



Democratic Republic of the Congo – Researched and compiled by the Refugee Documentation Centre of Ireland on 16 January 2013

Information on the current human rights and political situation in the Democratic Republic of the Congo.

The 2012 Freedom House annual report on the Democratic Republic of the Congo (DRC), in a section titled “Political Rights and Civil Liberties”, states:

“The DRC is not an electoral democracy. International observers noted that both the 2006 and 2011 elections lacked credibility and transparency, and were marred by fraud, voting irregularities, voter intimidation, and violence. The legitimacy of CENI, established in 2010 to replace a transitional body, has been called into question. Four of its seven members are appointed by the presidential coalition, and it does not include members of civil society, as its predecessor did. The 2011 elections were seen as even less credible than those in 2006 due to a lack of preparation, changes in the structure and function of the electoral commission, absence of a comparable level of international logistical support, and lack of adequate accountability and follow through on reported irregularities.” (Freedom House (17 August 2012) *Freedom in the World 2012 - Congo, Democratic Republic of (Kinshasa)*)

The Executive Summary of the 2012 US Department of State country report on the DRC states:

“The three most important human rights issues were: conflict and insecurity in the East that exacerbated an already precarious human rights situation, particularly sexual- and gender-based violence (SGBV); insecurity during the election period; and the lack of an independent and effective judiciary.” (US Department of State (24 May 2012) *2011 Human Rights Report: Democratic Republic of the Congo*)

This Summary also states:

“Other major human rights problems included the following: impunity enjoyed by SSF throughout the country for many serious abuses, including unlawful killings, disappearances, torture, rape, and arbitrary arrests and detention; severe and life-threatening conditions in prison and detention facilities; prolonged pretrial detention; arbitrary interference with privacy, family, and home; SSF members’ abuse and threatening of journalists and human rights advocates, and threatening and obstructing the work of UN investigators; abuse of internally displaced persons (IDPs) by SSF and rebel and militia groups (RMG); widespread official corruption; SSF and RMG retention and recruitment of child soldiers; and use of forced civilian labor. Societal discrimination against and abuse of women and children, Pygmies, persons with albinism, and homosexual persons; trafficking in persons; child labor; and lack of protection of workers’ rights were also problems.” (ibid, p.1)

In a section titled “Arbitrary or Unlawful Deprivation of Life” this report states:

“There were several occasions during the year when SSF members arbitrarily and summarily killed civilians, sometimes during apprehension or while holding them in custody, sometimes during protests, and often when victims did not surrender their possessions, submit to rape, or perform personal services. For example, Human Rights Watch (HRW) reported that SSF killed 24 individuals, including both bystanders and members of the opposition, in elections-related violence between December 9 and 14. Of these incidents, 20 took place in Kinshasa, two in North Kivu, and two in Kasai Occidental.” (ibid, p.2)

A section of this report titled “Disappearance” states:

“There were reports of disappearances attributable to SSF, including reports of disappearances of members of opposition political parties (see section 2.b.). Authorities often refused to acknowledge the detention of suspects and in some cases detained suspects in secret detention facilities. Local and international human rights organizations alleged SSF abducted individuals during the electoral period and detained individuals in secret nontraditional prisons (military camps and private offices and residences).” (ibid, p.3)

A section titled “Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment” states:

“In July the president promulgated a law criminalizing torture. However, the government did not effectively enforce the law, and there were many reports from the UN Joint Human Rights Office (UNJHRO) and other human rights organizations that SSF tortured civilians, particularly detainees and prisoners, and employed other types of cruel, inhuman, and degrading punishment. Members of the police, the National Intelligence Agency (ANR), and the FARDC perpetrated most cases of torture. There were very few reports of government authorities taking action against persons responsible for these acts.” (ibid, pp.3-4)

In a section titled “Arrest Procedures and Treatment While in Detention” (paragraph headed “Arbitrary Arrest”) this report states:

“Security personnel arrested and detained without charge perceived opponents and critics of the government, sometimes under the pretext of state security, and often denying due process, such as access to an attorney. Police often arbitrarily arrested and detained persons without filing charges, often to extort money from family members. The military intelligence agency, DEMIAP, arbitrarily arrested persons and subjected them to prolonged arbitrary detention.” (ibid, p.9)

The introductory section of the 2012 Human Rights Watch report on the DRC states:

“Preparations for elections preoccupied Congolese authorities and international partners for much of the year. The months before the elections were marked by threats and physical attacks against opposition members, media, and human rights defenders.” (Human Rights Watch (22 January 2012) *World Report 2012 - Democratic Republic of Congo*)

In a section titled “Presidential and Legislative Elections” this report states:

“Politically motivated human rights violations increased as elections approached. UN investigators reported 188 cases before the official campaign began in October. Violence perpetrated by police and other state security services included restrictions on political activities, unnecessary force against demonstrators, and arbitrary arrests primarily directed toward opposition parties, their supporters, and journalists.” (ibid)

The 2012 Amnesty International report on the DRC, in a section titled “Unlawful killings”, states:

“The periods before and after the elections were marked by unlawful killings and dozens of arbitrary arrests by security forces, including the Republican Guard.” (Amnesty International (24 May 2012) *Annual Report 2012: Democratic Republic of the Congo*)

This section also states:

“After President Kabila was declared the winner of the contested elections on 9 December, Congolese security forces reportedly killed at least 24 people, mostly in Kinshasa.” (ibid)

In a section titled “Torture and other ill-treatment” this report states:

“Torture and other ill-treatment were committed by armed groups and government security forces, including the FARDC, the national police, the National Intelligence Agency and the Republican Guard. Security forces often committed torture and other ill-treatment in detention facilities following arbitrary arrests. NGOs and UN officials continued to be denied access to many facilities, and secret and unofficial holding cells were still in use.” (ibid)

A section titled “Impunity” states:

“The justice system remained largely incapable of securing justice and reparations for victims. Impunity for past and current violations of human rights and international humanitarian law remained widespread, despite some prosecutions and convictions. Suspected perpetrators of crimes under international law were not removed from their posts or brought to justice. A lack of resources, corruption and political and military interference continued to paralyse courts throughout the country. Scores of civilians were tried by military courts.” (ibid)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

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