



ALTERNATIVE REPORT

Situation of LGBTQIA+ people in the Democratic Republic of the Congo (DRC)

Submitted to the Human Rights Committee (HRC)

145th Session (2-19 March 2026)

Palais Wilson, Geneva

Submitted by:
Oasis RD Congo

Janvier 2025

ALTERNATIVE REPORT

1. Situation of LGBTQIA+ people in the Democratic Republic of the Congo (DRC), to be submitted to the Human Rights Committee (HRC) at its 145th session from 2 to 19 March 2026 at the Palais Wilson, Geneva

INFORMATION ON THE ORGANIZATIONS SUBMITTING THE CONTRIBUTION

2. This contribution is submitted by Oasis RD Congo, a non-profit association bringing together feminists and women from sexual minorities, working to promote, protect and defend the human rights of sexual minorities (LGBTQIA+), and carrying out advocacy, research, documentation, community support, awareness-raising, legal and psychosocial support activities.
3. Contact : www.oasisrdcongo.org, oasisrdcongo@gmail.com, +243998969871

INTRODUCTION

4. This report calls on the Human Rights Committee to challenge the Congolese State on its obligations under the ICCPR and to formulate strong recommendations aimed at ending discrimination and violence against LGBTQIA+ people and ensuring their legal, social, and institutional protection. Implementing these recommendations is a crucial step to guaranteeing that all people, regardless of sexual orientation, gender identity or expression, or sex characteristics, can live in safety, dignity, and with equal protection under the law in the Democratic Republic of the Congo.
5. The report focuses on five key issues to be included in the list of points to be addressed, in accordance with the guide provided for drafting an alternative report to the Human Rights Committee. Namely:
 - a. Systematic discrimination against LGBTQIA+ people in access to public services (health, education, employment and housing), due to the absence of anti-discrimination legislation and stigmatizing institutional practices.
 - b. Violence, insecurity and attacks on the physical and psychological integrity of LGBTQIA+ people including assaults, threats, extortion, harassment and the involvement or passivity of state actors.

- c. The de facto criminalization of LGBTQIA+ people through the misuse of Article 176 of the Penal Code leading to arbitrary arrests, extortion and the absence of effective remedies.
- d. Serious violations of the right to privacy and the public disclosure of personal information, in particular through the non-consensual dissemination of images, videos or confidential information, including via media and social networks.
- e. The lack of legal recognition of gender and specific protection for transgender and intersex people, including the impossibility of changing identity documents and the absence of a framework protecting intersex children against non-consensual medical interventions.

METHODOLOGY

6. The information contained in this report comes from:

- ✚ Direct testimonies collected from members of LGBTQIA+ communities between 2023 and 2025.
- ✚ Individual interviews with human rights defenders and healthcare providers.
- ✚ Documentation of human rights organizations (internal reports, support files, anonymized data).
- ✚ Press review, social media monitoring and public observations.
- ✚ Legal analysis of the Penal Code, relevant laws, police practices and public policies.
- ✚ Criminalizing bills and hostile political rhetoric.

All personal data has been anonymized to protect the safety of those interviewed.

A. POLITICAL AND LEGISLATIVE CONTEXT

7. The DRC has not adopted laws explicitly criminalizing same-sex relations, but several factors create a hostile climate:

❖ Bills criminalizing homosexuality (2022-2025)

- 8. Since 2022, three provincial and national bills have circulated aimed at introducing the criminalization of "homosexuality" or "LGBTQI+ propaganda".
- 9. Although they were not adopted, the public debate surrounding them created a climate of fear, fueling the violence of...

❖ **Lack of protective legislation**

10. No Congolese law protects against:

- a) discrimination based on sexual orientation,
- b) gender identity or expression,
- c) features.

❖ **Misuse of the Penal Code (Article 176)**

11. This article, intended to punish acts contrary to "public decency", is being applied arbitrarily against LGBTQIA+ people.

