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Democratic Republic of the Congo

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.[1] It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee on the Elimination of Discrimination against Women encouraged the Democratic Republic of the Congo to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.[2] It also recommended that it ratify the Arms Trade Treaty.[3]

3. The Committee on Economic, Social and Cultural Rights recommended that the Democratic Republic of the Congo consider ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization.[4]

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that the Democratic Republic of the Congo be encouraged to ratify the Convention against Discrimination in Education and to continue to submit regular national reports for the periodic consultations on the education-related standard-setting instruments of UNESCO.[5]

III. National human rights framework

1. Constitutional and legislative framework

5. The Committee on the Elimination of Discrimination against Women was concerned that, in general, the laws that were adopted were not implemented and were not properly disseminated throughout the territory. It recommended that the Democratic Republic of the Congo effectively implement the laws adopted by Parliament and promulgated by the Head of State, allocate sufficient resources for their enforcement, raise awareness of the laws

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related to gender equality and ensure their wide dissemination, involving traditional and religious leaders in the promotion of women's rights and gender equality.[6]

6. The Committee against Torture regretted that, under Act No. 11/008, superior officers were not held criminally responsible when they were aware of acts of torture or ill-treatment committed by their subordinates. It also found it regrettable that the Act did not explicitly provide that no exceptional circumstances could justify torture. In addition, the Committee remained concerned about the weak enforcement of the Act. It thus recommended that the State: (a) amend Act No. 11/008 so that it provided for superior officers to be held criminally responsible, whether acts were committed at their instigation or with their consent or acquiescence; (b) state explicitly in Act No. 11/008 that no exceptional circumstances could be invoked as a justification of torture; and (c) take the measures necessary for the wide dissemination of Act No. 11/008 and the familiarization of judges and prosecutors with it, so as to ensure, in practice, the effective criminalization of acts of torture and handing down of sentences commensurate with the seriousness of such acts.[7]

2. Institutional infrastructure and policy measures

7. The United Nations country team welcomed the commitment made by the Head of State, during the high-level segment commemorating the seventy-fifth anniversary of the Universal Declaration of Human Rights on 12 December 2023, to actively support the revitalization of the human rights liaison body, which was the sole mechanism for consensus-building and cooperation that involved national and international actors working to promote and protect human rights. It encouraged the authorities to take concrete steps to translate this commitment into reality, and called on the Government to continue its efforts to strengthen the country's legal framework for the promotion and protection of human rights and bring it further into line with its international obligations.[8]

8. The country team noted the State's efforts to support the National Human Rights Commission, including by providing it with a building for its headquarters and by increasing its operating budget since 2020. The United Nations Joint Human Rights Office in the Democratic Republic of the Congo had supported these efforts by providing the Commission with buildings for its offices in the provinces of Tanganyika and Ituri, in 2021 and 2022 respectively. However, most of the Commission's offices did not have their own premises or staff to carry out the Commission's mandate effectively. The country team encouraged the Government to enhance the Commission's resources; to reform its legal framework to better comply with the Paris Principles; to ensure its independence; and to ensure its proximity to rights holders.[9]

9. The Committee against Torture was concerned about the delay in establishing a national preventive mechanism. It recommended that the State initiate, without delay, a participatory and inclusive process to establish an independent and effective national preventive mechanism and allocate the human and financial resources needed to enable the mechanism to function effectively and independently.[10]

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

10. The Committee on Economic, Social and Cultural Rights noted with concern that the Democratic Republic of the Congo had not yet adopted a comprehensive anti-discrimination law that covered all grounds for discrimination in all areas covered by the International Covenant on Civil and Political Rights.[11] It recommended that the State: (a) adopt a broad anti-discrimination law that prohibited direct and indirect discrimination on any grounds in all areas covered by the Covenant; (b) ensure access to effective remedies for victims of discrimination, including the possibility of obtaining redress; and (c) effectively prevent and combat discrimination against Indigenous Peoples, particularly the Batwa, internally

displaced persons and persons with disabilities, notably through awareness-raising campaigns and affirmative action measures.[12]

11. The United Nations High Commissioner for Human Rights was very concerned about the rise in ethnic-based hate speech and incitement to violence in the country, particularly in the Provinces of North Kivu and South Kivu, as well as in the Kasai and Katanga regions, after the 2023 general elections. He stated that hateful, dehumanizing and inciteful rhetoric could only deepen tension and violence in the Democratic Republic of the Congo itself, as well as putting regional security at risk. He called on the authorities to thoroughly and transparently investigate all reports of hate speech and incitement to violence and to hold those responsible to account.[13]

