of these groups was widespread, and the government did not effectively protect their civil and political rights. Most Indigenous persons took no part in the political process, and many lived in remote forested areas in hunter-gatherer societies. Fighting in the east between armed groups and the SSF, expansion by farmers, and increased trading and excavation activities caused displacement of some Indigenous peoples. Political, social, and economic discrimination and exclusion of Indigenous peoples drove conflict throughout the country, most notably in Tanganyika Province, and around Kahuzi-Biega National Park in South Kivu Province.

Indigenous peoples were subject to threats and violence from illegal loggers and miners, commercial bushmeat hunters, wildlife traffickers, and armed groups operating in forests and on or near Indigenous lands. Rebel groups exploited Indigenous communities with forced labor, and perpetrated abuses, such as kidnapping and sexual violence. There were also press and NGO reports that the SSF perpetrated abuses against Indigenous persons, including unlawful killings, looting, and rape (see section 1.a.). Indigenous women who were survivors of rape or sexual assault were often stigmatized or rejected by their communities.

In some areas where Indigenous peoples lived, surrounding tribes kidnapped and forced Indigenous persons into slavery, sometimes resulting in ethnic conflict (see section 1.g.). Indigenous populations also reported high instances of rape by members of outside groups, which contributed to HIV infections and other health complications.

Indigenous communities were frequently unable to secure land and resource rights in and around forests and ancestral lands due to conflict, customary land rights matters, and exclusion from forest-management and other decision-making bodies. While the law stipulates that Indigenous populations receive 10 percent of the profits gained from use of their land, this provision was not enforced. As a result, many Indigenous communities lived in poverty. Several Indigenous persons reported discrimination when trying to access to healthcare facilities. Maternal mortality rates among Indigenous communities remained high. Discrimination and a lack of opportunities contributed to low levels of access to education among Indigenous populations. In June, the Senate passed a law on the protection of

Indigenous Peoples' rights, and it entered into force during the year. The law recognizes Indigenous peoples' land tenure rights, the preservation of their cultural heritage and religious practices, and their rights to protection and to access basic services including free health care, primary and secondary education, as well as legal assistance.

Children

Birth Registration: The law provides for the acquisition of citizenship through birth within the country or from either parent being of an ethnic group documented as having been in the country in 1960. According to UNICEF, the government registered approximately 25 percent of children born in some form of medical facility, but only 13 percent of children had a birth certificate. There were no reports that the government denied birth registration. Without a birth certificate, which provides proof of where a child was born and the identity of the child's parents, a child lacked any proof of entitlement to a nationality and was therefore left at risk of statelessness. Lack of registration rarely affected access to government services.

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

Secondary school attendance rates for girls were lower than for boys due to financial, cultural, or security reasons, including early marriage and pregnancy for girls (see section 6, Women, Reproductive Rights). There were reports of teachers pressuring girls for sexual favors in return for higher grades. Educational obstacles for children with disabilities included inaccessible infrastructure; exams provided in formats not accessible to everyone; and a lack of awareness among teachers,

students, and staff in addition to the reluctance to include children with disabilities.

Many of the schools in the east were dilapidated and closed due to chronic insecurity. Armed groups' attacks sometimes targeted schools. Parents in some areas kept their children from attending school due to fear of armed groups' forcible recruitment and use of child soldiers. The Child Protection Section of MONUSCO documented 57 attacks on schools from January to June, primarily by the armed groups CODECO, M23, Mai Mai armed groups, and ISIS-DRC. Over the same period, the FARDC was responsible for four attacks on schools. In the town of Bunagana, North Kivu Province, students were unable to take the National Primary School Leaving Examinations due to insecurity.

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 labeled children with disabilities or speech impediments as witches. This practice sometimes resulted in parents abandoning their children. UNICEF and MONUSCO attributed some abuses of children, including sexual violence against young girls, to harmful traditional and religious practices. Perpetrators allegedly targeted children because they believed harming children or having sex with virgins could protect against death in conflict or bring them better luck with mining, and children often died because of these rapes.

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

enforced the law.

Provisions in the law do not clarify who has standing to report forced marriage as a crime or if a judge has the authority to do so. Dowry payments greatly incentivized underage marriage, as parents forcibly married daughters to collect dowries or to finance dowries for sons. UNFPA further reported that some parents considered child marriage a way to protect a girl from sexual violence, reasoning that her husband would be responsible for her safety.

