



INTERNATIONAL  
COMMISSION  
OF JURISTS

**ICJ's Comments on the combined second, third, fourth and fifth periodic reports of the Democratic Republic of the Congo on the implementation of the International Covenant on Economic, Social and Cultural Rights**  
*October 2009*

The International Commission of Jurists (ICJ) wishes to provide its views to the Committee on Economic, Social and Cultural Rights (Committee) for its consideration of the combined second, third, fourth and fifth report (Report) of the Democratic Republic of the Congo (DRC) on the implementation of the *International Covenant on Economic, Social and Cultural Rights* (Covenant). In this submission, the ICJ highlights several issues which it considers should be of particular concern to the Committee when it considers the Report.

The ICJ suggests that the Committee address the deteriorating human rights situation in the DRC. Precarious living conditions of the people are often related to the lack of protection of labour rights, which is partly due to illegal exploitation of natural resources. The ICJ is particularly concerned with the impact of armed conflicts on vulnerable groups, such as children and women, in the exercise of economic, social and cultural rights, and the worsening situation of the internally displaced persons (IDPs).

The issues of forced labour, exploitative child labour, discrimination against minorities and women in access to health and education services and in the labour market and the issue of sexual violence deserve primary attention by the Committee. Finally, it is essential to recall the obligation of the DRC to counter impunity and guarantee an effective access by victims of human rights violations to justice, which requires the provision of effective remedies to persons whose rights under the Covenant have been violated.

### **1. Lack of protection of labour rights**

Pursuant to its international legal obligations under the Covenant and the relevant conventions adopted by the International Labour Organization (ILO), the DRC Constitution provides various provisions of labour rights protection, such as the prohibition of forced labour (Article 16), the right to form or to join trade unions (Article 38), and the right to strike (Article 39). Still, violations of such rights through law and practice are widespread in the DRC.

Based on Law No. 76-011 of 21 May 1976 on *National Effort for Development (Loi relative à l'effort de développement national)* and the Decree of 23 May 1896 on vagrancy and begging (*Décret sur le vagabondage et la mendicité*), the Government is empowered to compel certain categories of individuals to engage in agricultural or other development work.<sup>1</sup> Those categories of individuals include the unemployed who are considered not to be contributing to national revenue through payment of tax, and any person who is arrested on the streets for begging or vagrancy.<sup>2</sup> Under the Covenant, the right to work should not be understood

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<sup>1</sup> See also the departmental conclusion no. 00748/BCE/AGRI/76 of 11 June 1976 providing for the exercise of civilian tasks in the framework of national programme of food production; decree-law no. 71/087 of 14 September 1971; and the decree no. 15/APAJ of 20 January 1938 on the penal system, which provides for forced labour of persons in preventive detention, all of which have been considered incompatible with the prohibition of forced labour by the Committee of Experts on the Application of Conventions and Recommendations of the ILO.

<sup>2</sup> International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations (CEACR), *Individual Observation concerning Forced Labour Convention, 1930 (No. 29) Democratic Republic of the Congo*, Document No. (ilolex): 062009COD029, 2009; ILO CEACR, *Individual*

as an absolute and unconditional right to obtain employment.<sup>3</sup> The Government is under the obligation to prevent, abolish, forbid and counter all forms of forced labour and ensure the right of access to a system of protection guaranteeing each worker access to employment.<sup>4</sup> Instead of punishing those who are unemployed, the Government is under the obligation to create the necessary conditions for all individuals to realize their right to work. In this regard, the ICJ draws attention to the response of the Government of the DRC to the question no. 17 by the Committee, contained in the document E/C.12/COD/Q/5/Add.1 of 24 August 2009, whereby the Government has asserted that national laws and regulations, if in accordance with the Constitution, stay in effect unless repealed or modified. The Committee should therefore enquire why these specific legal and regulatory provisions have not been repealed and why various state authorities continue in their application, despite their prima facie contravention with the prohibition of forced or compulsory labour as contained in Article 16 of the Constitution.

