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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-third session**  
6–17 May 2019

## **Compilation 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 compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. The Human Rights Committee recommended that the Democratic Republic of the Congo consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.<sup>3</sup>

3. The Committee on the Rights of the Child strongly urged the Democratic Republic of the Congo to consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>4</sup> It recommended that the State ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.<sup>5</sup>

4. The Committee also recommended that the Government consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.<sup>6</sup>

5. The United Nations High Commissioner for Human Rights repeatedly condemned the increasing obstruction of the work of the United Nations Joint Human Rights Office, whose teams had been denied access to morgues, hospitals and detention centres. Teams had been driven away from certain sites and had been subjected to threats, intimidation and physical attacks by the defence and security forces, limiting their ability to verify allegations of human rights violations. The launching of an investigation in March 2018 by the military courts in Kinshasa into threats and attacks against staff of the United Nations Joint Human Rights Office was an encouraging development.<sup>7</sup>



6. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Government finalize the process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and incorporate the Convention's obligations into Congolese domestic law through the promulgation or amendment of the relevant legislation relating to the protection of and provision of assistance to internally displaced persons.<sup>8</sup>

### **III. National human rights framework<sup>9</sup>**

7. The Human Rights Committee was concerned that, despite the provisions of articles 25 and 26 of the Constitution, under which demonstrations were allowed if prior notice was given to the authorities, the legislative framework had not yet been harmonized and the authorities could impose a prior authorization requirement under current law. It recommended that the State harmonize its legislative framework with articles 24 and 25 of the 2006 Constitution.<sup>10</sup>

8. The Committee also recommended that the Government develop and adopt a legal framework and a national strategy for assisting and protecting internally displaced persons in accordance with the relevant international standards, including the Guiding Principles on Internal Displacement.<sup>11</sup>

9. The United Nations High Commissioner for Human Rights recommended that the Government ensure that the National Human Rights Commission became fully operational, including by allocating to it the necessary financial and logistic resources and by guaranteeing its independence, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The High Commissioner also recommended that the Government strengthen the national institutions and mechanisms responsible for coordinating and following up the implementation of the recommendations of United Nations human rights mechanisms.<sup>12</sup>

10. The Committee on the Rights of the Child recommended that the Government adopt a national comprehensive policy on children that encompassed all areas covered by the Convention on the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography. It also recommended that the Government accelerate the signing of the decree that would make the national council for children operational.<sup>13</sup>

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

#### **A. Cross-cutting issues**

##### **1. Equality and non-discrimination<sup>14</sup>**

11. The Human Rights Committee was concerned about allegations that some individuals had been subjected to discrimination and violence because of their sexual orientation or gender identity and prosecuted because of their sexual orientation. It also expressed concerns about the lack of measures to address reported cases of discrimination and violence against persons with albinism and about the absence of comprehensive anti-discrimination legislation. It recommended that the State take effective measures to prevent discrimination and acts of violence based on discrimination, and ensure that victims received full reparation.<sup>15</sup>

12. The Committee also recommended that the State guarantee the protection and enjoyment, on an equal footing, of Covenant rights for all persons with albinism and ensure that no one was prosecuted under article 176 of the Criminal Code by reason of their sexual orientation or gender identity. It further recommended that the State enact comprehensive legislation providing full and effective protection against discrimination in all spheres and

containing an exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity.<sup>16</sup>

## **2. Development, the environment, and business and human rights<sup>17</sup>**

13. The Committee on the Rights of the Child was concerned that extractive industries continued to cause the destruction of lands, ecosystems and the livelihoods of families, in particular indigenous families with children, forcing them into situations of internal displacement. It recommended that the State establish a clear regulatory framework for the extractive industries to ensure that they complied with international and national human rights, labour, environment and other standards, particularly with regard to children's rights.<sup>18</sup>

14. The Group of Experts on the Democratic Republic of the Congo, which had conducted field visits in North and South Kivu, Ituri and Tanganyika Provinces for investigations related to gold and to tin, tantalum and tungsten, found that certain armed elements and criminal networks in the country had continued their illegal involvement in the exploitation and trade of those resources.<sup>19</sup> The same networks were involved in violations of human rights and international humanitarian law. The Group recommended that the Government: (a) investigate and prosecute officers of the Armed Forces of the Democratic Republic of the Congo and elements involved in the illegal exploitation of tin, tantalum, tungsten and gold in Shabunda territory; and (b) investigate and prosecute direct and indirect perpetrators of conflict-related sexual violence and the recruitment and use of child soldiers in Shabunda territory.<sup>20</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>21</sup>**

