



International Covenant on Civil and Political Rights

Distr.: General
27 November 2023
English
Original: French
English and French only

Human Rights Committee

Information received from the Democratic Republic of the Congo on follow-up to the concluding observations on its fourth periodic report*

[Date received: 4 September 2023]

* The present document is being issued without formal editing.



Introduction

1. The Human Rights Committee considered the fourth periodic report of the Democratic Republic of the Congo on the implementation of the International Covenant on Civil and Political Rights ([CCPR/C/COD/4](#)) at its 3414th and 3415th meetings ([CCPR/C/SR.3414](#) and [CCPR/C/SR.3415](#)), held on 16 and 17 October 2017. It adopted the concluding observations at its 3444th meeting, held on 6 November 2017.
2. In accordance with rule 71 (5) of the Committee's rules of procedure, the Democratic Republic of the Congo should have provided information on its implementation of the recommendations contained in paragraphs 20 (sexual violence), 28 (situation in Kasai) and 48 (participation in public affairs and elections) within two years. This report is being submitted now mainly because of the disruption caused by the coronavirus disease (COVID-19) pandemic.
3. Within the framework of cooperation between the Human Rights Committee and the authorities of the Democratic Republic of the Congo pursuant to article 40 of the International Covenant on Civil and Political Rights, the Government of the Democratic Republic of the Congo is thus responding to the Committee's request for information concerning the above-mentioned issues.
4. This report was drawn up in an inclusive manner; in other words, in addition to the members of the Interministerial Committee for Human Rights responsible for drawing up all reports required under international and regional human rights treaties, non-governmental organizations and the National Human Rights Commission also contributed to its preparation.

Follow-up information relating to paragraph 20 (a) of the concluding observations ([CCPR/C/COD/CO/4](#))

5. In the Democratic Republic of the Congo, all cases of sexual violence brought to the attention of the judicial authorities are investigated. Whatever their position, civilians and military officers responsible for rape and other offences of a sexual nature are prosecuted before the civil or military courts and, if found guilty, are punished. Mobile court hearings are organized in areas that are far away from courthouses, a particular example being the hearings held in the east of the country in which 12 military officers were tried and convicted. Such arrangements demonstrate the State's firm commitment to taking all necessary measures to combat practices that demean women.

Follow-up information relating to paragraph 20 (b) of the concluding observations

6. To support efforts to combat sexual violence, medical facilities providing free care for victims are operational in various provinces of the country, particularly in the east. A case in point is the Panzi hospital in Bukavu.
7. In Kinshasa, psychological support is available for victims at the Saint Joseph Hospital in Limete and the Roi Baudouin Hospital in Kimbanseke.
8. Holistic care is provided in Kinshasa at the following facilities: Kintambo Hospital, the Ngaba Mother and Child Centre, N'djili Referral Hospital, Kinshasa Provincial General Referral Hospital and Monkole Medical Centre.
9. Under the "Tupinge Ubakaji" project, integrated multisectoral service centres in the east of the country (North Kivu and South Kivu Provinces) provide survivors with four specific types of care (medical, psychosocial, socioeconomic and legal) in one place. The joint programme to combat gender-based violence, entitled "Justice, Empowerment and Dignity for Women and Girls in the Democratic Republic of the Congo", is now operational in Kinshasa and in Kasai Central Province.
10. With regard to the reparations fund for victims of sexual violence, an appropriate mechanism was created by Decree No. 22/38 of 6 December 2022 establishing the statutes

of a public body called the National Fund for Reparations to Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Mankind.

11. In addition, Act No. 22/065 of 26 December 2022, laying down the fundamental principles for the provision of protection and reparation for victims of conflict-related sexual violence and crimes against the peace and security of mankind, was promulgated by the President of the Republic, Félix Tshisekedi, in December 2022.

Follow-up information relating to paragraph 20 (c) of the concluding observations

12. With regard to steps taken to facilitate victims' access to legal services, the National Assembly has adopted the bill amending and supplementing the Decree of 6 August 1959 enacting the Code of Criminal Procedure. The purpose of the bill is to provide a total exemption from the payment of legal fees for victims of sexual violence, witnesses to sexual violence, persons with disabilities, abandoned widows and orphans, and older persons living in old people's homes or abandoned by their children. Specifically, article 123 bis of the bill stipulates that such persons will be "totally exempt from the payment of legal fees and other expenses associated with proceedings, whether they are plaintiffs or defendants, including appeal costs and even costs associated with the issuance of documents and certificates of execution".

13. As the issue of combating sexual violence remains a matter of concern for the Government, an updated version of the national strategy to combat gender-based violence was adopted on Saturday, 6 June 2020.

Follow-up information relating to paragraph 28 (a) of the concluding observations

14. A number of investigations have been carried out into allegations of atrocities committed in Kasai Province. In case No. RP 370/MA/217, brought against soldiers accused of having summarily executed alleged Kamuina Nsapu militiamen, a ruling has been handed down against some of the defendants. As for the other cases, on Saturday, 29 January 2022 some fifty defendants were sentenced to death by the military court of the former province of Kasai-Occidental in Kananga for their part in the killing of two United Nations experts, Zaida Catalán and Michael Sharp, in 2017 in the village of Bukonde in the territory of Dibaya in Kasai Central Province.