❖ **Political and religious discourse**

12. Some public leaders used stigmatizing rhetoric during the election campaigns (2023-2024).

13. Sermons or media broadcasts encourage social exclusion.

❖ **Pre-election climate**

14. As elections approach, LGBTQIA+ rights are regularly used as a tool to mobilize support from conservatives.

B. HUMAN RIGHTS VIOLATIONS

15. The violations are presented with:

- a. the relevant articles of the ICCPR
- b. the available evidence
- c. the questions proposed to the Committee
- d. the corresponding recommendations

1. Systematic discrimination in access to public services (health, education, employment, housing)

Articles violated: Articles 2, 6 and 26 of the ICCPR

a) Health

✚ **Refusal of care and poor reception in public health centers**

Articles violated: Articles 2 §1 and 26 of the ICCPR

16. The explicit or implicit refusal to provide health care to individuals because of their actual or perceived sexual orientation, or gender appearance, constitutes direct discrimination in access to an essential public service.
17. Article 2 §1: The State has an obligation to guarantee the rights recognized by the Covenant without discrimination, including on the basis of sexual orientation and gender identity (consistent interpretation of the Committee).
18. Article 26: guarantees equality before the law and equal protection of the law against all discrimination.

Conditioning access to PrEP and HIV services on intrusive interviews

Articles violated: Articles 2 §1, 7 and 26 of the ICCPR

19. Imposing humiliating or moralizing interrogations as a prerequisite for accessing prevention services constitutes indirect discrimination and degrading treatment.
20. Article 7: prohibits cruel, inhuman or degrading treatment, including humiliation and attacks on dignity in access to care.
21. Articles 2 §1 and 26: prohibit any differentiation based on sexual orientation in access to health services.
22. These practices discourage LGBTQIA+ people from using prevention services, creating a structural inequality in public health.

Requirement for transgender people to alter their appearance in order to receive care

Articles violated: Articles 2 §1, 7 and 26 of the ICCPR

23. Requiring a transgender person to conform to gender norms in order to access care constitutes a serious violation of their dignity and discrimination based on gender identity and expression.
24. Article 7: Humiliation and denial of personal identity constitute degrading treatment.

25. Articles 2 §1 and 26: prohibit any discrimination in access to public services, including discrimination based on gender identity or expression.
26. These requirements lead to the de facto exclusion of transgender people from the public health system.

Mockery, stigmatizing remarks, and intentional delays in care

Articles violated: Articles 2 §1, 7 and 26 of the ICCPR

27. The mockery, denigrating remarks and unjustified delays imposed on LGBTQIA+ patients constitute humiliating and discriminatory treatment.
28. Article 7: protects against treatment that infringes upon human dignity.
29. Articles 2 §1 and 26: guarantee equal and non-discriminatory access to public services.
30. Intentional delays and stigmatization lead to a decline in the quality of care and a breach of equal treatment.

Refusal of physical contact or incomplete care due to stigma

Articles violated: Articles 6, 7 and 26 of the ICCPR

31. Refusing to properly examine a patient or provide adequate care, due to stereotypes related to sexual orientation or HIV, can endanger life and physical integrity.
32. Article 6: protects the right to life, including the positive obligation of the State to prevent avoidable risks to health and survival.
33. Article 7: covers degrading treatment in the provision of medical care.
34. Article 26: guarantees equality in health protection.
35. Incomplete or deliberately degraded care exposes patients to serious medical risks.

Lack of anti-discrimination legislation as a structural cause of violations

Articles violated: Articles 2 §2 and 26 of the ICCPR

36. The absence of a legal framework explicitly protecting against discrimination based on sexual orientation and gender identity constitutes a violation of the State's positive obligations.
37. Article 2 §2: requires the State to adopt the legislative measures necessary to give effect to the rights of the Covenant.
38. Article 26: requires effective legal protection against discrimination.
39. This legal vacuum fosters impunity, prevents effective remedies, and allows for the repetition of violations in public health services.

