

# DEMOCRATIC REPUBLIC OF THE CONGO

## 2015 HUMAN RIGHTS REPORT

### EXECUTIVE SUMMARY

The Democratic Republic of the Congo (DRC) is a nominally centralized constitutional republic. Voters popularly elect the president and the lower house of parliament (National Assembly). Provincial assemblies choose members of the upper house (Senate). In 2011 the country held multiparty presidential and National Assembly elections, which many local and international observers characterized as lacking in credibility and seriously flawed. Civilian authorities did not always maintain control over the security forces.

Armed conflict in parts of the country exacerbated an already precarious human rights situation. Most significant human rights problems included unlawful killings; sexual and gender-based violence (SGBV) including rapes, abductions, torture and other cruel, inhuman, and degrading treatment and punishment; and widespread impunity and corruption throughout the government.

Other major human rights problems included disappearances; severe and life-threatening conditions in prisons and detention facilities; prolonged pretrial detention; arbitrary interference with privacy, family, and home; abuse of internally displaced persons (IDPs) by state security forces (SSF) and rebel and militia groups (RMGs); increased intimidation of political and civil rights activists and journalists in the form of arbitrary arrests, prolonged detention, and threats; restrictions on the ability to change the government peacefully; and RMG retention and recruitment of child soldiers. Societal discrimination and abuse, particularly against women; children; persons with disabilities; ethnic minorities; indigenous persons; lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and persons with albinism as well as trafficking in persons, child labor, use of forced civilian and child labor, and lack of protection of worker rights also were major problems.

Despite continued modest improvements, impunity for human rights abuses remained a severe problem in the SSF. Authorities did not prosecute or punish many of the abusers.

RMGs continued to operate and commit abuses, primarily in the East, but also in Katanga and Orientale provinces. These abuses included unlawful killings, disappearances, torture, and SGBV. RMGs also recruited, abducted, and retained

child soldiers and compelled forced labor. The government took military action against some RMGs but had limited ability to investigate abuses and bring the accused to trial (see section 1.g.).

Note: On July 18, the country completed the second phase of a constitutionally mandated process of territorial division, dividing six of its existing provinces into 21 new provinces and bringing the total to 25 plus Kinshasa. Most organizations that collect data on human rights continue to use the predivision provincial geography. In order to provide consistent information, this report uses the names of the original 11 provinces, unless more specific information is available.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were numerous reports the government or its agents committed arbitrary or unlawful killings. Most reports concerned political tensions related to the national elections scheduled for 2016 or military operations in the East. The UN reported at least 238 victims of extrajudicial killings as of October 31. For example, Human Rights Watch reported security forces killed at least 21 civilians in Kinshasa during the January protests against a legislative proposal perceived to promote the delay of the presidential election. One police officer also died during the protests.

There were reports the SSF committed arbitrary or unlawful killings in operations against RMGs in the East (see section 1.g.). Military courts convicted four national army (FARDC) soldiers for murders committed during operations against Allied Democratic Forces (ADF) near Beni, North Kivu.

RMGs committed arbitrary and unlawful killings throughout the year (see section 1.g.). The UN estimated the ADF killed 375 persons near the town of Beni from January through November and more than 600 since October 2014. RMGs committed these and other abuses with impunity because authorities rarely had the ability to bring their members to trial. Many RMGs also fled to neighboring countries or into the bush (see section 1.d.).

### **b. Disappearance**

There were reports of disappearances attributable to the SSF. Authorities often refused to acknowledge the detention of suspects and in some cases detained

suspects in unofficial facilities. During the January protests, there were reports of disappearances (see section 3).

RMGs and some FARDC elements kidnapped numerous persons, generally for forced labor, military service, or sexual slavery. Many of these victims disappeared (see section 1.g.).

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law criminalizes torture, but several human rights organizations reported the SSF continued to torture civilians, particularly detainees and prisoners. For example, former president of the Bar of Lubumbashi Jean-Claude Muyambo reported that the National Intelligence Agency (ANR) tortured him following his arrest in January.

Frequently the SSF utilized cruel, inhuman, or degrading methods of punishment. Mapeki N'Labu Junior (alias Radek Supreme) filed a complaint that, during his detention from May 19 until his release on December 14, ANR agents handcuffed him, sprayed him with cold water, and beat him with electric batons for "being unruly" and for protesting his prolonged detention without being brought before a judge for a pretrial hearing.

There were reports that DRC troops operating with multinational forces in the Central African Republic (CAR) sexually assaulted four children living in a camp for IDPs between 2014 and 2015.

### **Prison and Detention Center Conditions**

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

Physical Conditions: Serious threats to life and health were widespread and included violence (particularly rape); food shortages; and inadequate potable water, sanitation, ventilation, temperature control, lighting, and medical care. Because inmates had inadequate supplies of food and little access to water, many relied exclusively on relatives, nongovernmental organizations (NGOs), and

church groups to bring them sustenance. Authorities generally confined men and women in separate areas but often held juveniles with adults. They rarely separated pretrial detainees from convicted prisoners. Central prison facilities were severely overcrowded, with an average occupation rate of 150 percent of capacity; they also had little ventilation or light, subjecting detainees to extreme heat. For example, the prison for the new province of South Ubangi (formerly in Equateur) was located in a converted high school with bars put onto classroom windows and doors to create prison cells. The UN reported that 115 individuals died in detention from starvation or illness nationwide between January and November.

Most prisons were understaffed, undersupplied, and poorly maintained, oftentimes leading to escapes. On October 31, four inmates, including a FARDC captain, escaped from Kipushi Prison. Prison personnel also facilitated escapes. For example, government officials accused the director of Gemena Prison in South Ubangi and a nurse of helping prisoners escape on June 30. In 2014 the same director was sentenced to 112 years for facilitating the escape of military prisoners, but the military prosecutor had already released him.

Authorities often arbitrarily beat or tortured detainees.

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

Administration: Recordkeeping on detainees was inadequate and irregular. Some prison directors could only estimate the numbers of detainees in their facilities. The law does not provide for alternatives to incarceration for nonviolent offenders. There were no ombudsmen available to respond to complaints. Authorities denied access to visitors for some inmates and often did not permit inmates to contact or submit complaints to judicial authorities. Directors and staff generally ran prisons for profit, selling sleeping arrangements to the highest bidders and requiring payment for family visits.

Independent Monitoring: The government regularly allowed the International Committee of the Red Cross (ICRC), UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), and NGOs access to official detention facilities maintained by the Ministry of Interior but consistently denied access to facilities run by the ANR and the Republican Guard (RG). The ICRC visited at least 18,000 detainees in prisons and detention centers from January to

June, provided health care and administrative support to 10 prisons, and provided food for an average of 2,672 detainees per month.

Improvements: Authorities made efforts to improve prison conditions and reduce crowding following prison visits made by the deputy minister of justice. For example, they freed 110 inmates in September from the prison in Mbuji-Mayi following civil and military court procedures to reduce their sentences. Prison officials transferred 52 inmates to health facilities for treatment of tuberculosis and other conditions. MONUSCO also rehabilitated a number of prisons, completing work in December with prisons in Ituri Province (formerly in Orientale Province, prior to provincial reorganization (see note in Executive Summary).

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

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

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

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

Elements of the SSF were undisciplined and corrupt. The PNC and FARDC units regularly engaged in illegal taxation and extortion of civilians. They set up checkpoints to collect "taxes," often stealing food and money and arresting individuals who could not pay bribes. The FARDC suffered from weak leadership, poor operational planning, low administrative and logistical capacity, lack of training, and the questionable loyalty of some of its soldiers, particularly in the East. In June the government convicted several members of the FARDC's 802nd battalion assigned to the Beni region for counter-ADF operations of criminal conspiracy, armed robbery, and desertion.

While the military justice system convicted some SSF agents of human rights abuses, impunity remained a serious problem. For example, the High Military Court suspended the prosecution of Christian Ngoy, Jacques Mugabo, and Paul Mwilambwe, whom the court had originally sentenced to death for the murder of Floribert Chebeya in 2011; the sentences were not carried out because the convicts subsequently fled the country. The government maintained joint human rights committees with MONUSCO and used available international resources, such as the UN-implemented technical and logistical support program for military prosecutors as well as international NGO-supported mobile hearings.