Sexual Exploitation of Children: The minimum age of consensual sex is 18 for both men and women, and the law prohibits the commercial sexual exploitation of anyone younger than age 18. The law prohibits child pornography, with imprisonment of 10 to 20 years for those convicted; however, authorities did not always enforce the law. The law criminalizes child sex trafficking, with conviction carrying penalties ranging from 10 to 20 years' imprisonment and a heavy fine. In April 2021, UNICEF published a report on sexual exploitation and abuse that highlighted persistent social beliefs that undermine protection for child survivors. For example, UNICEF noted in the report that adolescent girls who were in exploitative relationships and received money in exchange for sex were not perceived to be children. According to the report, sexual violence against children was considered more serious and more likely to be reported than sexual violence against adults, as it was commonly believed that child survivors do not bear the same stigma as adult survivors.

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

Displaced Children: In 2019, the international NGO Humanium estimated 70,000 children lived on the streets, with at least 35,000 in Kinshasa. The families of many of these children forced them out of their homes, accusing them of witchcraft and causing misfortune. Humanium noted that street children were unsupervised with no access to food, education, or shelter and other necessities, circumstances that left them vulnerable to abuse and exploitation by adults and law enforcement personnel who forced them into illegal criminal activity. Law enforcement officials sometimes recruited street children to disrupt political protests and cause public disorder, making children vulnerable to injury or death.

According to UNICEF, more than half of the approximately 5.6 million IDPs in the country were children, largely as a result of violence in the east of the country (see section 2.f.).

Antisemitism

The country had a very small Jewish population. There were no known reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: While no law specifically prohibits consensual same-sex sexual conduct between adults, individuals engaging in public displays of consensual same-sex conduct, such as kissing, were sometimes subject to prosecution under public indecency provisions, which were rarely applied to opposite-sex couples. No law specifically prohibits so-called cross-dressing.

Violence against LGBTQI+ Persons: Identifying as LGBTQI+ remained a cultural taboo. LGBTQI+ persons were subjected to harassment, stigmatization, and violence, including so-called corrective rape. Some religious leaders, radio broadcasts, and political organizations played a key role in promoting discrimination against LGBTQI+ persons. In some cases, LGBTQI+ persons were forced by threats of violence to withdraw from schools and other public and community institutions.

LGBTQI+ human rights organizations noted an increase in violence, threats, and discrimination against LGBTQI+ persons during the COVID-19 pandemic, as some religious leaders perpetuated the idea that the pandemic was “God’s punishment” on society for the behavior of LGBTQI+ persons.

Local NGOs reported there was rarely condemnation when LGBTQI+ persons were attacked and that LGBTQI+ individuals faced difficulties pursuing claims of discrimination in employment. A local NGO reported that authorities rarely took steps to investigate, prosecute, or punish officials who committed abuses against LGBTQI+ persons, whether in the security forces or elsewhere in the government.

Discrimination: No law specifically prohibits discrimination by state or nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics, but the law does guarantee a right to employment, healthcare, and education for all persons. Activists reported that LGBTQI+ persons faced discrimination in all these areas throughout the year, as well as in finding or keeping housing and access to public services.

In 2021, an NGO promoting LGBTQI+ rights claimed other human rights organizations excluded and ostracized LGBTQI+ human rights organizations due to their religious beliefs or belief that LGBTQI+ rights do not constitute human rights. One activist reported being explicitly excluded from other meetings of human rights organizations or women's rights organizations because she was an LGBTQI+ activist.

Availability of Legal Gender Recognition: There is no legal process by which the government allows individuals to change their gender identity marker on legal identifying documents to bring them into alignment with their gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Local NGOs promoting LGBTQI+ rights reported that there were numerous cases where LGBTQI+ persons were forcibly subjected to psychiatric treatment or religious rituals to “change” the person's sexual orientation or gender identity or expression. At times, LGBTQI+ persons suffered physical violence during these rituals or sessions.

LGBTQI+ activists reported numerous cases of so-called corrective rape against both women and men during the year. The local NGO Rainbow Sunrise Mapambazuko documented 27 cases of corrective rape, against mostly lesbian and transgender women, from January to August. The NGO also documented four cases of mutilation against LGBTQI+ persons over the same period. When the

survivors came to a health clinic for care, they were either denied health care services or faced pressure to “change” their LGBTQI+ status.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

Local LGBTQI+ rights organizations reported that LGBTQI+ persons who participated in Pride Month activities were subjected to harassment, physical violence, and threats, as in previous years. Some LGBTQI+ activist groups reported the government denied their NGO registration requests.

Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. No legislation mandates access to government buildings or services for persons with disabilities, including access to health care, information, communication, transportation, the judicial system, or other state services. While persons with disabilities may attend public primary and secondary schools and have access to higher education, no reasonable accommodations are required of educational facilities to support their full and equal inclusion. Schools for children with hearing impairments, for example, were private and generally in poor condition. According to the Ministry of People Living with Disabilities, fewer than 1 percent of children with disabilities attended school. In a study done between 2019 and 2020 with support from UNESCO, the ministry reported that of 10,000 persons with disabilities in Kinshasa, only 36 percent had some primary school education and 49 percent had no formal education. The government continued a program to standardize sign language throughout the provinces due to differences between the signs used in different provinces.