Questions proposed to the committee

40. What concrete measures has the State party put in place to ensure that LGBTQIA+ people have equal, dignified and non-discriminatory access to public health centers, particularly in the face of refusals of care, hostile reception, mockery and intentional delays in care?
41. How does the State party ensure that intersex people have equal, respectful and non-discriminatory access to public health services, particularly in the face of reported practices of poor reception, stigmatization, incomplete care or humiliating treatment, and what specific measures have been taken to prevent discrimination based on sex characteristics, in the absence of explicit anti-discrimination legislation?
42. How does the State party intend to end the practices of intrusive, moralizing or humiliating questioning imposed on LGBTQIA+ people as a condition of access to PrEP and HIV services, and ensure that these services are provided with respect for human dignity and equality?
43. What legislative, administrative and practical measures does the State party intend to take to prevent the de facto exclusion of transgender people from the public health system, including requirements for conformity to gender norms, and to address the lack of anti-discrimination legislation based on sexual orientation and gender identity or expression?

Recommendations

44. The Committee should recommend to the State party that:

- a. Adopt explicit anti-discrimination legislation, prohibiting any discrimination based on sexual orientation, gender identity and expression, particularly in access to healthcare.
- b. Ensure effective, equal and respectful access to health services, including HIV and prevention services, by prohibiting intrusive interrogations, humiliating practices and intentional delays in care.
- c. Prohibit any requirement to conform to gender norms as a condition of access to care and ensure respect for the gender identity of transgender people in all public health facilities.
- d. Establish independent, accessible and confidential complaint mechanisms, accompanied by effective sanctions against healthcare personnel who engage in discriminatory or degrading treatment.
- e. Provide mandatory and ongoing training for healthcare staff on human rights, non-discrimination, and respectful care for LGBTQIA+ individuals.
- f. Adopt legislative, administrative and practical measures guaranteeing effective, dignified and non-discriminatory access to health services for intersex people, including by:
- g. explicitly prohibiting any discrimination based on sexual characteristics in access to healthcare;
- h. ensuring that healthcare staff respect the dignity, physical integrity and autonomy of intersex people;
- i. putting in place accessible and effective complaint mechanisms for victims of ill-treatment or inadequate care; in accordance with Articles 2 §1, 7 and 26 of the Covenant.

b) Education

45. General context in the DRC: The issue of sexual and gender minorities remains largely taboo in the DRC, which lacks specific legal frameworks protecting against discrimination based on sexual orientation or gender identity/expression. LGBTQI+ people are often stigmatized socially and institutionally, particularly in educational or community settings where there is neither legal protection nor clear prevention policies.

Concrete examples of violations

46. Testimonies of Discriminatory Behavior in Educational Settings: A recent report documenting the situations of sexual and gender minorities in the DRC reports that some LGBTQIA+ individuals have been victims of verbal or physical abuse in schools, and that teaching and administrative staff have often turned a blind eye to this discriminatory behavior towards students perceived as effeminate or non-conforming to gender norms.
A typical example in this context: a student deemed "too effeminate" is subjected to constant mockery in class, without any intervention from the school.
47. Social stigma that translates into pressure to leave school. Although specific data for 2024 in the DRC are not always fully published, organizations regularly report that LGBTQIA+ minors face intense social and academic pressure that can lead them to drop out of school or change schools due to a lack of a safe environment. This pressure can include discrimination or ostracism in the classroom or from other students, due to rumors related to their sexual orientation or gender expression. **An illustrative example:** a student who stops attending school after being continually harassed by classmates because of rumors about their orientation.

Note: Although no precise official figures for "at least 7 students informally excluded in 2024" can be found in available online sources, human rights organizations insist that these cases are underreported, as many victims do not dare to report these violations for fear of reprisals or further stigmatization.¹

Questions Proposed to the Committee

48. What concrete measures has the State party taken to prevent, detect and punish discriminatory behavior, verbal or physical abuse and harassment targeting LGBTQIA+ students or those perceived as not conforming to gender norms in educational institutions, including when such acts are tolerated or ignored by teaching or administrative staff?
49. How does the State party intend to prevent informal exclusions, forced school dropouts and imposed school changes for LGBTQIA+ students

¹https://www.cgrs.be/sites/default/files/rapporten/coi_focus_rdc_minorites_sexuelles_et_de_genre_20240913.pdf?utm_source=chatgpt.com

due to rumors or stigmatization related to their sexual orientation or gender expression, in the absence of a specific protective legal framework?

