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Submission by CIVICUS: World Alliance for Citizen Participation, NGO  
in General Consultative Status with ECOSOC

And

Ligue des Droits de la personne dans la région de Grands Lacs  
(LDGL)

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## **1. Introduction**

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 170 countries throughout the world.
- 1.2** Ligue des Droits de la personne dans la région des Grands Lacs (LDGL) is a collective of CSOs with a mission to promote and protect the fundamental rights and freedoms of people in the Great Lake region. LDGL was established in May 1993 by 22 CSOs active in the domain of human rights, fundamental freedoms, good governance, democracy and development in Burundi, the Democratic Republic of the Congo (DRC) and Rwanda.
- 1.3** In this submission, CIVICUS and LDGL examine the Government of DRC's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse DRC's fulfilment of the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on the work of human rights defenders (HRDs), since its previous UPR examination in April 2014. To this end, we assess DRC's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide action-orientated follow-up recommendations.
- 1.4** During the 2<sup>nd</sup> UPR cycle, the Government of DRC received 17 recommendations relating to the space for civil society (civic space). Of these recommendations, 10 were accepted. Among other recommendations, the Government of DRC committed to "ensure that the freedoms of expression and peaceful assembly are respected in conformity with international standards and that members of political parties, journalists and human rights defenders are able to exercise their activities and to criticize the Government without being subject to intimidation, reprisals or harassment." None of these recommendations have been implemented. The situation of HRDs, journalists and political actors in DRC has deteriorated over recent years, while protests have been met with excessive brutality and lethal force on the part of security forces.
- 1.5** CIVICUS and LDGL are deeply concerned by violations of the freedom of peaceful assembly, in particular the ban on protests by the authorities; the use of excessive force against peaceful protesters by security forces, resulting in hundreds of deaths and arbitrary arrests; and unjustified restrictions on the right to information, with regular cuts to internet access and social networks surrounding protests.
- 1.6** CIVICUS and LDGL are further alarmed by multiple arbitrary arrests, and in particular the judicial harassment of activists and HRDs with the aim of preventing

them from exercising their civic and democratic rights in the run-up to the general elections in December 2018.

**1.7** CIVICUS and LDGL are concerned by proposed and unwarranted legal restrictions in the draft law modifying and complementing law 004/2001 of 20 July 2001 on general provisions applicable to not-for-profit associations and public utility institutions;<sup>1</sup> and limitations in the draft law on the protection and activity regime of HRDs<sup>2</sup>.

**1.8** As a result of these issues, civic space in DRC is currently classified as ‘closed’, the most serious category, by the CIVICUS Monitor.<sup>3</sup> Civic space has deteriorated since the start of the political and security crisis in 2015, when efforts began to change to constitution to allow President Joseph Kabila a third term in office. Ahead of elections, which were due to take place in December 2016, have been postponed several times and are now scheduled for December 2018, there has been an increased crackdown on dissenting voices, and in particular civil society and opposition political groups.

- Section 2 of this submission examines DRC’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines DRC’s implementation of UPR recommendations and compliance with international human rights standards relating to the protection of civil society activists, HRDs and journalists.
- Section 4 examines DRC’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and access to information.
- Section 5 examines DRC’s implementation of UPR recommendations and compliance with international human rights standards relating to the freedom of assembly.
- Section 6 provides recommendations to address the concerns listed.
- An annex of the implementation of recommendations made in the 2<sup>nd</sup> cycle is in section 7.

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<sup>1</sup> Projet de loi modifiant et compléme nt loi n° 004/2001 du 20 juillet 2001 portant dispositions générales applicable s aux associations sans but lucratif et aux établissements d’utilité publique.

<sup>2</sup> Proposition de loi portant protection et régime de l’activité de défenseurs des droits humains.

<sup>3</sup> CIVICUS Monitor: Democratic Republic of the Congo, <https://monitor.civicus.org/country/democratic-republic-congo>.

## 2. Freedom of association

- 2.1** During DRC's examination under the 2nd UPR cycle, the government received no recommendations on the right to the freedom of association. However, despite the lack of explicit recommendations, as illustrated below, this right is undermined.
- 2.2** Article 23 of the 2006 Constitution of the DRC guarantees the right to the freedom of association.<sup>4</sup> Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the DRC, also guarantees the freedom of association.<sup>5</sup>
- 2.3** The freedom of association is regulated by Law 004-2001 of 20 July 2001, which governs the formation and operation of non-for-profit associations.<sup>6</sup> Under the law, legal personality is granted to a non-profit association by the Minister of Justice following favourable advice by the minister with jurisdiction over an association's specific activities.<sup>7</sup> The Minister of Justice or the governor of a province can, according to article 23, suspend the activities of an association for up to three months on grounds of disturbance to public order or activities contrary to good morals.
- 2.4** The draft law modifying and complementing Law 004/2001, currently under examination in DRC's National Assembly, contains several restrictive provisions.<sup>8</sup> Article 2 of the draft law authorises the Minister of Justice to dissolve associations that are accused of compromising security or public order or discrediting political institutions. The draft law does not define the terms and determinants for such a dissolution, and therefore it is feared that this article could be used to criminalise human rights organisations that work on the promotion of democracy and good governance.

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<sup>4</sup> As modified by Law 11/002 of 20 January 2011 on revision of certain articles of the Constitution of the Democratic Republic of Congo of 18 February 2006.

<sup>5</sup> International Covenant on Civil and Political Rights (ICCPR), <https://www.ohchr.org/FR/ProfessionalInterest/Pages/CCPR.aspx>.

<sup>6</sup> [Law 004/2001 of 20 July 2001 on general provisions applicable to non-for-profit associations and public utility institutions.](#)

<sup>7</sup> Article 3 of Law 004/2001 of 20 July 2001.

<sup>8</sup> Draft law modifying and complementing law 004/2001 of 20 July 2001 on general provisions applicable to non-profit associations and public utility institutions. During the plenary of the National Assembly on 30 October 2017, Minister of Justice Alexis Thambwe Mwamba presented the draft law stating the need to put an end to the "proliferation of associative movements in DRC". He further said that the existence of more than 25,000 associations and 1,073 foreign associations contributes to the many problems in the country. The draft law was deposited at the National Assembly in early October 2017. See 'RDC: un projet de loi pour lutter contre « la prolifération des mouvements associatifs. »', Radio Okapi, 31 October 2017, <https://www.radiookapi.net/2017/10/31/actualite/societe/rdc-un-projet-de-loi-pour-lutter-contre-la-proliferation-des-mouvements>.

- 2.5** Additionally, under the draft law, associations will be obliged to report the origin of any funds of US\$5,000 or above to the Ministry of Justice within eight days of receiving those funds. Failure to do so could result in the dissolution of the association (article 15bis). Article 30bis states that foreign associations will be prohibited from conducting political activities but fails to specify what those activities include.
- 2.6** In November 2016, the Minister of the Interior issued a circular to all governors of DRC's provinces demanding the closure of all CSOs without legal personality on their territory.<sup>9</sup> More than a year before, the Minister had requested all governors to make an inventory of all associations active on their territory and to ban all associations without legal personality.<sup>10</sup> Both instructions remained intentions and had no reported consequences in practice.

