



REFERENCE: BH/fup-141

6 August 2024

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 20, 28 and 48 of the concluding observations on the report submitted by the Democratic Republic of the Congo ([CCPR/C/COD/CO/4](#)), adopted by the Committee at its 121st session in November 2017.

On 4 September 2023, the Committee received the reply of the State party. At its 141st session (1 to 23 July 2024), the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Addendum 2 (see [CCPR/C/141/2/Add.2](#)) to the Report on follow-up to concluding observations (see [CCPR/C/141/2](#)). I hereby include a copy of the Addendum 2 (advance unedited version).

The Committee considered that not all the recommendations selected for the follow-up procedure have been fully implemented and decided to request additional information on their implementation. Given that the State party accepted the simplified reporting procedure (LOIPR), the requests for additional information will be included, as appropriate, in the list of issues prior to submission of the fifth periodic report of the State party.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Imeru YIGEZU

Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

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Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on the Democratic Republic of the Congo

Concluding observations (121st session): [CCPR/C/COD/CO/4](#), 6 November 2017

Follow-up paragraphs: 20, 28 and 48

Information received from State party: [CCPR/C/COD/FCO/4](#), 4 September 2023

Information received from stakeholders: [Coalition of CSOs](#), 01 December 2020; [Elizka Relief Foundation](#), 8 April 2024

Committee's evaluation: 20 [B], 28 [B] and 48 [B]

Paragraph 20: Sexual violence

The State party should take all necessary measures to ensure that: (a) all cases of sexual violence are investigated and the perpetrators are prosecuted and, if found guilty, punished; (b) victims receive physical and psychological support, including through the reparations fund for victims of sexual violence, which should be put into operation as soon as possible; and (c) steps are taken to facilitate victims' access to legal services.

Summary of the information received from the State party

(a) All cases of sexual violence brought to the attention of the judicial authorities are investigated. All 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 remote areas, as was the case for the hearings held in the east of the country in which 12 military officers were tried and convicted.

(b) Medical facilities providing free care for victims of sexual violence are operational in several provinces, particularly in the east. In Kinshasa, psychological support is available for victims and holistic care is provided in five facilities in the region. Under the Tupinge Ubakaji programme, integrated multisectoral service centres in the Provinces of North Kivu and South Kivu provide survivors with medical, psychosocial, socioeconomic and legal service. A joint programme to combat gender-based violence, "Justice, Empowerment and Dignity for Women and Girls in the Democratic Republic of the Congo", is now operational in Kinshasa and in the Province of Kasai Central. A decree was passed in 2022 establishing the statutes of the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Mankind to provide reparations for victims of sexual violence. In addition, Act No. 22/065 of 26 December 2022 was promulgated, 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.

(c) The National Assembly adopted the bill amending and supplementing the decree of 6 August 1959 enacting the Code of Criminal Procedure to facilitate victims' access to legal services. Its purpose is to provide a total exemption from the payment of

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



legal fees for victims of sexual violence, witnesses to sexual violence, persons with disabilities, abandoned widows and orphans, and older persons who are living in care facilities or have been abandoned by their children. An updated version of the national strategy to combat gender-based violence was adopted in 2020.

Committee's evaluation

[B]

While welcoming the State party's efforts to combat sexual violence and ensure that victims have access to physical and psychological support and legal services, including through the adoption of various legislative measures, the Committee regrets the lack of specific information on the steps taken during the reporting period to ensure that all cases of sexual violence are investigated and the perpetrators are prosecuted and, if found guilty, punished. It requests additional information, including statistical data, on the number of investigations carried out and prosecutions and convictions handed down. The Committee also requests additional information on: (a) the impact of the creation of the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Mankind, including statistical data on the number of victims who have received reparation through the Fund; and (b) whether any relevant training was delivered to judges, prosecutors and law enforcement to support the investigation, prosecution and conviction of cases of sexual violence.