Military courts convicted SSF agents for human rights abuses. The UN reported the government convicted at least 86 FARDC soldiers and 25 PNC agents for crimes constituting human rights violations from January to June. On August 14, in South Kivu Province the military tribunal of Uvira sentenced two FARDC soldiers to death for murder and attempted murder. It also sentenced four soldiers and one civilian to four to 20 years in prison for rapes and one PNC agent to five years in prison for helping the escape of prisoners from PNC cells in Baraka. The military justice system often succumbed to political and command interference, and security arrangements for magistrates in areas affected by conflict were inadequate. Justice mechanisms were particularly ineffective for addressing misconduct by mid- and high-ranking officials due to a requirement the judge of a military court must outrank the defendant.

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

By law arrests for offenses punishable by more than six months' imprisonment require warrants. Detainees must appear before a magistrate within 48 hours. Authorities must inform those arrested of their rights and the reason(s) for their arrest, and they may not arrest a family member in lieu of the suspected individual. Authorities must allow arrested individuals to contact their families and consult with attorneys. Local NGOs reported security officials routinely violated all of these requirements, in particular the 48-hour deadline for pretrial hearings. While the law provides for a bail system, it generally did not function. Detainees who were unable to pay were rarely able to access legal counsel. Authorities often held suspects incommunicado, including in facilities run by the ANR and the RG, and refused to acknowledge these detentions.

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

Following visits by the vice minister of justice to detention centers, the PNC issued a decree in July 2014 reforming arrest and detention procedures. The reform requires the PNC to verify facts before arresting individuals, separate men from women, assure the detention centers are sanitary, and prohibit arbitrary arrest. Authorities did not consistently implement the decree.

Arbitrary Arrest: Security personnel sometimes arrested and detained perceived opponents and critics of the government, occasionally under the pretext of state security, and often denied them due process, such as access to an attorney (see sections 1.a., 2.a., and 5). Police sometimes arbitrarily arrested and detained persons without filing charges to extort money from family members or because administrative systems were not well established. For example, on January 21, state agents arrested Christopher Ngoyi Mutamba in Kinshasa, and the ANR held him incommunicado for approximately 20 days. The Ministry of Justice (formally known as the Ministry of Justice and Human Rights) filed charges against Ngoyi in March, and he was in detention awaiting trial as of October 30.

Pretrial Detention: Prolonged pretrial detention, often ranging from months to years, remained a problem. The UN Development Program reported that more than 15,000 inmates, 73 percent of the prison population, were in pretrial detention. The ANR held opposition figures arrested in January in one of its facilities for several weeks before it transferred them to the central penitentiary for pretrial proceedings. These included Ernest Kyaviro, a former member of parliament, whom the ANR held for 87 days without access to family or legal assistance before it transferred him to Makala prison for trial. The UN reported that officials had released a number of pretrial detainees from Goma Prison after a review found they had been in detention longer than the potential maximum sentences if convicted. Judicial inefficiency, administrative obstacles, corruption, financial constraints, and staff shortages also caused trial delays.

Amnesty: Following the defeat of the March 23 Movement (M23) in 2013, the National Assembly enacted a law in February 2014 that provides amnesty for acts of insurgency, acts of war, and political offenses. During the year the minister of justice approved 324 requests for amnesty, although amnesty granted to those in prison did not always lead to an immediate release. For example, the Ministry of Defense transferred 187 former members of the military included in the amnesty to

the Disarmament, Demobilization, and Reintegration (DDR) program in Bas-Congo for involuntary registration. The government conducted negotiations with M23 leadership in Uganda and Rwanda for them to return and join DDR under another amnesty provision, but they did not reach an agreement. Of the identified former M23 combatants, 453 were registered, of whom 144 received amnesty.

#### **e. Denial of Fair Public Trial**

Although the law provides for an independent judiciary, the judiciary was corrupt and subject to influence. Officials and other influential individuals often subjected judges to coercion. A shortage of judges hindered the government's ability to provide expeditious trials, and judges occasionally refused transfers to remote areas where shortages were most acute because the government could not support them there. Authorities routinely did not respect court orders. Disciplinary boards created under the High Council of Magistrates continued to rule on numerous cases of corruption and malpractice each month. Many of these rulings included the firing, suspension, or fining of judges and magistrates.

#### **Trial Procedures**

The constitution provides for a presumption of innocence, but authorities assumed most defendants were guilty unless they could prove their innocence. Authorities are required to inform defendants promptly and in detail of the charges against them, with free interpretation as necessary. The public may attend trials at the discretion of the presiding judge. Defendants have the right to a trial within 15 days of being charged, but judges may extend this period to a maximum of 45 days. Authorities only occasionally abided by this requirement. The government is not required to provide counsel in most cases, with the exception of murder trials. While the government regularly provided free legal counsel to indigent defendants in capital cases, lawyers often did not have adequate access to their clients. Defendants have the right to be present and to have a defense attorney represent them. Authorities occasionally disregarded these rights. Authorities generally allowed adequate time to prepare a defense, although there were few resources available. There is no jury system. Authorities did not regularly observe a law that requires defendants have access to government-held evidence. Defendants have the right to confront witnesses against them and to present evidence and witnesses in their own defense, but witnesses often were reluctant to testify due to fear of retaliation. Defendants are not compelled to testify or confess guilt. Defendants have the right to appeal, except in cases involving national



security, armed robbery, and smuggling, which the Court of State Security usually adjudicates. These rights extend to all citizens.

### **Political Prisoners and Detainees**

There were reports of political prisoners and detainees. Authorities charged political prisoners with a variety of common crimes, including abuse of confidence, inciting tribal hatred or civil disobedience, and attacking state security. While the government permitted international human rights organizations and MONUSCO access to some of these prisoners, authorities consistently denied access to detention facilities run by the RG and the ANR (see section 1.c.).

On March 15, security forces detained approximately 30 Congolese, Senegalese, and Burkinabe activists during a press conference for a civil society event on youth political participation. The Burkinabe and Senegalese were eventually deported, five activists escaped to Tanzania (and then to Europe), and the activists from the Congolese youth movement Filimbi (“whistle blower” in the local language) were detained by the ANR for a number of days without explanation and without access to legal counsel. In the weeks after March 15, the ANR released the Filimbi activists and others in a piecemeal fashion, with the final two activists, Fred Bauma and Yves Makwambala, released from ANR custody but transferred to a state prison in late May (where they had regular contact with legal counsel). Bauma and Makwambala remained in pretrial detention, charged with attempted attack on the head of state’s life, attempted coup, and treason.

### **Civil Judicial Procedures and Remedies**

Individuals may seek civil remedies for human rights violations within the civil court system. Most individuals, however, preferred to seek redress in the criminal courts.

#### **f. Arbitrary 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. For example, the FARDC conducted a house-to-house search for supporters of the Democratic Forces for the Liberation of Rwanda (FDLR) after an alleged attack on the Rumangabo FARDC camp in the Rutshuru territory.

### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

Both local and foreign-influenced conflicts continued in parts of the East, particularly in the provinces of North Kivu, South Kivu, Katanga, and Orientale. Foreign RMGs, such as the FDLR, Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU), National Forces of Liberation (FNL), and Lord's Resistance Army (LRA), as well as indigenous RMGs such as different Mai Mai (local militia) groups, continued to battle government forces and one another and to attack civilian populations. Unlike in previous years, there were no credible reports of foreign government support for the RMGs. By impeding humanitarian aid and development assistance in some areas, the fighting in the East exacerbated an already severe humanitarian crisis.

There were credible reports the SSF and RMGs perpetrated serious human rights abuses. These RMGs included the Alliance of Patriots for a Free and Sovereign Congo (APCLS); the ADF/NALU; Bakata Katanga; the Coalition of Ituri Armed Groups; the FDLR; the FNL; Forces of the Congolese Defense; Forces of the Patriotic Resistance of Ituri; the LRA; Nyatura; Congolese Resistance Patriots; Raia Mutomboki; and the following Mai-Mai groups: Cheka, Gedeon, Kifuafula, Morgan/Simba/Lumumba/Manu/Luc, Pareco, Shetani, and Yakutumba.