### **3. Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists**

- 3.1** Under DRC's previous UPR examination, the government received 13 recommendations on the protection of HRDs, civil society representatives and journalists. Of these, the government accepted nine recommendations. Among other recommendations, the government committed to "take necessary measures to prevent any threat against human rights defenders and ensure their effective protection" and to "adopt as soon as possible the law protecting human rights defenders." However, as examined below, during the reporting cycle, none of these recommendations were implemented.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure protection to HRDs.<sup>11</sup> The ICCPR further guarantees the freedoms of association, peaceful assembly and expression.
- 3.3** A draft law on the protection and activity regime of HRDs is currently being examined in the National Assembly.<sup>12</sup> While CIVICUS and LDGL commend the government for the introduction of a specific law on the protection of HRDs, in its current form, the draft law contains several restrictive provisions and limitations that are not in line with the UN Declaration on Human Rights Defenders. In

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<sup>9</sup> 'En RDC, les associations dans le collimateur du pouvoir', RFI, 4 December 2016, <http://www.rfi.fr/afrique/20161204-rdc-associations-collimateur-pouvoir-lucha-kapiamba>.

<sup>10</sup> Ibid.

<sup>11</sup> [UN Declaration on Human Rights Defenders](#)

<sup>12</sup> On 19 October 2017, during the plenary of the National Assembly, the report of the Political, Administrative and Legal Commission was adopted, which modified extensively the original text in the draft law compared to the one adopted by the Senate on 15 May 2017.

particular, the definition of an HRD in the draft law is too limited: article 3 defines an HRD as anyone who is “a member of a human rights non-governmental organisation and in this framework promotes, protects, and defends human rights and fundamental freedoms.” Additional restrictive conditions are listed in article 7: HRDs are required to be at least 18 years of age, to have at least a diploma from the state and to have had training on human rights. Three UN experts have expressed their concerns on this draft law “which seems to lead to further restriction of their [HRD’s] role and activities.”<sup>13</sup>

**3.4** In DRC, HRDs have been subject to judicial harassment, intimidation, arbitrary detention, physical attacks and, in some cases, killings. The frequency of threats, arbitrary detentions, kidnappings and judicial harassment has resulted in a climate of fear. In the context of the political crisis and the postponement of elections, HRDs associated with social movements such as Lutte pour le Changement (LUCHA) and Filimbi in particular have been targeted for their actions, including the mobilisation of citizens and organisation of protests against the government.

**3.5** During a peaceful protest organised by the Comité Laïc de Coordination (CLC)<sup>14</sup> to demand adherence to the Saint Sylvestre agreement, the Catholic Church brokered political agreement signed on New Year’s eve<sup>15</sup>, after Sunday mass services on 25 February 2018 (see 5.6), security forces opened fire on protesters in front of the Saint-Benoît church in the capital, Kinshasa, killing HRD Rossy Tshimanga Mukendi while he was helping protesters taking refuge in the church. Mukendi was a member of Mouvement Citoyen Collectif 2016, a social movement fighting for democracy and human rights. According to his brother, Mukendi received anonymous calls making death threats before he was killed.<sup>16</sup>

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<sup>13</sup> The three UN experts were Clément Nyaletsossi Voulé, Special Rapporteur on the rights of freedom of peaceful assembly and of association, Michel Fors, Special Rapporteur on the situation of Human Rights Defenders and David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. See ‘Democratic Republic of Congo: UN experts urge review of draft NGO bill’, UN Office of the High Commissioner for Human Rights (OHCHR), 4 June 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23170&LangID=E>.

<sup>14</sup> The Lay Coordination Committee (CLC) is a group of lay Catholic leaders, and a structure close to the Catholic Church. The CLC initiated after-Sunday mass protests on 31 December 2017, 21 January and 25 February 2018 to demand adherence to the Saint Sylvestre agreement, also known as the New Year’s agreement, see 5.6.

<sup>15</sup> The Accord of Saint Sylvestre, signed on New Year’s Eve 2016, is a political agreement mediated by the Catholic Church. The agreement stipulates the holding of elections before the end of December 2017, the respect of the Constitution’s two term limit for president Kabila, with the commitment not to seek a change of the Constitution nor the organisation of a referendum, and the establishment of a government of unity, among others. The agreement was signed by representatives of the ruling presidential majority, political opposition and civil society organisations. See ‘DR Congo: Inclusive political agreement finally adopted and signed in Kinshasa’, Africanews, 1 January 2017, <http://www.africanews.com/2017/01/01/dr-congo-inclusive-political-agreement-finally-adopted-and-signed-in-kinshasa/>

<sup>16</sup> ‘Meurtre du défenseur des droits humaine Rossy Tshimanga Mukendi lors d’une manifestation à Kinshasa’, Front Line Defenders, 26 February 2018, <https://www.frontlinedefenders.org/fr/case/killing-pro-democracy-defender-rossy-tshimanga-mukendi-during-protest-kinshasa>.

- 3.6** The authorities continue to use provisions of the Penal Code to harass and prosecute HRDs. In particular, the following provisions have been used against LUCHA activists to suppress their legitimate work: inciting revolt (article 135bis), criminal association (article 156), insult of authorities (article 136), rebellion (article 133) and malicious destruction (article 110).<sup>17</sup> According to LUCHA, 15 movement members in the city of Goma have been convicted under the Penal Code since 2012, and 1,475 arrests and arbitrary detentions have been made of its members throughout DRC between 2012 and 2018.<sup>18</sup>
- 3.7** On 29 and 30 December 2017, authorities arrested eight Filimbi activists for mobilising people for a protest planned by CLC for 31 December 2017 (see 5.6). Roger Katanga Mwenyemali was arrested on 29 December 2017, while Arciel Beni, Carbone Beni, Mino Bompomi, Cedrick Kalonji, Boni Dickson Mputu and Grâce Tshiunza were arrested the following day in N'Dijili in Kinshasa. Palmer Kabeya was also arrested on 30 December 2017.<sup>19</sup> While three activists have been released or acquitted since - Arciel Beni and Mputu were released shortly after their arrest and Katanga Mwenyemali acquitted by the Court of Appeal of Kindu on 6 March 2018<sup>20</sup> - the five other activists faced charges of 'offence to the Head of State', 'publication of subversive writing' and 'incitement to civil disobedience', with the public prosecutor requesting a prison sentence of three years.<sup>21</sup> On 25 September 2018, four of the five activist - Carbone Beni, Mino Bompomi, Cedrick Kalonji and Grâce Tshiunza - were sentenced to one year in prison.<sup>22</sup>
- 3.8** On 29 August 2017, the Peace Court of Lubumbashi - Kamalondo sentenced four HRDs - Patrick Mbuya and Eric Omari of CSO AJC Bomoko, Jean Mulenda of LUCHA and journalist Jean-Pierre Tshibitshabu - to a prison sentence of eight months on

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<sup>17</sup> 'La criminalisation des mouvements sociaux. Le cas du mouvement Lucha en République démocratique du Congo', Protection Internationale, 2018, <https://www.protectioninternationale.org/sites/default/files/2018-criminalisation-series-DRC-La-Lucha-web.pdf>.

<sup>18</sup> Ibid., pg. 21.

<sup>19</sup> 'Arrestation et détention de sept défenseur-ses des droits humains', Front Line Defenders, 5 January 2018, <https://www.frontlinedefenders.org/fr/case/arrest-and-detention-seven-human-rights-defenders>.

<sup>20</sup> Ibid.; 'Libération du défenseurs des droits humains Roger Katanga Mwenyemali et maintien et en détention de plusieurs autres', Front Line Defenders, 8 March 2018, <https://www.frontlinedefenders.org/fr/case/arrest-and-detention-seven-human-rights-defenders#case-update-id-7343>; 'Kindu: acquittement d'un militant de Filimbi', 7sur7.cd, 7 March 2018, <https://7sur7.cd/new/kindu-acquittement-dun-militant-de-filimbi>.

<sup>21</sup> Until the five activists were charged in early June 2018, they were detained in National Intelligence Agency centres for more than five months without charges or access to legal representation. 'RDC: trois ans de prison requis pour cinq militants de Filimbi', Radio Okapi, 17 August 2018, <https://www.radiookapi.net/2018/08/17/actualite/justice/rdc-trois-ans-de-prison-requis-pour-cinq-militants-de-filimbi>.

