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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-third session**  
6–7 May 2019

## **Summary of Stakeholders' submissions on the Democratic Republic of the Congo\***

### **Report of 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 periodicity of the universal periodic review. It is a summary of 39 stakeholders' submissions<sup>1</sup> to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

#### **II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles**

2. The National Human Rights Commission (CNDH) recommended the ratification of the following international instruments: (a) the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; (b) the Convention on Enforced Disappearance of 20 December 2006; (c) ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the adoption of legislative and other measures of implementation; and (d) the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.<sup>2</sup>

3. CNDH noted that, despite the ratification on 23 September 2010 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Democratic Republic of the Congo had still not designated, set up or maintained an independent national mechanism for the prevention of torture. This situation did not make it easy to organize regular visits to prisons and detention centres in order to ensure the respect of the human rights of persons subjected to any form of detention or imprisonment. CNDH recommended designating or establishing an independent national mechanism for the prevention of torture.<sup>3</sup>

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\* The present document was not edited before being sent to United Nations translation services.



4. CNDH recommended increasing the annual budgetary resources of CNDH as well as the monthly disbursement rates, in accordance with its needs, in order to facilitate the discharge of its mandate and to take any necessary administrative measures to grant CNDH independent premises for its headquarters and regional offices.<sup>4</sup>

5. CNDH welcomed the Government's willingness to provide protection to persons working for the promotion and protection of human rights in the Democratic Republic of the Congo. CNDH underscored the need for the two houses of Parliament to iron out their differences and adopt a law on the protection of human rights defenders in accordance with international standards.<sup>5</sup>

6. CNDH stated that, despite a certain number of measures for the indigenous Pygmy peoples, there had still been no significant improvement in the situation of that minority group in terms of legal recognition, for example, or of effective participation in the conduct of public affairs, access to justice at the local level, or access to land and land reform and the administration of natural resources, or in terms of children's very low rates of access to education, health and information. CNDH recommended the adoption of a law and of policies, plans and programmes to ensure legal recognition of the indigenous Pygmy peoples and protection of their rights.<sup>6</sup>

### **III. Information provided by other stakeholders**

#### **A. Scope of international obligations<sup>7</sup> and cooperation with international human rights mechanisms and bodies<sup>8</sup>**

7. Joint Submission 9 (JS9) recommended ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.<sup>9</sup>

8. Human Rights Watch (HRW) recommended that the government ratify the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>10</sup>

9. The International Campaign to Abolish Nuclear Weapons (ICAN) noted with appreciation that the Democratic Republic of the Congo was among the sponsors of the UN General Assembly resolution in 2016 that established the mandate for nations to negotiate the UN Treaty on the Prohibition of Nuclear weapons, and signed the Treaty on 20 September 2017. It recommended that the Democratic Republic of the Congo (DRC) ratifies the UN Treaty on the Prohibition of Nuclear Weapons.<sup>11</sup>

10. Cultural Survival (CS) recommended that the government ratify and implement ILO Convention 169 and invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit the DRC.<sup>12</sup>

11. Joint Submission 6 (JS6) recommended that the Government extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders.<sup>13</sup>

#### **B. National human rights framework<sup>14</sup>**

12. The International Service for Human Rights recommended that the Government adopt a national law for the promotion and the protection of human rights defenders and to refrain from adopting restrictive laws to limit the work of human rights defenders and shrink civil society space in the country.<sup>15</sup>

13. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) recommended enacting legislation to explicitly prohibit all corporal punishment in all settings, including the home, and repealing all legal defences for its use, including in the Family Code 1987.<sup>16</sup>

14. Joint Submission 13 (JS13) recommended that the government accelerate the adoption and publication of the framework Advocates Act regulating the Bar Associations and ensure that this law is in compliance with the relevant UN-conventions and the Basic Principles on the Rule of Lawyers.<sup>17</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

### **1. Cross-cutting issues**

#### *Equality and non-discrimination*<sup>18</sup>

15. Joint Submission 4 (JS4) noted that no recommendations had been made in the previous cycle of the universal periodic review regarding persons with albinism. Yet that group was the victim of various discriminatory practices, stigmatization and marginalization, attacks and killings, and of inhuman and magical or fetishistic practices. JS4 recommended adopting a specific law on the protection of persons with albinism and to develop and implement a public awareness programme on albinism by 2020.<sup>19</sup>

16. Joint Submission 23 (JS23) noted that, although homosexuality was not directly mentioned as a crime in the Criminal Code, according to article 176 of the Code, “anyone who publicly offends morality by indecent acts shall be liable to eight days’ to three years’ imprisonment and/or a fine of twenty-five thousand zaires”. The morality laws could also be applied to same-sex relationships. They were often used and applied to criminalize private relationships between persons of the same sex.<sup>20</sup> JS23 recommended repealing all legal provisions, such as articles 175 and 176 of the Criminal Code, that discriminated against lesbian, gay, bisexual and transgender persons on grounds of their sexual orientation, gender identity or gender expression.<sup>21</sup>

17. Joint Submission 18 (JS18) noted with concern that lesbian, gay, bisexual and transgender people were often tortured by the police, the military and the intelligence services, who then took the opportunity to extort money. They were put on trial for indecent assault or exposed in television, radio or press reports in the Congolese media characterizing them as deviants. JS18 recommended that any future bill to criminalize and discriminate against persons on the basis of their sexual orientation and gender identity or expression, real or supposed, should be declared inadmissible in Parliament as unconstitutional and incompatible with the international undertakings and obligations of the Democratic Republic of the Congo.<sup>22</sup>