The government took military action against several major RMGs. Operational cooperation between MONUSCO and the government ceased when the UN Joint Human Rights Office (UNJHRO) discovered two generals appointed in January to lead counter-FDLR efforts had records of violating human rights. Disagreement between the two sides on the appropriate troop-level reductions stalled subsequent efforts to restart cooperation. The FARDC initiated unilateral operations against the FDLR and the ADF, with initial gains in terrain but at a high cost in FARDC lives. In May and June, the FARDC reinitiated operational cooperation with MONUSCO against the Front for Patriotic Resistance in Ituri (FRPI) and the ADF, but limited their requests to ad hoc assistance instead of a coordinated campaign.

There was widespread killing, rape, and displacement of civilians by ethnic militia in northern Katanga in clashes between ethnic Luba and ethnic Batwa communities. The conflict erupted in mid-2013 but gained greater attention during the year as the numbers of IDPs and killings grew. In August, 10 Batwa and 27 Lubas were charged with crimes against humanity and crimes of genocide.

In March the UN Security Council extended MONUSCO's mandate for 12 months and renewed the intervention brigade to neutralize armed groups. At year's end MONUSCO consisted of approximately 17,000 peacekeepers, military observers, and police.

Killings: According to reports by UN agencies and NGOs, the SSF and RMGs summarily executed or otherwise killed 807 civilians from January to October. On May 13, alleged ADF combatants killed 23 persons with machetes and axes in several small villages north of the town of Beni. As of November, the UN estimated that ADF attacks had killed more than 600 persons in the Beni area since the attacks escalated in October 2014.

Abductions: UN agencies and NGOs reported RMGs abducted individuals, generally to serve as porters or guides, or to demand ransom. For example, on August 2, FDLR combatants abducted six imams and their driver, who were visiting from Tanzania, and demanded a \$20,000 ransom. They released the victims on August 31 after the ransom was paid.

Physical Abuse, Punishment, and Torture: UN agencies and NGOs reported that the SSF arrested, illegally detained, raped, and tortured civilians. The UN reported that, on September 20-22, FARDC soldiers raped 14 women and illegally detained other community members in South Kivu during an operation to track the leader of an RMG. The government opened an investigation but it had not arrested any suspects by year's end.

RMGs committed abuses in rural areas of North Kivu, South Kivu, Katanga, and Orientale, including killing, raping, and torturing civilians. In August a group of FDLR combatants in the Nyiragongo territory of North Kivu tortured three civilians, including a 17-year-old youth who later reportedly died because of the injuries sustained. In certain areas in the East, RMGs looted, extorted, and illegally taxed and detained civilians, often for ransom.

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

The ADF continued using improvised explosive devices that resulted in FARDC casualties.

Child Soldiers: From January through September, the UN Children's Fund (UNICEF) reported that 2,852 children separated from RMGs; UNICEF assisted the children through a number of NGOs. These children were separated from the FDLR (742), Nyatura/PARECO (489), M23 (328), FRPI (237), Rayia Mutomboki (218), APCLS (109), Union of Congolese Patriots for Peace (94), Nduma Defense Coalition/Cheka (93), Bakata Katanga (74), (62), ADF (25), other Mai Mai groups (231), and other armed groups (146). Eighty percent of those cases occurred in North Kivu. The RMGs had used at least 1,090 children as combatants. Of the 395 girls, 183 were victims of sexual violence.

Children continued to be arrested and detained for their association with armed groups. The UN secured the release of 121 children (110 boys, 11 girls) from FARDC, police, and military prosecutor detention centers. The SSF had reportedly subjected 40 percent of the children to mistreatment during detention.

As of June armed groups abducted 108 children (65 boys, 43 girls), 55 percent of whom were below the age of 15, mostly in Orientale (59) and North Kivu (30). The main perpetrators were the LRA (34), ADF (20), Mai Mai Simba (18), Rayia Mutomboki (17), and other armed groups (19). The armed groups used at least 11 abductees as combatants and subjected 22 girls to sexual slavery.

President Kabila appointed a presidential advisor on sexual violence and child recruitment in July 2014. She raised awareness of the problems of sexual violence throughout the country and encouraged efforts to remove child soldiers from the SSF.

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

Other Conflict-related Abuses: Fighting between the FARDC and RMGs continued to displace populations and limit humanitarian access, particularly in Rutshuru and Nyiragongo territories in North Kivu Province. According to the UN Office for the Coordination of Humanitarian Affairs, as of September 30, humanitarian agency personnel were involved in 144 security incidents impacting NGOs in North and South Kivu (99 incidents in North Kivu and 45 in South Kivu). This total included all incidents affecting national and international NGOs (humanitarian and postconflict/development combined), as well as the ICRC, but it excluded all the incidents against UN organizations or other international organizations (such as donors, etc.) On November 1, an RMG abducted 14 relief workers for the Rural Development Center, a partner of the UN World Food

Program. The RMG immediately released unharmed two individuals and the others on November 2.

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

In North Kivu, South Kivu, Oriental, and Katanga provinces, RMGs and FARDC soldiers continued to illegally tax, exploit, and trade natural resources for revenue and power. Clandestine trade in minerals and other natural resources facilitated the purchase of weapons and reduced government revenues. The natural resources most exploited were gold, cassiterite (tin ore), coltan (tantalum ore), and wolframite (tungsten ore) but also included wildlife products, timber, charcoal, and fish.

According to media and civil society, the LRA trafficked in elephant ivory from Garamba National Park to finance its operations, likely by smuggling ivory through the CAR, South Sudan, and the disputed Kafia Kingi region controlled by Sudan to link with illicit trading networks transferring these goods to China. The final report of the UN Group of Experts (UNGOE) in November 2014 indicated FARDC elements, local poachers, and armed groups remained involved in the illegal exploitation of and trade in wildlife products, including ivory.

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

The law prohibits the FARDC and RMGs from engaging in the mineral trade, but the government did not effectively enforce the law. Criminal involvement by

FARDC units and RMGs included protection rackets (such as forcing mining pit managers to pay protection fees to avoid theft or to facilitate smuggling), indirect commercial control (including the use of illegal “tax” revenues to generate revenue for criminal SSF and RMG activity), and direct coercive control (including theft). There were unsubstantiated reports that government officials were involved in illegal gold mining practices.

The UNGOE reported several RMGs, Raia Mutomboki in particular, profited from illegal trade and exploitation in the mineral sector (see section 7.b.). The UNGOE also reported smuggling of minerals continued in the East and from there to Rwanda, Uganda, and Burundi.

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

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

The law provides for freedom of speech and press. The press frequently and openly criticized public officials and public policy decisions. Individuals generally could criticize the government, its officials, and other citizens in private without being subject to official reprisals. Public criticism, however, of government officials and government conduct or decisions regarding matters such as public affairs management, democracy, and corruption sometimes resulted in harsh responses, often from the ANR, and less frequently from provincial authorities and influential personalities.

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

There were several reported freedom of speech violations similar to the following example: On May 5, the mayor of Goma, North Kivu, uttered death threats against the director of Radio Pole FM, Primo-Pascal Rudahigwa, for criticizing his decision to impose a 4,000 Congolese francs (\$4.35) sanitation tax on every household. On May 9, the mayor met with and apologized to Rudahigwa, at the behest of Journalists in Danger, the Observatory of Congolese Media, and the National Union of the Congolese Press, and the government lifted the tax after the mayor left office later in the year.

Press and Media Freedoms: The law mandates the High Council for the Audiovisual and Communications (CSAC) to provide for freedom and protection of the press and equal access to communications media and information for political parties, associations, and citizens. Media, human rights, and other organizations regularly questioned the CSAC's power, independence, neutrality, and capacity to function effectively. On January 16, the ANR shut down progovernment Canal Kin Television and Radio Television Catholique Elikya (RTCE) for broadcasting an opposition communique urging the population of Kinshasa to protest against proposed changes to the electoral law, thus encroaching upon the CSAC's prerogatives. On June 17, authorities re-established the signal of RTCE, days after discussions between President Kabila and Cardinal Monsengwo.