Trade unions play a fundamental role in ensuring the right to work, and their organization, operation, and activities are protected under Article 8 of the Covenant. In the DRC, members of trade unions face intimidation and hostilities from employers and the Government.<sup>5</sup> Employers halt trade union activities and dismiss trade union delegates,<sup>6</sup> while reports indicate that the Government repress activities of trade unions and harass and arrest their members, who are frequently exposed to mistreatment.<sup>7</sup>

In addition, the issue of child labour is also of great concern. While Article 41 of the DRC Constitution prohibits exploitation of children in any form, and Article 6 of the 2002 Labour Code raises the minimum age for employment to 16 years,<sup>8</sup> the Code allows exceptions, and child labour still exists in the DRC. It has been reported that child workers as young as five years old work in dangerous conditions.<sup>9</sup> The ILO Committee of Experts on the Application of Conventions and Recommendations has also taken note of such practice and emphasized that the hazardous work, such as extraction of minerals, shale, materials and debris from mines, is prohibited for persons under 18 years of age, in accordance with the Worst Forms of Child Labour Convention, which the DRC ratified in 2001.<sup>10</sup>

#### **The Committee should call on the Government of the DRC:**

- **To prevent, abolish, forbid and counter all forms of forced labour and establish the system of protection guaranteeing each worker access to employment of his/her own choice, and include in its national legislation penal sanctions against those who unlawfully exact forced or compulsory labour;**
- **To guarantee to individuals the right to form and join the trade unions of their choice, refrain from repression of their members, prevent further interference,**

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*Direct Request concerning Forced Labour Convention, 1930 (No. 29) Democratic Republic of the Congo, Document No. (ilolex): 092009COD029, 2009.*

<sup>3</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 18 on Article 6: The Right to Work*, UN Doc. E/C.12/GC/18, 6 February 2006, para. 6.

<sup>4</sup> *Id.* paras. 6 and 9.

<sup>5</sup> International Trade Union Confederation, *Annual Survey of violations of trade union rights 2009: Congo, Democratic Republic of*, <http://survey09.ituc-csi.org/survey.php?IDContinent=1&IDCountry=COD&Lang=EN>; ILO CEACR, *Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) Democratic Republic of the Congo*, Document No. (ilolex): 062009COD087, 2009.

<sup>6</sup> See e.g., *Complaint against the Government of the Democratic Republic of the Congo presented by the Confédération syndicale du Congo (CSC): Report No. 351, Case(s) No(s). 2607*, Document No. (ilolex): 0320083512607, 2008.

<sup>7</sup> See e.g., International Trade Union Confederation, *Democratic Republic of Congo: Three Trade Unionists Under Arrest*, 18 March 2009, <http://www.ituc-csi.org/spip.php?article2838>.

<sup>8</sup> Democratic Republic of the Congo, *Combined second, third, fourth and fifth periodic reports submitted by States parties under articles 16 and 17 of the Covenant*, UN Doc. E/C.12/COD/5, 21 January 2009, para. 80.

<sup>9</sup> Committee on the Rights of the Child, *Concluding observations: Democratic Republic of Congo*, UN Doc. CRC/CCOD/CO/2, 10 February 2009, para. 80.

<sup>10</sup> ILO CEACR, *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Democratic Republic of the Congo*, Document No. (ilolex): 062009COD182, 2009 [hereinafter: *ILO Individual Observation concerning Child Labour*].

whether by the State authorities or by employers, with the trade union rights and ensure that any restrictions placed on the trade union rights are in conformity with Article 8 of the Covenant;

- To effectively implement the Constitutional provisions on the prohibition of exploitation of children, repeal the exceptions from the prohibition of child labour provided for by the Labour Code to eliminate exploitative child labour, and ensure protection of children against worst forms of child labour, including through the application of appropriate sanctions against those violating such prohibition;
- To repeal the legislation and modify any practice providing for or resulting in illegal forced labour.

## 2. Humanitarian consequences of the protracted armed conflicts

In the report submitted by the former Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, the following groups of people, among others, were identified as vulnerable groups who need particular attention and protection during the armed conflicts: children, women, and indigenous people.<sup>11</sup> His successor, the Independent Expert on the situation of human rights in the Democratic Republic of the Congo, has also addressed this issue.