#### *Development, the environment, and business and human rights*<sup>23</sup>

18. Joint Submission 8 (JS8) noted that, despite the importance of the issue of the exploitation of natural resources and its impact on the rights of local communities in the Democratic Republic of the Congo, very few States had mentioned that topic in the recommendations made during the second cycle of the universal periodic review. JS8 welcomed the reform of the 2002 Mining Code, which had been revised and promulgated by the Congolese President in March 2018. As well as imposing tougher customs and tax measures on mining operators, the revised Code included certain new provisions relating to the interests of local communities. It established the industrial liability of holders of mining and quarrying rights in respect of damage to persons, property or the environment resulting from mining activities. The Code also provided for the social responsibility of holders of mining rights. JS8 recommended the effective implementation of the provisions of the revised mining Code, particularly those relating to local communities and environmental protection.<sup>24</sup>

19. International Service for Human Rights (ISHR) recommended that the government develop, adopt and implement National Action Plans to implement the UN Guiding Principles on Business and Human Rights.<sup>25</sup>

20. Joint Submission 2 (JS2) recommended urging the Democratic Republic of the Congo to conduct environmental and social impact studies of small-scale mines and, on that basis, to identify environmental and social management and mitigation measures.<sup>26</sup>

## 2. Civil and political rights

### *Right to life, liberty and security of person*<sup>27</sup>

21. JS9 recommended amending the Criminal Code and the Military Criminal Code to abolish the death penalty for all crimes, in particular those that did not include an element of intentional killing.<sup>28</sup> HRW also recommended abolishing the death penalty.<sup>29</sup>

22. HRW reported the killing of at least 180 civilians in North and South Kivu by Congolese police and soldiers between April 2017 and September 2018. It stated that police summarily killed at least 51 youth and forcibly disappeared 33 others during “Operation Likofi”, an abusive anti-crime campaign from 2013 to 2014 that targeted alleged gang members in Congo’s capital, Kinshasa, and that those responsible for the abuses have not been brought to justice. It also stressed that security forces killed nearly 300 people during largely peaceful political protests in Kinshasa and other cities between 2015 and 2018, including at least 90 people killed as part of a crackdown against members of the Bundu dia Kongo political religious sect in Kinshasa and Kongo Central province between January and March and in August 2017.<sup>30</sup>

23. Joint Submission 10 (JS10) noted with concern the persistence of extrajudicial executions. On 22 January 2017 12 members of Bundu Dia Kongo (BDK) had been killed by members of the Congolese national police in Kimpese, in Kongo Central. During peaceful marches by non-religious and Catholics in 2016, 2017 and 2018, more than 100 cases of human rights violations had been recorded and documented throughout the country, including 15 cases of summary and extrajudicial executions attributed to the police, the National Information Agency, the Armed Forces and the Republican Guard. It was noted that impunity had prevailed in the matter, the perpetrators not having been prosecuted.<sup>31</sup>

### *Administration of justice, including impunity, and the rule of law*<sup>32</sup>

24. JS18 noted that the functioning of the judicial system in the Democratic Republic of the Congo and the lack of political will to reform it were also among the causes of the widespread impunity prevailing in the Democratic Republic of the Congo. Currently, the military courts had sole competence to try war crimes. Article 161 of the Military Penal Code penalized any soldier who had committed serious human rights violations or crimes against humanity. The soldier was required to answer to the military tribunal for such actions. However, the main problem was that the officers assigned to these courts were not of sufficiently high rank to try generals suspected of war crimes. In addition, military judges, though members of the Congolese judiciary, were subject to the military hierarchy, which could pose a problem in terms of their independence. Moreover, the failure to reform domestic legislation to bring it into conformity with the Rome Statute meant that civilian courts still did not have jurisdiction over international crimes penalized by the International Criminal Court.<sup>33</sup>

25. HRW recommended establishing a special judicial mechanism within the Congolese justice system, with the involvement of international prosecutors, judges, and other personnel, to prosecute war crimes and crimes against humanity committed in Congo since 1990 to enable more effective investigations and prosecutions of these crimes; investigating and prosecuting armed group members and security force members responsible for serious human rights abuses in trials that meet international fair trial standards; directing government officials to stop interfering in judicial proceedings; strengthening the capacities of the judiciary; and fully cooperating with the International Criminal Court, especially in the execution of arrest warrants issued by the court; and exhuming existing mass graves.<sup>34</sup>

26. HRW recommended to establish a vetting mechanism for Congolese security forces that removes those credibly implicated in serious human rights violations, regardless of rank. Such individuals should be appropriately arrested and prosecuted in trials that meet international fair trial standards.<sup>35</sup>

27. Freedom from Torture (FfT) pointed out that despite commitments made during the second cycle of the UPR and even though torture is criminalised in the DRC, very few perpetrators have been prosecuted, and that the DRC has also yet to set up a national preventive mechanism. It recommended to immediately end the practice of torture and ill-treatment and undertake prompt, thorough and impartial investigations into all allegations of such treatment by security forces, as well as ensure that alleged perpetrators of and accomplices to torture are brought to justice. It further recommended committing to eradicating the prevalence of sexual violence in all contexts by ensuring perpetrators are brought to justice, irrespective of rank or position, and for safeguards exist in detention settings.<sup>36</sup>

28. Advocates for Human Rights (AHR) recommended that the government take immediate action to address human rights violations and serious crimes, including releasing detained political leaders, civil society activists, students, and journalists.<sup>37</sup>

*Fundamental freedoms and the right to participate in public and political life*<sup>38</sup>

