

World Council of Churches – Commission of the Churches on International Affairs

UPR of the Democratic Republic of Congo - Stakeholder report

Human rights and the electoral process

The last Universal Periodic Review (UPR) of the Democratic Republic of Congo (DRC) took place in April 2014. At the time, presidential elections were scheduled to be held in November 2016, as the second term of President Joseph Kabila expired in December 2016. The intervening period has been marked by political crisis, with successive postponements of the presidential elections being accompanied by opposition protests and violent crackdowns by security forces resulting in hundreds of deaths.

The Saint-Sylvestre Accord of New Year's Eve 2016, mediated by the Catholic Bishops Conference of the DRC, provided for elections to be held at the end of 2017 and for President Kabila to remain in power under a transitional arrangement. But this agreement was not fulfilled, and elections were postponed again, purportedly because of logistical problems. In November 2017 the Electoral Commission announced plans for a presidential election for 23 December 2018. More demonstrations, security crackdowns and deaths ensued.

The submission of this report is due prior to the latest announced date of the presidential elections, whereas the UPR of the DRC will take place in April or May 2019, after the elections will hopefully have finally taken place. However, the concerns expressed in this report regarding the democratic process in the DRC – and violent responses by state authorities to the opposition protests – have been persistent throughout the 4-year period since the last UPR.

During the last UPR of the DRC, the United States of America called upon the DRC to “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” (134.132), and Canada recommended that the Government of the DRC “Investigate without delay allegations of arbitrary detention of journalists, activists and political opponents and report before the holding of the local elections” (136.36).

It is clear that these recommendations have not been implemented.

Information provided to the World Council of Churches indicates that the right to demonstrate peacefully has been routinely violated by the Government security forces' use of live ammunition and tear gas to disperse opposition rallies. Opposition leaders and supporters have been arrested, and risk injury or death for going out to support their candidates. One opposition leader, Moïse Katumbi, has been prevented from entering the country to register his candidacy, and his name does not appear on the official list of candidates for December's presidential election released on 20 September 2018. During protests related to the denial of his entry into the country, at least one person – a ten-year-old boy – was shot dead in August 2018.

Estimates suggest that approximately 300 people have been killed during largely peaceful political protests in the four-year period since the last UPR.

The World Council of Churches makes the following recommendations:

- The Constitution of the DRC with regard to the maximum length of term in office which can be served by any President must be fully respected.
- The Government of the DRC must end the use of violence and disproportionate force against opposition supporters, and must release those who have been arbitrarily arrested and detained whilst exercising their right to demonstrate peacefully.
- The Government must investigate reported incidents of excessive violence committed by security forces during demonstrations, and ensure legal accountability for those guilty of such acts.
- The electoral processes in the DRC must be free, fair and credible. DRC citizens who are outside the country must be allowed to enter to be registered as candidates and to vote.