A large and active private press (both progovernment and pro-opposition) functioned predominantly in Kinshasa, although with some representation across the country, and the government licensed a large number of daily newspapers. The government required newspapers to pay a one-time license fee of 250,000 Congolese francs (\$272) and complete several administrative requirements before publishing. Many journalists lacked professional training, received little or no set salary, had no employment contract, and worked for individuals, government officials, and politicians who paid for specific articles.

Radio remained the principal medium of public information due to limited literacy and the relatively high cost of newspapers and television. The state owned three radio stations and three television stations, and the president's family owned two additional television stations. Government officials, politicians, and to a lesser extent church leaders, owned or operated the majority of media outlets.

Violence and Harassment: Local journalists were vulnerable to intimidation and violence by the SSF because of their reporting. For example, on September 12, Kinshasa police arbitrarily arrested and detained for three days Radio Television Kimbanguiste camera operator Tazi Lusakueno. Lusakueno was reportedly beaten and his camera seized while in custody. Police allegedly never notified him of the reason for his arrest and declined to meet with local human rights defenders during his detention.

Two journalists were killed, one by a civilian attacker and the other by unidentified assailants. Journalists in Danger reported a decrease in press freedom violations from 99 in 2014 to 72 during the year. In particular, Journalists in Danger reported that authorities assaulted or tortured five journalists, arrested 10, interrogated 12, and threatened or harassed seven from November 2014 to November 2015. Other

incidents included efforts to subject them to administrative, judicial, or economic pressure or to interpose obstacles to the free circulation of information. At year's end the government had not punished any perpetrators of press freedom violations.

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

Libel/Slander Laws: The national and provincial governments continued to use criminal defamation laws to intimidate and punish those critical of the government. The Ministry of Justice revived a defamation case against Vital Kamerhe, leader of the opposition party Union for the Congolese Nation, for his statements concerning electoral fraud in the 2011 elections, despite the settlement made out of court in 2012. If convicted, Kamerhe could face up to one year in prison, and a fine, and be barred from running for certain public offices. As of September 30, the case was pending an appeal to the Constitutional Court.

National Security: The national government used a law that prohibits anyone from making general defamatory accusations against the military to restrict free speech. On September 3, the government declared that it would not permit the showing of the film *The Man Who Repairs Women*, in part because it allegedly contained a mistranslation that misrepresented and maligned the armed forces. After conferring with the film producer, and following significant pressure from NGOs and the diplomatic community, the government lifted the ban on October 19.

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

## **Internet Freedom**

On January 19, in the context of large-scale protests (see section 3), the government suspended access to the internet and text messaging throughout the country. It restored internet connectivity on February 8. The government blocked social media sites for a number of weeks after the protests subsided. The law stipulates bloggers must obtain CSAC authorization. By year's end the CSAC had not refused authorization to any bloggers. Some private entrepreneurs made



moderately priced internet access available through internet cafes in large cities throughout the country. Data-enabled mobile telephones were an increasingly popular way to access the internet. According to the International Telecommunication Union, approximately 3 percent of individuals in the country used the internet in 2014.

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

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

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

#### **Freedom of Assembly**

The constitution provides for freedom of peaceful assembly, but the government sometimes restricted this right. The government requires organizers of public events to register with local authorities in advance. If the authorities deny permission for the event, they must do so in writing within five days of the deposit of registration. The SSF occasionally beat, detained, or arrested participants in unauthorized protests, marches, or meetings.

Authorities sometimes denied permission for opposition party and civil society group demonstrations, and arrested protest leaders. In October local authorities banned, or the SSF violently repressed, seven demonstrations planned or organized by opposition parties and civil society organizations and monitored by the UNJHRO. On the other hand, at least 11 demonstrations, most of them (nine) organized by the ruling majority, took place without problems. For example, in September in Mbuji-Mayi, the capital of Kasai Province, the governor successfully organized a march in support of the head of state. The mayor, however, banned a march scheduled by the opposition party Union for Democracy and Social Progress two weeks later and deployed police in all major arteries of the city to prevent the rally.

#### **Freedom of Association**

The constitution provides for freedom of association, and the government generally respected this right. Civil society organizations and NGOs are required to register with the government and may receive funds only through donations; they cannot generate any revenue, even if it is not at a profit. The registration process is

burdensome and very slow. Some groups, particularly within the LGBTI community, reported the government had denied their registration requests.

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

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

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government sometimes restricted these rights. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

In-country Movement: The SSF--and to a greater extent RMGs--established barriers and checkpoints on roads and at airports and markets, ostensibly for security reasons, and routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The government required travelers to submit to control procedures at airports and ports during domestic travel and when entering and leaving towns.

Local authorities continued to collect illegal taxes and fees for boats to travel on many parts of the Congo River. There also were widespread reports that FARDC soldiers and RMG combatants extorted fees from persons taking goods to market or traveling between towns (see section 1.g.).

The SSF sometimes required travelers to present travel orders from an employer or government official, although the law does not require such documentation. The SSF often detained and exacted bribes from individuals traveling without orders.

Foreign Travel: Because of inadequate administrative systems, passport issuance often was irregular. Officials regularly accepted bribes to expedite passport issuance.

In 2013 the DGM announced a suspension of exit permits for all Congolese children adopted by international parents, citing concerns about the treatment the

children received in their adoptive countries, as well as concerns about irregularities in the adoption process within the country. The DGM initially signaled the suspension would be in effect for up to 12 months, but it remained in effect at year's end. The DGM made some exceptions, including for some "medically fragile" children who could not receive life-saving care in the country. In May the Ministry of Foreign Affairs offered to have adoption files reviewed by an interministerial commission, and a review was underway at year's end. The matter was unresolved pending a new family code under review in the parliament.

### **Internally Displaced Persons**

Due to the conflict in the East and a heightened conflict in north-central Katanga Province, by October 31, there were 1.49 million IDPs according to UNHCR, including approximately 636,000 in North Kivu, 318,000 in South Kivu, 317,000 in Katanga, 130,000 in Orientale, and 122,000 in Maniema. The government was unable to protect or assist IDPs adequately but generally allowed domestic and international humanitarian organizations to do so. In December 2014 the governor of North Kivu banned the creation of any new IDP camps in the province, directing instead that government officials redirect any persons in spontaneous settlements to an established camp or encourage them to return home. The government worked with UNHCR and other international humanitarian organizations to close many IDP sites, encourage voluntary returns where possible, and pursue local integration in areas with sufficient land and a relatively stable security environment. Conflict and insecurity, as well as poor infrastructure, negatively affected humanitarian efforts.

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

Population displacements continued throughout the year, particularly in the East. Many areas continued to experience insecurity such as North Kivu's Beni Territory. The UN estimated attacks by the ADF killed more than 600 persons and displaced more than 115,200 in the area as of November. Intercommunal conflict between armed members of the Luba and Batwa ethnic groups in Katanga's Kalemie, Manono, and Nyunzu territories surged early in the year, killing dozens of persons and displacing tens of thousands.

Approximately 16,000 IDPs returned to their areas of origin in Katanga's Nyunzu Territory between May and July, according to the UN. The returnees represented

an estimated 80 percent of the nearly 20,000 individuals displaced by intercommunal conflict early in the year. The UN reported that earlier violence had destroyed most houses and other infrastructure, including health centers and schools, in affected villages. Armed assailants looted and destroyed agricultural fields, which limited livelihood opportunities for recent returnees and prompted concerns of possible food shortages.

The violence followed some IDPs to the camps. On April 30, ethnic Luba militias called Katangese Elements attacked a group of Batwa in the Vumilia I IDP camp, Nyunzu, Katanga Province. The group killed 53, raped eight, and abducted more than 60 persons and conducted extensive looting.

### **Protection of Refugees**

As of October 31, UNHCR reported 246,313 refugees in the country from seven adjacent countries, the highest number being from Rwanda. Between mid-April and November, 18,382 new arrivals from Burundi registered as refugees.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a rudimentary system for providing protection to refugees. The system granted refugee and asylum status and provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

The government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers with welfare and safety needs. The government assisted in the safe, voluntary return of refugees to their homes by allowing their entry into the country and facilitating immigration processing. In establishing security mechanisms, government authorities did not treat refugees differently than citizens.