15. The United Nations High Commissioner for Human Rights expressed concern that, according to allegations from credible sources, at least 890 people had been killed between 16 and 18 December 2018 in four villages in Yumbi territory, in the west of the country, in what appeared to have been clashes between the Banunu and Batende communities. Reports suggested that at least 82 people had also been injured in the attacks, but the actual number of casualties was expected to be higher. Some 465 houses and buildings had been burned down or pillaged, including two primary schools, a health centre, a health post, a market and the office of the Independent National Electoral Commission.<sup>22</sup>

16. The resurgence of intercommunal conflict had also been observed in Ituri, where repeated clashes between Hema and Lendu communities had been reported since mid-December 2017 in Djugu territory. At least 270 people, including 94 women, had been killed, 29 wounded and 120 villages had been looted and destroyed on both sides during the hostilities, which had also led to the massive displacement of populations. The Armed Forces of the Democratic Republic of the Congo and the Congolese national police, which was understaffed, had generally been unable to mount an appropriate response to the attacks or to secure the villages.<sup>23</sup>

17. The team of international experts on the situation in Kasai, established by the Human Rights Council in accordance with its resolution 35/33, reported that the defence and security forces and the Kamuina Nsapu and Bana Mura militias had deliberately killed civilians, including many children. Those groups had committed numerous atrocities, including mutilation, rape and other forms of sexual violence, and had destroyed entire villages. The team believed that some of the abuses committed by those groups constituted crimes against humanity and war crimes, as well as violations and abuses of human rights.<sup>24</sup>

18. The United Nations Joint Human Rights Office indicated that, according to information collected and documented, at least 324 people, including at least 42 women and 35 children, had been victims of extrajudicial, summary or arbitrary executions between January 2017 and October 2018 in the territories of Masisi and Lubero (North Kivu). The United Nations Joint Human Rights Office reported that in those two territories 832 people, including at least 145 women and 41 children, had been victims of torture and/or cruel,

inhuman or degrading treatment; and 173 people, including 114 women, 58 children and 1 man, had been victims of rape or other sexual violence.<sup>25</sup>

19. The Human Rights Committee remained concerned that death sentences were still handed down and that there were a large number of prisoners on death row. It recommended that the State commute the sentences of individuals currently on death row and consider initiating a political and legislative process aimed at the abolition of the death penalty and that it carry out public advocacy efforts and campaigns to promote that objective.<sup>26</sup>

20. The Committee regretted that it had not received specific information about: investigations into the extrajudicial killings that had occurred in connection with the demonstrations of 19 to 21 September 2016 and 19 and 20 December 2016 and with Operation Likofi on 15 November 2013; and investigations into the mass grave discovered in Maluku, Kinshasa, in March 2015. It recommended that the State: (a) systematically undertake prompt, impartial and effective investigations into reported cases of extrajudicial killings, including those carried out by members of the police and security forces, and identify the perpetrators in order to bring them to justice; and (b) take all necessary measures to prevent such killings, determine the facts and provide full reparation to the victims' families.<sup>27</sup>

## **2. Administration of justice, including impunity, and the rule of law<sup>28</sup>**

21. The Committee expressed concern about the fact that perpetrators of human rights violations continued to go unpunished. It recommended that the State take all necessary measures to end impunity for perpetrators of human rights violations, in particular the most serious violations, by establishing a transitional justice system for the prosecution of past violations and by systematically conducting prompt, impartial, effective and thorough investigations in order to identify and prosecute those responsible and to take appropriate legal action against those who were convicted of such violations, while ensuring that the families of the victims had access to effective remedies and to full reparation. It also recommended that the State continue to cooperate with the International Criminal Court.<sup>29</sup>

22. The team of international experts on the situation in Kasai recommended that the State authorities engage in an inclusive process of transitional justice aimed at establishing the truth, identifying the root causes of the crisis and providing redress to victims, in order to ensure reconciliation, as well as honour their international commitments and enforce existing laws.<sup>30</sup>