15. Since this conviction, the trial has continued before the Military High Court.

Follow-up information relating to paragraph 28 (b) of the concluding observations

16. With regard to the dismantling and disarmament of armed groups suspected of having committed human rights violations, the Government has made considerable efforts to restore peace in this part of the country. Several armed groups have surrendered and laid down their weapons and others are being prosecuted.

Follow-up information relating to paragraph 28 (c) of the concluding observations

17. In addition to the traditional training received by the Armed Forces of the Democratic Republic of the Congo and the Congolese National Police, the units deployed in the areas affected by the Kasai conflicts at that time had received training in human rights and international humanitarian law. The Government has verified that the units deployed have not been involved in serious human rights violations.

Follow-up information relating to paragraph 28 (d) of the concluding observations

18. The Government, through the Ministry of Human Rights and the Ministry of Justice, and more specifically through the courts and public and military prosecution services, works closely with the United Nations Joint Human Rights Office and the team of international experts on an ongoing basis to investigate allegations of violations of human rights and international humanitarian law in the Kasai region, including in the context of transitional justice.

19. In evidence of this, the investigations carried out by the Military Prosecutor's Office in Kananga were carried out in conjunction with a team of United Nations experts in accordance with Human Rights Council resolution [A/HRC/RES/41/26](#) of 17 July 2019, renewing the mandate of the team of international experts on the situation in Kasai Province with regard to the Kamuina Nsapu militia, and Human Rights Council resolution [A/HRC/51.L.34](#) of 30 September 2022, on technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo.

Follow-up information relating to paragraph 48 (a) of the concluding observations

20. Driven by the spirit of national cohesion, the country's main political forces have come together and worked to build political trust by drawing up a consensual electoral timetable. The Independent National Electoral Commission published a timetable that led to the organization and successful holding of presidential, national legislative and provincial elections on 30 December 2018, resulting in a peaceful and civilized transfer of power between the outgoing and incoming Presidents of the Republic for the first time in the history of the Democratic Republic of the Congo.

21. Following on from the 2018 elections, the Democratic Republic of the Congo has embarked on another electoral cycle. The registration and filing of candidacies have been carried out in all provinces except those occupied by the Mouvement du 23 mars terrorists supported by Rwanda and the electoral process is now under way.

Follow-up information relating to paragraph 48 (b) of the concluding observations

22. Article 13 of the Constitution of 18 February 2006, as amended by Act No. 11/002 of 20 January 2011, revising certain articles, states that: "No Congolese citizen may, in matters of education and access to public office or in any other matter, be subject to discrimination, whether as a result of law or an executive act, on grounds of religion, family origin, social status, residence, opinion or political belief, membership of a race, ethnic group, tribe, cultural or linguistic minority".

23. In the Democratic Republic of the Congo, as mentioned above, all citizens can participate in public affairs except for those meeting any of the criteria set forth in article 10 of Act No. 17/013 of 24 December 2017 amending and supplementing Act No. 06/006 of 9 March 2006 on the organization of presidential, legislative, provincial, urban, municipal and local elections, as amended to date, which provides as follows:

"Without prejudice to specific legal texts, the following persons are ineligible to stand for election:

1. Persons deprived of their civil and political rights by irrevocable judicial decision;
2. Persons convicted by irrevocable judicial decision of war crimes, genocide and crimes against humanity;

3. Persons convicted by irrevocable judicial decision of rape, illegal exploitation of natural resources, corruption, embezzlement of public funds, murder, torture and bankruptcy;
4. Persons suffering from a medically proven mental impairment during the five years preceding the election;
5. Civil servants and public employees who have not submitted a request for leave of absence by the closing date for candidacies;
6. Executive officers of public bodies or holding companies who have not submitted a letter of resignation by the deadline for candidacies;
7. Judges who have not provided proof, by the closing date for candidacies, of notification of leave of absence;
8. Members of the Congolese Armed Forces and Congolese National Police who have not provided proof, by the deadline for candidacies, of their accepted resignation or retirement;
9. Members of the Economic and Social Council, the High Council for Broadcasting and Communications, the National Human Rights Commission, the National Council for Monitoring the Agreement and the Electoral Process and the Court of Audit who have not provided proof of their resignation or retirement by the deadline for submitting candidacies;
10. Members of the Independent National Electoral Commission at all levels, including staff.

The date of submission of candidacies shall be taken into consideration in the application of the provisions of this article”.

Follow-up information relating to paragraph 48 (c) of the concluding observations

24. Article 8 of the Constitution states that: “Political opposition is recognized in the Democratic Republic of the Congo. Its right to exist, and to pursue its activities and the democratic assumption of power, are inviolable. There shall be no restrictions on the rights of the political opposition other than those imposed on all political parties and activities under this Constitution and the law. An organic law determines the status of the political opposition.”
25. During the presidential elections, all candidates legally approved by the Independent National Electoral Commission benefited from close protection measures.