2. Right to life, liberty and security of person, and freedom from torture

12. Noting that the Democratic Republic of Congo had observed a de facto moratorium on the application of the death penalty since 2003, the United Nations country team regretted the lifting of the moratorium on 9 February 2024 for several offences. It urged the authorities to take steps to commute the sentences of prisoners currently on death row to prison sentences.[14]

13. The United Nations High Commissioner for Human Rights noted that, between 1 October 2023 and 15 March 2024, the United Nations Joint Human Rights Office had documented 2,110 human rights violations and abuses throughout the Democratic Republic of the Congo. Some 59 per cent had been committed by armed groups, and they included summary executions and conflict-related sexual violence. Almost half of the violations and abuses had been committed in the North Kivu Province, where violence and tensions had reached boiling point. The United Nations Joint Human Rights Office had documented 156 people who had been summarily executed at the hands of the rebel group Mouvement du 23 mars. The Congolese army or its proxies had been responsible for violations of international human rights or humanitarian law, including extrajudicial killings, arbitrary arrest and detention, and the destruction of private property. Many of those serious human rights violations could amount to atrocity crimes, and the alleged perpetrators and their accomplices must be held to account.[15]

14. As the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) began its disengagement from the country in 2024 under the agreement between the Government and the United Nations, the High Commissioner urged the authorities to uphold their responsibility to protect civilians. He cautioned that, without rapid reinforcement of national armed forces in areas where people had been reliant on MONUSCO, the security vacuum could be filled by armed groups, with terrible consequences for civilians.[16]

15. The Committee against Torture was seriously concerned about reports of the widespread use of torture in many places of detention in the country, particularly of individuals suspected of belonging to the political opposition, by members of the Armed Forces of the Democratic Republic of the Congo, the national police and the National Intelligence Agency. The Committee deplored the limited number of reported convictions and was concerned that members of the National Intelligence Agency were benefiting from sweeping immunity from prosecution pursuant to Decree-Law No. 1/61.[17]

3. International humanitarian law

16. The Secretary-General noted that, from 1 December 2023 to 19 March 2024, protracted armed violence perpetrated by armed groups had continued to exacerbate humanitarian challenges and cause large-scale population displacement. The presence of artillery near sites where internally displaced persons had concentrated represented an additional protection risk for civilians and further restricted humanitarian access. Mortar shells near Bambo and Mweso hospital in January 2024 had prompted humanitarian organizations working in the area to temporarily cease their operations.[18]

17. The United Nations High Commissioner for Human Rights recommended that the Government ensure that the military operations of the Armed Forces of the Democratic Republic of the Congo against armed groups were conducted in strict compliance with human

rights and international humanitarian law and that any offenders were prosecuted in the competent courts.[19]

4. Administration of justice, including impunity, and the rule of law

18. The High Commissioner also recommended that the Government: (a) conduct investigations aimed at removing from the defence and security forces high-ranking officers who were implicated in the commission of serious violations of human rights and international humanitarian law and take the steps necessary to enforce the penalties for such acts when they were imposed; (b) continue efforts to conduct prompt investigations into allegations of human rights violations and abuses, including those committed in the Kasai region, and ensure that those efforts led to the prosecution of the perpetrators of such violations; and (c) take all steps necessary to prevent sexual violence and, when it occurred, to bring the perpetrators to justice, provide victims with comprehensive care and facilitate their access to remedies for obtaining justice, truth and redress.[20]

19. The Committee against Torture was of the view that the cumulative effect of the lack of judicial oversight of the National Intelligence Agency's actions, the immunity granted to its officers and the effective lack of investigations and prosecutions in connection with acts of torture was helping to create and maintain a situation of generalized impunity. It recommended that the State: (a) revise its legislation, ensure that the competent authorities routinely launch an investigation whenever there were reasonable grounds to believe that an act of torture had been committed and see to it that suspects were duly brought to justice and, if they were found guilty, received sentences commensurate with the seriousness of their acts; (b) put in place an independent, effective, confidential and accessible complaints mechanism in all police custody facilities and prisons, and ensure that complainants, victims and members of their families were not at risk of reprisals; and (c) compile and disseminate up-to-date statistics on the complaints filed, investigations conducted, prosecutions initiated and convictions handed down in cases of torture.[21]