The systematic recruitment of child soldiers by armed groups operating in the DRC is among the major impacts of humanitarian crisis upon Congolese children. Although the Armed Forces of the Democratic Republic of the Congo (FARDC) has announced the cessation of recruiting children in 2005,<sup>12</sup> the FARDC and militia groups continue to use children,<sup>13</sup> especially in Ituri district and the Kivu provinces.<sup>14</sup> The DRC is thought to have the largest concentration of child soldiers,<sup>15</sup> reportedly 3,000 to 4,000 of them.<sup>16</sup> Children in armed groups are often subject to ill treatment and torture, and such experiences tend to render them incapable of returning to a normal life.<sup>17</sup> Even those who have been officially demobilised face possible rejection by their communities and are at constant risk of re-recruitment by their former armed groups or other opposing groups.<sup>18</sup> In addition, the demobilization and reintegration process has paid little attention to the socio-economic conditions of children and young adults once demobilized. Child soldiers are often taken out of the armed forces without being provided with the necessary socio-economic support to bolster their successful rehabilitation and reintegration into civilian life. No alternatives to military service through creation of new education and employment opportunities are provided to demobilized children and young adults. Many schools have been destroyed as a result of armed conflicts and, where schools still exist, in many cases families do not have enough resources to meet the cost of education of their demobilized children. The Government has no comprehensive policy of rehabilitating or establishing schools in communities to which former child soldiers could return in order to reintegrate into civilian life.

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<sup>11</sup> *Report on the situation of human rights in the Democratic Republic of the Congo*, UN Doc. E/CN.4/2004/34, 10 March 2004, paras. 84-108 [hereinafter: *Report of the Special Rapporteur on the DRC*].

<sup>12</sup> *ILO Individual Observation concerning Child Labour*, *op cit*.

<sup>13</sup> *Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict*, UN Doc. A/HRC/9/3, 27 June 2008, Annex I.

<sup>14</sup> *Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo*, UN Doc. S/2007/391, 28 June 2007, para. 17; *Report of the independent expert on the situation of human rights in the Democratic Republic of the Congo*, UN Doc. A/HRC/7/25, 29 February 2008, para. 50 [hereinafter: *Report of the Independent Expert*].

<sup>15</sup> UNICEF, *Child Alert Democratic Republic of Congo: Martin Bell Reports on Children Caught in War*, July 2006, p. 4.

<sup>16</sup> Amnesty International Report 2009: The State of the World's Human Rights, p. 126.

<sup>17</sup> *Report of the Special Rapporteur on the DRC*, *doc cit*, paras. 88-90; *Twenty-fifth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*, UN Doc. S/2008/218, 2 April 2008, para. 70

<sup>18</sup> *Final report of the Group of Experts on the Democratic Republic of Congo*, UN Doc. S/2008/773, 12 December 2008, para. 171 [hereinafter: *Final Report of the Group of Expert*].

In light of the abovementioned violations, the DRC has clearly failed to fulfil its obligations under Article 10 of the Covenant, which requires special measures of protection and assistance on behalf of all children and the prohibition of their exploitation.

Sexual violence, although not limited to the context of hostilities among armed groups, has been a defining feature of the armed conflicts in the DRC,<sup>19</sup> with members of the FARDC and the National Congolese Police (PNC) forming a large proportion of the perpetrators.<sup>20</sup> With the insufficient effort in investigating such crimes and reluctance of judges to put rapists on trial,<sup>21</sup> the violations remain rampant, with reportedly more than 10,000 registered cases in 2007 - according to the Representative of the Secretary-General on the human rights of internally displaced persons<sup>22</sup>, despite the introduction of the new legislation on sexual violence,<sup>23</sup> which increases the punishment for crimes of sexual violence, introduces new criminal offenses of sexual violence, and modifies the criminal procedure. Many instances of violence against women and girls have been settled through means of mediation and out-of-court arrangements, where victims are without protection of basic rights and are likely to face intimidation and even punishment or detention.<sup>24</sup> In view of the brutal and atrocious nature of most violations, victims often suffer from serious emotional and physical trauma,<sup>25</sup> even HIV and other sexual transmitted diseases. However, most of the survivors of sexual violence do not have access to affordable health services<sup>26</sup> and are thus denied the right under the Covenant to the enjoyment of the highest attainable standard of physical and mental health.