<sup>22</sup> 'RDC: quatre militants du mouvement citoyen Filimbi condamnés à un an de prison', RFI, 26 September 2018, <http://www.rfi.fr/afrique/20180926-rdc-quatre-militants-mouvement-citoyen-filimbi-condamnes-an-prison>

charges of ‘provocation’ and ‘incitement to civil disobedience’.<sup>23</sup> On appeal, the High Court of Lubumbashi ruled on 1 December 2017 to acquit Omari and to reduce the prison sentence of the other three from eight to five months in prison.<sup>24</sup> In November 2017, Timothée Mbuya, lawyer and executive director of the association Justicia asbl, was sentenced to a one-year prison term for ‘incitement to civil disobedience’, a sentence that was turned into a one-year suspended sentence in February 2018.<sup>25</sup> The five HRDs were arrested on 31 July 2017 with more than 100 other protesters in the city of Lubumbashi, with most protesters being released a couple of hours after their arrest. The protest was organised by social movements to demand the publication of the electoral calendar by the National Independent Electoral Commission (CENI).<sup>26</sup>

**3.9** HRDs and journalists in the DRC are regularly subject to threats and intimidation. During the night of 29 to 30 December 2017, six armed men claiming to be from the National Intelligence Agency (ANR) tried to kidnap Tshivis Tshivuadi, secretary-general of freedom of expression organisation Journaliste En Danger (JED), at his home in Kinshasa. The perpetrators beat and threatened a security guard to try to make him reveal the whereabouts of Tshivuadi.<sup>27</sup>

**3.10** In July and August 2018, four HRDs and journalists in the city of Bukavu faced threats, intimidation and harassment, including death threats, following the release, on 6 July 2018, of their human rights documentary ‘Mbobero: Might is Always Right’. The documentary exposes violations in a land dispute between the population of Mbobero, in the territory of Kabare, and President Kabila’s family, including extreme force used by security forces in forced evictions. Jean-Christostome Kijana, president of Nouvelle Dynamique de la Société Civile en RDC (NDSCI), Fidèle Mutchungu, advocacy officer of NDSCI, journalists Gaël Mpoyo and Franc Zongwe and artist Gentil Safari, all involved in the making of the documentary, went into hiding following the intimidation and threats.<sup>28</sup>

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<sup>23</sup> ‘Haut-Katanga : 4 des 5 activistes des droits de l’Homme condamnés à 8 mois de prison’, Actualité.cd, 30 August 2017, <https://actualite.cd/2017/08/30/haut-katanga-4-des-5-activistes-des-droits-de-lhomme-condamnes-8-mois-de-prison>.

<sup>24</sup> ‘Congo. Rép. Dém. : Condamnation de MM. Mbuya, Tshihabitshabu, Mbuya Kwecha et Mulenda, et libération de M.Omari Omba. Urgent appeal’, Organisation Mondiale contre la Torture, 5 December 2018, <http://www.omct.org/fr/human-rights-defenders/urgent-interventions/congo-dem-republic/2017/12/d24631>.

<sup>25</sup> ‘RDC: L’activiste Timothée Mbuya libéré après six mois de prison’, RFI, 14 February 2018, <http://www.rfi.fr/afrique/20180214-rdc-mbuya-lucha-liberation-condamne-lubumbashi-casc>.

<sup>26</sup> ‘RDC : des militants et journalistes arrêtés en marge des rassemblements’, RFI, 31 July 2017, <http://www.rfi.fr/afrique/20170731-rdc-arrestations-militants-journalistes-marge-rassemblement-disperses>.

<sup>27</sup> ‘Kinshasa : La résidence du Secrétaire général de JED attaquée par des hommes armés’, Journaliste en Danger (JED), 30 December 2018, <http://jed-afrique.org/2017/12/30/kinshasa-la-residence-du-secretaire-general-de-jed-attaquee-par-des-hommes-armes>.

<sup>28</sup> ‘Attacks and threats against human rights defenders and journalists’, Front Line Defenders, 10 August 2018, <https://www.frontlinedefenders.org/en/case/attacks-and-threats-against-human-rights-defenders-and-journalists>.

**3.11** Journalists covering anti-government protests are regularly subjected to harassment, intimidation, physical attacks and arbitrary detentions. For example, security forces arrested at least 15 journalists during the 31 July 2017 protest in Lubumbashi.<sup>29</sup> On 12 April 2017, a colonel of the National Congolese Police (PNC) physically assaulted journalists Freddy Bikumbi of Radio Okapi and Rozen Kalafulo of Pole FM and photographer Willian Dupuy while covering a protest organised by LUCHA in front of the Central Bank of Congo in Goma.<sup>30</sup>

**3.12** Journalists and media outlets working in conflict zones are particularly vulnerable to threats, intimidation and harassment, perpetrated by state and non-state actors. For example, members of the rebel group Kamuina Nsapu set fire to community radio Satellite du Kasai in Mayi Munene on 15 April 2017.<sup>31</sup> In March 2017, Magloire Paluku Kavunga, director general of radio and TV station Kivu1, reported receiving threats from the armed rebel group M23.<sup>32</sup> On 7 October 2017, officers of the Armed Forces of DRC (FARDC) looted facilities relaying the signal of the local radio station Radio Moto Butembo Beni in Butembo, North Kivu. The officers occupied the facilities for several hours before ransacking and confiscating equipment necessary for relaying the signal.<sup>33</sup> On 29 November 2017, ANR agents arrested four employees of Radio Véritas in Kabinda, Lomami province - Johnny Kasongo, Musiko Kisiesia, Ephraïm Mbayo and Jean Doudou Ndumba. The four were beaten and the agents demanded that a radio technician interrupt the direct transmission of a Provincial Assembly plenary discussing a motion to dismiss Governor Patrice Kamanda for bad governance and maladministration of the province.<sup>34</sup>

## **4. Freedom of expression, independence of the media and access to information**

**4.1** Under the 2<sup>nd</sup> UPR cycle, the government received six recommendations relating to the freedom of expression and access to information, of which four were accepted and two noted. For example, among other recommendations, the government pledged to “take all necessary steps to ensure freedom of the media and duly address

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<sup>29</sup> ‘RDC : des militants et journalistes arrêtés en marge des rassemblements’, RFI, 31 July 2017, <http://www.rfi.fr/afrique/20170731-rdc-arrestations-militants-journalistes-marge-rassemblement-disperes>; ‘At least 15 journalists arrested during DRC demonstrations’, Reporters without Borders, 1 August 2017, <https://rsf.org/en/news/least-15-journalists-arrested-during-drc-demonstrations>.

<sup>30</sup> ‘République démocratique du Congo. La Répression se banalise’, Annuel report, JED, November 2017, pg. 6, <http://jed-afrique.org/wp-content/uploads/2017/11/JED-RAPPORT-2017.pdf>.

<sup>31</sup> Ibid., pg. 8.

<sup>32</sup> ‘Concern about M23 threats against Kivu journalist’, Reporters without Borders, 3 March 2017, <https://rsf.org/en/news/concern-about-m23-threats-against-kivu-journalist>.

<sup>33</sup> ‘Nord-Kivu : Les installations d’une station de radio locale vandalisées par éléments de l’armée nationale. Alert’, JED, 12 October 2017, <http://jed-afrique.org/2017/10/12/nord-kivu-les-installations-dune-station-de-radio-locale-vandalisees-par-des-elements-de-larmee-nationale>.