23. The team also recommended that the authorities strengthen the capacity of Kasai military prosecutors' offices to investigate, prosecute and try perpetrators, by increasing the human and logistical resources of their offices; ensure that the officers in charge of the prosecutors' offices had at least the same rank as the operational officers who might be held criminally liable; and apply a prosecution strategy so as to ensure that the perpetrators of crimes from all the parties involved in the violence were brought to justice.<sup>31</sup>

24. The Human Rights Committee was concerned about the insufficient number of judges, the uneven geographical coverage of the court system and that military courts continued to try some cases involving offences committed by civilians, as well as cases involving serious human rights violations. It recommended that the Government: (a) allocate the human and financial resources needed to enable the judicial system to function properly; (b) strengthen measures to ensure access to justice for all, including investment in mobile justice systems; (c) ensure that there were no indirect obstacles making legal aid mechanisms inaccessible; and (d) ensure that military courts did not try civilians and reform the legislative framework to ensure that only the ordinary courts were competent to hear cases involving serious human rights violations.<sup>32</sup>

25. The Committee was also concerned about reports that a worrying percentage of the deaths recorded in places of detention were due to acts of torture or ill-treatment inflicted by State agents. It recommended that the State: (a) strengthen the training of officials in the justice, defence and security sectors, in particular with respect to Act No. 11/08 of 9 July 2011; (b) see to it that alleged acts of torture and ill-treatment committed by members of the police, security and defence forces were thoroughly investigated, that suspected

perpetrators were prosecuted and, if found guilty, duly punished, and that victims obtained reparation and were offered rehabilitation services, among other measures; and (c) establish a national mechanism for the prevention of torture, in line with the Optional Protocol to the Convention against Torture.<sup>33</sup>

### 3. Fundamental freedoms and the right to participate in public and political life<sup>34</sup>

26. The Secretary-General was concerned about the arbitrary arrests and lengthy detentions of opposition members and civil society activists by the intelligence services, as well as instances of repression of public demonstrations, all of which worked against the creation of an environment conducive to holding credible, transparent and inclusive elections. He called upon the authorities to ensure that all citizens of the Democratic Republic of the Congo enjoyed their civil and political rights.<sup>35</sup>

27. The United Nations High Commissioner for Human Rights noted with concern that, as the new election date of December 2018 approached, restrictions on civil liberties, intimidation and violence against political opponents, journalists and other media personnel and civil society activists, including human rights defenders, had stepped up. Demonstrations organized by opposition political parties and civil society organizations, including in protest at the postponement of the elections and the failure to implement any measures to reduce political tensions, had routinely been banned by the authorities and brutally suppressed by the defence and security services. In the course of the action to break up demonstrations, many people had been killed and a number of others injured. The democratic space had thus been severely limited and the conditions had scarcely been conducive to free, inclusive, peaceful and credible elections.<sup>36</sup>

28. The High Commissioner noted that the sharp increase in the number of violations of civil and political rights confirmed a worrying trend that had begun in 2015 and threatened the credibility of the electoral process. Between June 2016 and May 2017, the United Nations Joint Human Rights Office had documented 1,080 violations connected with restrictions on democracy throughout the country, almost double the number during the previous period (553 violations), most of which had been committed by Congolese national police officers.<sup>37</sup> Subsequently, the High Commissioner reported that, between June 2017 and May 2018, 1,466 violations associated with restrictions on democracy had been documented throughout the country, representing a 35 per cent increase over the previous period, almost half of which had been committed by Congolese national police officers.<sup>38</sup>

29. The United Nations Joint Human Rights Office also documented arbitrary arrests and other violations of the right to liberty and security of person against 2,252 victims, including at least 103 women, in the exercise of their rights to freedoms of expression and opinion, demonstration and peaceful assembly or association. Several of those arrests had been followed by convictions by the courts, indicating that the courts were being used for political purposes. Media offences and the offence of insulting the Head of State remained on the statute book and continued to lead to convictions.<sup>39</sup>