29. Joint Submission 15 (JS15) stated that as a result of its commitment, the Catholic Church was consistently the target of threats, that in the province Kasai churches were especially targeted and destroyed on a large scale, and that subsequently at least two bishops had to flee the region. Similarly, the protestant pastor François-David Ekoko had to flee the country after having lamented the deplorable conditions and poverty in the DRC and the failure of the state in a sermon on January 16, 2018. The organizations noted that a draft bill was currently discussed in the parliament which aims at reducing freedoms of associations.<sup>39</sup>

30. The European Association of Jehovah's Witnesses was concerned that the government's failure to prosecute hate crimes creates a climate of impunity. It stressed that Jehovah's Witnesses report an alarming increase in religiously-motivated violence, including murder, rape, kidnapping, the destruction of places of worship and private property. It recommended that the government take the necessary measures to ensure the physical protection of Jehovah's Witnesses and prosecute the criminals responsible for the physical abuse against Jehovah's Witnesses.<sup>40</sup>

31. The World Council of Churches Commission of the Churches on International Affairs (WCC-CCIA) recommended that 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; and must investigate reported incidents of excessive violence committed by security forces during demonstrations, and ensure legal accountability for those guilty of such acts.<sup>41</sup>

32. HRW noted that the Congolese authorities have systematically banned meetings and demonstrations by the opposition while jailing more than 1,800 opposition leaders and supporters, as well as human rights and pro-democracy activists, with many held in secret detention facilities without charge or access to family members or lawyers; and that the government has also shut down Congolese media outlets, and periodically curtailed access to the internet and text messaging. It recommended ensuring that members of political parties and pro-democracy and human rights activists can pursue their activities and express criticism of government policies without intimidation.<sup>42</sup>

33. Joint Submission 17 (JS17) noted with concern that the Democratic Republic of the Congo was regarded by Reporters without Borders as one of the continent's worst predators of press freedom, with 10 journalists killed with impunity in the line of duty since 2001. Violence, intimidation and arbitrary arrest formed part of the hostile environment in which journalists worked. The first eight months of the year had confirmed the 2017 statistics, making the Democratic Republic of the Congo the sub-Saharan African country where RSF had recorded the most abuses. Since 1 January 2018 JS17 had documented 22 assaults and 35 arrests, most carried out outside any legal framework. From 1 January to 31 August 2018, 62 cases of violations of freedom of the press had been identified by our organization. The prospect of presidential elections scheduled for 30 December 2018 made the threats to media professionals somewhat more immediate.<sup>43</sup>

34. JS6 recommended to lift all de facto bans on peaceful assembly and allow protests of civil society organizations, social movements and the opposition to take place; promulgate the law on the freedom of assembly adopted in June 2018, that aligns the law on the freedom of assembly with the Constitution and international standards; and cease all violence against protesters.<sup>44</sup>

35. Joint Submission 21 (JS21) deplored the fact that the authorities' desire to stifle demands for a more equitable and transparent electoral process had led to restrictions on civic space, including in relation to freedom of demonstration and freedom of expression. It also noted that intimidation of opposition figures and presidential election candidates, and violations of their fundamental freedoms, had not abated. Curtailment of the right of some potential candidates to stand in the presidential election had also been observed. JS21 recommended that the constitutional right of every citizen to participate in public affairs should be upheld, and that the various stages of the electoral process should be conducted in a consensual manner.<sup>45</sup>

36. Joint Submission 14 (JS14) noted with concern that no recommendation from the previous universal periodic review on the protection of human rights defenders had been implemented. It was true that a bill on the protection of human rights defenders was under consideration by the National Assembly, but its adoption was dragging on. JS14 recommended expediting the adoption and promulgation of the law on the protection of human rights defenders, and setting up the unit for the protection of human rights defenders and ensuring that it could operate independently at the national level and in all provinces of the country.<sup>46</sup>

#### *Right to privacy*

37. Joint Submission 1 (JS1) recommended that the government update the Framework Law 013/2002 in line with international law and standards protecting the right to privacy. It also recommended that the government do not conduct surveillance beyond specific investigations that impartial and competent judicial authorities deem necessary and proportionate to the harm sought to be mitigated and that are in pursuit of a legitimate aim, as defined by international law and as provided in national legislation. The DRC should also develop and pass a data protection law.<sup>47</sup>

### **3. Economic, social and cultural rights**

#### *Right to work and to just and favourable conditions of work*<sup>48</sup>

38. The Regional Council of Development NGOs of Kasai Oriental noted with concern the State's inability to enforce the rights of workers in the mining industry and to take all necessary measures to protect the economic, social and cultural rights of workers and populations affected by the industrial exploitation of diamonds. It recommended that the Government should ensure compliance with labour law and in particular guarantee pay at least equal to the minimum wage for all workers, along with decent conditions of work, including in terms of health and safety, and protection of trade union rights.<sup>49</sup>

39. The Women's International League for Peace and Freedom, Democratic Republic of the Congo section (WILPF RDC) emphasized that the legal framework for the protection of labour in mines had undergone major changes with the revision of the Mining Code by Act No. 18/001 of 9 March 2018. It provided among other things for a ban on pregnant women working in small-scale mining, and also on trade or exploitation of mining products from a site where a violation of human rights, including women's rights, had been established by a competent authority. Working conditions for women in small-scale mining, as yet largely beyond the State's control, were still a matter for great concern, however.<sup>50</sup>

#### *Right to an adequate standard of living*<sup>51</sup>

40. Joint Submission 7 (JS7) highlighted the paradox of a country that was so replete with huge natural resources as to be called a geological scandal (the country is a major producer of coltan, diamonds, gold, cobalt, copper, etc.), yet whose population was among the poorest in the world. The population did not have easy access to electricity or drinking

water in several regions and areas of the country. The roads were in a state of extreme disrepair in several provinces. JS7 recommended improving the electricity and drinking water supply, cutting the unemployment rate by creating jobs, as well as, in particular, encouraging private enterprise by significantly reducing taxes, and regulating the informal sector.<sup>52</sup>