Recommendations

50. The Committee should recommend to the State party that:
51. Implement clear and mandatory school policies for the prevention and punishment of discrimination and violence based on actual or perceived sexual orientation and gender expression, including:
 - a. safe and accessible reporting mechanisms for students;
 - b. effective sanctions against the perpetrators and institutions that tolerate these practices;
 - c. mandatory training for educational staff on children's rights and the principle
52. Adopting a legal and administrative framework guaranteeing the right to education without discrimination for all children, in particular by:
 - a. explicitly prohibiting informal exclusions and pressures aimed at forcing a student to leave their school because of their sexual orientation or gender expression;
 - b. ensuring the collection of data on violence and discrimination in schools, while respecting confidentiality;
 - c. guaranteeing effective remedies for students who are victims of stigmatization or forced school dropout.

c) Employment

53. Congolese legislation prohibits certain general forms of discrimination (for example, based on gender or social origin), but it explicitly omits sexual orientation and gender identity, meaning that LGBTQIA+ people do not have clear protections against discrimination in employment. This lack of a protective framework is embedded in a social context heavily influenced by conservative cultural norms and dominant religious discourses that stigmatize LGBTQIA+ people. As a result, LGBTQIA+ people are often forced to hide their sexual orientation or gender identity at work for fear of being excluded, ostracized, or dismissed.

Concrete examples of violations in employment

54. Dismissal and ostracism caused by sexual orientation: A baseline report on inclusive governance in the DRC notes that many LGBTQIA+ people face significant barriers to accessing and retaining employment. Some are victims of discrimination by their employers, including unfair dismissals simply because of their sexual orientation or perceived gender expression.

In practical terms, an employee perceived as homosexual can be dismissed after their orientation has been disclosed to their superior, without any professional justification other than prejudice.

55. Pressure and humiliation at work: The lack of legal protections also exposes LGBTQIA+ workers to direct and indirect social pressure and humiliation. In some professional settings, colleagues or superiors may make degrading remarks or negative insinuations, creating a hostile work environment that can lead the discriminated-against person to voluntarily leave the job.

For example, a transgender woman may be constantly targeted by comments about her appearance or insinuations about her "morality," which deteriorates her work environment and limits her career prospects.²

Questions Proposed to the Committee

56. How does the State party ensure the effective protection of LGBTQIA+ persons against unfair dismissal, refusal to hire and other forms of discrimination based on actual or perceived sexual orientation or gender identity/expression, in the absence of explicit provisions in labour legislation?
57. What measures has the State party taken to prevent and punish pressure, humiliation and hostile working environments targeting LGBTQIA+ people, including degrading remarks and attacks on the dignity of transgender people in the workplace?

Recommendations

²https://www.cgrs.be/sites/default/files/rapporten/coi_focus_rdc_minorites_sexuelles_et_de_genre_20240913.pdf?utm

58. Amend labor legislation to explicitly include sexual orientation, gender identity and expression among the prohibited grounds of discrimination, and guarantee accessible and effective redress mechanisms for people who are victims of dismissals or discriminatory practices in the workplace, in accordance with Articles 2 §1 and 26 of the Covenant.
59. Implement national policies to prevent discrimination and harassment in the workplace, including:
 - a. clear standards prohibiting stigmatizing and humiliating remarks;
 - b. confidential and independent complaint mechanisms;
 - c. mandatory training for employers and workers on the principles of non-discrimination and respect for human dignity; in order to guarantee a safe and equal working environment for LGBTQIA+ people, in accordance with Articles 2 §1, 7 and 26 of the Covenant.

d) d. Housing

General context of housing discrimination in the DRC

60. In the DRC, there are no laws explicitly protecting LGBTQIA+ people from discrimination in access to housing. This means that landlords, real estate agents, or local communities can refuse to rent, sell, or house people because of their sexual orientation or gender identity/expression, without legal consequences for their actions; the legal framework does not provide effective mechanisms for recourse against this type of discrimination.

This lack of protection is part of a broader context of social stigmatization: LGBTQIA+ people are often marginalized or perceived as contrary to cultural or religious norms, which can result in exclusion from several aspects of social and economic life, including housing.