Continuous conflicts between armed groups have caused profound impact on the living condition of the Congolese population. With the country's agricultural infrastructure severely destroyed, chronic malnutrition and food insecurity have been aggravated by the security situation in the DRC, with victims of under-nutrition rising from 31 to 72 per cent of the Congolese population in 2006.<sup>27</sup> Further, during the ongoing-armed conflicts, many civilians were forced to flee their homes and take refuge in camps for the displaced population. An estimate total of 1.7 million people are displaced in the eastern part of the DRC.<sup>28</sup> The internally displaced persons (IDPs) live without security and resources, short of shelter, drinking water, food, basic hygiene, and health care.<sup>29</sup> They even face constant abuse, harassment, and attacks by the armed groups, forcing them to leave the IDP camps.<sup>30</sup>

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<sup>19</sup> *Combined report of seven thematic special procedures on technical assistance to the Government of the Democratic Republic of the Congo and urgent examination of the situation in the east of the country*, UN Doc. A/HRC/10/59, 5 March 2009, para. 35 [hereinafter: *Combined Report of Seven Thematic Special Procedures*].

<sup>20</sup> *Report of the United Nations High Commissioner on the situation of human rights and the activities of her Office in the Democratic Republic of the Congo*, UN Doc. A/HRC/10/58, 2 April 2009, para. 36 [hereinafter: *Report of the High Commissioner*]; *Report of the Independent Expert*, *doc. cit.*, para. 39.

<sup>21</sup> Committee on the Elimination of Discrimination against Women, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Democratic Republic of the Congo*, UN Doc. CEDAW/C/COD/5, 12 September 2006, para. 338 [hereinafter: *CEDAW Concluding Comments*].

<sup>22</sup> *Report submitted by the Representative of the Secretary-General on the human rights of internally displaced persons, Addendum, Mission to the Democratic Republic of the Congo*, UN Doc. A/HRC/8/6/Add.3, 16 May 2008, para. 68 [hereinafter: *Report of the Representative on IDPs*].

<sup>23</sup> Law No 06/018 amending and complementing the decree of 30 January 1940 adopting the Congolese *Penal Code* and Law No. 06/019 amending and complementing the decree of 6 August 1959 adopting the Congolese *Code of Criminal Procedure*, of 20 July 2006.

<sup>24</sup> *Report of the Independent Expert*, *op cit.*, paras. 40-41.

<sup>25</sup> *Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum: Mission to the Democratic Republic of the Congo*, UN Doc. A/HRC/7/6/Add.4, 28 February 2008, paras. 55-59 [hereinafter: *Report of the Special Rapporteur on violence against women*].

<sup>26</sup> Human Rights Watch, *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, 16 July 2009, p.14.

<sup>27</sup> *Report of the Special Rapporteur on the right to food*, UN Doc. A/HRC/4/30, 19 January 2007, paras. 23, 57.

<sup>28</sup> *Twenty-eighth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo*, UN Doc. S/2009/335, 30 June 2009, para. 23.

<sup>29</sup> *Report of the Representative on IDPs*, *doc cit.*, paras. 50-55.

<sup>30</sup> *Consolidated Report on Investigations Conducted by the United Nations Joint Human Rights Office (UNJHRO) into Grave Human Rights Abuses Committed in Kiwanja, North Kivu, in November 2008*, 7 September 2009, para. 55, available at [http://www.ohchr.org/Documents/Countries/Kiwanja\\_Report\\_September2009.pdf](http://www.ohchr.org/Documents/Countries/Kiwanja_Report_September2009.pdf).