*Right to health*<sup>53</sup>

41. JS15 stated that since November 2017, the country has experienced increased cases of cholera especially in the Kinshasa province. Between November 2017 and February 2018, 1,065 cases were reported of which 43 died. Severe flooding caused the number of cases to double in January 2018. JS15 also reported that Ebola erupted in May 2018 in the north-western province of Equateur. The epidemic had been halted relatively quickly with the help of the World Health Organization, and in July, the Health Minister officially declared the Ebola epidemic to be over, with 33 people having died during this epidemic in total. In the eastern Congolese province of North Kivu, the Ebola virus broke out in August 2018 near to the city of Beni, and the Ministry of Health confirmed 46 cases of contagion by the time of this report, with 43 people having already died.<sup>54</sup>

42. Center for Reproductive Rights (CRR) recommended that the DRC take steps to increase access to sexual and reproductive health services for women and girls in conflict-affected zones, including access to quality maternal health care, and guarantee access to safe abortion services, as well as provide appropriate redress to victims of sexual and gender-based violence. It also advocated that the DRC take measures to reintegrate and rehabilitate victims of sexual violence in conflict affected zones, decriminalize abortion in line with international human rights standards, take steps to remove barriers that women and adolescent girls face in accessing family planning and contraceptive information, as well as amend the provisions of the Criminal code which penalizes dissemination of information on contraception.<sup>55</sup>

*Right to education*<sup>56</sup>

43. La dynamique de la jeunesse féminine pour la promotion, la Protection et la défense des droits de la jeune femme (DYJEF) recommended pursuing government policies to promote free education, the construction of a large number of public schools throughout the Democratic Republic of the Congo including rural areas, and the strengthening of the technical and organizational capacities of government structures in the education sector, including through budget increases.<sup>57</sup>

44. Joint Submission 24 (JS24) recommended that the Government take measures to oblige school administrators to allow pregnant girls and mothers to continue their studies; and that in order to eradicate sexual violence in school and education environments, it protect children and adolescents from sexual violence and harassment and establish specific vetting mechanisms for teachers to ensure those with a record of sexual or gender-based violence are screened out.<sup>58</sup>

45. Joint Submission 16 (JS16) recommended to ensure the effective free cost of primary education for pygmy children by 2020 and to construct, rehabilitate and equip schools in the pygmy locations and staff them with paid teachers by 2020.<sup>59</sup>

#### **4. Rights of specific persons or groups**

*Women*<sup>60</sup>

46. Joint Submission 22 (JS22) noted that, since the second universal periodic review cycle in 2014, there had been significant progress on the situation of women in the Democratic Republic of the Congo, in particular in respect of legal provisions. However, the implementation of those laws at the national and local levels was problematic, in spite of the efforts made. Significant inequalities persisted in several spheres in respect of gender equality, namely, women's participation in decision-making, maternal health and the economic empowerment of women. JS22 recommended ensuring the effective

implementation of existing laws, policies and programmes on gender, and taking steps to increase women's participation in public life.<sup>61</sup>

47. Joint Submission 20 (JS20) noted with great concern that rape and sexual violence continued to be widespread in the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu, Tanganyika, Ituri and Kasai. Abuses were committed by all parties to the conflict: Government forces, militias, armed groups and a growing number of civilians in connection with the conflict. Despite the statistics presented by the Government, JS20 found no decrease in sexual violence. The Panzi Hospital in Bukavu treated between 1,300 and 1,900 women per year, a figure that had not decreased in recent years. Indeed, since 2016, the hospital had noted an increase in the number of victims of sexual violence.<sup>62</sup>

48. Joint Submission 20 (JS20) stressed that, since the adoption of two new laws on sexual violence (006/018 and 006/019) in 2006, its legal arsenal against crimes of sexual violence met the standards of international law. JS20 reported, however, that implementation remained problematic and demonstrated a lack of will on the part of the authorities to seriously address the violence.<sup>63</sup>

49. The Women's International League for Peace and Freedom, Democratic Republic of the Congo section (WILPF DRC), recommended revising the Criminal Code to specifically criminalize domestic violence, and to complete the review of the National Strategy to Combat Gender-based Violence by making provision for specific action on domestic violence.<sup>64</sup>

50. Joint Submission 11 (JS11) noted with concern that the resources allocated to the Ministry of Gender, Family and Children's Affairs had represented an average of only 2.2 per cent of the national budget from 2009 to 2016. National agencies for the advancement of women's rights, attached to the Ministry of Gender, including the National Agency to Combat Violence against Women and Girls and the National Fund for the Promotion of Women and the Protection of Children, received no subsidy apart from the cost of salaries of officials at the national office in Kinshasa. JS11 recommended increasing the technical and financial resources allocated to NGOs and to the public institutions that facilitated women's access to justice, by 2020.<sup>65</sup>

#### *Children*<sup>66</sup>

51. JS2 noted that the exploitation of children in the mining sector was a major barrier to their full development and constituted one of the worst forms of child labour. JS2 recommended that the Democratic Republic of the Congo should be requested to establish public structures for the reception of children removed from mines, and for counselling, support and stabilization of those children, by offering them real opportunities to return to suitable schooling or vocational training, or to return to their family with backup of various kinds and monitoring in order to prevent a relapse.<sup>67</sup>

