

Democratic Republic of the Congo Country Constitution Assignment

1. Features of the State's Constitution

How often has the constitution been amended?

- The current constitution displays ten amendments made to it. The last amendment made to it was in 2011. However, in the past, there have been many constitutions that have been replaced and this is the most recent one.

When was the constitution ratified?

- It was ratified in 2005.

How many articles does the constitution contain?

- It contains 229 articles.

2. System of Government

Is the country unitary, federal or confederal?

- It is a unitary government. It is organized as a republic where the President is the executive leader and all other executives, including provincial executives, must respond to the central government.

Do certain regions have autonomy and how is it defined?

- The provinces within this country have certain autonomy. Their autonomy is defined as being able to decide how they direct their “economic, human, financial, and technical resources” (Article 3). There are 25 provinces and each has juridical autonomy meaning that each has its own local courts and jurisdiction. However, this is all established by the central government.

What powers are shared and divided among governments in the country?

- There is a separation of powers between the executive, legislative, and judicial branches. The president appoints the prime minister and the prime minister leads the Government. The Government comprises the Prime Minister, Ministers, Deputy Ministers, Vice Prime Ministers, Ministers of the State, and Delegated Ministers. This Government composition leads the executive branch alongside the president. The prime minister helps the president

oversee that laws are effectively enforced and the prime minister can delegate this task to specific ministers as well. Each Minister has a specialized focus within the government and oversee their own ministry department. They are responsible for the enforcement of laws that are specific to their scope. The Prime Minister is responsible for overseeing the work of the Ministers. Thus, the prime minister and the president share the power of enforcing the law.

- The National Assembly and the Senate are responsible for making the laws. They share this power, but there are divisions of power between them. They both must agree on a bill in order for it to become law but the National Assembly can decide the fate of a law if both cannot agree after a joint commission. Additionally, the National Assembly is in charge of approving the Prime Minister's program for government and the country's finance law. Therefore, the executive branch and Parliament work together in some instances, such as when the president meets with members of Parliament periodically, however, their powers remain separated from one another.
- The different levels of courts, such as the Constitutional Court and the Council of State among others, compose the judicial branch and they have the power of interpreting the law and checking the constitutionality of laws before they are passed by the legislative branch. They are also responsible for prosecuting civilians and members of Parliament that have infringed the law. The judicial branch is separated from the executive branch and legislative branch demonstrating another significant division of power.

3. Regime Type

Is the country parliamentary, presidential or semi-presidential

- It is semi-presidential because it has a president who is popularly elected, a prime minister, and a parliament.

If the country is parliamentary, how is the cabinet formed?

- It is not parliamentary. It is semi-presidential and has a Bureau for each chamber of Parliament comprised of 7 members who are elected within that particular chamber.

If the country is parliamentary, is there a figurehead leader, and if so, what is their role?

- It is not parliamentary. It is semi-presidential and has a Parliament that is led by the president of each Bureau.

If the country is presidential, are there term limits?

- It is not just presidential it is semi-presidential. In this semi-presidential government, the president's term lasts 5 years and they can be reelected once.

If the country is presidential, what types of powers does the president wield?

- It is not just presidential. It is semi-presidential whose president must appoint the prime minister and the Council of Ministers, ensure the law is executed properly within all of the ministries, can declare war and pardon, and leads the military and the country's foreign affairs.

If the country is semi-presidential, what is the division of power?

- The president and the prime minister are responsible for executing the law and enforcing it. The president appoints the prime minister. The prime minister oversees the government alongside the president. The Government comprises the Prime Minister, Ministers, Deputy Ministers, Vice Prime Ministers, Ministers of the State, and Delegated Ministers. Each Minister focuses on specific matters within the government and is responsible for their own ministry department. The prime minister delegates tasks to these specific ministers and helps the president oversee that they are carried out properly by the ministers.
- Contrastingly, the Parliament does not execute laws but instead makes the laws that the president, prime minister, and other ministers will enforce. The National Assembly and the Senate view bills independently and then try to agree on them to become law. The National Assembly must approve the Prime Minister's program for government, and Parliament and the president and prime minister meet periodically.

4. Legislative Branch

Is the legislature unicameral or bicameral?

- It is bicameral. It consists of the National Assembly and the Senate.

If the legislature is bicameral, how are powers divided between the two houses?

- As a whole, the legislature considers potential laws and votes to pass them or deny them. Both chambers oversee public provisions and institutions. Members of the National Assembly, specifically, represent the nation as a whole through the lens of their respective political parties. Members of the Senate represent their particular province in the national government. Both chambers propose and can draft the law(s) in question and they both review

them independently. They delegate within their chambers and both Chambers must have the same decision regarding the law in order for it to pass. If not, it is sent back until they can reach the same conclusion. This serves as a form of checks and balances between the chambers. They can hold joint committees in order to reach a consensus, but if this does not solve the dispute then the National Assembly, not the Senate, has the power to make the final decision (Article 135).