Refugee Abuse: According to UNHCR, on several occasions in early October, anti-Balaka groups from the CAR exploited the weak security presence in the Nord Ubangi Province in the northwestern part of the country to carry out raids in several CAR refugee-hosting communities along the river/border. In addition to violent attacks on civilians and pillaging, during an incursion at the end of October, armed anti-Balaka attacked a police station and liberated several of their imprisoned compatriots. The armed incursions compelled many refugees to seek relocation to camps away from the border.

Durable Solutions: Through the application of the cessation clauses of the 1951 Convention and the 1969 Organization of African Unity Convention, Angolans who fled the Angolan civil war (which ended in 2002) ceased to be refugees in June 2012. In August 2014 UNHCR launched the final assisted voluntary repatriation of former Angolan refugees. From January through September, 3,916 Angolans returned home; another 21,290 Angolans in Kinshasa, Bas-Congo, and Katanga Provinces awaited return. UNHCR helped another 18,638 Angolan refugees to file for local integration, including paying for their residency permits.

UNHCR recommended invocation of the cessation clause effective June 30 for Rwandan refugees who fled Rwanda before December 31, 1998. To implement the tripartite agreement from June 2014, the National Commission on Refugees (CNR) and UNHCR began in April the process of biometrically registering Rwandan refugees. The FDLR impeded the process in North Kivu, where most of the refugees were located, and UNHCR and the CNR suspended the program in July. As of August 25, UNHCR and the CNR had biometrically registered approximately 24,300 Rwandan refugees, including 17,498 in North Kivu. Only an estimated 4,000 Rwandan refugees had expressed a desire to return to Rwanda. By the end of August, 3,175 refugees had returned to Rwanda with the assistance of UNHCR.

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

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair elections based on universal suffrage, but the right was restricted.

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

Recent Elections: The Independent National Electoral Commission (CENI) held presidential and parliamentary elections in 2011 and declared Joseph Kabila the winner of the presidential election. Several international observer missions stated the results of the elections were “seriously flawed” and “lacked credibility” due largely to irregularities and a lack of transparency in the vote tabulation process. NGOs reported security forces killed or arbitrarily detained dozens of citizens prior to the voting. The UN confirmed at least 41 persons had died at the hands of the SSF throughout the electoral period and security forces physically harmed

hundreds. Losing candidates contested at the Supreme Court the election results for approximately 340 of the 500 parliamentary seats. Many of the cases reportedly had little merit. In April 2012 the Supreme Court certified the results of 482 parliamentary electoral contests. Denis Engunda of the Christian Democratic Party won election to the National Assembly from Equateur Province in 2012, marking the resolution of the last contested result for the 2011 parliamentary elections.

In 2013 the government reconstituted CENI, the institution responsible for the planning, implementation, and oversight of local, provincial, and national elections. CENI published a comprehensive electoral calendar in February, laying out an agenda for elections through December 2016, including local and provincial elections scheduled for October 25, indirect election of governors and senators in early 2016, and national legislative and presidential elections in November 2016. CENI indefinitely postponed the October 25 elections, and on October 29, President Kabila appointed special commissioners to the 21 newly created provinces without governors.

Political Parties and Political Participation: Although President Kabila was nominally independent, the president's political alliance--which includes his former party (the People's Party for Reconstruction and Democracy), the Alliance of Democratic Forces for Congo, and other parties--enjoyed majority representation in government, parliament, and judicial bodies, including the Constitutional Court and CENI. State-run media, including television and radio stations, remained the largest source of information for the public and government (see section 2.a.). There were reports of government intimidation of opposition members, such as denying opposition groups the right to assemble peaceably (see section 2.b.), limiting travel within or outside the country, and political influence in the distribution of media content.

On January 17, political tensions intensified when protests erupted in Kinshasa, Goma, and Bukavu over a push by Kabila's Presidential Majority for electoral legislation mandating a nationwide census that would have delayed presidential elections past 2016. In Kinshasa thousands of university students, opposition protesters, and others took to the streets, and there were reports of looting in different neighborhoods. Security forces, including the PNC, FARDC, and president's RG, eventually achieved some control, but it was not until Senate President Leon Kengo wa Dondo's January 23 public declaration that the Senate would strike the census language from legislation that protests finally ended. The UNJHRO confirmed 10 deaths, while Human Rights Watch reported 38 civilian

deaths, five disappearances, and more than 300 arrests during the protests. Additionally, there were numerous reports of opposition members arrested in cities across the country. The government cut off access to the internet, censored social media, and shut down texting during and in the weeks after the protests (see section 2.a.).

The law recognizes opposition parties and provides them with “sacred” rights and obligations. While political parties were able to operate most of the time without restriction or outside interference, government authorities--sometimes through violent surrogate groups--arbitrarily arrested, harassed, and prevented opposition members from holding public rallies. For example, in Kinshasa on September 15, the coalition Opposition Dynamic organized a meeting to call for Kabila to step down at the end of his term in December 2016. Despite the presence of PNC agents, a dozen youth in civilian clothes, armed with sticks and stones, attacked the participants and reportedly injured at least three women and two men while themselves suffering serious injury by participants in the meeting.

In a number of districts, known as “chefferies,” traditional chiefs perform the role of a local government administrator. Unelected, they are selected based on local tribal customs (generally based on family inheritance) and then are approved and paid by the government.

Participation of Women and Minorities: Women held 10 percent of the seats in the National Assembly (50 of 500) and 6 percent in the provincial assemblies (43 of 690). Four of 108 senators were women. Among the 37 government ministers and vice ministers, six were women, an increase from that of the government formed in 2012 (from 9 percent to 16 percent).

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

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

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity.

Corruption: The mining sector continued to lose millions of dollars because of corruption by officials at all levels. Additional revenue losses were due to racketeering and exploitation of minerals in the East by the SSF and RMGs. In January 2014 the government launched a mechanism to standardize across the Great Lakes Region the processes of supply-chain management of cassiterite, wolframite, coltan, and gold. The final report published by the UNGOE in November 2014 indicated elements of the FARDC, local poachers, and armed groups remained involved in the illegal exploitation of and trade in wildlife products, including ivory (see section 1.g.). The UNGOE reported Uganda continued to be a destination and transit center for smuggled gold and ivory.

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

The law criminalizes money laundering and terrorist financing. Limited resources and a weak judicial system hampered the ability of the Financial Intelligence Unit to enforce regulations against money laundering. Local institutions and personnel lacked the training and capacity to enforce the law and its attendant regulations. The president appointed a former minister of justice (Luzolo Bambi) as his special envoy to fight corruption and money laundering. Bambi was responsible for filing a money laundering case on behalf of the government. After his designation, there were press reports several prominent political figures would be the subject of a corruption investigation. Civil society groups raised concerns there was a political agenda behind the naming of these targets.

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

Financial Disclosure: The law requires the president and ministers to disclose their assets to a government committee. President Kabila and all ministers and vice



ministers reportedly did so when they took office. The committee did not make this information public.

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

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

Elements of the SSF continued to harass, beat, intimidate, and arbitrarily arrest and detain domestic human rights advocates and domestic NGO workers, particularly when the NGOs reported on or supported victims of abuses by the SSF or reported on the illegal exploitation of natural resources in the East. Officials from the Ministry of Justice and the ANR met with domestic NGOs and sometimes responded to their inquiries.

The United Nations or Other International Bodies: The government cooperated with investigations by the UN and other international bodies but was not consistent in timeliness and frequency. In March the discovery of a mass grave on the outskirts of Kinshasa fueled unsubstantiated rumors that the grave might hold the bodies of individuals who had disappeared during the January protests. On April 8, the UNJHRO accompanied the lead civilian prosecutor investigating the case to the gravesite and spoke to morgue staff, who confirmed their participation in the March 19 disposal as well as the government's claims that it was routine.

Government Human Rights Bodies: An interministerial human rights committee met on a temporary basis to address high-profile problems, but its effectiveness was limited. In 2013 President Kabila promulgated a law to create a human rights commission, and in July the members of the National Commission for Human Rights were sworn in. As of November the commission was developing internal regulations and addressing administrative questions with the Constitutional Court and had not taken on any substantive issues.