Figures and trends

61. Although specific statistics on LGBTQIA+ housing discrimination in the DRC are scarce, human rights organizations note that:
62. 226 human rights violations based on sexual orientation, gender identity or expression were documented in Kinshasa between February 2019 and June 2020, including cases of discrimination (22%)

and stigmatization (11%). These categories are strongly linked to difficulties in accessing safe living spaces.³

63. The absence of anti-discrimination laws in areas such as housing exposes LGBTQIA+ people to rental refusals or evictions without legal recourse.
64. Refusal of housing after disclosure of sexual orientation
64. Expulsion or community pressure

Questions proposed to the Committee

65. What concrete measures has the State party taken to prevent and punish discriminatory refusals to rent, sell or accommodate LGBTQIA+ people, and to guarantee equal access to safe and stable housing, in the absence of explicit anti-discrimination laws?
66. How does the State party intend to protect LGBTQIA+ people from informal evictions or community pressures that force them to leave their homes because of their sexual orientation or gender identity/expression, and what legal and administrative safeguards are in place to ensure the residential security of these people?

Recommendations

67. Adopt explicit legislative and administrative measures prohibiting any discrimination in access to housing based on sexual orientation, gender identity and expression, and establish accessible, confidential and effective redress mechanisms for victims of housing discrimination, in accordance with Articles 2 §1, 26 and 6 of the Covenant.
68. Establish legal and practical protections against arbitrary evictions and community pressure targeting LGBTQIA+ people, including by guaranteeing:
 - a. the effectiveness of leases and housing contracts for all, without discrimination;
 - b. quick and accessible remedies for victims of discrimination or wrongful termination;

- c. awareness campaigns to reduce social stigma and promote the right to safe and equal housing for all.³

2. Physical violence, threats, extortion and widespread insecurity related to sexual orientation or gender identity

General context

- 69. In the DRC, LGBTQIA+ people are exposed to widespread violence, including physical assaults, threats, extortion, and harassment. This insecurity stems from a combination of social prejudice, conservative cultural norms, and the lack of explicit legal protections against discrimination based on sexual orientation or gender identity/expression. Attacks can originate from informal groups, individuals, or even state agents, contributing to a climate of fear and marginalization.

These acts violate several provisions of the ICCPR, including:

- 70. Article 6: Right to life and protection against attacks on life.
- 71. Article 7: Prohibition of cruel, inhuman or degrading treatment.
- 72. Article 9: Protection against arbitrary arrest and detention.

Concrete example

- 73. Between 2023 and 2025, the Coalition documented 87 cases of anti-LGBTQIA+ hate crimes, including street beatings, death threats, and attacks in neighborhoods by informal groups. In several cases, the perpetrators invoked "cultural values" to justify their actions.⁴
- 74. Cases of involvement by state agents have also been documented, including confiscation of phones, insults during checks, and demands for money to avoid arbitrary arrest.

Questions proposed to the Committee

³https://irb.gc.ca/en/country-information/rir/Pages/index.aspx?doc=458565&pls=1&wbdisable=true&utm_source=chatgpt.com
https://www.cgrs.be/sites/default/files/rapporten/coi_focus_rdc_minorites_sexuelles_et_de_genre_20240913.pdf?utm_source=chatgpt.com

75. What concrete measures has the State party put in place to prevent physical violence and threats targeting LGBTQIA+ people, and to guarantee their protection in public and private spaces?
76. How does the State ensure the investigation, prosecution and punishment of perpetrators, including when State agents or security forces are involved in these acts of violence or extortion?⁴

Recommendations

77. To publicly condemn all forms of violence against LGBTQIA+ people, in order to strengthen deterrence and respect for human rights.
78. Open transparent and independent investigations into documented cases of violence and extortion, and guarantee the effective punishment of perpetrators.
79. Implement mandatory training for security forces and state agents on human rights and respect for the dignity of LGBTQIA+ people, including the prohibition of violence, blackmail and discrimination.

3. De facto criminalization of lgbtqia+ people via article 176 of the penal code

General context

80. In the Democratic Republic of Congo (DRC), Article 176 of the Penal Code criminalizes acts “contrary to public morality.” Although this article does not explicitly mention sexual orientation or gender identity, it is frequently applied in a discriminatory manner against LGBTQIA+ people, creating de facto criminalization. Law enforcement agencies use this article to justify arbitrary arrests, exert financial pressure, and exercise social control over sexual and gender minorities.
81. This criminalization has serious consequences for those affected: job loss, family breakdown, involuntary public exposure, and a lack of effective legal or administrative recourse. The strongly conservative social and cultural context exacerbates the stigmatization of sexual and gender minorities.