- Only the National Assembly must approve the program of government presented by the Prime Minister. The National Assembly is responsible for drafting the Bill of the Annual Law of Finance which determines the national budget. Both the National Assembly and the Senate must agree on the opening of provisional credits within the Law of Finance (Article 130). Moreover, solely the National Assembly approves appointments made to the Court of Accounts (Article 178).
- They both must give the President permission to declare war. The National Assembly and the Senate must jointly agree to end a state of urgency (Article 144). However, when there is a question of whether there should be a motion to censure a government official, the National Assembly has the power to vote for or against this (Article 146).
- Therefore, it can be seen that most powers are shared between the chambers. However, the National Assembly is known to hold more power as it holds more responsibilities and has more power in certain decision-making as discussed above.

Does the constitution discuss a committee system?

- Yes, it discusses that committees are established in each chamber's internal regulations which is a set of rules and duties unique to each chamber. It states the creation of permanent commissions and temporary commissions made for specific situations. Commissions within the chambers are specialized in a particular area and review bills that concern that area (Article 112).
- For example, one of the permanent commissions is the Independent National Electoral Commission which oversees the results of parliamentary elections and the establishment of new members and regulations of the legislative bureaus (Article 114).
- Additionally, the chambers can make joint committees when the National Assembly and the Senate have trouble agreeing on a specific bill. This helps them reach a consensus (Article 113).

How is the speaker of the legislature chosen?

- Each chamber is led by a Bureau. Thus, there are two bureaus. Each Bureau has seven members and the leader of each one is the president of the Bureau. These presidents act as the speakers of the legislature in each chamber. Each member, including the president of the Bureau, is elected by

the chamber. The elections occur based on the internal regulations of the chambers (Article 111).

5. Elections and Electoral System

Does the constitution discuss the electoral system, and if so, what is the system?

- Yes, the electoral system is discussed. The electoral system consists of universal and equal suffrage and the use of a secret ballot (Article 5). It states that the Independent National Electoral Commission oversees national elections. Presidential candidates must meet the specified requirements, such as being Congolese and at least 30 years old (Article 72). The ballots are summoned 90 days before the end of the preceding presidential term (Article 73). The president is elected through direct suffrage (Article 70). Candidates for positions in the National Assembly and in the Senate must be chosen by the political parties or be registered as independents (Article 101). When the legislatures are elected, two substitutes for them are also elected. These legislative must meet the requirements to be even considered as a candidate such as being Congolese and at least 25 years old as in the case of the National Assembly (Article 102). Senators however are elected by Provincial Assemblies rather than national suffrage.

Are legislative seats provided for specific groups?

- There are no legislative seats for specific groups.

How often are elections held for various offices?

- A presidential term is five years long and the president can be reelected once. Thus, every five years there is a presidential election (Article 70). Members of the National Assembly are elected every five years and can be reelected (Article 103). Senators are elected every five years and can be reelected (Article 105).

6. Rights and Freedoms

Are there any group-based rights?

- Yes, there are group-based rights. There are group-based rights for children. Children have the right to know their parents' names. They also have the right to be protected by their family, society, and public institutions. They are

protected from abandonment, mistreatment, and violence as well as from accusations of witchcraft (Article 41). The state must protect children from poor health, poor education, and any factors that can hinder their development (Article 42). Thus, all children have the right to free education. Also, the constitution provides equal treatment and protection of rights to ethnic minorities that may be found within the country (Article 51). Additionally, the elderly and handicapped have the right to state-provided protection from conditions that can hinder their physical and intellectual integrity and public assistance because of their physical and intellectual condition (Article 50).

Which types of groups are protected in the constitution?

- Children, the elderly, the handicapped, and ethnic minorities are protected. Specific ethnic minorities were not specified, but it stated that those that speak Kikongo, Lingala, Swahili, and Tshiluba and identify with ethnic minority groups must not be discriminated against (Article 1).

Are specific linguistic, religious and ethnic-based rights guaranteed by the country?

- There are no specific linguistic, religious, and ethnic-based rights specified. The constitution stated that those that speak Kikongo, Lingala, Swahili, and Tshiluba and identify with ethnic minority groups must not be discriminated against (Articles 1 and 51).

Are economic rights guaranteed by the country?

- All Congolese have the right to own private property (Article 34). All citizens have the right to work and pension and are protected from unemployment (Article 36). They have the right to join trade unions and strike if they wish (Articles 38 and 39). All Congolese have the right to health care and food. They have the right to housing, water, and electricity (Article 48).

7. Level of Democracy

According to [Freedom House](#) [Links to an external site.](#), what is the current level of political rights and civil liberties in the country? How is it classified by Freedom House (Free, Partly Free or Not Free)?

- Currently, The Democratic Republic of the Congo has a total score of 19 and is considered Not Free. The level of political rights is 4 and the level of civil liberties is 15.

8. Corruption

According to [Transparency International](#) [Links to an external site.](#), what is the current level of corruption in the country?

- The current level of corruption is displayed by a score of 19/100, meaning that there is a lot of corruption. Its ranking is 169/100.

According to [Transparency International](#) [Links to an external site.](#), has your country improved, declined or stayed the same in its level of corruption.

- It has merely improved. Since 2020, it has gone up one point.

9. Political Economy

According to the [World Bank](#) [Links to an external site.](#), what is your country's per capita GDP (PPP)?

- The Democratic Republic of the Congo's per capita GDP is \$584.10.