52. Joint Submission 12 (JS12) noted that, 10 years after the passage of Act No.09/001 of 10 January 2009 on child protection, some of its implementation measures were still not in place: among other things, the decrees relating to the two main education and care centres for the reintegration of children in conflict with the law had not been adopted. Yet that measure represented a key component of the juvenile justice system. Without those two types of centres, juvenile judges were obliged to order, not placement but imprisonment, which was a flagrant violation of the provisions of the Act on the protection of children.<sup>68</sup>

53. Joint Submission 3 (JS3) recommended the strict application of the rules on so-called "witch" children, whereby adults who accused their children of witchcraft could be punished by law.<sup>69</sup>

54. CS recommended that the government ensure that culturally and linguistically appropriate resources are available for children experiencing exploitative labour, and reinforce the commitment the DRC made to end child labour.<sup>70</sup>

*Persons with disabilities*<sup>71</sup>

55. Joint Submission 4 (JS4) recommended the adoption and promulgation of the Organic Act on the protection and advancement of persons with disabilities, clearly indicating the modalities of their participation in political and public institutions (co-optation according to specific quotas) by December 2019.<sup>72</sup>

56. Joint Submission 5 (JS5) noted with concern the persistence of various types of discrimination against persons with disabilities, including women and girls with disabilities. JS5 recommended that the concept of accessibility for persons with disabilities should be made one of the basic principles in all programmes of national reconstruction and that the necessary measures should be taken to effectively implement inclusive education throughout the country.<sup>73</sup>

*Minorities and indigenous peoples*<sup>74</sup>

57. JS16 noted with concern that limited access to health care, drinking water, information and markets, and the fact that the average distance to such facilities ranged from 12 to 25 km, had an impact on many indigenous peoples' communities, where morbidity and mortality rates were high. JS16 also stated that the low level of education of indigenous children resulting from school programmes developed by the Government without taking account of the socioeconomic and cultural lifestyle of the indigenous Pygmy peoples, and from their difficulties in paying school fees, presented genuine challenges. JS16 recommended ensuring that primary education was effectively free of charge for Pygmy children by 2020.<sup>75</sup>

58. CS additionally made recommendations for the government to evaluate its conservation policies to ensure respect of indigenous rights, to provide reparations to indigenous peoples who have experienced human rights violations, and to investigate and hold fair trials when indigenous communities are attacked by armed groups.<sup>76</sup>

59. Minority Rights Group International (MRG) noted that, as a direct effect of the expropriation of their land and their continued inability to access the land following their eviction, the Batwa are presently denied meaningful access to, use of, and participation in decisions concerning their ancestral land, preventing them from pursuing their traditional way of life, cultural and religious practices, and livelihood. The organization stated that the Batwa have been displaced and forced to resettle among non-Batwa communities that routinely discriminate against them due to their ethnicity, and have been denied access to the natural resources located on their ancestral lands without consultation or compensation. They have also been denied access to the most basic of social services, including education and healthcare, suffering a high rate of malnutrition, disease, and mortality as a result.<sup>77</sup>

*Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a national human rights institution with "A" status).

*Civil society**Individual submissions:*

AHR	Advocates for Human Rights, Minneapolis, USA;
CRR	Center for Reproductive Rights, New York, USA;
CRONGD Kasai Oriental	Conseil Régional des Organisations non Gouvernemental de Développement du Kasai Oriental, Mbuji-Mayi, DRC;
CS	Cultural Survival, Cambridge, USA;
DYJEF	Dynamique de la jeunesse féminine pour la promotion, la Protection et la défense des droits de la Jeune femme, Kinshasa, DRC;
EAJW	The European Association of Jehovah's Witnesses, Kraainem, Belgium;
FFT	Freedom from Torture, London, United Kingdom of Great Britain and Northern Ireland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
HRW	Human Rights Watch, Geneva, Switzerland;