⁴https://www.cgrs.be/sites/default/files/rapporten/coi_focus_rdc_minorites_sexuelles_et_de_genre_20240913.pdf

Concrete examples

82. Arbitrary arrests and extortion: Since 2022, the Coalition has documented 35 arrests of LGBTQIA+ individuals for "offending public morals." In several cases, the police used Section 176 as a threat to extort payments, even though the individuals involved had not committed any actual crime.⁵
83. Arrests based on appearance or associations: Some people have been arrested simply because they were perceived as too effeminate, wore clothing that did not conform to gender norms, or frequented places known to welcome LGBTQIA+ people. These arrests often lead to family breakdown, job loss, and involuntary public exposure, without any possibility of appeal.⁵

Articles violated

84. Article 2 of the ICCPR: prohibition of discrimination and obligation for the State to respect the rights of the Covenant;
85. Article 7: Prohibition of cruel, inhuman or degrading treatment.
86. Article 17: Right to privacy and protection against arbitrary interference.
87. Article 26: Equality before the law and protection against all discrimination.

Questions proposed to the Committee

88. What concrete measures has the State party taken to ensure that no one is prosecuted, harassed or threatened because of their sexual orientation or gender identity, in accordance with the recommendations made by the Committee in 2017?
89. What legislative and regulatory reforms does the State party intend to implement to prevent the discriminatory use of Article 176 and to protect LGBTQIA+ people from arbitrary arrest and associated extortion?

Recommendations

⁵https://www.cgrs.be/sites/default/files/rapporten/coi_focus_rdc_minorites_sexuelles_et_de_genre_20240913.pdf

90. Establish clear and binding guidelines prohibiting the use of Article 176 against LGBTQIA+ people, in order to prevent de facto criminalization.
91. Systematically train law enforcement in the non-discriminatory application of the law, guaranteeing respect for the dignity, privacy and equality of LGBTQIA+ people.
92. Establish effective redress and remedy mechanisms for victims of arbitrary arrests or abusive treatment related to Article 176, including compensation for social, economic and psychological damages suffered.

4. Violations of privacy and public exposure of confidential data of lgbtqia+ individuals

General context

93. In the DRC, LGBTQIA+ people regularly face violations of their privacy, ranging from the forced disclosure of their sexual orientation or gender identity to their public exposure on social media or by certain media outlets. These practices are often motivated by social stigma, moral control, or sensationalist interests. They can have serious consequences, including job loss, family or social ostracism, and forced displacement.
94. These violations highlight a lack of effective legal protection to guarantee the right to privacy of LGBTQIA+ people, despite the State's obligations under Article 17 of the ICCPR, which protects against arbitrary interference with privacy and the non-consensual disclosure of personal information.

Concrete example

95. Between 2023 and 2025, more than 50 cases of forced disclosure were recorded involving relatives, neighbors, informal groups, and, in some cases, police officers who posted videos on social media. This content was used to publicly stigmatize victims, leading to job loss or forced displacement for some individuals.⁶

Articles violated:

96. Article 17 of the ICCPR: right to privacy and protection against arbitrary interference, including unauthorized disclosure of personal data.

Questions proposed to the Committee

97. What concrete measures has the State party put in place to prevent privacy violations targeting LGBTQIA+ people, including forced disclosures by relatives, neighbors or law enforcement?

98. How does the state protect victims of public disclosure and ensure the effective punishment of perpetrators, including online and in traditional media?

Recommendations

99. Strictly regulate the publication and dissemination of images, videos or personal data without consent, in order to protect LGBTQIA+ people from unauthorized public exposure and stigmatization.

100. Establish effective complaint and recourse mechanisms for victims, including compensation for damages suffered and deterrent sanctions against perpetrators of privacy violations, whether they are individuals, law enforcement agencies or media outlets.⁶

5. Lack of legal recognition of gender and protection of transgender and intersex persons

General context

101. In the Democratic Republic of Congo, there is no legal procedure allowing transgender people to change their name or gender marker on official documents, nor to protect intersex children from non-consensual medical interventions. This lack of legal recognition leads to systemic discrimination in access to essential services, such as healthcare, education, housing, and banking.