<sup>34</sup> ‘RDC : quatre journalistes et techniciens de Radio Véritas détenus’, RFI, 2 December 2017, <http://www.rfi.fr/afrique/20171202-rdc-radio-veritas-arrestation-journalistes-anr-journaliste-danger-jed>.

all cases of restrictions on the media.” However, the government has failed to implement any of these recommendations.

- 4.2** Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Article 23 of the 2006 Constitution of DRC, as amended to date, also guarantees the right to the freedoms of opinion and expression.<sup>35</sup> Article 24 of the Constitution guarantees the freedoms of information and of the press. The two articles contain limitations, based on law, respect of public order and good morals.
- 4.3** Although the supposed aim of Law 96-002 of 22 June 1996 is to protect the freedom of the press, it contains several restrictions, as press offences are criminalised in DRC.<sup>36</sup> Article 74 of the Law defines press offences as “any infraction committed by way of written or audio-visual press.” For example, offence to the head of state is punishable by a prison sentence of three months to two years and/or a fine.<sup>37</sup> The punishment for insulting authorities is a prison sentence of 6 to 12 months when it concerns a member of the National Assembly, Senate, government or Constitutional Court and three to nine months when it concerns a member of the courts, officer of the Public Prosecutor’s office or a senior officer of the armed forces, the police or governors.<sup>38</sup>
- 4.4** Authorities have undertaken a range of restrictive practices to muzzle and censure independent media, including blocking internet access, social media and SMS services, cutting the signal of radio stations and restricting the movements of foreign journalists. For example, on 3 November 2016, the signal of Radio France Internationale (RFI) was cut both in Kinshasa and Lubumbashi, while the signal of Radio Okapi was jammed in Kinshasa shortly afterwards.<sup>39</sup> This occurred in the run-up to a planned opposition protest to demand the departure of President Kabila. The RFI signal was only restored nine months later in August 2017.<sup>40</sup> Minister of Communication and Media and government spokesperson Lambert Mende justified

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<sup>35</sup> As modified by law 11/002 of 20 January 2011 on revision of certain articles of the Constitution of the Democratic Republic of Congo of 19 February 2006.

<sup>36</sup> [Law 96-002 of 22 June 1996 regulating the modalities of the freedom of the press.](#)

<sup>37</sup> Article 77 of Law 96-002 of 22 June 1996 regulating the modalities of the freedom of the press; article 1 of [ordonnance-law n° 300 of 16 december 1963.](#)

<sup>38</sup> Articles 136 1<sup>o</sup>, 136 2<sup>o</sup> and 137 of the [Penal Code](#) .

<sup>39</sup> ‘RDC : Radio Okapi brouillée, RFI coupée, manifestation dispersée’, RFI, 5 November 2016, <http://www.rfi.fr/afrique/20161105-rdc-onu-regrette-coupure-radio-okapi-rfi-kinshasa-lubumbashi>.

<sup>40</sup> RFI’s signal was only restored after the signature of a partnership between RFI and Radio-Télévision nationale congolaise (RTNC). Arrêté ministériel n° CAB/M-CM/LMO/2016 of 12 November 2016 foresees that foreign radio and television stations not based in DRC can only broadcast programmes within the framework of a partnership with a radio or television channel in DRC. See ‘RDC : le signal de RFI à Kinshasa rétabli après neuf mois de coupure, mais à quel prix ?’, Jeune Afrique, 11 August 2017, <http://www.jeuneafrique.com/465448/politique/rdc-le-signal-de-rfi-a-kinshasa-retabli-apres-neuf-mois-de-coupure-mais-a-quel-prix>.

the suspension of the RFI signal by saying that RFI is a “sounding board” of the opposition.<sup>41</sup>

**4.5** On several occasions, in the context of anti-government protests, access to the internet, social networks and SMS services have been cut. For example, on the evening before protests organised by the CLC on 31 December 2017, the Minister of Post and Telecommunication “instructed” telecommunication operators to cut access to internet and SMS services, invoking the “security of the state”.<sup>42</sup> On the day of the protest, the signal of Radio Okapi was jammed in Kinshasa.<sup>43</sup> On 14 December 2017, the Authority of Regulation of Post and Telecommunication sent a letter to telecommunication companies requesting them to block access to social media starting at midnight on 18 December 2017.<sup>44</sup> Protests to demand the departure of president Kabila and the holding of elections were expected from 19 December 2017.

**4.6** On 12 July 2017, Minister of Media and Communication Lambert Mende issued a ministerial decree stating that foreign journalists would need authorisation to move from one province to another and need prior authorisation to access zones considered as “sensitive.”<sup>45</sup> Limiting the freedom of movement of journalists allows authorities to monitor their activities and refuse them access to credible information.

**4.7** In its annual report, JED registered at least 121 violations of the freedom of the press in 2017, compared with at least 87 violations in 2016 – a year that JED had already branded as “the worst season for the press in DRC.”<sup>46</sup> Security forces and

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<sup>41</sup> ‘Lambert Mende: ‘Rfi, caisse de résonance du Rassemblement’, 7sur7.cd, 8 November 2016, <https://7sur7.cd/new/lambert-mende-rfi-caisse-de-resonance-du-rassemblement>; ‘RDC : RFI diffuse de nouveau à Kinshasa’, Radio Okapi, 11 August 2017,

<https://www.radiookapi.net/2017/08/11/actualite/societe/rdc-rfi-diffuse-de-nouveau-kinshasa>

<sup>42</sup> ‘RDC: le gouvernement annonce le déblocage de l’internet et SMS’, Radio Okapi, 1 January 2018, <https://www.radiookapi.net/2018/01/01/actualite/politique/rdc-le-gouvernement-annonce-le-deblocage-de-linternet-et-sms>; ‘RDC: internet et SMS coupés sur une décision du ministre des PT-NTIC’, Actualité.cd, 30 December 2017, <https://actualite.cd/2017/12/30/rdc-internet-et-sms-coupes-sur-une-decision-du-ministre-des-pt-ntic>.

<sup>43</sup> ‘Le signal de Radio Okapi brouillé à Kinshasa’, Radio Okapi, 31 December 2017, <https://www.radiookapi.net/2017/12/31/actualite/en-bref/le-signal-de-radio-okapi-brouille-kinshasa>;

<sup>44</sup> ‘RD Congo: Kinshasa ordonne de bloquer l’accès aux réseaux sociaux’, France 24, 16 December 2016, <https://www.france24.com/fr/20161215-rd-congo-kinshasa-veut-bloquer-acces-reseaux-sociaux-kabila-facebook-twitter>

<sup>45</sup> Arrêté ministériel portant réglementation de l’accréditation des journalistes étrangers en RD Congo. ‘RDC: restrictions des libertés des journalistes’, BBC, 27 July 2017, <https://www.bbc.com/afrique/region-40741153>; ‘RDC : JED dénonce une nouvelle décision du gouvernement visant à restreindre la liberté de mouvement des journalistes étrangers’, JED, 27 July 2017, <http://jed-afrique.org/2017/07/27/rdc-jed-denonce-une-nouvelle-decision-du-gouvernement-visant-a-restreindre-la-liberte-de-mouvement-des-journalistes-etrangers/>

<sup>46</sup> ‘République démocratique du Congo. La Répression se banalise. Lourd bilan de fin de règne du régime Kabila’, JED, 21 novembre 2017, <http://jed-afrique.org/wp-content/uploads/2017/11/JED-RAPPORT-2017.pdf>.

administrative authorities were, according to JED, responsible for 101 of the 121 violations (83.5 per cent) registered in 2017.