ICAN	International Campaign to Abolish Nuclear Weapons, Geneva, Switzerland;
ISHR	International Service for Human Rights, Geneva, Switzerland;
MRG	Minority Rights Group International, London, United Kingdom of Great Britain and Northern Ireland;
WCC-CCIA	World Council of Churches Commission of the Churches on International Affairs, Geneva, Switzerland;
WILPF	Women's International League for Peace and Freedom, Geneva, Switzerland.
<i>Joint submissions:</i>	
JS1	<b>Joint submission 1 submitted by:</b> Access Now and Rudi International, New York, USA;
JS2	<b>Joint submission 2 submitted by:</b> African Resources Watch, Action Contre l'Impunité pour les Droits Humains, Centre des Recherches sur l'Environnement, la démocratie et les Droits de l'Homme et Bureau d'Etudes Scientifiques et Techniques, Lubumbashi, DRC;
JS3	<b>Joint submission 3 submitted by:</b> REEJER, Apprentis d'Auteuil et Fondation Apprentis d'Auteuil International, Paris, France;
JS4	<b>Joint submission 4 submitted by:</b> Synergie des organisations de la société civile (LIZADEEL, SMM, ACJDH, ACVDP, AOT, APROPEV, CEHAJ1325, LIS TRAINING CENTER, ODEP, SI JEUNESSE SAVAÏT, SODEC, SOFEPADI et UHDH), Kinshasa, DRC;
JS5	<b>Joint submission 5 submitted by:</b> CEHAJ 1325, Voix du Handicapé pour les Droits de l'Homme, Voix des Sans voix, Amis de Nelson Mandela pour les droits de l'homme, ACOLDEMHA, AUDF, Restoration Africa Center, Anges du ciel, Voir avec le cœur, Association des Sourds, Association des parents des enfants handicapés mentaux, Kinshasa, DRC;
JS6	<b>Joint submission 6 submitted by:</b> CIVICUS: World Alliance for Citizen Participation and Ligue des Droits de la personne dans la région des Grands Lacs, Johannesburg, South Africa;
JS7	<b>Joint submission 7 submitted by:</b> CONEPU/RDC (Jeunesse pour la Paix et la Défense des droits de l'Homme, Femmes Solidaires pour la Paix et le Développement, Alliance pour le Développement Intégré des Pygmées, Centre International pour la Formation et l'Education aux Droits Humains, Centre d'Etudes et Réformes Juridiques et Institutionnelles, Défense Enfants International au Congo, Association pour l'Encadrement des Paysans au Congo, Clinique Mobile Maisha, Cercle des Journalistes pour la Paix et la Défense des Droits de l'Homme), Kinshasa, DRC;
JS8	<b>Joint submission 8 submitted by:</b> Dominicans for Justice and Peace (Order of Preachers), Franciscans International (FI), Caritas Internationalis et Alliance Evangelique Mondiale, Geneva, Switzerland;
JS9	<b>Joint submission 9 submitted by:</b> Ensemble contre la peine de mort, Culture pour la paix et la justice (CPJ); Coalition mondiale contre la peine de mort; The Advocates for Human Rights, Montreuil, France;
JS10	<b>Joint submission 10 submitted by:</b> Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture, ACAT RDC et Coalition mondiale contre la peine de mort, Paris, France;
JS11	<b>Joint submission 11 submitted by:</b> Le Groupe d'Action pour les Droits de la Femme (GADF), Kinshasa, DRC;
JS12	<b>Joint submission 12 submitted by:</b> Rapport conjoint du Bureau International Catholique de l'Enfance (BICE), Le Bureau National Catholique de l'Enfance de la République Démocratique du Congo (BNCE-RDC), Groupe des Hommes Voués au Développement Intercommunautaire (GHOVODI), Geneva, Switzerland;
JS13	<b>Joint submission 13 submitted by:</b> Lawyers4Lawyers,

- Amsterdam, Netherlands;
- JS14 **Joint submission 14 submitted by:** La coalition composée des organisations de la société civile du Nord et du Sud-Kivu (la Coalition) et la coordination de la Ligue des Droits de la personne dans la région des Grands Lacs (LDGL, Kigali, Rwanda);
- JS15 **Joint submission 15 submitted by:** Ecumenical Network Central Africa, Berlin, Germany;
- JS16 **Joint submission 16 submitted by:** La Dynamique des Groupes des Peuples Autochtones, Alerte congolaise pour l'Environnement et les DH, Alliance Nationale des Aires et Patrimoines Autochtones et Communautaires, collectif sauvons les Pygmées, Foyer de développement pour l'Autopromotion des Pygmées et Indigènes défavorisés, Innovation pour le Développement et la Protection de l'Environnement, Ligue Nationale des Associations Pygmées du Congo, Organisation d'Accompagnement et d'Appui aux Pygmées, Programme Intégré pour le Développement du Peuple Pygmée, Réseau CREF, Réseau des Populations Autochtones et Locales pour la Gestion Durables des Ecosystèmes forestières en République Démocratique du Congo, Solidarité pour la Promotion de la Femme Autochtone, Union pour l'Emancipation de la Femme Autochtone, Goma, DRC;
- JS17 **Joint submission 17 submitted by:** Reporters sans frontières (RSF) et Journalistes en Danger (JED), Paris, France;
- JS18 **Joint submission 18 submitted by:** Synergie des femmes pour les victimes des violences sexuelles (SFVS) solidarité féminine pour la paix et le developement Integral (SOFEPADI) Plateforme des Femmes du Nord-Kivu pour un Developpement E ndogene (PFNDE) Femmes Juristes pour les Droits de la Femme et de l'Enfant (FJDF) Marche Mondiale pour les Femmes (MMF) Agir pour le Developpement Integrale (ADI-LOKINO) Ligue pour la Solidarite Congolaise (LSC) Centre des Recherches pour la Paix et le Developpement Integral (CREDDHO), ARCHE D'ALLIANCE, Association des Jeunes Femmes de Maniema (AJFMA), SEDIR SEDIR, GOMA, DRC;
- JS19 **Joint submission 19 submitted by:** The Sexual Rights Initiative and si jeunesse savait, Ottawa, Canada;
- JS20 **Joint submission 20 submitted by:** Le Mouvement des Survivant.e.s de Viols et Violences Sexuelles en RDC, la Fondation Dr Denis Mukwege, la Fondation Panzi et la Fondation du Prix Right Livelihood (ci-après appelée FPRL), The Hague, Netherlands;
- JS21 **Joint submission 21 submitted by:** Synergie des organisations de la société civile congolaise pour les droits civils et politiques, Action des Chrétiens pour l'Abolition de la Torture (ACAT-RDC), Action pour le développement intégré et la promotion des droits de l'homme (ADI-DH), Amis de la Prison, ARD, Association des Défense des Droits de l'Homme et Assistance aux Détenus (ADSAD), Alliance pour l'Universalité des Droits Fondamentaux (AUDF), Bureau de Liaison avec le Parlement/CENCO, Carrefour des Femmes de l'Action Lève-Toi et Brille (CAFEM/ALTB), CDH, Filles et Femmes en Action pour la Défense et la Promotion des Droits Humains (FIFADH), Force des Femmes pour la Promotion et la Protection des Ressources Naturelles de la République Démocratique du Congo (FPRN), Forum Jeunes & ODD, Groupe Lotus, Habari RDC, Jeunesse pour une Nouvelle Société (JNS), Bureau de Liaison avec le Parlement BLP/CENCO, Les Amis de Nelson Mandela pour les Droits Humains (ANMDH), Mouvement citoyen « IL EST TEMPS », Réseau de Protection des Défenseurs des Droits de l'Homme, Victimes, Témoins et Professionnels des Médias (REPRODEV), Securitas Congo, Kinshasa, DRC;
- JS22 **Joint submission 22 submitted by:** Synergie des organisations de la société civile Congolaise pour les droits