Violence against persons with disabilities was a serious problem. Victims often did not report abuses, and when they did, they experienced financial, social, and cultural obstacles to accountability. Often police and other officials who played a role in the judicial system asked victims for money before investigating. Many persons with disabilities consequently resorted to begging. Conflict in several areas of the country left many thousands of former military and civilians with significant disabilities. Disability groups reported extensive social stigmatization, including children with disabilities being expelled from their homes and accused of

witchcraft. Families sometimes concealed their children with disabilities due to shame.

Persons with disabilities were also frequently survivors of gender-based violence. In a study during the year involving 60 women and girls living with disabilities in South Kivu, Congo Handicap found that 50 percent of them had suffered sexual violence and nearly 40 percent had suffered physical abuse from a partner. Many survivors reported unwanted pregnancies and sexually transmitted infections as a result. Two women reported having suffered violence related to forced sterilization. Congo Handicap reported that the perpetrators were not held to account for the alleged abuses.

The constitution prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities and requires the state to promote their participation in national, provincial, and local institutions. The constitution states all persons should have access to national education. The law prohibits private, public, and semipublic companies from discriminating against qualified candidates based on disability. The government did not enforce these provisions effectively, and persons with disabilities often found it difficult to obtain employment, education, and other government services. Government information and communication on disability concerns was not always provided in accessible formats.

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

Other Societal Violence or Discrimination

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

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

A 2020 Ministry of Health study conducted in conjunction with the World Health Organization and other organizations surveyed persons with HIV regarding stigmatization and discrimination towards them. Approximately 40 percent gave their HIV status as a reason to have moved during the previous 12 months. Nearly 75 percent said they had not lost a job or source of revenue during the previous 12 months due to their HIV status. Fewer than 5 percent said they had been refused health care because they were HIV positive, and 62 percent of respondents said they had read about or discussed the law providing protection for the rights of persons with HIV and AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide all workers, including those in both the informal and formal sectors, except top government officials, judges, and SSF members, the right to form and join trade unions and to bargain collectively. The law also provides for the right of most workers to conduct legal strikes. It is against the

law, however, for police, army, directors of public and private enterprises, and domestic workers to strike. The law gives administrative authorities the right to dissolve, suspend, or deregister trade union organizations. It grants unions the right to conduct activities without interference, although it does not define interference. In the private sector, a minimum of 10 employees is required to form a union within a business, and a single business may include members of more than one union. Foreigners may not hold union office unless they have lived in the country for at least 20 years. Collective bargaining requires a minimum of 10 union committee members and one employer representative; union committee members report to the rest of the workforce. In the public sector, the government sets wages by decree after holding prior consultations with unions.

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

The law prohibits discrimination against union employees and requires employers to reinstate workers dismissed for union activities, but the associated penalties were not adequate to deter violations. Penalties were not commensurate with penalties for other civil rights violations. Workers have access to a labor court for discrimination problems. Judicial procedures were subject to lengthy delays and

appeals. The law considers those who have worked for a minimum of three continuous months as “workers” and thereby protected by relevant labor law. Unless they are part of a union, most workers in agricultural activities and artisanal mining, domestic and migrant workers, and workers in export-processing zones were unfamiliar with their labor rights and did not often seek redress when employers breached applicable labor laws.

The government recognized 12 private-sector and public-enterprise unions at the national level, as well as 60 unions that represented the public administration sector. The public administration sector had a history of organizing, and the government negotiated with sector representatives when they presented grievances or went on strike. Of the 15 national unions that represented the public administration sector, five accounted for most workers. Several unions had strong ties to government or parties, and some reported interference with union affairs and elections.

The government did not effectively enforce the law. In small and medium-sized businesses, workers could not properly exercise the right to strike. Government and employers did not respect the right of freedom of association and collective bargaining, and penalties were rarely applied against violators. Due to lax enforcement of labor regulations and lack of capacity for the General Labor Inspectorate, companies and shops could immediately replace any workers attempting to unionize, bargain collectively, or strike with contract workers to intimidate the workers and prevent them from exercising their rights, despite legal protections. Antiunion discrimination was widespread, particularly in foreign-owned companies. In many instances companies refused to negotiate with unions and negotiated individually with workers to undermine collective bargaining efforts. Unions had an active complaint with the International Labor Organization (ILO) pertaining to past allegations of government interference in union elections. The International Trade Union Confederation noted the arrest and detention of a senior trade union official following a protest action by union members for nonpayment of wages and bonuses.