30. The Working Group on Arbitrary Detention adopted an opinion in April 2018 concerning the president of a group opposed to the Government, in which it found that the individual had been detained without legal basis<sup>40</sup> and that his ongoing detention had become arbitrary.<sup>41</sup>

31. In November 2017, the Working Group adopted an opinion concerning the only opposition leader to call on the people to demonstrate publicly in December 2016, when President Kabila's second and final constitutional term of office should have come to an end. The Working Group considered that it had been established that the individual had been arrested as a result of exercising his freedom of expression, association and peaceful assembly, as guaranteed by articles 19 and 20 of the Universal Declaration of Human Rights and articles 19 and 21 of the International Covenant on Civil and Political Rights, and that the violation by the Democratic Republic of the Congo had amounted to arbitrary deprivation of liberty.<sup>42</sup>

32. In December 2016, the Working Group adopted an opinion concerning members of a youth movement that had organized peaceful demonstrations to express their political opinions. It rendered the opinion that the arrest and continued detention of the individuals

had been arbitrary, and called for their immediate release and for appropriate reparations for the serious violations committed against all of the identified persons.<sup>43</sup>

33. The Human Rights Committee was concerned about the closing down of public space in the Democratic Republic of the Congo through suspensions of social media and television programmes and the jamming of radio broadcasts, as well as restricting the ability of foreign media to broadcast in the country. It recommended that the State: (a) take the legislative measures necessary to ensure that any restrictions on the exercise of freedom of expression complied with the strict requirements set out in the International Covenant on Civil and Political Rights; (b) ensure that the Higher Audiovisual and Communications Council discharged its functions impartially and independently; (c) decriminalize press offences and the offence of insulting the Head of State; and (d) investigate, prosecute and convict persons responsible for harassment, threats or intimidation against journalists, political opponents and human rights defenders.<sup>44</sup>

34. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression called on the Government to restore Internet services in the country following general elections held on 30 December 2018. The day following the elections, all primary telecommunications had been shut down ahead of the announcement of the results. The Special Rapporteur stressed that a general network shutdown was in clear violation of international law and could not be justified by any means. He noted that access to information was crucial for the credibility of the electoral process and that shutdowns were damaging not only for people's access to information, but also for their access to basic services.<sup>45</sup>

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

### **1. Right to social security**

35. The United Nations Joint Human Rights Office highlighted the fact that the growing needs of civilians due to poverty and the slowdown in economic activity remained an obstacle to the realization of economic and social rights. The social apparatus had almost collapsed as a result of the continued flight of essential personnel, particularly in the areas of health and education. In addition, insecurity was hindering the humanitarian initiatives that were vital to safeguarding minimum social rights, such as the right to health and education, and was contributing to the increased vulnerability of civilian populations.<sup>46</sup>

### **2. Right to an adequate standard of living<sup>47</sup>**

36. While a large proportion of the populations of Lubero and Masisi were living below the poverty line, the United Nations Joint Human Rights Office noted that many civilians, particularly women engaged in agricultural activities, and some in commerce, were intimidated or threatened on a daily basis when illegal taxes (usually between 1,000 and 2,000 Congolese francs) were collected by various armed groups or by elements of the defence and security forces. The occupation of a village by armed groups was generally accompanied by the imposition of illegal taxes on the population, who had no choice but to comply or suffer other serious violations.<sup>48</sup>

37. The United Nations Joint Human Rights Office noted with concern that houses, markets or businesses had been looted or destroyed, crops and businesses lost, water access points damaged, and schools and health centres destroyed. Human rights violations and abuses were serious and had individual and collective consequences.<sup>49</sup>

38. The United Nations Population Fund (UNFPA) stressed that access to social, medical, judicial and educational services was hampered, particularly in remote areas. Women had even more difficulty accessing services because of their low socioeconomic power and their dependence on their husbands or fathers.<sup>50</sup>

### **3. Right to health<sup>51</sup>**

39. UNFPA emphasized that women could not decide on their own to go to hospital for sexual and reproductive health care; they could not access contraception without their

husband's permission; some health care providers required the husband's authorization for an emergency procedure such as Caesarean section, and this waiting time often had fatal consequences for the lives of women and children.<sup>52</sup>