- des femme, AFEAC (Association des Femmes Avocates de la RD Congo) ; AFEJUCO (Association des Femmes Juristes Congolaises); AMA (Afia Mama); CAFCO (Cadre permanent de Concentration de la Femme Congolaise); FODJEC (Forum pour les Droits des Jeunes et Enfants au Congo); FMJC (Femmes des Médias pour la Justice au Congo); RAC (Restoration African Center); WILPF/RDC (Women International League for Peace and Freedom); SHALUPE FONDATION, Kinshasa, DRC;
- JS23 **Joint submission 23 submitted by:** MOPREDS, Goma Oasis, Kinshasa Rainbow Sunrise Mapambazuko, Bukavu Jeunialissime, Kinshasa, Geneva, Switzerland;
- JS24 **Joint submission 24 submitted by:** MADRE, Female Solidarity for Integrated Peace and Development (SOFEPADI); Action de promotion et d'assistance pour l'amélioration de niveaux de vue de la population (APANIVIP) Action de Solidarité des Femmes pour la Femme et l'Enfant (ASOFFE) Action des Femmes pour les Droits et le Développement (AFD) Action Genre et Initiatives de Renforcement (AGIRasbl) Action pour la promotion rurale (APRU) ADYM Aide et action pour la paix (AAP) Aide Rapide aux Victimes des Catastrophe (ARVC) Alfajiri Alliance des Femmes du Grand – Kivu (AFGK) Amicale des Initiatives pour le Développement Communautaire (AMIDECO) Amis de Nelson Mandela pour la Défense des Droits Humains (ANMDH) Arche d'Alliance (ARAL) Association pour la Protection de l'Enfant et Encadrement des mères (APEEM) Association Bon berger droit de femmes (ABBDF) Association d'Agriculteur et d'Éleveurs du Tanganyika (AAETA) Association de Lutte Contre la Malnutrition (ALCM) Association des Couturières de Butembo (ASEBU) Association des facilitateurs pour le développement intégré (AFDI) Association des Femmes Éleveuses du Maniema (AFELMA) Association des Femmes Juristes du Congo (AFEJUCO) Association des Femmes Musulmanes au Congo (AFMCO) Association des femmes pour la Nutrition à Assise Communautaire (AFNAC) Association des Femmes pour le développement communautaire (AFEMDECO) Association des femmes vendeuses de sambaza (AFEVESA) Association des Jeunes Femmes du Maniema (AJFMA) Association des Mamans Anti Bwaki (AMAB) Association des Mamans Bongisa Association des mamans le développement (AMAD) Association des Mamans pour la Démocratie et le Développement (AMDD) Association des Mamans pour le Développement (AMADESO) Association Dynamique femme (ASDYFE) Association Mapendo Association pour la Protection et le Développement de la Femme et de l'Enfant (APRODEFE) Association Vughuma Association Wapandaji (A.W) Associations des Femmes Paysannes de MIBOTI (AFPM) Associazione mani guanelliene di providenza (MANI) Bureau d'Appui et d'Assistance Technique des Initiatives de Développement (BATIDE) Cadre de concertation (CAFCO) Ceinture portant la pagne de la femme (CPF) Centre d'Accompagnement des Femmes et Enfants Vulnérables (CAFEV) Centre d'Éducation et de Recherche pour les Droits des Femmes (CERDF) Centre d'étude de documentation et d'action pour la femme (CEDAF) et CEDAF Mahagi Centre d'Étude sur handicap Justice et résolution 1325 (CEHAJR 1325) Centre International de Formation en Droits humains (CIFDH) Centre pour la Promotion Feminine (CEPROF) Chari Congo Clinique Juridique AVDH Coalition des Femme Leader pour l'Environnement et le Développement Durable (CFLEDD) Coalition des Femmes Rurale pour le

Développement (COFERD) Collectif des Associations féminines (CAF) Collectif des Associations Féminines de Masisi (CAF M) Collectif des Associations Féminines pour le Développement (CAFED) Collectif des Femmes (COFE) Collectif des Femmes Journalistes Commission Diocésaine Justice et Paix (CDJP) Confédération Paysanne du Congo (COPACO) Conseil Régional des Organisations Non Gouvernementales de Développement du Sud – Kivu/CRONGD/SUD-Kivu Contribution de Femmes Musulmanes pour le Développement Communautaire (COFEMUDECO) Coopération Education au Développement (COEDEV) Corp d'Action de l'Enfant et de la Femme (CADEF) Dynamique des Femmes pour le Développement du Kwango (DYFEDK) Dynamiques des femmes juriste (DFJ) Educateurs Consultants (EDUCOM) ELEVE Entraide et solidarité en milieu rural (ENSOMIR) Fédération des Femmes pour la Paix dans le Monde (FFPM) Fédération des Femmes Protestantes de l'Ituri (FFPI) Féminine Tujenge Pangi Femme en action pour le Développement Intégré du Congo (FADIC) Femmes Citoyennes Engagées (FCE) Femmes Dynamics Femmes Unies pour le Développement Intégré (FUDEI) Focus Droits et Aces (FDA) Fonds pour les Femmes Congolaises (FFC) Forum d'Action Intégrale pour le Développement Durable (FAIDD), New York, USA.