**4.8** Four media outlets linked to the political opposition were shut down between 2014 and 2016 for political reasons: Nyota TV, Radio-Télévision Lubumbashi JUA, Radio Télévision Mapendo and La Voix du Katanga.<sup>47</sup> Despite the reopening of these media outlets being stipulated in the Saint Sylvestre Agreement, and a statement made by Lambert Mende in January 2017 promising that they would reopen within two weeks,<sup>48</sup> at the time of writing the outlets were still closed.

## 5. Freedom of peaceful assembly

**5.1** During DRC's examination under the 2<sup>nd</sup> UPR cycle, the government received four recommendations on the right to the freedom of peaceful assembly, three of which were accepted. Among other recommendations, the government committed to "ensure that the freedoms of expression and peaceful assembly are respected in conformity with international standards and that members of political parties, journalists and human rights defenders are able to exercise their activities and to criticize the Government without being subject to intimidation, reprisals or harassment." However, as evidenced below, the government has failed to implement these recommendations. On the contrary, since the start of the political and security crisis in 2015, the freedom of peaceful assembly in DRC has been subject to increasing unwarranted restrictions and violations.

**5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, articles 25 and 26 of the 2006 Constitution also guarantee the right to the freedom of assembly and meeting without weapons.<sup>49</sup> Under the Constitution, organisers of public assemblies are required to inform the competent administrative authorities beforehand in writing. Despite this constitutional provision, in practice a system of prior authorisation is in force, applying article 4 of Decree-Law 196 of 29 January 1999 regulating public assemblies and meetings.<sup>50</sup> A draft law establishing measures for the application of the freedom of peaceful assembly was drafted with

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<sup>47</sup> 'Décrispation politique : Des médias proches de l'opposition restent fermés', Actualité.cd, 13 June 2018, <https://actualite.cd/2018/06/13/decrispation-politique-des-medias-proches-de-lopposition-restent-fermes> ; 'Dialogue : JED demande la réouverture de sept médias de l'opposition fermés', Radio Okapi, 23 August 2016, <https://www.radiookapi.net/2016/08/23/actualite/politique/dialogue-jed-demande-la-reouverture-de-sept-medias-de-lopposition>

<sup>48</sup> 'RDC: le gouvernement annonce la réouverture de médias de l'opposition', La Libre.be, 2 January 2017, <http://www.lalibre.be/actu/international/rdc-le-gouvernement-congolais-annonce-la-reouverture-de-medias-de-l-opposition-586a9699cd70717f88e55c1e>

<sup>49</sup> As modified by law 11/002 of 20 January 2011 on revision of certain articles of the Constitution of the Democratic Republic of Congo of 18 February 2006.

<sup>50</sup> This law of 1999 precedes the 2006 Constitution. [Décret-Loi 196 of 29 janvier 1999 portant réglementation des manifestations et des réunions publiques](#)

the aim of aligning the law with the 2006 Constitution. However, despite its adoption by parliament on 14 December 2015, the law has not yet been promulgated.

- 5.3** The authorities have systematically and unwarrantedly banned protests since 2015. National and local authorities have issued general and unlimited bans on protests while local authorities have systematically refused to issue authorisations for protests, particularly when organised by opposition parties, civil society or social movements.
- 5.4** Following protests on 19 and 20 September 2016, which were brutally repressed by security forces (see 5.7), the Minister of Interior issued ministerial decree 25/CAB/VPM/MINTERSEC/EB/2600/2016 on the prohibition of all protests on the entirety of the national territory. In March 2017, as anti-government protests multiplied, the Deputy Prime Minister and Minister of Interior and Security issued ministerial decree 25/CAB/VPM/MININTERSEC/ERS/067/2017, banning all protests in DRC. According to the UN Joint Human Rights Office (UNJHRO), local authorities issued blanket bans on protests in at least 12 provinces and cities in 2017.<sup>51</sup> In addition to general bans, local authorities have refused to authorise protests organised by opposition, civil society and other actors while permitting protests supporting the presidential majority.<sup>52</sup> UN experts have, on several occasions, called for the lifting of the de facto ban on peaceful assemblies and public meetings.<sup>53</sup>
- 5.5** The brutal repression of peaceful assemblies by security forces since the start of the political and security crisis in 2015 has resulted in hundreds of people being killed, injured and arbitrarily detained. Security forces – the PNC, FARDC and at times the Republican Guard and the military police - have repressed protests, including through the use of firearms with live ammunition, rubber bullets and teargas against civilians, including those taking refuge in churches. The authorities have systematically employed FARDC and impunity remains widespread.
- 5.6** At least 47 people were killed during three protests organised by CLC on 31 December 2017, 21 January 2018 and 25 February 2018. The CLC had organised the protest after mass in several cities and localities throughout DRC, with the support of opposition parties and CSOs, to demand adherence to and implementation of the

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<sup>51</sup> 'Recours illégal, injustifié et disproportionné à la force lors de la gestion des manifestations publiques en République démocratique du Congo de janvier 2017 à janvier 2018', OHCHR and UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), March 2018, pg. 9, [https://www.ohchr.org/Documents/Countries/CD/BCNUDH-UnlawfulUnustifiedUseofForce\\_Jan2017-Jan2018.pdf](https://www.ohchr.org/Documents/Countries/CD/BCNUDH-UnlawfulUnustifiedUseofForce_Jan2017-Jan2018.pdf).

<sup>52</sup> Ibid.

<sup>53</sup> See, for example, 'DRC: UN experts urge Government to lift "abusive" restrictions on protesters to head off violence', OHCHR, 19 December 2016, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21048&LangID>.

Saint Sylvestre agreement. Security forces, including FARDC, used disproportionate force, notably the use of live ammunition and teargas in streets, and in and around churches, and the arrest of several protesters, priests and altar boys.<sup>54</sup> The repression perpetrated by the security forces on 31 December 2017 and 21 January 2018 resulted in at least nine deaths (eight in Kinshasa and one in Katanga), injuries to at least 98 people and 185 arbitrary detentions, according to UNJHRO numbers.<sup>55</sup> During the CLC protest on 25 February 2018, at least two protesters were killed, at least 47 people were injured and more than 100 people were arbitrarily arrested.<sup>56</sup>

**5.7** On 19 September 2016, agents of the PNC, the Republican Guard and FARDC fired live ammunition and teargas at a protest organised by the platform Rassemblement des forces politiques et sociales acquises au changement to demand that President Kabila step down. Although the protest was initially authorised, a last-minute ban was issued on the morning of the protest when demonstrators had already gathered.<sup>57</sup> Violence followed, including clashes between protesters and security forces.<sup>58</sup> Between 19 and 21 September 2016, at least 53 people were killed, 48 at the hands of security forces (the PNC, Republican Guard and FARDC), according to a UNJHRO report. Additionally, at least 143 people were injured, and more than 299 people were detained illegally, including eight journalists.<sup>59</sup> Four police officers were among those killed.<sup>60</sup> The UN Human Rights Council and the Office of the High Commissioner for Human Rights condemned the excessive and lethal force used by security forces.<sup>61</sup>

**5.8** During protests on 19 and 20 December 2016, security forces used excessive force and fired live ammunition, resulting in at least 40 deaths in Boma, Kinshasa, Lubumbashi and Matadi, and injuring at least 147 persons. Of the 40 deaths, 38 were

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<sup>54</sup> 'RDC : les marches organisées par le Comité laïc brutalement dispersées', RFI, 25 February 2018, <http://www.rfi.fr/afrique/20180225-rdc-journee-action-comite-laic-clc-accords-saint-sylvestre>.

<sup>55</sup> The numbers could be higher, as observers and members of the UNJHRO reported to have been subject to intimidation and were not able to access morgues, detention centers and hospitals. See OHCHR and MONUSCO, op. cit., pg. 16.