20. The United Nations country team welcomed the commitment made by the Head of State on 12 December 2023 to strengthen the protection of civilians through community policing and a republican army that respected human rights, as well as through efficient accountability mechanisms such as the military prosecutor's office and the inspectorate general of the police, and to step up the fight against impunity at all levels. It encouraged the authorities to advance this commitment and to honour the commitments made in the addendum to the joint communiqué between the Democratic Republic of the Congo and the United Nations on conflict-related sexual violence, in terms of participation, prevention, the fight against impunity, reparations and multisectoral assistance.[22]

5. Fundamental freedoms and the right to participate in public and political life

21. The country team welcomed the commitment made by the Head of State on 12 December 2023 to strengthen the civic space by protecting the rights of human rights defenders and journalists and by supporting community organizations and associations. It encouraged the authorities to make good on this commitment.[23]

22. The Special Rapporteur on the situation of human rights defenders expressed alarm at the fact that, from June 2023 to April 2024, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo had documented incidents of intimidation, threats of physical violence, attacks and acts of reprisals targeting 387 human rights defenders and 67 journalists, perpetrated by both State agents and armed groups. Two women human rights defenders, members of Lutte pour le changement, had been facing violence and death threats from the Twigwaneho armed group since November 2023. A human rights defender had received death threats in February 2022 when he had questioned the effectiveness of the Government's state of emergency in North Kivu, stating that the authorities had failed to guarantee the safety of the population. Four women human rights defenders from the women-led organization Tous pour la Paix et la Cohésion Sociale, had been victims of kidnapping and violence following activities they had organized concerning women's rights.[24]

23. The Special Rapporteur called on the authorities in the Democratic Republic of the Congo to take all measures necessary to ensure a safe working space and protection for

human rights defenders. She also called for them to guarantee the exercise of human rights defenders' rights to freedom of peaceful assembly and association and to effectively and reliably investigate all cases of executions in accordance with international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and to bring those responsible to justice.[25]

6. Right to marriage and family life

24. The Committee on the Elimination of Discrimination against Women recommended that the State: (a) repeal the remaining discriminatory provisions of the revised Family Code, including the provision that the husband was the head of the household, and conduct awareness-raising campaigns to disseminate the revised Family Code, targeting in particular women from rural areas and Indigenous communities, as well as traditional chiefs and parents; (b) repeal the legal provisions making the registration of marriages conditional on the provision of a dowry and make it unlawful for dowries to be required or given; and (c) prosecute and sanction persons who were engaged in facilitating child marriages or adults married to children.[26]

7. Prohibition of all forms of slavery, including trafficking in persons

25. The Committee on the Elimination of Discrimination against Women recommended that the Democratic Republic of the Congo: (a) expedite the adoption of the draft law on combating trafficking in persons and develop and implement a new national action plan in collaboration with women's organizations and the relevant United Nations entities in that respect, including regarding the elaboration of a study on the extent and root causes of trafficking and forced prostitution in the State; (b) provide the new agency and the national committee on combating trafficking in persons and migrant smuggling with adequate human, technical and financial resources; (c) investigate, prosecute and adequately punish perpetrators of trafficking for forced labour, exploitation and forced prostitution of women and girls, including in artisanal mines and conflict areas, and ensure that victims of trafficking and forced prostitution were exempted from criminal liability; and (d) take the measures necessary to prosecute and sanction sexual violence, rape and harassment committed by the police against women in prostitution.[27]

8. Right to work and to just and favourable conditions of work

26. The Committee on Economic, Social and Cultural Rights noted that, despite the efforts of the Democratic Republic of the Congo to reduce unemployment, the impact of those measures had not been significant and that the labour market was marked by a high rate of unemployment among young persons, vast inequalities in job opportunities and large numbers of workers in the informal economy who were not covered by labour legislation and the social security system. It recommended that the State: (a) develop and implement, in consultation with the social partners, a national employment policy with specific goals for reducing unemployment and combating all forms of discrimination, targeting its efforts at young persons, women, persons with disabilities and all other groups affected by discrimination in particular; (b) redouble efforts to improve the quality of education and technical and vocational training; and (c) ensure that workers employed in the informal economy were protected by labour legislation and had access to social security benefits, and continue its efforts to progressively reduce the number of workers employed in that sector of the economy by integrating them into the formal economy.[28]