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

The constitution includes a general provision that all citizens are entitled to equal protection, and it specifically prohibits discrimination based on race, ethnicity, citizenship, gender, social origin, age, disability, political opinion, language,

culture, or religion. The government did not enforce prohibitions against discrimination effectively.

## Women

Rape and Domestic Violence: The law on sexual violence criminalizes rape, but it was underreported by victims to authorities and thus not enforced. Rape was common throughout the country. The legal definition of rape includes male survivors, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes but not spousal rape. It also prohibits extrajudicial settlements (for example, a customary fine paid by the perpetrator to the family of the victim) and forced marriage, allows survivors of sexual violence to waive appearance in court, and permits closed hearings to protect confidentiality. The minimum penalty prescribed for rape is a prison sentence of five years, and courts regularly imposed such a sentence in rape convictions.

The SSF, RMGs, and civilians perpetrated widespread sexual violence (see section 1.g.). The UN registered 427 victims of sexual violence during attacks on villages from January to October. Crimes of sexual violence were committed sometimes as a tactic of war to punish civilians for perceived allegiances with rival parties or groups. The crimes occurred largely in the conflict zones in North Kivu Province but also throughout the country. The 2013-14 Demographic and Health Survey (DHS) found that more than one in four women nationwide (27 percent) had experienced sexual violence at some point in their lives, up from 22 percent in 2007.

Some prosecutions occurred for rape and other types of sexual violence. According to the UN, from January to June, military courts convicted 27 individuals for sexual violence: 22 from the FARDC and five from the PNC. In December 2014 Lieutenant Colonel Bedi Mobuli Engangela, also known as “Colonel 106,” was convicted of crimes against humanity, including more than 200 counts of rape and sexual slavery, and was sentenced to 45 years’ imprisonment.

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

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

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

The law does not provide any specific penalty for domestic violence despite its prevalence. The 2013-14 DHS found 57 percent of girls and women ages 14 and above had suffered physical violence. Although the law considers assault a crime, police rarely intervened in perceived domestic disputes. There were no reports of judicial authorities taking action in cases of domestic or spousal abuse.

Female Genital Mutilation/Cutting (FGM/C): The law describes FGM/C as a form of sexual violence, provides a sentence of two to five years in prison, and levies fines of up to 200,000 Congolese francs (\$218); in case of death due to FGM/C, the sentence is life imprisonment. There were no reports of FGM/C during the year.

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

Sexual Harassment: Sexual harassment occurred throughout the country. A 2010 study conducted by the World Health Organization found 64 percent of all workers surveyed experienced sexual harassment at the workplace. Legislation passed in 2006 prohibits sexual harassment with a minimum sentence of one year, but there was little or no effective enforcement of the law. For example, sexual harassment was common at the University of Kinshasa, where students reported that professors traded higher grades for sexual favors.

Reproductive Rights: The government respected the right of couples to manage their reproductive health, to decide freely and responsibly the number, spacing, and

timing of their children and to have the information and means to do so, free from discrimination, coercion, and violence. The law does not require a husband's permission before providing family planning services to married women, but providers generally required it. Women's access to contraception remained extremely low. According to the 2013-14 DHS, only 9.5 percent of women used a modern form of contraception. According to the survey, the maternal mortality rate was 846 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 13. Adolescent birth rates were 138 per 1,000 live births for girls and women ages 15 to 19. A number of factors contributed to the high maternal mortality rate, including limited access to health providers and specialists, frequent shortages in supplies and equipment for health centers, lack of specialized knowledge and training, and delays due to transportation problems. At times pregnant women delayed seeking health-care services due to cost and lack of knowledge of the seriousness of a health problem.

Discrimination: The constitution prohibits discrimination based on gender, but the law does not provide women the same rights as men. The family code requires a married woman to obtain her husband's consent before engaging in legal transactions, including selling or renting real estate, opening a bank account, registering a business, signing a contract, or applying for a passport. An August women's parity law provides women a number of protections. It permits women to participate in economic domains without approval of male relatives, provides for maternity care, disallows inequities linked to dowries, and specifies fines and other sanctions for those who discriminate or engage in gender-based abuse.

According to UNICEF, many widows were unable to inherit their late husbands' property because the law states that, in event of a death in which there is no will, the husband's children, even those born out of wedlock (provided that they were officially recognized by the father), rather than the widow have precedence with regard to inheritance. Courts may sentence women found guilty of adultery to up to one year in prison, while adultery by men is punishable only if judged to have "an injurious quality." In their 2009 report to the UN Human Rights Commission, seven UN special rapporteurs and representatives expressed concern that, although the family code recognizes equality between spouses, it "effectively renders a married woman a minor under the guardianship of her husband" by stating the wife must obey her husband. The 2015 family code includes this provision.

Women experienced economic discrimination (see section 7.d.). Various laws require political parties to consider gender when presenting candidates at all levels,

although it is not compulsory for political parties to present women, making this difficult to enforce within constitutional requirements.

## **Children**

Birth Registration: The law provides for the acquisition of citizenship through birth within the country or from either parent being of an ethnic group documented as having been located in the country in 1960. The constitution does not allow Congolese nationals to hold the citizenship of another country. According to UNICEF, only 14 percent of children under age five had a birth certificate; the government had registered 25 percent of children born in some form of medical facility. Lack of registration rarely affected access to government services.

Education: While the constitution and law provide for tuition-free and compulsory primary education to age 15 or through the eighth grade, in practice, not only was it not compulsory or tuition free, but the government inconsistently provided it among the provinces. Public schools generally expected parents to contribute to teachers' salaries, with parents typically funding 77 percent or more of school expenses, and an average of 11 percent of family spending going to education costs. These expenses, combined with the potential loss of income from their children's labor while they attended class, rendered many parents unable or unwilling to enroll their children. A 2013 government study found that between the ages of five and 17, girls made up more than half of the out-of-school population, with 68.3 percent of girls attending school as compared with 74.5 percent of boys.

Primary and secondary school attendance rates for girls were lower than for boys due to financial, cultural, or security reasons, including early marriage and pregnancy for girls. Additionally, children in school were not particularly safe. Teachers subjected one in four children to corporal punishment and pressured one in five girls to exchange sexual favors for high grades.

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

Child Abuse: Although the law prohibits all forms of child abuse, it regularly occurred.

The constitution prohibits parental abandonment of children accused of sorcery. Nevertheless, parents or other care providers sometimes abandoned or abused such children, frequently invoking “witchcraft” as a rationale. The law provides for the imprisonment of parents and other adults convicted of accusing children of witchcraft. Authorities did not implement the law.

Many churches conducted exorcisms of children accused of witchcraft. These exorcisms involved isolation, beating and whipping, starvation, and forced ingestion of purgatives. According to UNICEF, some communities branded children with disabilities or speech impediments as witches. This practice sometimes resulted in parents’ abandoning their children. The Henry Center for Theological Understanding asserted that during the year individuals accused approximately 80 percent of children on the street of harming someone through witchcraft.

Early and Forced Marriage: While the law prohibits marriage of boys and girls under age 18, many marriages of underage children took place. A 2013-14 DHS found 37.3 percent of women between ages 20-24 reported their first cohabitation with a partner was before the age of 18 and 10 percent before the age of 15, most of which the government treated as common-law marriages. Bridewealth (dowry) payment made by a groom or his family to the relatives of the bride to ratify a marriage greatly contributed to underage marriage, as parents forcibly married daughters to collect bridewealth or to finance bridewealth for a son. The constitution criminalizes forced marriage. Courts may sentence parents convicted of forcing a child to marry to up to 12 years’ hard labor and a fine of 92,500 Congolese francs (\$100). The penalty doubles when the child is under age 15. Magistrates in the northern provinces of North Ubangi and South Ubangi began trying child marriage cases as gender violence, although the penalties were difficult to enforce. Local NGOs credited the magistrates’ efforts to information campaigns conducted among the local population and refugee camps, often supported by UNHCR.

Female Genital Mutilation/Cutting: See information for girls under 18 in Women’s section above.