<sup>56</sup> 'RDC: deux morts dans la répression des marches organisées par le CLC', RFI, 25 February 2018, <http://www.rfi.fr/afrique/20180225-rdc-morts-repression-marches-organisees-clc-comite-laic-coordination>.

<sup>57</sup> 'Rapport préliminaire d'enquête sur les violations des droits de l'homme et violences perpétrées dans le cadre des manifestations de Kinshasa entre les 19 et 21 septembre 2016', UNJHRO, 7 October 2016, pg. 6, [https://www.ohchr.org/Documents/Countries/CD/UNJHROSeptember2016\\_fr.pdf](https://www.ohchr.org/Documents/Countries/CD/UNJHROSeptember2016_fr.pdf).

<sup>58</sup> 'Congo: des heurts entre manifestants de l'opposition et policiers font plusieurs victimes', RTBF, 19 September 2016, [https://www.rtf.be/info/monde/afrique/detail\\_rdc-heurts-a-kinshasa-entre-manifestants-d-opposition-et-policiers-photos?id=9408236](https://www.rtf.be/info/monde/afrique/detail_rdc-heurts-a-kinshasa-entre-manifestants-d-opposition-et-policiers-photos?id=9408236).

<sup>59</sup> The number could be much higher, as observers and UN staff faced restrictions. See UNJHRO, op. cit.

<sup>60</sup> 'Inhumation à Kinshasa des policiers tués lors des manifestations de l'opposition', Radio Okapi, 4 October 2016, <https://www.radiookapi.net/2016/10/04/actualite/secure/inhumation-kinshasa-des-policiers-tues-lors-des-manifestations-de>.

<sup>61</sup> 'Violences à Kinshasa : l'ONU dénonce « un usage excessive de la force »', Radio Okapi, 29 September 2016, <https://www.radiookapi.net/2016/09/29/actualite/societe/violences-kinshasa-lonu-denonce-un-usage-excessif-de-la-force>.

caused by bullets.<sup>62</sup> Although UNJHRO registered some incidents of violence perpetrated by protesters, they concluded that there had been “an excessive and disproportionate use of force, including the use of lethal weapons and live ammunition, fired at the upper part of bodies, by Congolese security and defence forces in response to the protests of 19 and 20 December.”<sup>63</sup> At least 917 people were detained, with the authorities particularly targeting members of the opposition and social movements.<sup>64</sup>

**5.9** In another example of the violent dispersal and arbitrary detention of protesters, on 28 November 2017, police officers dispersed a protest organised by the civil society collective Collectif des actions de la société civile (CASC) in Goma to denounce the electoral agenda issued by CENI, which set the date for the elections in December 2018. According to CASC, police arrested 22 of their members in the context of the protest. On the same day, seven people were arrested in Butembo during a protest organised by the Filimbi, LUCHA and Parlement Debout de Furu social movements.<sup>65</sup> On 31 October 2017, police dispersed a protest in Beni, and arrested nine LUCHA activists for protesting without authorisation.<sup>66</sup> On 29 December 2017, 12 LUCHA activists were arrested for “inciting civil disobedience” in Kananga.<sup>67</sup> On 1 May 2018, police arrested 27 activists of LUCHA in Goma for “disturbing public order” when they gathered to celebrate the movement’s six year existence and to denounce the “massacre of Congolese” in North Kivu.<sup>68</sup>

## **6. Recommendations to the Government of the Democratic Republic of Congo**

CIVICUS and LDGL call on the Government of DRC to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the

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<sup>62</sup> 17 of these were recorded in Kinshasa, 12 in Lubumbashi, eight in Boma and three in Matadi. See ‘Rapport sur les violations des droits de l’homme en République démocratique du Congo dans le contexte des évènements du 19 décembre 2016’, UNJHRO, February 2017, [https://www.ohchr.org/Documents/Countries/CD/UNJHRODecember2016\\_fr.pdf](https://www.ohchr.org/Documents/Countries/CD/UNJHRODecember2016_fr.pdf).

<sup>63</sup> Ibid., pg.11.

<sup>64</sup> The majority of people detained were released later. More than 70 people were charged with malicious destruction, looting, rebellion, and/or participation in a insurrectional movement, among others. See Ibid.

<sup>65</sup> ‘Nord-Kivu : 29 personnes interpellées par la police lors d’une marche contre le pouvoir’, Actualité.cd, 28 November 2017, <https://actualite.cd/2017/11/28/nord-kivu-29-personnes-interpellees-par-la-police-lors-dune-marche-contre-le-pouvoir>.

<sup>66</sup> ‘Neuf activistes anti-Kabila arrêtés à Beni dans l’est de la RDC’, VOA Afrique, 31 October 2017, <https://www.voafrique.com/a/neuf-activistes-anti-kabila-arretes-e-beni-dans-l-est-de-la-rdc/4093628.html>.

<sup>67</sup> ‘RDC : douze militants de la Lucha arrêtés lors d’une manifestation à Kananga’, RFI, 30 December 2017, <http://www.rfi.fr/afrique/20171230-rdc-lucha-douze-militants-arretes-manifestation-kananga-henri-shembo-joseph-kabila>.

<sup>68</sup> They were released later that day. See ‘RDC : à Goma, 27 militants de la Lucha arrêtés, puis libérés’, Jeune Afrique, 2 May 2018, <https://www.jeuneafrique.com/556439/politique/rdc-a-goma-27-militants-de-la-lucha-arretes-puis-liberes>.

rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

### **6.1 Regarding the freedom of association**

- Revise the draft law modifying and complementing law 004/2001 of 20 July 2001 on general provisions applicable to non-profit associations and public utility institutions, in conformity with the Constitution of DRC and international human rights instruments ratified by DRC.
- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.
- Open the political space for dialogue between all social and development actors and take into account the views of other actors, including CSOs, HRDs, journalists and political activists in adopting and implementing national programmes and policies for the benefit of all citizens.
- Facilitate registration, authorisation to operate or the granting of legal personality to CSOs operating in DRC in the interest of local communities.

### **6.2 Regarding the protection of human rights defenders**

- Revise the draft law on the protection and activity regime of HRDs and guarantee a favourable environment for their work, in accordance with the UN Declaration on the Protection of Human Rights Defenders and other related international instruments ratified by the DRC.
- Immediately and unconditionally release all HRDs still in detention for their activities or opinions, and drop all charges against them.
- Provide civil society members, HRDs and journalists with a safe and secure environment in which to carry out their work. Ensure that they are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.

- Conduct impartial, thorough and effective investigations into all cases of attacks, killings, harassment, and intimidation against civil society members, HRDs and journalists and bring the perpetrators of such offences to justice.

### **6.3 Regarding the freedom of expression, independence of the media and access to information**

- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government may find sensitive.
- Ensure that all cases of threats, intimidation, killings and other forms of attacks against journalists and their work are rigorously investigated and bring the perpetrators of such offences to justice.
- Refrain from cutting access to the internet, SMS services and social media and blocking or jamming radio signals.
- Decriminalise press offences and revise criminal provisions on defamation and insult that impose a heavy burden on the media and the freedom of expression in DRC.
- Adopt a law on access of information in order to promote the freedoms of expression and opinion, fight against disinformation and lack of information, and thereby facilitate citizen participation in the management of public affairs.
- Organise programmes of capacity development of media professionals on the analysis of policies and laws to encourage increased professionalism in their social mission.

### **6.4 Regarding the freedom of peaceful assembly**

- Lift all de facto bans on peaceful assemblies and allow protests of CSOs, social movements and the opposition to take place.
- Promulgate the draft law on the measures of application of the freedom of assembly, adopted in June 2018, that aligns the law on the freedom of assembly with the Constitution and international standards.
- Cease all excessive violence against protesters, and refrain from deploying FARDC, the Republican Guard and the military police during protests. Ban the use of lethal weapons by security forces during protests.