9. Right to social security

27. The same Committee was concerned that the coverage of the State's social security system was heavily dependent on being in formal employment, and that large numbers of people, especially workers in the informal economy, continued to be excluded from the system. It recommended that the State redouble its efforts to develop a social security system that guaranteed universal coverage and provided sufficient benefits for everyone, especially the most disadvantaged and marginalized groups, in order to guarantee them a decent standard of living. It also urged the State to step up its efforts to devise a social protection floor that incorporated basic universal social guarantees.[29]

10. Right to an adequate standard of living

28. The same Committee noted with concern that poverty rates remained very high, affecting around 82 per cent of the population, with women, children and Indigenous Peoples disproportionately affected. It was also concerned about the high levels of inequality in the Democratic Republic of the Congo. It recommended that the State redouble its efforts to combat social inequality and poverty, particularly extreme poverty, inter alia by implementing inclusive development models that benefited the most disadvantaged first and foremost.[30]

29. The same Committee urged the State: (a) to take immediate action to address chronic malnutrition, including by adopting emergency action plans incorporating clear-cut targets for reducing rates of chronic malnutrition; and (b) to adopt a legislative and institutional framework and a global strategy for guaranteeing the right to adequate food and combating hunger and chronic malnutrition, and to seek technical support for addressing food insecurity from the Food and Agriculture Organization of the United Nations.[31]

11. Right to health

30. The United Nations country team welcomed the Government's roll-out of universal health coverage and its expansion of health service coverage by ensuring people's access to good-quality health infrastructure. It noted, however, that the effectiveness of universal health coverage and free access to maternity services as well as sustainability issues linked to government funding remained a major challenge. It recommended the allocation of sufficient funds to finance the strategic plan and make access to basic social services a priority for the central and provincial governments.[32]

31. The Committee on the Elimination of Discrimination against Women recommended that the State ensure that women and girls had access to accurate information relating to sexual and reproductive health and rights and that all women, including rural and Indigenous women, had access to high-quality sexual and reproductive health services, covering family planning, the prevention of early pregnancy and sexually transmitted infections and emergency post-abortion care.[33]

12. Right to education

32. The Committee on Economic, Social and Cultural Rights recommended that the State: (a) ensure that primary school attendance was actually free of charge and reinforce the rules and mechanisms in place for monitoring and overseeing private educational institutions; (b) take the measures necessary to guarantee access to education for all children, including internally displaced children, Batwa children and children in rural areas; (c) improve the quality of education, notably by allocating sufficient resources, increasing the number of qualified teachers and their salaries, and improving infrastructure and teaching materials; (d) step up the implementation of specific, concrete measures to ensure the resumption of in-person schooling, access to good quality education and a reduction in the digital divide between students; and (e) take urgent measures to ensure that children living in areas where conflict persisted had access to education, and thoroughly investigate acts of violence committed against teachers and students and damage to educational infrastructure in order to bring those responsible to justice and ensure the effective implementation of the Safe Schools Declaration.[34]

33. The Committee on the Elimination of Discrimination against Women recommended that the State promote access to education for girls at all levels as a basis for their empowerment, and that it: (a) ensure that primary education was compulsory and free, as provided for in the Constitution; (b) intensify efforts to increase the rates of enrolment, retention and completion by women and girls at all levels of education, especially in science, technology, engineering and mathematics programmes; (c) take further measures to ensure that pregnant women and girls continued their education and facilitate the reintegration into education of adolescent mothers, including by combating cultural stigma through awareness-raising campaigns; (d) establish effective procedures to investigate cases of the sexual abuse and harassment of girls in school environments, prosecute perpetrators, especially teachers and school administrators, and provide victims with medical care,

psychosocial counselling and rehabilitation; and (e) establish compulsory awareness-raising programmes for teachers and all school administration personnel on the fact that they could be held criminally liable for rape and sexual harassment.[35]

13. Cultural rights

34. The Committee on Economic, Social and Cultural Rights noted with concern the absence of measures to promote cultural diversity and broaden knowledge of Batwa culture, traditions and traditional knowledge. It recommended that the State take the measures necessary to promote awareness of Batwa heritage, and create conditions that enabled the Batwa to safeguard, develop, express and share their history, culture, traditions, traditional knowledge and customs.[36]