40. UNFPA noted that much remained to be done to address sexual and reproductive health needs, including reproductive rights. Women's and girls' access to and use of basic care and referral services for reproductive, maternal, neonatal and adolescent health remained low. Child mothers and teenage mothers had no rights to health or education. Modern contraception prevalence remained low (8 per cent), while the fertility rate reached nine children per woman in some parts of the country.<sup>53</sup>

41. The Human Rights Committee recommended that the State amend its legislation with a view to guaranteeing effective access to safe, legal abortion when the life or health of a pregnant woman or girl was endangered and when carrying a pregnancy to term would cause the woman or girl substantial pain or suffering, most notably when the pregnancy was the result of rape or incest or when it was not viable.<sup>54</sup>

#### **4. Right to education<sup>55</sup>**

42. The United Nations Educational, Scientific and Cultural Organization (UNESCO) indicated that the Democratic Republic of the Congo should be strongly encouraged to take steps to ensure that education was effectively free and compulsory, by eliminating all additional costs, and to extend free schooling to 12 years and compulsory schooling to 9 years. The Democratic Republic of the Congo should be encouraged to guarantee at least one year of free and compulsory education at the pre-primary level, and to put in place inclusive measures and ensure non-discrimination for people with disabilities, refugees, displaced persons, pygmies, children living in rural areas, street children and minors in detention, in order to ensure effective access to education.<sup>56</sup>

43. The Committee on the Rights of the Child expressed its serious concern that only half of children aged between 6 and 11 years attended primary school, owing to the fact that education was not genuinely free. It recommended that the State: (a) ensure access to primary education, free of charge, including by removing any additional indirect costs, for all children without discrimination; (b) take all measures necessary to ensure that children completed their compulsory schooling, taking concrete action to address the causes behind non-completion of schooling, including, inter alia, direct and indirect costs, early marriage and persisting zones of insecurity; (c) create vocational education and training programmes for children, including children who had dropped out of primary or secondary school; and (d) eliminate differences regarding access to schools and ensure that all children in its territory, both in urban and rural areas and from all socioeconomic backgrounds, had access to free education of adequate quality.<sup>57</sup>

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

#### **1. Women<sup>58</sup>**

44. The Secretary-General noted with concern that, in July and August 2018, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) had documented the rape of and other acts of conflict-related sexual violence against at least 129 women, 2 men and 39 children, indicating a worrying increasing trend. Most of the rapes had occurred in South Kivu. On 25 July, MONUSCO informed the authorities of the findings of a human rights investigation into rapes, mass rapes and other acts of sexual violence perpetrated by a coalition of Mai-Mai Raia Mutomboki combatants in the villages of Bimpanga, Kamungini, Keba and Wameli, in Shabunda territory, in April 2018. Although some survivors had received medical care, the holistic response was insufficient. Consequently, from 5 to 11 September, MONUSCO supported the Panzi Foundation in the provision of medical, psychosocial and legal assistance to 207 persons, including 62 survivors of sexual violence. Meanwhile, MONUSCO had continued its advocacy efforts for the opening of a judicial investigation.<sup>59</sup>

45. The United Nations Joint Human Rights Office noted that most armed groups used women and children in hostilities or as sex slaves and/or subjected them to forced marriage or forced labour. Rape, gang rape and other acts of sexual violence were perpetrated by armed groups and elements of the Armed Forces of the Democratic Republic of the Congo, including when travelling, during attacks or when women and girls went to the fields or collected water or wood. Women and children were also abducted, including for sexual purposes. In some cases, women and children were knowingly targeted, in order to punish and intimidate entire communities accused of collaborating with the enemy. Sexual violence was then used as a tactic of war, perpetrated in a systematic and particularly brutal manner.<sup>60</sup>

46. The Human Rights Committee recommended that the State take all necessary measures to increase women's participation in public life, in particular their representation at the highest levels of government and in the judicial system, and to strengthen education and awareness-raising initiatives for the general public, including traditional leaders, to combat traditional practices that were discriminatory and harmful to women and to eliminate gender stereotypes on the subordination of women to men and on the respective roles and responsibilities of women and men in the family and society.<sup>61</sup>