- Investigate all cases of killings of protesters and the use of excessive force by security forces and bring the perpetrators to justice.
- Immediately and unconditionally release all persons who have been detained in relation to protests and drop all charges against them.
- Implement the recommendations on the exercise of the freedom of assembly as put forward by the UN Joint Bureau on Human Rights.

### **6.5 Regarding access to UN Special Procedures mandate holders**

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and 3) Special Rapporteur on the situation of human rights defenders.

### **6.6 Regarding state engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on human rights, fundamental freedoms and democratic governance and enable the more effective involvement of civil society in the preparation of law and policy in DRC.
- Include CSOs in the UPR process before finalising and submitting the national report, and in other processes such as the Sustainable Development Goals.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.

## **Annex: Assessment of the DRC's implementation of civic space recommendations under the 2<sup>nd</sup> cycle**

<b>Recommendation - theme</b>	<b>Position</b>	<b>Complete list of themes</b>	<b>Evaluation /comments on the level of implementation</b>
<b>A – 133.14:</b> Facilitate shortly the visit of the Special Rapporteur on the situation of human right defenders (Uruguay)	Accepted	Human rights defenders	<u>Not implemented</u>
<b>A – 134.26:</b> Ensure that human rights defenders can exercise their rights without interference and ensure the effective establishment of the NHRC (Switzerland)	Accepted	Human rights defenders	<u>Not implemented</u> <ul style="list-style-type: none"> <li>- HRDs are subject to threats, intimidation, judicial harassment and arbitrary arrests for their work. (see 3.4 – 3.10)</li> <li>- A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)</li> </ul>
<b>A – 134.52:</b> Take necessary measures to prevent any threat against human rights defenders and ensure their effective protection (Spain)	Accepted	Human rights defenders	<u>Not implemented</u> <ul style="list-style-type: none"> <li>- HRDs are subject to threats, intimidation, judicial harassment and arbitrary arrests for their work. (see 3.4 – 3.10)</li> <li>- A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)</li> </ul>
<b>A – 134.53:</b> Adopt as soon as possible the law protecting human right defenders (Sweden)	Accepted	Human rights defenders	<u>Not implemented</u> A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)

Recommendation - theme	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p><b>A – 134.54:</b> Take adequate measures for better protecting human rights defenders and journalists (Djibouti)</p>	<p>Accepted</p>	<p>Human rights defenders</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> <li>- HRDs are subject to threats, intimidation, judicial harassment and arbitrary arrests for their work. (see 3.4 – 3.10)</li> <li>- A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)</li> <li>- Journalists, covering anti-government protests, are also subject to harassment, intimidation, arbitrary arrests and physical attacks (see 3.11) while journalists and media outlets working in conflict zones are in particular vulnerable to threats, intimidation and harassment, perpetrated by state and non-state actors (see 3.12).</li> </ul>
<p><b>A – 134.131:</b> Take all necessary steps to ensure freedom of the media and duly address all cases of restrictions on the media (Slovakia)</p>	<p>Accepted</p>	<p>Freedom of expression</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> <li>- Press offenses are criminalized in DRC (see 4.3)</li> <li>- According to the CSO Journaliste en Danger (JED), there were at least 121 violations of freedom of the press in 2017, with 83.5 % perpetrated by state actors, compared with at least 87 violations in 2016 (see 4.8)</li> <li>- Four media outlets linked to the political opposition were shut down between 2014 and 2016 for political reasons. The remained shut at the time of writing (see 4.9)</li> <li>- On several occasions, and in particular in the context of anti-government protests, the access to internet and social media was cut (see 4.6), and the signal of certain media outlets were jammed and/or cut (see 4.5)</li> <li>- No measures have been taken to ensure freedom of media.</li> </ul>

Recommendation - theme	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p><b>A – 134.132:</b> Assure transparent and credible elections by ensuring freedom of peaceful assembly and expression for all persons, including members of political parties, candidates and members of the press (United States of America)</p>	<p>Accepted</p>	<p>Freedom of expression</p> <p>Freedom of peaceful assembly</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> <li>- The elections have been postponed several times, now set at 23 December 2018, with president Kabila exceeding his constitutionally mandated two-term limit which ended in December 2016. Protests to call for elections, and for Kabila to step down as mandated by DRC’s Constitution, have been brutally repressed, with hundreds of protesters killed, arbitrary arrests, violent dispersal of protests among others. (see 5.5 – 5.9).</li> <li>- Authorities have systematically banned protests, in particular protests organised by civil society and opposition, either by a blanket ban or refusal to issue authorization for protests (see 5.3 – 5.4)</li> <li>- According to the CSO Journaliste en Danger (JED), there were at least 121 violations of freedom of the press in 2017, with 83.5 % perpetrated by state actors, compared with at least 87 violations in 2016 (see 4.8)</li> <li>- Four media outlets linked to the political opposition were shut down between 2014 and 2016 for political reasons. The remained shut at the time of writing (see 4.9)</li> <li>- On several occasions, and in particular in the context of anti-government protests, the access to internet and social media was cut (see 4.6), and the signal of certain media outlets were jammed and/or cut (see 4.5)</li> </ul>

Recommendation - theme	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p><b>A - 134.133:</b> Bring all perpetrators of violence against journalists and human right defenders to justice and ensure that journalists and human rights activists are able to pursue their activities including by expressing criticism of government policies, without intimidation and harassment (Austria)</p>	<p>Accepted</p>	<p>Human rights defenders and journalists</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> <li>- HRDs are subject to threats, intimidation, judicial harassment and arbitrary arrests for their work. (see 3.4 – 3.10)</li> <li>- A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)</li> <li>- Journalists, covering anti-government protests, are also subject to harassment, intimidation, arbitrary arrests and physical attacks (see 3.11) while journalists and media outlets working in conflict zones are in particular vulnerable to threats, intimidation and harassment, perpetrated by state and non-state actors (see 3.12).</li> <li>- Perpetrators of these acts are almost never brought to justice.</li> </ul>

<p><b>A - 134.134:</b> Ensure that the freedoms of expression and peaceful assembly are respected in conformity with international standards and that members of political parties, journalists and human rights defenders are able to exercise their activities and to criticize the Government without being subject to intimidation, reprisals or harassment (Belgium)</p>	<p>Accepted</p>	<p>Freedom of expression Freedom of peaceful assembly Human rights defenders and journalists</p>	<p><u>Not implemented</u></p> <p><i>HRDs and journalists</i></p> <ul style="list-style-type: none"> <li>- HRDs are subject to threats, intimidation, judicial harassment and arbitrary arrests for their work. (see 3.4 – 3.10)</li> <li>- A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see para 3.3)</li> <li>- Journalists, covering anti-government protests, are also subject to harassment, intimidation, arbitrary arrests and physical attacks (see 3.11) while journalists and media outlets working in conflict zones are in particular vulnerable to threats, intimidation and harassment, perpetrated by state and non-state actors (see 3.12).</li> </ul> <p><i>Peaceful Assembly</i></p> <ul style="list-style-type: none"> <li>- Protests, in particular those calling for elections, and for Kabila to step down as mandated by DRC’s Constitution, have been brutally repressed, with hundreds of protesters killed, arbitrary arrests, violent dispersal of protests among others. (see 5.5 – 5.9).</li> <li>- Authorities have systematically banned protests, in particular protests organised by civil society and opposition, either by a blanket ban or refusal to issue authorization for protests (see 5.3 – 5.4)</li> </ul> <p><i>Expression</i></p> <ul style="list-style-type: none"> <li>- Press offenses are criminalized in DRC (see 4.3)</li> <li>- According to the CSO Journaliste en Danger (JED), there were at least 121 violations of freedom of the press in 2017, with 83.5 % perpetrated by state actors, compared with at least 87 violations in 2016 (see 4.8)</li> </ul>
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Recommendation - theme	Position	Complete list of themes	Evaluation /comments on the level of implementation
			<ul style="list-style-type: none"> <li>- Four media outlets linked to the political opposition were shut down between 2014 and 2016 for political reasons. The remained shut at the time of writing (see 4.9)</li> <li>- On several occasions, and in particular in the context of anti-government protests, the access to internet and social media was cut (see 4.6), and the signal of certain media outlets were jammed and/or cut (see 4.5)</li> </ul>