14. Development, the environment, and business and human rights

35. The United Nations High Commissioner for Human Rights noted that one of the root causes of the conflicts in the Democratic Republic of the Congo was the exploitation of the country's natural resources, which impoverished rather than benefiting the local population. He stressed that the Government, as well as regional and international powers, had obligations in that regard. The private sector, including businesses that extracted resources, such as coltan, which were so valuable for the world, also had important human rights responsibilities. He noted that everyone used mobile phones, which were made possible, largely, thanks to the resources of the Democratic Republic of the Congo. The world could not continue to consume at the expense of the Congolese people.[37]

36. The Committee on Economic, Social and Cultural Rights was concerned about the adverse effects of mining and logging activities on the environment and about the effects of deforestation on climate change. It recommended that the State ensure that natural resources, including forest resources, were used in accordance with a fair and equitable conservation policy, in consultation with the communities concerned, Indigenous Peoples, civil society organizations and the authorities responsible for conservation. It urged the State to respect the implementation of the moratorium on logging concessions and recommended that the Democratic Republic of the Congo continue its efforts to take the measures necessary to mitigate the negative impact of climate change on economic, social and cultural rights.[38]

37. The same Committee also recommended that the State: (a) draw up clear guidelines and rules for evaluating the possible impact on the enjoyment of economic, social and cultural rights and the environment of economic development and natural resource exploitation initiatives, including mining and logging activities, throughout the Democratic Republic of the Congo; (b) take the steps necessary to ensure that the communities affected by activities linked to economic development and the exploitation of natural resources in their territories were consulted, received compensation for damage and loss, and drew tangible benefits from such activities; and (c) prevent acts of violence and intimidation against the communities concerned and the eco-guards working in natural parks, and guarantee effective protection for them, including through the intermediary of the Congolese Institute for Nature Conservation.[39]

B. Rights of specific persons or groups

1. Women

38. The Secretary-General noted that, in December 2023 and January 2024, the number of documented cases of conflict-related sexual violence had included at least 118 persons, including 87 women, 30 girls and 1 man. However, it was likely that such cases had continued to be underreported owing to access and security challenges for MONUSCO and fear of reprisals and stigma among survivors of sexual violence when compared with the high figures of victims of gender-based violence seeking services from humanitarian actors. Armed groups had allegedly been responsible for incidents affecting 106 victims, including 81 women, 24 girls and 1 man. Mai-Mai factions had perpetrated most of the alleged abuses of 34 victims (26 women, 7 children and 1 man), followed by the Coopérative pour le développement du Congo (19 women and 6 girls), the Mouvement du 23 mars (14 women

and 8 girls) and Nyatura (10 women and 1 girl). The Armed Forces of the Democratic Republic of the Congo had allegedly been responsible for incidents of sexual violence involving four women and five girls, and the Congolese national police in cases involving two women. The Provinces of North Kivu (46 victims), Ituri (41 victims), Tanganyika (22 victims) and South Kivu (9 victims) had borne the brunt of sexual violence in conflict.[40]

39. The Committee on the Elimination of Discrimination against Women recommended that the State: (a) effectively combat impunity, by promptly and thoroughly investigating violations of women's rights perpetrated in conflict areas, in particular sexual and gender-based violence, and prosecuting and punishing with appropriate sanctions members of the Armed Forces of the Democratic Republic of the Congo, the national police and non-State actors responsible for such violations, including those with command responsibility; (b) ensure that victims and their family members had effective access to justice and remedies and received adequate reparations, in particular by ensuring the immediate payment of the reparations established and provided for in judicial decisions issued by the courts, especially in cases in which a State agent or the State was found responsible, and establishing a comprehensive national policy to provide reparations to victims of sexual crimes and ensuring the availability of funding for its implementation; (c) provide adequate protection from reprisals for victims and witnesses who sought access to justice or cooperated with the judiciary and ensure that acts of witness tampering were effectively prosecuted; and (d) ensure that victims had access to comprehensive medical treatment, mental health care and psychosocial support.[41]

40. The same Committee was concerned that discriminatory gender stereotypes concerning the roles and responsibilities of women and men in the family continued to persist and that the Democratic Republic of the Congo had not taken sufficient, sustained and systematic action to eliminate adverse cultural practices, patriarchal attitudes and deep-rooted stereotypes. The Committee recommended that the Democratic Republic of the Congo put into place, without delay, a comprehensive strategy to eliminate stereotypes and harmful practices that discriminated against women, including by making a concerted effort, within a clear time frame, in collaboration with Parliament, civil society, the school system, health professionals, the media and traditional leaders, to educate and raise awareness about negative gender stereotypes in a manner that targeted women and girls, as well as men and boys, at all levels of society.[42]