47. The Committee was concerned about the absence of a legal framework for preventing and punishing domestic violence, including marital rape. It recommended that the State intensify its efforts to prevent and combat all forms of domestic violence against women and enact legislation that duly protected women from domestic violence, inter alia, by criminalizing domestic violence and marital rape.<sup>62</sup>

## 2. Children<sup>63</sup>

48. The Special Representative of the Secretary-General for Children and Armed Conflict was concerned that armed conflict in eastern Democratic Republic of the Congo continued to take a heavy toll on children and the eruption of the crisis in the Greater Kasais in 2016 and 2017 had exponentially affected children. She welcomed progress made by the Government in ending and preventing the recruitment and use of children in and by its armed and security forces by institutionalizing the gains of the National Action Plan. She encouraged further progress to end and prevent sexual violence against children, primarily through holding perpetrators to account and by the provision of adequate support and services to survivors. She also urged the Government to ensure accountability for the recruiters of children among all ranks of the Armed Forces of the Democratic Republic of the Congo as well as in armed groups, in line with its domestic legislation and international obligations.<sup>64</sup>

49. The Committee on the Rights of the Child urged the State to take effective measures to prevent children from being accused of witchcraft, including by continuing and strengthening public awareness-raising activities, directed particularly at parents and religious leaders, and by addressing the root causes, including poverty. It also urged the State to implement legislative and other measures to criminalize the persecution of children accused of witchcraft and bring to justice persons responsible for violence against and ill-treatment of children accused of witchcraft. The Committee recommended that the State provide recovery and reintegration measures for children who had been victims of such practices.<sup>65</sup>

50. The Committee urged the State to enact legislation that clearly prohibited corporal punishment in all settings, including in the home, schools and other care settings. It also recommended that the State introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and their leaders, on the physically and psychologically harmful effects of corporal punishment, with a view to changing the general attitude towards that practice and promoting positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment.<sup>66</sup>



### 3. Persons with disabilities<sup>67</sup>

51. The Committee noted with concern that the vast majority of children with disabilities faced discrimination and had limited access to services, including health and education services, and that children with mental disabilities, namely intellectual and psychosocial disabilities, were confined to psychiatric clinics. The Committee recommended that the State, in cooperation with civil society organizations working on issues related to children with disabilities: (a) take all measures necessary to ensure the implementation of legislation providing protection for children with disabilities and consider adopting specific legislation in line with the Convention on the Rights of Persons with Disabilities; (b) make every effort to provide programmes and services for all children with disabilities and ensure that such services were supported with adequate human and financial resources; (c) carry out campaigns to raise public awareness about the rights and special needs of children with disabilities and encourage the inclusion of such children in society; and (d) implement inclusive education for all children with disabilities in mainstream schools.<sup>68</sup>

52. UNESCO stressed that realization of the right to education for persons with disabilities remained a fundamental issue, given that primary school remained inaccessible to the majority of persons with disabilities.<sup>69</sup>

### 4. Indigenous peoples<sup>70</sup>

53. The Human Rights Committee recommended that the State: (a) change its position regarding the status of indigenous peoples in the State and adopt legislation to protect their rights, in accordance with article 27 of the Covenant; (b) see to it that prior consultations were held with pygmy communities in order to obtain their free and informed consent prior to the adoption or implementation of any measure that might have a substantial impact on their way of life, access to their traditional lands or their culture; and (c) take legislative and practical measures to combat discrimination against pygmy communities.<sup>71</sup>

### 5. Refugees, asylum seekers and internally displaced persons<sup>72</sup>

54. UNHCR reported that, as of 31 December 2017, there were 537,087 refugees in the Democratic Republic of the Congo, of which approximately 63.4 per cent were children, 34.3 per cent were adults and 2.3 per cent were elderly persons, while women represented 51.9 per cent of the refugee population. Persons arriving from third countries continued to seek asylum in several camps in the country, mostly in South Kivu and North and South Ubangi Provinces and former Oriental provinces. UNHCR noted that from 2013 to 2017 nationals from two countries had enjoyed prima facie recognition as refugees, but since then the Government had introduced a refugee status determination procedure for nationals from those countries. It is also noted that UNHCR did not have records of cases of refoulement from the Democratic Republic of the Congo.<sup>73</sup>