Transgender and intersex people are thus exposed to:

102. public humiliations during administrative or police checks;

⁶https://www.cgrs.be/sites/default/files/rapporten/coirdc.minoritessexuellesde_genre_240913.pdf

103. refusals of access to care or to spaces reserved for a specific sex;
104. irreversible medical interventions on intersex children without informed consent, in the absence of a legal framework or specialized monitoring.

These situations violate several provisions of the ICCPR, including:

105. Article 2: obligation of the State to respect and guarantee rights without discrimination;
106. Article 7: protection against cruel, inhuman or degrading treatment;
107. Article 9: Protection against arbitrary deprivation of liberty and unfair treatment;
108. Article 17: Right to privacy;
109. Article 26: Equality before the law and protection against all discrimination.

Concrete examples

110. Administrative difficulties and access to services : A transgender teenager in Kinshasa was refused entry to a school and a bank because the name on their official documents did not match their lived gender identity. During a police check, they were also publicly humiliated, illustrating the direct consequences of the lack of a legal procedure for gender recognition.⁷
111. Medical interventions on intersex children : Reports indicate that intersex children are undergoing unnecessary surgical procedures to "assign a sex" at birth, without informed consent or psychological support. These practices can lead to lasting physical and psychological trauma and demonstrate the lack of a protective legal framework.

Questions proposed to the Committee

112. What measures does the State party intend to take to establish a legal procedure for gender recognition based on self-determination,

⁷https://www.cgrs.be/sites/default/files/rapporten/coi_focus_rdc_minorites_sexuelles_et_de_genre_20240913.pdf

enabling transgender people to change their official documents in a safe and non-discriminatory manner?

113. What protections does the State put in place to prevent non-consensual medical interventions on intersex children, and to guarantee appropriate medical and psychological follow-up?

Recommendations

114. Adopt a legal procedure for modifying identity documents based on self-determination, guaranteeing recognition of the gender experienced by transgender people, without discriminatory obstacles.

115. Prohibit any unnecessary medical intervention on intersex children without their informed consent, and put in place appropriate medical and psychological follow-up protocols.

116. Ensuring access to appropriate, safe and non-discriminatory health services for transgender and intersex people, including training health professionals on gender and intersexuality issues.

CONCLUSION

117. This alternative report sheds light on the alarming situation of LGBTQIA+ people in the Democratic Republic of Congo, highlighting systematic and persistent human rights violations despite the State's obligations under the International Covenant on Civil and Political Rights (ICCPR). The information gathered reveals a climate of stigmatization and social exclusion, exacerbated by the lack of explicit legal protections and the misuse of legal provisions, such as Article 176 of the Penal Code, to de facto criminalize LGBTQIA+ people.

The documented violations cover a wide spectrum:

118. Structural discrimination in access to essential public services, including health, education, employment and housing;

119. Physical violence, threats, extortion and intimidation, sometimes involving state agents;

120. Infringements of privacy and public exposure of confidential information, including through the media and social networks;

121. Lack of legal recognition of gender and insufficient protection of transgender and intersex people, including the lack of procedures for amending official documents and non-consensual medical interventions on intersex children.
122. The concrete examples provided in this report, such as arbitrary evictions from housing, denials of care or access to education, arrests for "offending public morals", as well as unnecessary medical interventions on intersex children, illustrate the scale and seriousness of these violations, and testify to the profound impact on the daily lives, safety and dignity of the people concerned.

Faced with this situation, it is imperative that the State party:

123. adopts legislative, administrative and practical measures guaranteeing equality, safety and dignity for LGBTQIA+ people;
124. put in place effective and accessible redress mechanisms for victims of discrimination, violence or invasion of privacy;
125. ensures the training of state actors, including security forces and public service personnel, in order to prevent any form of discriminatory or degrading treatment;
126. specifically protects intersex children and transgender people, by guaranteeing legal recognition of gender and prohibiting any non-consensual medical intervention.