2. Children

41. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict noted that the killing and maiming of children by parties to the conflict was particularly worrying, having increased from 135 verified cases in 2019 to 699 cases in 2022. A stark increase had also been observed in verified cases of abduction of children, with 305 abductions verified in 2019 to 730 verified cases in 2022. The number of cases of rape and other forms of sexual violence had risen from 249 in 2019 to 436 in 2021, then decreased to 284 in 2022. The number of attacks on schools and hospitals and related protected persons had remained high, with 108 verified attacks on schools (70) and hospitals (38) and the military use of 13 schools in 2022. Reportedly, some of the main perpetrators were the Allied Democratic Forces, the Coopérative pour le Développement du Congo, Mai-Mai Mazembe, Mai-Mai Apa Na Pale, the Mouvement du 23 mars and Nyatura.[43]

42. The same Office recommended that the Democratic Republic of the Congo: (a) ensure full implementation of the action plan to end and prevent the recruitment and use of children and sexual violence by government armed forces, which had been adopted by the Government and the United Nations in 2012; (b) sustainably prevent the recruitment and use of children and prioritize the implementation of the provisions of the action plan related to sexual violence against children; (c) take all preventive and mitigating measures necessary to avoid and minimize harm and better protect children during hostilities and from the risks and effects of explosive remnants of war; and (d) end and prevent attacks against schools and hospitals and the military use of such facilities, respect the civilian character of schools in accordance with international humanitarian law, and pursue efforts to swiftly and fully implement the Safe Schools Declaration.[44]

3. Persons with disabilities

43. The Committee on the Elimination of Discrimination against Women was concerned that women and girls with disabilities faced multiple forms of discrimination concerning access to adequate health services, employment, education and vocational and technical training. It was also concerned that they were victims of violence and that their autonomy was often limited. It recommended that the Democratic Republic of the Congo: (a) eliminate discrimination and violence against women and girls with disabilities and protect their rights in conflict areas; (b) develop supportive decision-making mechanisms for women with disabilities, respecting their autonomy, rights, will and preferences; and (c) ensure access for women and girls with disabilities to health services, education and employment without discrimination.[45]

4. Indigenous Peoples

44. The Committee on Economic, Social and Cultural Rights recommended that the State: (a) recognize the rights of the Indigenous Peoples who were under its jurisdiction and take effective steps, in consultation with them, to combat the discrimination and exclusion they faced; (b) protect and guarantee, in law and in practice, the right of Indigenous Peoples to freely dispose of their lands, territories and natural resources, including their right to be consulted with a view to obtaining their free, prior and informed consent; and (c) accelerate the process of adopting and promulgating the Act on the Protection and Promotion of the Rights of Indigenous Peoples, and put in place the mechanisms necessary to ensure that it was effectively implemented with the involvement of the Indigenous Peoples concerned.[46]

5. Lesbian, gay, bisexual, transgender and intersex persons

45. The same Committee was concerned that the Criminal Code, and particularly article 176, was often used to criminalize same-sex relationships. It noted with concern that lesbian, gay, bisexual, transgender and intersex persons faced stigmatization and discrimination in the enjoyment of their economic, social and cultural rights, including in access to work, housing, health care and education. It recommended that the State combat the discrimination and stigmatization that lesbian, gay, bisexual, transgender and intersex persons experienced, including by conducting awareness-raising campaigns, and that it ensure that no one was discriminated against in the enjoyment of economic, social and cultural rights, and in access to health services, education and housing in particular, on the basis of their sexual orientation or gender identity. It requested the State to ensure that article 176 of the Criminal Code was not used to criminalize relations between persons of the same sex.[47]

6. Migrants, refugees and asylum-seekers

46. The United Nations country team noted that, in 2020, the Government had introduced a simplified refugee status determination procedure for most asylum-seekers. It encouraged the country to step up its efforts to restore peace in refugee-hosting areas, in view of the numerous human rights violations in those areas, where security remained a major challenge.[48]