*National human rights institution:*

CNDH

Commission Nationale des droits de l'homme\*, Kinshasa, DRC.

<sup>2</sup> CNDH, para. 4.16–19.

<sup>3</sup> CNDH, para. 2.8 et 4.6.

<sup>4</sup> CNDH, paras. 4.1 et 4.2.

<sup>5</sup> CNDH, para. 2.9.

<sup>6</sup> CNDH, para. 2.15.

<sup>7</sup> The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>8</sup> For relevant recommendations see A/HRC/27/5, paras. 133.1–7, 133.14, 134.1–4, 134.41–44, 136.1–11, 136.29–34.

- <sup>9</sup> JS9, para. 10.
- <sup>10</sup> HRW, page 2.
- <sup>11</sup> The International Campaign to Abolish Nuclear Weapons, p1.
- <sup>12</sup> Cultural Survival, paras. 10 and 11).
- <sup>13</sup> JS6, para. 6.5.
- <sup>14</sup> For relevant recommendations see A/HRC/27/5, paras. 133.8–9, 133.12–13, 134.5–15, 134.17–34, 136.12–23, 136.25–26.
- <sup>15</sup> p4.
- <sup>16</sup> The Global Initiative to End All Corporal Punishment of Children, para. 1.1.
- <sup>17</sup> JS13, para. 5 (f).
- <sup>18</sup> For relevant recommendations see A/HRC/27/5, paras 134.17, 134.19, 134.34-35, 134.46, 134.45–47.
- <sup>19</sup> JS4, pages 8 et 9.
- <sup>20</sup> JS23, page 3.
- <sup>21</sup> Ibid. P11.
- <sup>22</sup> JS18, pages 2, 3 et 6.
- <sup>23</sup> For relevant recommendations see A/HRC/27/5, paras. 134.37.
- <sup>24</sup> JS8 paras. 35–37.
- <sup>25</sup> ISHR, page 4.
- <sup>26</sup> JS2, para. 29.
- <sup>27</sup> For relevant recommendations see A/HRC/27/5, paras. 136.3–9.
- <sup>28</sup> JS9, para. 7.
- <sup>29</sup> HRW, page 5.
- <sup>30</sup> HRW, page 1.
- <sup>31</sup> JS10 paras. 7–11.
- <sup>32</sup> For relevant recommendations see A/HRC/27/5, paras. 133.16–19, 134.5–15, 134.50–51, 134.55–56, 134.64, 134.69–78, 134.81–86, 134.106–130, 135.1.
- <sup>33</sup> JS18, paras. 19 et 20.
- <sup>34</sup> HRW, page 5.
- <sup>35</sup> Ibid. p2.
- <sup>36</sup> FfT paras. 8, 9 and 46.
- <sup>37</sup> AHR, para. 28.
- <sup>38</sup> For relevant recommendations see A/HRC/27/5, paras 133.20–21, 134.26, 134.53–54, 134.131–137, 136.22–24.
- <sup>39</sup> JS15, page 9.
- <sup>40</sup> The European Association of Jehovah’s Witnesses, p2.
- <sup>41</sup> WCC-CCIA, page 2.
- <sup>42</sup> HRW, pages 3 and 4.
- <sup>43</sup> JS17, pages 1 et 3.
- <sup>44</sup> JS6 paras. 6.1 to 6.4.
- <sup>45</sup> JS21, pages 3 et 4.
- <sup>46</sup> JS14, pages 7 et 8.
- <sup>47</sup> JS1 paras. 17–19.
- <sup>48</sup> For relevant recommendations see A/HRC/27/5, paras. 134.138.
- <sup>49</sup> CRONG, page 5.
- <sup>50</sup> WILPF RDC, para. 11.
- <sup>51</sup> For relevant recommendations see A/HRC/27/5, paras. 133.23–25.
- <sup>52</sup> JS7, pages 8 et 9.
- <sup>53</sup> For relevant recommendations see A/HRC/27/5, paras. 133.22, 133.26, 133.26, 134.48, 134.139, 134.141, 134.143–45.
- <sup>54</sup> JS15, page 10.
- <sup>55</sup> CRR, page 7.
- <sup>56</sup> For relevant recommendations see A/HRC/27/5, paras. 133.22, 134.48, 134.139, 134.141, 134.144–159.
- <sup>57</sup> DYJEF, pages 2 et 3.
- <sup>58</sup> JS24, paras. 15–31.
- <sup>59</sup> JS16, para. 8.
- <sup>60</sup> For relevant recommendations see A/HRC/27/5, paras. 133.27, 134.16, 134.33, 134.35, 134.45, 134.60–66, 134.68–87.
- <sup>61</sup> JS22, pages 2 et 4.
- <sup>62</sup> JS20, para. 11.
- <sup>63</sup> JS20, para. 10.
- <sup>64</sup> WILPF RDC, paras. 7 et 10.
- <sup>65</sup> JS11 para. 29.

<sup>66</sup> For relevant recommendations see A/HRC/27/5, paras. 134.88–97, 134.99–106.

<sup>67</sup> JS2, paras. 31–32.

<sup>68</sup> JS12, para. 18.

<sup>69</sup> JS3, para. 28.

<sup>70</sup> CS, Part IX, 11.

<sup>71</sup> For relevant recommendations see A/HRC/27/5, paras. 134.1, 134.35.

<sup>72</sup> JS4, page 8.

<sup>73</sup> JS5, pages 3 et 5.

<sup>74</sup> For relevant recommendations see A/HRC/27/5, paras. 134.160–162.

<sup>75</sup> JS16, paras. 5–7.

<sup>76</sup> CS, Part IX, 11.

<sup>77</sup> MRG, para. 6.

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