Paragraph 28: Situation in Kasai

The State party should: (a) conduct a prompt, transparent and independent investigation to establish the facts and circumstances in which these alleged human rights violations and abuses were perpetrated by agents of the State and members of armed groups in the Province of Kasai; (b) undertake to dismantle and disarm the militias and pro-Government armed groups suspected of having committed the violations; (c) ensure that the members of the defence and security forces deployed in the region are properly trained and equipped to protect the population and have not been involved in serious human rights violations; and (d) cooperate fully with all United Nations entities, in particular the United Nations Joint Human Rights Office and the team of international experts mandated by Human Rights Council resolution 35/33 of 23 June 2017, which is responsible, inter alia, for determining the facts and circumstances of the alleged violations of human rights and international humanitarian law in the Kasai region.

Summary of the information received from the State party

(a) A number of investigations have been carried out into allegations of atrocities committed in the Province of Kasai. 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. On 29 January 2022, some 50 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. Since that conviction, the trial has continued before the Military High Court.

(b) 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.

(c) In addition to the traditional training received by the Armed Forces and the 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.



(d) The Government, 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. 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 resolutions 41/26 of 12 July 2019 and 51/36 of 7 October 2022.

Committee's evaluation

[B]

The Committee welcomes the efforts of the State party to investigate and seek justice for the alleged human rights violations and abuses perpetrated by agents of the State and members of armed groups in the Province of Kasai, to restore peace in the region and to cooperate with United Nations entities. Nevertheless, the Committee regrets the lack of concrete information on the training, during the reporting period, of the defence and security forces deployed in the region. It requests additional information in this regard. It also requests further information, including statistical data, on the investigations, prosecutions and convictions of those responsible for allegedly committing human rights violations and abuses in the Province of Kasai.

Paragraph 48: Participation in public affairs and elections

The State party should: (a) cooperate with all stakeholders in agreeing on an electoral calendar for the holding of free, peaceful and fair elections as soon as possible; (b) respect the constitutional right of every citizen to participate in public affairs; and (c) put an end to the intimidation of opponents and candidates in the presidential election and to violations of their Covenant rights, by taking the necessary measures to ensure their effective protection.

Summary of the information received from the State party

(a) The country's main political forces have come together and drawn up a consensual electoral timetable. The Independent National Electoral Commission published a timetable that led to the organization and successful holding of presidential, legislative and provincial elections on 30 December 2018, resulting in a peaceful and civilized transfer of power between Presidents for the first time in the history of the State party. Since then, another electoral cycle has begun and the registration and filing of candidacies have been carried out in all provinces except those occupied by the Mouvement du 23 mars terrorists; the electoral process is currently under way.

(b) Article 13 of the Constitution of 18 February 2006, as amended by Act No. 11/002 of 20 January 2011, protects citizens against discrimination and, as established by law, 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.

(c) Article 8 of the Constitution recognizes political opposition and provides that there shall be no restrictions on the right to political opposition other than those imposed on all political parties and activities under the Constitution and the law. During the presidential elections, all candidates legally approved by the Independent National Electoral Commission benefited from close protection measures.

Summary of the information received from stakeholders

While the Constitution theoretically guarantees the right to political participation for all individuals and political parties, practical realities, especially during the 2023 elections,



revealed that numerous obstacles prevent its effective implementation. The registration and identification processes were marred by indicators of electoral violence, including crimes, theft and lack of security, which undermined the integrity of the registration process. On 24 March 2023, the regional secretariat of the Independent Electoral Commission in South Kivu removed two agents from their duties owing to misconduct in voter registration operations. In addition, judicial investigations were opened in various prosecutors' offices on 17 March 2023 regarding apparent sabotage and fraud in the registration process. Insecurity and the activities of rebel groups further threatened registration operations in the east of the country, particularly in the Province of Ituri. Only 31 per cent of voters were registered before the decision was taken to close registration on 17 March 2023.

Committee's evaluation

[B]

While noting with satisfaction the State party's efforts to cooperate with all stakeholders in agreeing on an electoral calendar to hold presidential, legislative and provincial elections in December 2018, which led to a peaceful transition of power, the Committee is concerned at reports of electoral violence during the registration and identification processes during the 2023 elections and at allegations of sabotage and fraud in those processes. It reiterates its recommendations and requests further information on the measures taken to ensure the holding of free, peaceful and fair elections and the effective protection of all electoral candidates.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2026 (country review in 2027, in accordance with the predictable review cycle).