## The ICJ proposes to the Committee to recommend to the Government of the DRC:

- To ensure protection of children and refrain from and stop the recruitment and use of child soldiers, assist former child soldiers in reintegration into civilian life and prevent re-recruitment, including through the provision of necessary socio-economic support, such as new education and employment opportunities for demobilized children and young adults;
- To take all necessary measures to put an end to all forms of assaults and violence against women and to investigate and prosecute the perpetrators of such crimes to halt impunity of their perpetrators;
- To provide to all victims of sexual violence access to affordable and accessible health care services and rehabilitation measures in order to fulfil the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- To adopt policies that ensure the adequate standard of living of everyone, in particular the IDPs, including adequate food, clothing and housing;
- To establish a national plan for the return of IDPs, taking into account the Guiding Principles on Internal Displacement.

### 3. Discrimination against women and minorities

Gender inequality exists in areas of work and education due to prevalence of discriminatory laws and the DRC ranks 168 among 177 countries in the gender-based development index of the United Nations Development Programme (UNDP) enquiring about the life expectancy, education and estimated earned income.<sup>31</sup> Girls are often denied access to education, as families tend to privilege boy's attendance to school,<sup>32</sup> resulting in the high rate of illiteracy among women and women's low enrolment rates in higher education.<sup>33</sup> Once married, women become subjugated to the guardianship of their husbands.<sup>34</sup> For instance, in certain cases, women need to obtain authorization from their husbands to take up salaried employment.<sup>35</sup> The aforementioned issue of sexual violence is also fuelled by long-standing gender-based discrimination.

Another group of people suffering from systematic and large-scale discrimination is the indigenous peoples in the DRC. The Batwa pygmies are subjected to marginalization,<sup>36</sup> have no right to exploit their own lands, and face discrimination with regard to the enjoyment of economic, social and cultural rights, and especially the access to education, health and to the labour market.<sup>37</sup> In addition, pygmies in the DRC have been forced to work with little pay and forcibly recruited in the conflicts of rebel groups.<sup>38</sup>

As the principle of non-discrimination is an essential component of international human rights law, the Government bears the obligation to address both *de facto* and *de iure* discrimination, namely to eliminate discriminating laws and policies and diminish the conditions and attitudes which perpetuate *de facto* discrimination.<sup>39</sup>

## The ICJ calls on the Committee to urge the Government of the DRC:

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<sup>31</sup> UNDP, 2007/2008 *Human Development Report: 28 Gender-related development index*, <http://hdrstats.undp.org/en/indicators/268.html>

<sup>32</sup> *Report of the Special Rapporteur on violence against women*, *doc cit*, para. 99.

<sup>33</sup> *CEDAW Concluding Comments*, *op cit*, para. 358.

<sup>34</sup> *Report of the Special Rapporteur on violence against women*, *doc cit*, para. 97.

<sup>35</sup> ILO CEACR, *Individual Observation concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Democratic Republic of the Congo*, Document No. (ilolex): 062009COD111, 2009.

<sup>36</sup> *Report of the Special Rapporteur on the DRC*, *doc cit*, para. 97.

<sup>37</sup> Committee on the Elimination of Racial Discrimination, *Concluding observations: Democratic Republic of the Congo*, UN Doc. CERD/C/COD/CO/15, 17 August 2007, paras. 18-19.

<sup>38</sup> IRIN, *DRC: Congo's pygmies still ostracized from political process*, March 2006, <http://www.irinnews.org/InDepthMain.aspx?InDepthId=9&ReportId=58636&Country=Yes>

<sup>39</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 20 on Article 2, paragraph 2: Non-discrimination in economic, social and cultural rights*, UN Doc. E/C.12/GC/20, 2 July 2009, para. 8.

- To adopt laws, policies and strategies to effectively counter and investigate incidents of *de facto* and *de iure* discrimination in the field of economic, cultural, and social rights;
- To design and implement comprehensive awareness-raising programmes to change discriminatory stereotypes and promote respect for rights of women and minorities;
- To establish institutions which independently adjudicate complaints regarding discrimination of any form and provide effective remedies and means of redress to the victims.

