



THE PROTECTION OF HUMAN RIGHTS DEFENDERS IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Context

In 2021, the UN Joint Human Rights Office in the Democratic Republic of Congo (DRC) reported numerous threats, intimidation and attacks against human rights defenders, members of civil society and journalists in the course of their legitimate work. According to the report (2020-2021), most of the 584 victims of these violations and abuses were members of civil society organisations (48%) and media professionals (12%).

As part of the Universal Periodic Review (UPR), the DRC received a total of 45 recommendations concerning the protection of human rights defenders, including 15 specifically issued during the third cycle. These recommendations were reinforced by other UN mechanisms, notably by the Committee Against Torture in 2019. Among these recommendations was the adoption of a law recognizing and protecting the activities of human rights defenders, ensuring thorough and independent investigations into any violations they might face. These recommendations were made by Uruguay, France, and Burkina Faso.

What has been the impact of the UPR?



In 2023, the DRC became the fifth African country to adopt a law protecting human rights defenders.

Law No. 23/027 on the protection and accountability of human rights defenders in the Democratic Republic of the Congo, enacted on June 15, 2023, in a context marked by armed conflicts and threats against human rights defenders, aims to ensure their protection against violations of their rights, such as threats, intimidation, illegal arrests, and assassinations.

This law follows advocacy efforts led by human rights defenders in the DRC since 2009 for the adoption of a law protecting their activities and ensuring their safety.

In 2017, this advocacy led to the inclusion of a bill proposal on the protection of human rights defenders in the parliamentary agenda. Although this proposal was voted on by both chambers of Parliament, differences led to the establishment of a joint parliamentary commission to reconcile viewpoints. However, no agreement was reached for the adoption of the law.

What was the role of civil society?

The National Human Rights Commission and civil society have been very active in lobbying, both nationally and internationally, for the adoption of this law.



Thanks to the recommendations received in 2019, civil society has relaunched advocacy for the adoption of the law.

On 12 December 2022, the bill was passed by the National Assembly after a thorough examination. Several consultations between civil society and the Senators were held to ensure that the law complied with international standards.

The law was adopted on 15 June 2023, recognising the crucial role of human rights defenders in the promotion and protection of fundamental rights. It sets out specific measures to prevent acts of violence, intimidation and reprisals against them.

In 2022 and 2023, UPR Info, in collaboration with the Carter Center, undertook several activities in the country to enhance the skills and knowledge of local actors on the UPR. Among these activities, training sessions were organized on how civil society can contribute to the implementation of recommendations, aiming to utilize the UPR as a national advocacy tool to advance human rights.

UPR Info and the Carter Center also organized sessions to strengthen the interaction among national civil society organizations, the National Human Rights Commission, and the Interministerial Committee. One of the themes addressed was how to monitor recommendations, particularly those concerning the law on human rights defenders.

Additionally, UPR Info provided technical support for monitoring the implementation of UPR recommendations and drafting a mid-term report for CSOs and NHRIs, as well as sessions with journalists on their role in the UPR.

However, despite this progress, article 7 paragraph 3 introduces a requirement for defenders to register with the National Human Rights Commission in order to obtain an identification number.

This provision, while perhaps aimed at better organizing and monitoring the activities of human rights defenders, could be seen as going against the principle that anyone can be a defender on an ongoing or ad hoc basis, without the need for prior registration. Indeed, this administrative formality could restrict free participation in the defense of human rights by introducing a potentially dissuasive bureaucratic process.