55. With regard to internally displaced persons, the Office for the Coordination of Humanitarian Affairs reported approximately 4,350,000 internally displaced persons as a consequence of ongoing multiple conflicts in North and South Kivu, Katanga, Ituri and Tanganyika. In 2018, the ongoing ethnic conflict between Lendu and Hema groups in Ituri Province had also reportedly led to simultaneous movements of internally displaced persons and an outflow of Congolese refugees to a third country, including a disproportionate number of children.<sup>74</sup>

### 6. Stateless persons<sup>75</sup>

56. UNHCR welcomed the signature by the Democratic Republic of the Congo of the Declaration of the International Conference on the Great Lakes Region Member States on the Eradication of Statelessness and its plan of action. It also commended the appointment of the government focal point on statelessness. However, UNHCR stated that significant action was still required, and recommended that the Government finalize the process of establishing an interinstitutional national committee mandated to address issues of statelessness.<sup>76</sup>

## Notes

- <sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Democratic Republic of the Congo will be available at [www.ohchr.org/EN/HRBodies/UPR/Pages/CDIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/CDIndex.aspx).
- <sup>2</sup> For relevant recommendations, see A/HRC/27/5, paras. 133.1–133.7, 133.14, 134.1–134.4, 134.41–134.44, 136.1–136.11 and 136.29–136.34.
- <sup>3</sup> CCPR/C/COD/CO/4, para. 24.
- <sup>4</sup> CRC/C/COD/CO/3-5, para. 22 (d).
- <sup>5</sup> *Ibid.*, para. 49.
- <sup>6</sup> CRC/C/OPSC/COD/CO/1, para. 23 (e).
- <sup>7</sup> A/HRC/39/42, para. 27.
- <sup>8</sup> UNHCR submission for the universal periodic review of the Democratic Republic of Congo, p. 4.
- <sup>9</sup> For relevant recommendations, see A/HRC/27/5, paras. 133.8–133.9, 133.12–133.13, 134.5–134.15, 134.17–134.34, 136.12–136.23 and 136.25–136.26.
- <sup>10</sup> CCPR/C/COD/CO/4, paras. 41–42.
- <sup>11</sup> *Ibid.*, para. 26.
- <sup>12</sup> A/HRC/39/42, para. 82.
- <sup>13</sup> CRC/C/COD/CO/3-5, paras. 8–9, and CRC/C/OPS/COD/CO/1, paras. 11 and 13.
- <sup>14</sup> For relevant recommendations, see A/HRC/27/5, paras. 134.17, 134.19, 134.34–134.35 and 134.45–134.47.
- <sup>15</sup> CCPR/C/COD/CO/4, paras. 13–14.
- <sup>16</sup> *Ibid.*
- <sup>17</sup> For the relevant recommendation, see A/HRC/27/5, para. 134.37.
- <sup>18</sup> CRC/C/COD/CO/3-5, para. 14.
- <sup>19</sup> S/2018/531, para. 109.
- <sup>20</sup> S/2018/1133, para. 112.
- <sup>21</sup> For relevant recommendations, see A/HRC/27/5, paras. 136.3–136.9.
- <sup>22</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24075&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24075&LangID=E) (in English) and [www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=24075&LangID=F](http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=24075&LangID=F) (in French).
- <sup>23</sup> A/HRC/39/42, para. 37.
- <sup>24</sup> A/HRC/38/31, para. 106.
- <sup>25</sup> United Nations Joint Human Rights Office, « Détérioration de la situation des droits de l'homme dans le Masisi et le Lubero (Nord-Kivu) et défis relatifs à la protection des civils entre janvier 2017 et octobre 2018 », para. 12.
- <sup>26</sup> CCPR/C/COD/CO/4, paras. 23–24.
- <sup>27</sup> *Ibid.*, paras. 29–30.
- <sup>28</sup> For relevant recommendations, see A/HRC/27/5, paras. 133.16–133.19, 134.5–134.15, 134.50–134.51, 134.55–134.56, 134.64, 134.69–134.78, 134.81–134.86, 134.106–134.130 and 135.1.
- <sup>29</sup> CCPR/C/COD/CO/4, paras. 11–12.
- <sup>30</sup> A/HRC/38/31, para. 111 (a) and (c).
- <sup>31</sup> *Ibid.*
- <sup>32</sup> CCPR/C/COD/CO/4, paras. 37–38.
- <sup>33</sup> *Ibid.* paras. 31–32.
- <sup>34</sup> For relevant recommendations, see A/HRC/27/5, paras. 133.20–133.21, 134.26, 134.53–134.54, 134.131–134.137, 136.22–136.24.
- <sup>35</sup> S/2018/882, para. 77.
- <sup>36</sup> A/HRC/39/42, para. 4.
- <sup>37</sup> A/HRC/36/34, para. 10.
- <sup>38</sup> A/HRC/39/42, para. 10.
- <sup>39</sup> *Ibid.*, para. 14.
- <sup>40</sup> A/HRC/WGAD/2018/23, para. 24.
- <sup>41</sup> *Ibid.*, para. 30.
- <sup>42</sup> A/HRC/WGAD/2017/74, para. 54.
- <sup>43</sup> A/HRC/WGAD/2016/23, paras. 31–32.
- <sup>44</sup> CCPR/C/COD/CO/4, paras. 39–40.
- <sup>45</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24057&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24057&LangID=E) (in English) and [www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=24057&LangID=F](http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=24057&LangID=F) (in French).
- <sup>46</sup> United Nations Joint Human Rights Office, « Détérioration de la situation des droits de l'homme » para. 52.
- <sup>47</sup> For relevant recommendations, see A/HRC/27/5, paras. 133.23–133.25.