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

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits and criminalizes all forms of forced or compulsory labor. The government did not effectively enforce the law. The law allows for arrest and compulsory labor as a penalty to enforce payment of the tax debts. Forced labor, including forced child labor, regularly occurred throughout the country (see section 7.c.). Violations included bonded labor, domestic servitude, and slavery. In the artisanal mining sector, individuals took on debt from intermediaries and dealers to acquire food, supplies, and mining equipment, often at high interest rates. Miners who failed to provide sufficient ore to pay their debt were at risk of debt bondage. The government did not attempt to regulate the artisanal mining sector.

In the eastern part of the country, armed groups continued to abduct and forcibly recruit men, women, and children to serve as laborers, porters, domestic laborers, and combatants (see section 1.g.). In eastern mining regions, there were reports that armed groups violently attacked mining communities and surrounding villages; held men, women, and children captive; and exploited them in forced labor and sex trafficking. In North Kivu and South Kivu Provinces, some members of FARDC units and armed groups taxed or, in some cases, controlled mining activities in gold, coltan, wolframite, and cassiterite mines. There were no reports of FARDC units forcing persons to work in mines. Armed groups sometimes forced local communities to perform construction work and other labor at mine sites.

Some police arrested individuals arbitrarily to extort money from them (see section 1.d.). There were reports in 2021 that police in North and South Kivu Provinces forced those who could not pay to work until they “earned” their freedom.

The government took limited action against those who used forced labor and abducted civilians for forced labor. Civilian and military courts investigated and prosecuted multiple traffickers for cases in which victims were subjected to forced labor, sex trafficking, and domestic servitude. The prosecutions continued through the year. Little if any information existed on the removal of victims from situations of forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on race, gender, language, disability, HIV or AIDS status, or social status. The law does not specifically protect against discrimination in respect to employment and occupation based on religion, national origin, color, sex (including pregnancy), ethnicity, age, sexual orientation or gender identity, or refugee or stateless status. Additionally, no law specifically prohibits discrimination in employment of career public-service members. In May, President Tshisekedi promulgated organic law number 22/003, which protects persons with disabilities against employment discrimination. The government did not effectively enforce relevant employment laws. Penalties were not commensurate with other violations of civil rights and were rarely applied against violators.

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

e. Acceptable Conditions of Work

Wage and Hour Laws: The government sets regional minimum wages for all workers in private enterprise, with the highest minimum wages applied to the cities

of Kinshasa and Lubumbashi. The minimum wages were above the poverty line. In the public sector the government sets wages annually by decree and permits unions to act only in an advisory capacity. Certain subcategories of public employees, such as staff members of decentralized entities (towns, territories, and sectors), do not have the right under the law to participate in the wage-setting consultations.

The law defines different standard workweeks, ranging from 45 hours per week to 72 hours every two weeks, for various jobs and prescribes rest periods and premium pay for overtime. The law does not prohibit compulsory overtime.

Occupational Safety and Health: The labor code specifies health and safety standards, but they had not been updated in many years. Occupational safety and health (OSH) standards were appropriate for some of the main industries in the country. Local and international NGOs regularly identified unsafe conditions, particularly in the artisanal mining sector.

The Ministry of Mines validation process includes criteria on minimal safety standards. Nonetheless, the law does not allow workers to remove themselves from hazardous situations without putting their employment in jeopardy. Penalties were not commensurate with those for similar violations.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and OSH laws. The General Inspectorate of Labor has the primary responsibility of enforcing wage, hour, and OSH laws. Labor inspectors have the authority to make unannounced inspections and initiate penalties.

The law establishes no monitoring or enforcement mechanism for wage and hour rules, and employers in both the formal and informal sectors often did not respect these provisions. Most businesses were not in compliance with this minimum wage but faced few penalties.

Penalties were not commensurate with those for similar violations and were seldom applied. The Ministry of Labor employed 120 labor inspectors and 92 labor controllers, which was not sufficient to enforce consistent compliance with labor regulations. Rural areas were almost never inspected. An investigation

during the year by EL PAIS/Planet Futuro uncovered allegedly illegal large-scale mining and logging operations in remote rainforest areas where employers reportedly continue to flout labor laws for more than three years.

Informal Sector: Labor laws apply to the informal sector, but they were rarely applied. More than 90 percent of laborers worked in the informal sector in subsistence agriculture, informal commerce or mining, or other informal pursuits, where they often faced hazardous or exploitative working conditions. The country's Trade Union Confederation estimated that the informal economy employs more than 97 percent of all workers.

The EITI noted that the country had a very large artisanal and small-scale mining workforce, employing approximately two million persons. Most mining accidents resulting in injuries and fatalities occurred in the informal sector.

There are a small number of safety net programs which could assist extremely low-income individuals, but most informal economy workers were not eligible or able to access any form of social protection benefits.