Sexual Exploitation of Children: The minimum age of consensual sex is 18 for both males and females, and the law prohibits prostitution by anyone under age 18. The penal code prohibits child pornography, with imprisonment of 10 to 20 years for those convicted. UNICEF registered 24,347 child SGBV survivors in 2014. According to a 2010 World Bank report, 26 percent of children living on the streets

were girls, of whom 70 percent were victims of rape and 90 percent were victims of forced prostitution. The NGO Physicians for Human Rights reported sexual abuse of children was more prevalent in rural areas. A UN Security Council report on conflict-related sexual violence in 2014 confirmed 332 cases of conflict-related sexual violence perpetrated against girls and two against boys. The report asserted that the actual numbers were higher, as most cases were unreported. There were also reports that child soldiers, particularly girls, faced sexual exploitation (see section 1.g.).

There was an increase in sexual violence against children and infants in Kavumu, South Kivu Province. In the last two years, there were at least 34 reported cases of sexual violence against babies, toddlers, and young children.

Child Soldiers: Armed groups recruited boys and girls (see section 1.g.).

Displaced Children: According to the 2007 Rapid Assessment, Analysis, and Action Planning Report, the most recent data available, there were an estimated 8.2 million orphans and other vulnerable children in the country. Ninety-one percent received no external support of any kind, and only 3 percent received medical support. An estimated 30,000 to 40,000 children lived on the streets, with the highest concentration in Kinshasa. The families of many of these children forced them out of their homes, accusing them of witchcraft and bringing misfortune to their families.

The government was not equipped to deal with such large numbers of homeless children. The SSF abused and arbitrarily arrested street children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see [travel.state.gov/content/childabduction/en/country/Congo.html](http://travel.state.gov/content/childabduction/en/country/Congo.html).

### **Anti-Semitism**

The country has a very small Jewish population, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution prohibits discrimination against persons with physical, intellectual, or mental disabilities; stipulates all citizens regardless of disability should have access to public services; and provides specific government protection to persons with disabilities. The constitution states all persons should have access to national education regardless of their mental, physical, or sensorial state. The law states that private, public, and semipublic companies may not discriminate against qualified candidates based on intellectual, sensorial, and physical disabilities. The government did not enforce these provisions effectively, and persons with disabilities often found it difficult to obtain employment, education, and government services.

The law does not mandate access to government buildings or services for persons with disabilities. While persons with disabilities may attend public primary and secondary schools and have access to higher education, no special provisions are required of educational facilities to accommodate their special needs. Some schools for persons with disabilities, including persons with visual disabilities, received private and limited public funds to provide education and vocational training. Persons with disabilities have the right to vote, although lack of physical accessibility constituted a barrier for some persons with disabilities in exercising that right.

The Ministry of Social Affairs, in cooperation with other concerned ministries (Labor, Education, Justice, and Health), had the lead in seeking to provide for the equitable treatment of persons with disabilities.

According to UNICEF, society sometimes branded children with disabilities or speech impediments as witches.

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

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



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

### **Indigenous People**

Estimates of the country's indigenous population (Twa, Baka, Mbuti, Aka, Batwa, and others believed to be the country's original inhabitants) varied greatly, from 250,000 to two million. Societal discrimination against these groups was widespread, and the government did not effectively protect their civil and political rights. According to the NGO Dynamic of Indigenous Peoples, there were no indigenous persons in parliament or the government. Most indigenous people took no part in the political process, and many lived in remote areas. Fighting in the East between RMGs and the SSF, expansion by farmers, and increased trading and excavation activities caused displacement of some indigenous populations. Throughout the year conflict between indigenous peoples and Balubakat communities led to mass movements of IDPs in northern Katanga Province (see section 1.g.). UNHCR estimated the IDP population in Katanga Province grew from 300,000 in 2013 to 316,000 in September.

While the law stipulates that indigenous populations receive 10 percent of the profits gained from use of their land, this provision was not enforced. In some areas, surrounding tribes kidnapped and forced indigenous people into slavery, sometimes resulting in ethnic conflict (see section 1.g.). Indigenous populations also reported high instances of rape by members of outside groups, which contributed to HIV/AIDS infections and other health complications.

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

While no law specifically prohibits consensual sexual conduct between same-sex adults, individuals engaging in public displays of same-sex sexual conduct, such as kissing, were sometimes subject to prosecution under public indecency provisions, which society rarely applied to opposite-sex couples. The law prohibits those persons in same-sex relationship from adopting children. Same-sex relationships and identifying as LGBTI remained a cultural taboo, and harassment by the SSF occurred. For example, in May a man reported that he was harassed on the street for dressing in a way that some perceived him as a gay person, and a PNC officer arrested him, despite having committed no crime. There were no official charges

brought against the man, but the officer accused of him being “gay” and released him after his lawyer paid a 5,000 Congolese francs (\$5.45) fine.

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

The law prohibits discrimination based on HIV status, but social stigma continued. In a 2012 UN-sponsored survey of 1,475 persons with HIV, 18 percent of participants reported losing their job, 6 percent reported medical staff had denied them access to some form of health care, and 50 percent reported school officials had denied some of their children access to education. A significant number of participants reported exclusion from family, social, and religious activities due to their HIV/AIDS status. Forty-nine percent of survey respondents in rural areas reported they faced coercion to undergo medical procedures, including HIV testing, and to disclose their HIV status. Respondents also indicated they had difficulty accessing public services and that their rights to make informed decisions about sex and reproduction were compromised when, for example, they were forced to be sterilized or told that they should not have children since they were HIV positive.

According to UNICEF, the adult HIV prevalence rate in 2012 was 1.1 percent, and an estimated 480,000 persons of all ages had HIV.

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

Discrimination against persons with albinism was widespread and limited their ability to marry and to obtain employment, health care, and education. Families and communities frequently ostracized persons with albinism.

The majority of Mai Mai RMGs had originally formed as self-defense militias, either to protect their families in the absence of the SSF or against abusive SSF personnel. There were also reports of spontaneous mobs responding to crimes and perceived attacks. For example, in December 2014 in Goma, local inhabitants stoned to death PNC’s Major Idumba after they said that he and two accomplices had tried to rob a shop at gunpoint.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide all workers, including those in both the informal and formal sectors, excepting top government officials and SSF members, the right to form and join trade unions and to bargain collectively. The law also provides for the right of most workers to conduct legal strikes, although by law police, army, and domestic workers may not strike. The law also prohibits directors in public and private enterprises from striking. The law gives administrative authorities the right to unilaterally dissolve, suspend, or deregister trade union organizations. The law provides unions the right to conduct activities without interference, although it does not define specific acts of interference. In the private sector, a minimum of 10 employees is required to form a union within a business, and more than one union may be represented within a single business. Foreigners may not hold union office unless they have lived in the country for at least 20 years. Collective bargaining requires a minimum of 10 union committee members plus one employer representative. Union committee members report to the rest of the workforce. In the public sector, the government sets wages by decree after holding prior consultations with the unions. Certain subcategories of public employees, such as staff members of decentralized entities (towns, territories, and sectors) do not have the right to participate in the wage-setting consultations.

The union committee is required to notify the company's management of a planned strike but does not need authorization to strike. The law stipulates unions and employers shall adhere to lengthy compulsory arbitration and appeal procedures before unions initiate a strike. In general the committee delivers a notice of strike to the employer. If the employer does not reply within 48 hours, the union may strike immediately. If the employer chooses to reply, negotiations, which may take up to three months, begin with a labor inspector and ultimately continue in the Peace Court. Sometimes employees provide minimum services during negotiations, but this is not a requirement. Unless unions notify employers of a planned strike, the law disallows striking workers to occupy the workplace during a strike, and an infraction of the rules on strikes may lead to incarceration of up to six months with compulsory prison labor.

The law prohibits discrimination against union employees and requires employers to reinstate workers dismissed for union activities, but the penalties for violations were not adequate to deter violations. The law considers those who have worked for a minimum of three contiguous months as "workers" and thereby protected by relevant labor law. Unless they are part of a union, most workers in agricultural activities and artisanal mining, domestic and migrant workers, and workers in export-processing zones were unfamiliar with their labor rights and did not often

seek redress when employers breached applicable labor laws. The government lacked the capacity to enforce the law effectively or to provide oversight.