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- <sup>48</sup> United Nations Joint Human Rights Office, « Détérioration de la situation des droits de l'homme », para. 51.
- <sup>49</sup> *Ibid.*, para. 44.
- <sup>50</sup> UNFPA submission for the universal periodic review of the Democratic Republic of the Congo, para. 2.4.3.
- <sup>51</sup> For relevant recommendations, see A/HRC/27/5, paras. 133.22, 133.26, 134.48, 134.139, 134.141 and 134.143–134.145.
- <sup>52</sup> UNFPA submission, para. 2.4.3.
- <sup>53</sup> *Ibid.*, para. 1.5.
- <sup>54</sup> CCPR/C/COD/CO/4, para. 22.
- <sup>55</sup> For relevant recommendations, see A/HRC/27/5, paras. 133.22, 134.48, 134.139, 134.141 and 134.144–134.159.
- <sup>56</sup> UNESCO submission for the universal periodic review of the Democratic Republic of the Congo, paras. 9–10.
- <sup>57</sup> CRC/C/COD/CO/3-5, para. 40.
- <sup>58</sup> For relevant recommendations, see A/HRC/27/5, paras. 133.27, 134.16, 134.33, 134.35, 134.45, 134.60–134.66 and 134.68–134.87.
- <sup>59</sup> S/2018/882, para. 38.
- <sup>60</sup> United Nations Joint Human Rights Office, « Détérioration de la situation des droits de l'homme », paras. 18 and 49.
- <sup>61</sup> CCPR/C/COD/CO/4, para. 16.
- <sup>62</sup> *Ibid.*, paras. 17–18.
- <sup>63</sup> For relevant recommendations, see A/HRC/27/5, paras. 134.88–134.97 and 134.99–134.106.
- <sup>64</sup> Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of the Democratic Republic of the Congo, pp. 1–2.
- <sup>65</sup> CRC/C/COD/CO/3-5, para. 30.
- <sup>66</sup> *Ibid.*, para. 24.
- <sup>67</sup> For relevant recommendations, see A/HRC/27/5, paras. 134.1 and 134.35.
- <sup>68</sup> CRC/C/COD/CO/3-5, para. 34.
- <sup>69</sup> UNESCO submission, p. 4.
- <sup>70</sup> For relevant recommendations, see A/HRC/27/5, paras. 134.160–134.162.
- <sup>71</sup> CCPR/C/COD/CO/4, para. 50.
- <sup>72</sup> For the relevant recommendation, see A/HRC/27/5, para. 134.163.
- <sup>73</sup> UNHCR submission, p. 1.
- <sup>74</sup> *Ibid.*
- <sup>75</sup> For the relevant recommendation, see A/HRC/27/5, para. 133.7.
- <sup>76</sup> UNHCR submission, p. 4, issue 4.
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