#### 4. Illegal exploitation and mismanagement of natural resources

Illicit exploitation of natural resources has been identified as a root cause of the conflicts and human rights violations in the DRC,<sup>40</sup> with the FARDC and local authorities reportedly involving in the trade of resources extracted from such exploitation.<sup>41</sup> On the one hand, the illegal exploitation serves as a main source of funding for armed groups and their military activities,<sup>42</sup> such as arms trafficking.<sup>43</sup> On the other hand, the exploitation deprives the State of the resources necessary for the provision of access to justice and social services.<sup>44</sup> The DRC is one of the world's richest countries in natural resources, and the Congolese people must be entitled to benefit from the natural wealth. However, poor management of the natural resources has deprived the country of significant revenue, which could otherwise be used to improve the social and economic conditions of the population.<sup>45</sup> The extraction and trade of the resources are often accompanied by other human rights violations, namely forced labour and mistreatment of local communities.<sup>46</sup>

The Committee should recommend that the Government of the DRC:

- Strengthen its capacity and assume control and regulate the exploitation of natural resources in its territory;
- Improve the social and economic conditions of the Congolese population, through provision of social services and enhanced institutional safeguards of protection of human rights recognized in the Covenant;
- Promptly investigate alleged instances of forced labour and violence relating to illegal exploitation of natural resources.

#### 5. Impunity and access to justice

Another root cause of the conflicts and human rights violations in the DRC is the problem of impunity. As steps have been taken to address this issue, impunity remains flagrant. Many factors contribute to the lack of accountability for breaches of international human rights and humanitarian law: political interference with the criminal process,<sup>47</sup> insufficient resources in the judicial system,<sup>48</sup> and bribery and corruption in the justice officials.<sup>49</sup> As a result, for victims of human rights violations, access to justice has often been obstructed. In

<sup>40</sup> Human Rights Council, *Resolution S-8/1: Situation of human rights in the east of the Democratic Republic of Congo*, UN Doc. A/HRC/S-8/2, at 3, 16 January 2009, para. 9(a).

<sup>41</sup> Alan Doss, Special Representative of the Secretary General of the United Nations in the Democratic Republic of the Congo, *Briefing to the UN Security Council*, 10 July 2009, [http://monuc.unmissions.org/Portals/MONUC/Letters/sc\\_100709.pdf](http://monuc.unmissions.org/Portals/MONUC/Letters/sc_100709.pdf).

<sup>42</sup> *Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo*, UN Doc. S/2003/1027, 23 October 2003, paras. 44-46 [hereinafter: *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources*]; *Final Report of the Group of Expert*, *op cit*, para. 130.

<sup>43</sup> Security Council, Resolution 1756 (2007), UN Doc. S/RES/1756, 15 May, 2007; Security Council, Resolution 1807 (2008), UN Doc. S/RES/1807, 31 March 2008.

<sup>44</sup> *Combined Report of Seven Thematic Special Procedures*, *op cit*, para. 73.

<sup>45</sup> *Report of the Independent Expert*, *op cit*, para. 56.

<sup>46</sup> *Combined Report of Seven Thematic Special Procedures*, *op cit*, para. 74; *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources*, *op cit*, para 56.

<sup>47</sup> *Report of the High Commissioner*, *op cit*, para. 19.

<sup>48</sup> *Report of the Independent Expert*, *op cit*, para. 27.

<sup>49</sup> *Report of the Special Rapporteur on the DRC*, *op cit*, paras. 50, 68.

cases where investigations are initiated, cases tend to get stalled.<sup>50</sup> Even if courts have rendered remedies, these orders might not be enforced, and victims are thus left without compensation.<sup>51</sup> State agents and non-state actors continually violate human rights without legal consequences, resulting in the deterioration of the country's human rights situation. It is therefore essential that the Government bring all perpetrators to justice and provide victims with access to justice and remedies.

**The ICJ urges the Committee to recommend that the Government of the DRC:**

- **Investigate and punish the perpetrators of all violations of economic, social and cultural rights;**
- **Allocate appropriate financial resources for the judiciary and expand the judicial reforms to prevent future interference with the independence and integrity of the judiciary;**
- **Increase access to the legal system and provide effective remedies to victims of violations of economic, social and cultural rights.**

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<sup>50</sup> *Report of the Independent Expert, op cit*, para. 15.

<sup>51</sup> See e.g., *Combined Report of Seven Thematic Special Procedures, op cit*, para. 40.