The government recognized 12 private-sector unions at the national level. The public sector has a history of organizing, and the government peacefully negotiates with public-sector representatives when they present grievances or go on strike. The public sector is divided among and represented by three different national unions. Employees in the private sector are also free to join these unions. The largest private-sector unions, including the Union Confederation of Congo and the National Union of Congolese Workers, expanded into rural areas, particularly near major mines in eastern part of the country. During the year the Democratic Confederation of Work (CDT) union reported that the National Labor Council (the tripartite board made up of the 12 recognized union representatives, company management, and the Ministry of Labor) did not consult the unions on the year's meeting agenda, thus limiting opportunities for the unions to direct the discussion and subsequent socioeconomic policies. Additionally, antiunion discrimination was widespread, particularly in foreign-owned companies. In one case the CDT alleged management interfered in union elections in favor of management's preferred candidates. In many instances during the year, to undermine unions' collective bargaining efforts, companies refused to negotiate with unions but opted to negotiate individually with workers.

In February authorities arrested the Congo National Railway Company (SNCC) union president for leading a strike to protest the SNCC's alleged mismanagement of a World Bank grant of \$218 million to purchase locomotives while the employees had 72 months of salary arrears. The government subsequently released the union president, appointed a new SNCC manager, and changed the management committee. In March employees of the Commercial Company for Transport and Port launched a seven-day strike to request payment of arrears and to have their manager replaced by a new management committee. In March employees of the Airport Authority Company launched a three-day strike to demand an end to a privatization process. Direct presidential intervention stopped the process.

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

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

There were reports employers who agreed to bargain pressured unions to replace bargaining agents. Despite collective agreements on union dues, employers often did not remit union dues or did so only partially.

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

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

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

There were reports that forced labor, including forced child labor, regularly occurred throughout the country. Violations included bonded labor, domestic servitude, and slavery. In the artisanal (nonindustrial) mining sector, individuals took on debt from intermediaries and dealers to acquire food, supplies, and mining tools and equipment, often at high interest rates despite low wages. Miners who failed to provide sufficient ore to pay debt were at risk of becoming perennial debtors. The government did not attempt to regulate this practice. In the East RMGs continued to abduct and forcibly recruit men, women, and children to serve as laborers, porters, domestic laborers, and combatants (see section 1.g.). In Orientale Province's mining regions, there were reports that armed groups violently attacked mining communities and surrounding villages and held men, women, and children captive for forced labor and sexual exploitation. In North Kivu and South Kivu provinces, some members of FARDC units and RMGs taxed or, in some cases, controlled mining activities in gold, coltan, wolframite, and cassiterite mines. For example, the UNGOE reported that the Raia Mutomboki armed group enforced illegal taxation on mines in the Shabunda territory; buyers

reported they had to pay 350 Congolese francs (\$0.38) per kilogram of cassiterite to Raia Mutomboki representatives stationed at checkpoints near the mines. The UNGOE also reported that FARDC officers were involved in extortion of gold from mines in Fizi Territory, receiving between 24 and 60 grams of gold per 24-hour period (with a gold price of approximately \$43 per gram).

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

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

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

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

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

The child protection code and labor code set the minimum age for work at 16 years, and Ministerial Order No. 12 sets the minimum age for hazardous work at 18 years. The law also stipulates children may not work for more than four hours per day and restricts all minors from transporting heavy items. Penalties for violations for the worst forms of child labor, which are one to three years of imprisonment and fines as high as 200,000 Congolese francs (\$218), were insufficient to deter violations.

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

The Ministry of Labor has responsibility for investigating child labor abuses but had no dedicated child labor inspection service. On August 26, the National Labor Committee adopted a new action plan to fight the worst forms of child labor; its

implementation was scheduled to start in 2016, although sensitization had already started with limited funds. Other government agencies responsible for combating child labor include the Ministry of Gender, Family, and Children; Ministry of Justice; Ministry of Social Affairs; and National Committee to Combat the Worst Forms of Child Labor. These agencies had no budgets for inspections and conducted no child labor investigations.

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

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

Child labor, including forced child labor, was a problem throughout the country (see section 7.b.). Child labor was most common in the informal sector, including in artisanal mining and subsistence agriculture. For economic survival, families often encouraged children to work. According to the Ministry of Labor, children worked in mines and stone quarries and as child soldiers, water sellers, domestic workers, and entertainers in bars and restaurants. The commercial exploitation of children also occurred (see section 6).

According to a 2010 UNICEF survey, approximately 42 percent of children between ages five and 14 were involved in child labor. The same survey indicated 46 percent of children in rural areas were involved in child labor, compared with 34 percent in urban areas.

Children were also the victims of exploitation in the worst forms of child labor, many of them in agriculture, illicit activities, and domestic work. Children mined diamonds, gold, cobalt, coltan, wolframite, copper, and cassiterite under hazardous conditions. In the mining regions of Katanga, Kasai Oriental, Kasai Occidental, Orientale, North Kivu, and South Kivu provinces, children sifted, cleaned, sorted, transported heavy loads, and dug for minerals underground. In many areas of the country, children ages five to 12 broke rocks to make gravel.

Parents often used children for dangerous and difficult agricultural labor. Families unable to support their children occasionally sent them to live with relatives who

treated the children as domestic slaves, subjecting them to physical and sexual abuse.

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

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment and occupation based on race, gender, language, or social status. The law does not specifically protect against discrimination based on religion, age, political opinion, national origin, disability, pregnancy, sexual orientation, gender identity, or HIV-positive status. Additionally, no law specifically prohibits discrimination in employment of career public service members. The government did not effectively enforce relevant employment laws.

Gender-based discrimination in employment and occupation occurred (see section 6). Although the labor code stipulates men and women must receive equal pay for equivalent work, the government did not enforce this provision effectively. According to the International Labor Organization, women often received less pay in the private sector than did men doing the same job and rarely occupied positions of authority or high responsibility.

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

The government sets regional minimum wages for all workers in private enterprise, with the highest pay scales applied to the cities of Kinshasa and Lubumbashi. The government-established minimum wage of 1,680 Congolese francs (\$1.83) per day remained unadjusted since 2009 despite continued devaluation of the currency and increases in the cost of living. In the public sector, the government sets wages annually by decree and permits unions to act only in an advisory capacity. At year's end the government had not set wages for 2015 or 2016.

The law defines different standard workweeks, ranging from 45 to 72 hours, for various jobs and prescribes rest periods and premium pay for overtime. The law establishes no monitoring or enforcement mechanism, and employers in both the formal and informal sectors often did not respect these provisions. The law does not prohibit compulsory overtime.



The average monthly wage did not provide a living wage for a worker and family. Government salaries remained low, ranging from 45,000 to 75,000 Congolese francs (\$49 to \$82) per month (not including bonuses, which in some instances were considerably larger), and salary arrears were common in both the civil service and public enterprises (parastatals). In 2012 the government began paying some civil servant salaries through the banking system in an effort to stop the practice in which supervisors created fake employees and skimmed off some of their subordinates' salaries. The minister for budget reported that 75 percent of civil servants received their pay through the banking system. For others the government delivered cash in large shipments for local authorities and supervisors to distribute.

The labor code specifies health and safety standards. The Ministry of Labor employed 200 labor inspectors, which was not sufficient to enforce consistent compliance with labor regulations. The government did not effectively enforce such standards in the informal sector, and enforcement was uneven in the formal sector. Major international mining companies effectively observed health and safety standards, and the Ministry of Mines validation process includes criteria on minimal safety standards. Approximately 90 percent of laborers worked in subsistence agriculture, informal commerce or mining, or other informal pursuits, where they often faced hazardous or exploitive working conditions. Labor experts concurred that reasonable estimates were that two to three million citizens earned their daily living through artisanal mining, and with an average of six persons per household, this produced a low estimate of 15 percent of the population indirectly relying on artisanal mining. Overall estimates were challenging to verify, and determining the number of miners working in the conflict areas also was difficult. In 2010 the international NGO Pact estimated that between 200,000 to 250,000 miners worked in North Kivu and South Kivu. Conflicts between legal titleholders and artisanal miners illegally operating on their concessions occurred, with mixed results in how the SSF responded.

By law workers can remove themselves from situations that endangered their health or safety without jeopardy to their employment, but authorities did not effectively protect employees in this situation.