7. Internally displaced persons

47. According to the United Nations High Commissioner for Refugees, on 30 November 2023, there were over 6.5 million internally displaced persons in the country, mainly in the provinces of North Kivu, South Kivu, Ituri, Maniema and Tanganyika. The country team welcomed the authorities' spontaneous response to the Mai-Ndombe crisis, which led to new waves of internal displacement in 2022 and 2023. However, it noted that, despite the decision to extend the state of siege and the successive deployment of international armed forces in the eastern part of the country, there had been no improvement in the protection of the rights of displaced persons. Protection incidents and violations of human rights and international humanitarian law were still being documented. The ever-increasing attacks on schools and health centres demonstrated the need for a more effective presence of defence and security forces, in the context of the withdrawal of MONUSCO.[49]

8. Stateless persons

48. The country team noted that the Democratic Republic of the Congo had undertaken formal commitments with a view to acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. In addition, the country had signed the declaration of the States members of the International Conference on the Great Lakes Region on the eradication of statelessness and the related action plan. However, no significant progress was reported in this area. Furthermore, considerable political and budgetary efforts were still required in order to systematize civil registration and the issuance of identity documents – the basis for preventing numerous cases of statelessness in the country.[50]

Notes

1 A/HRC/42/5, A/HRC/42/5/Add.1 and A/HRC/42/2.
2 CEDAW/C/COD/CO/8, para. 58.
3 Ibid., para. 13.
4 E/C.12/COD/CO/6, para. 15.
5 UNESCO submission for the universal periodic review of the Democratic Republic of the Congo, paras. 22 and 31.
6 CEDAW/C/COD/CO/8, paras. 16 and 17.
7 CAT/C/COD/CO/2, paras. 8 and 9.
8 United Nations country team submission for the universal periodic review of the Democratic Republic of the Congo, paras. 7 and 8.
9 Ibid., paras. 11 and 12.
10 CAT/C/COD/CO/2, paras. 24 and 25.
11 E/C.12/COD/CO/6, para. 26.
12 Ibid., para. 27.
13 See https://www.ohchr.org/en/statements/2024/01/comment-un-high-commissioner-human-rights-volker-turk-rising-hate-speech-and.
14 United Nations country team submission, paras. 24 and 25.
15 See https://www.ohchr.org/en/statements-and-speeches/2024/04/drc-insecurity-alarming-levels-turk-reports.
16 Ibid.
17 CAT/C/COD/CO/2, para. 22.
18 S/2024/251, paras. 28, 34 and 36.
19 A/HRC/48/47, para. 68.
20 Ibid.
21 CAT/C/COD/CO/2, paras. 22 and 23.
22 United Nations country team submission, paras. 26 and 27.
23 Ibid., para. 36.
24 See https://www.ohchr.org/en/press-releases/2024/06/democratic-republic-congo-targeting-human-rights-defenders-must-stop-un.
25 Ibid.
26 CEDAW/C/COD/CO/8, para. 53.
27 Ibid., para. 29.
28 E/C.12/COD/CO/6, paras. 34 and 35.
29 Ibid., paras. 42 and 43.
30 Ibid., paras. 46 and 47.
31 Ibid., paras. 48 and 49.
32 United Nations country team submission, paras. 48 and 50.
33 CEDAW/C/COD/CO/8, para. 37.
34 E/C.12/COD/CO/6, para. 59.
35 CEDAW/C/COD/CO/8, para. 33.
36 E/C.12/COD/CO/6, paras. 60 and 61.
37 See https://www.ohchr.org/en/statements-and-speeches/2024/04/un-high-commissioner-human-rights-volker-turk-concludes-official-visit-drc.
38 E/C.12/COD/CO/6, paras. 20 and 21.
39 Ibid., para. 17.
40 S/2024/251, para. 33.
41 CEDAW/C/COD/CO/8, para. 11.
42 Ibid., paras. 24 and 25.

[43] Office of the Special Representative of the United Nations Secretary-General for Children and Armed Conflict submission for the universal periodic review of the Democratic Republic of the Congo, pp. 1 and 2.
[44] Ibid., pp. 2 and 3.
[45] CEDAW/C/COD/CO/8, paras. 50 and 51.
[46] E/C.12/COD/CO/6, para. 15.
[47] Ibid., paras. 28 and 29.
[48] United Nations country team submission, paras. 85 and 86.
[49] Ibid., para. 87.
[50] Ibid., paras. 88 and 89.