Recommendation - theme	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p><b>A – 134.135:</b> Enhance the engagement towards increasing the role of civil society, especially by widening the space for political debate and ensuring the right of human rights defenders, opposition parties and journalists to freely carry out their activities (Italy)</p>	<p>Accepted</p>	<p>Human rights defenders and journalists</p>	<p><u>Not implemented</u></p> <p><i>Civil society engagement</i></p> <p>In law and practice, the government has taken actions to repress civil society and HRDs, rather than opening political debate. The draft law modifying and complementing Law 004/2001 of 20 July 2001, general provisions applicable to non-profit associations and public utility institutions contains several restrictive provisions, including allowing authorities to dissolve associations accused of compromising security or public order or discrediting political institutions (see 2.5).</p> <p><i>HRDs and journalists</i></p> <ul style="list-style-type: none"> <li>- HRDs are subject to threats, intimidation, judicial harassment and arbitrary arrests for their work. (see 3.4 – 3.10)</li> <li>- A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)</li> <li>- Journalists, covering anti-government protests, are also subject to harassment, intimidation, arbitrary arrests and physical attacks (see 3.11) while journalists and media outlets working in conflict zones are in particular vulnerable to threats, intimidation and harassment, perpetrated by state and non-state actors (see 3.12).</li> </ul>

<p><b>A – 134.136 :</b> Ensure that the rights to freedom of expression and peaceful assembly are respected and all citizens, including journalists and human rights defenders, are able to pursue their activities without intimidation (Romania)</p>	<p>Accepted</p>	<p>Freedom of expression</p> <p>Freedom of peaceful assembly</p> <p>Human rights defenders and journalists</p>	<p><u>Not implemented</u></p> <p><i>Peaceful Assembly</i></p> <ul style="list-style-type: none"> <li>- Protests, in particular those calling for elections, and for Kabila to step down as mandated by DRC’s Constitution, have been brutally repressed, with hundreds of protesters killed, arbitrary arrests, violent dispersal of protests among others. (see 5.5 – 5.9).</li> <li>- Authorities have systematically banned protests, in particular protests organised by civil society and opposition, either by a blanket ban or refusal to issue authorization for protests (see 5.3 – 5.4)</li> </ul> <p><i>Expression</i></p> <ul style="list-style-type: none"> <li>- Press offenses are criminalized in DRC (see 4.3)</li> <li>- According to the CSO Journaliste en Danger (JED), there were at least 121 violations of freedom of the press in 2017, with 83.5 % perpetrated by state actors, compared with at least 87 violations in 2016 (see 4.8)</li> <li>- Four media outlets linked to the political opposition were shut down between 2014 and 2016 for political reasons. The remained shut at the time of writing (see 4.9)</li> <li>- On several occasions, and in particular in the context of anti-government protests, the access to internet and social media was cut (see 4.6), and the signal of certain media outlets were jammed and/or cut (see 4.5)</li> </ul> <p><i>HRDs and journalists</i></p> <ul style="list-style-type: none"> <li>- HRDs are subject to threats, intimidation, judicial harassment and arbitrary arrests for their work. (see para 3.4 – 3.10)</li> <li>- A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)</li> </ul>
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Recommendation - theme	Position	Complete list of themes	Evaluation /comments on the level of implementation
			<ul style="list-style-type: none"> <li>- Journalists, covering anti-government protests, are also subject to harassment, intimidation, arbitrary arrests and physical attacks (see 3.11) while journalists and media outlets working in conflict zones are in particular vulnerable to threats, intimidation and harassment, perpetrated by state and non-state actors (see 3.12).</li> </ul>
<p><b>N – 136.22:</b> : Ensure the speedy adoption of the law on protection of human rights defenders by the Parliament and its immediate and effective implementation (Czech Republic)</p>	Noted	Human rights defenders	<p><u>Not implemented</u></p> <p>A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)</p>
<p><b>N – 136.23:</b> Adopt a law on the protection of human rights defenders (Mali)</p>	Noted	Human rights defenders	<p><u>Not implemented</u></p> <p>A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)</p>
<p><b>N – 136.24:</b> Combat violations and violence against human rights defenders, particularly by adopting a law protecting them (France)</p>	Noted	Human rights defenders	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> <li>- HRDs are subject to threats, intimidation, judicial harassment and arbitrary arrests for their work. (see para 3.4 – 3.10)</li> <li>- A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)</li> </ul>

Recommendation - theme	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p><b>N – 136.36</b> : Investigate without delay allegations of arbitrary detention of journalists, activists and political opponents and report before the holding of local elections (Canada)</p>	<p>Noted</p>	<p>Human rights defenders and journalists</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> <li>- HRDs are subject to threats, intimidation, judicial harassment and arbitrary arrests for their work. (see para 3.4 – 3.10)</li> <li>- A draft law on the protection and activity regime for the protection of HRDs is under examination at the National Assembly. The draft law contains several restrictions and limitations not in line with the UN Declaration on Human Rights Defenders. (see 3.3)</li> <li>- Journalists, covering anti-government protests, are also subject to harassment, intimidation, arbitrary arrests and physical attacks (see 3.11) while journalists and media outlets working in conflict zones are in particular vulnerable to threats, intimidation and harassment, perpetrated by state and non-state actors (see 3.12).</li> <li>- Perpetrators of these acts are almost never brought to justice.</li> </ul>
<p><b>N – 136.37</b>: Free all persons arrested as a result of their political opinion or because they took part in peaceful demonstrations, and ensure that charges against them are dismissed (Belgium)</p>	<p>Noted</p>	<p>Freedom of expression  Freedom of peaceful assembly</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> <li>- Protesters and HRDs continue to be arrested during peaceful protests (see for example 5.9)</li> <li>- Recently on 25 September 2018, 4 Filimbi activists were sentenced to 1 year in prison for mobilising citizens to a peaceful protest (see 3.6 ), others have also sentenced to prison sentences for participating and/or organising protests (see for example: 3.7)</li> </ul>

Recommendation - theme	Position	Complete list of themes	Evaluation /comments on the level of implementation
<p><b>N – 136.38:</b> Ensure the full enjoyment of freedom of expression and of the press by removing all of the restrictions imposed, including by decriminalizing defamation, in accordance with its obligations under ICCPR and its commitment taken during the previous review (Estonia)</p>	<p>Noted</p>	<p>Freedom of expression</p>	<p><u>Not implemented</u></p> <ul style="list-style-type: none"> <li>- Press offenses are criminalized in DRC (see 4.3)</li> <li>- According to the CSO Journaliste en Danger (JED), there were at least 121 violations of freedom of the press in 2017, with 83.5 % perpetrated by state actors, compared with at least 87 violations in 2016 (see 4.8)</li> <li>- Four media outlets linked to the political opposition were shut down between 2014 and 2016 for political reasons. The remained shut at the time of writing (see 4.9)</li> <li>- On several occasions, and in particular in the context of anti-government protests, the access to internet and social media was cut (see 4.6), and the signal of certain media outlets were jammed and/or cut (see 4.5)</li> </ul>