



ELIZKA RELIEF FOUNDATION

Information submitted to The UPR Mechanism regarding The Democratic Republic of The Congo

Background

The reality of the Democratic Republic of the Congo and its security, economic, social and climate challenges reveal the slow pace of government efforts to give effect to human rights at all levels. Conflict, violence, and the spread of armed militias in eastern Congo, coupled with the high frequency of climatic shocks, are having a negative impact on the human rights environment within the country. In line with this, Elizka Relief Foundation submits its report on the human rights situation in the Democratic Republic of the Congo, focusing on the right to life, freedom of movement and religion, conditions of detention and prisons, the right to peaceful assembly and political participation as political and civil rights. The focus is expanded to include economic and social rights, particularly the right to education, health, employment, housing, water, and food, under a set of recommendations to the Government of the Democratic Republic of the Congo to improve the human environment within the country.

Civil and political rights

a. The Right to Life

The complex security contexts that control the Democratic Republic of the Congo carry increasing threats to the right to life, particularly in view of the threat to the security environment within the country by the armed militias of some 120-armed groups. Statistics indicate that armed militias caused the daily loss of life of 9 civilians during 2023, which reveals a very high rate of targeting of civilians by those militias.¹ Between January and October 2023, at least 2,446 civilians were killed in the provinces of South Kivu, North Kivu and Ituri,² while between April and September 2023 ADF carried out 101 armed attacks, killing 406 civilians in the provinces of Ituri and North Kivu.³

Civilians continued to be targeted during 2024, and in February 2024 at least 68 civilians were killed in various attacks by armed groups in Ituri district between 15 January and 15 February 2024.⁴ Between November 2023 and February 2024, at least 150 civilians lost their lives, 77 of them dead in January 2024.⁵

¹ Actualite, Droits de l'Homme en RDC : Neuf décès par jour dus à la violence armée, 11 October 2023, <https://shorter.me/ZBM8q>

² Democratic Republic of the Congo, GCR2P, February 2024, <https://bitly.ws/Sau8>

³ ACTUALITE, Les ADF s'étendent dans l'est de la RDC malgré les opérations militaires conjointes: 406 civils tués ces 6 derniers mois, 15 OCTOBRE , <https://shorter.me/VhBcO>

⁴ ACT, RDC: la situation sécuritaire est alarmante en Ituri, au moins 68 civils tués en un mois, 28 Fevrier 2024, https://shorter.me/P1_eQ

⁵ ACTUALITE, RDC-ADF: au moins 80 personnes tuées dans une vingtaine d'attaques à Beni en janvier, la société civile annonce une journée de deuil jeudi, 5 février 2024 https://shorter.me/ab_9G



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b. Detention and prison conditions

Under article 10 of the International Covenant on Human Rights, the Congolese Government is committed to implementing a sustainable prison system, but reality reveals the need for the Government of the Democratic Republic of the Congo to make a great deal of effort to improve prison conditions and; it needs to reduce the estimated overcrowding rates of about 200 per cent in prisons, which is clearly observed in the Makala Central Prison, which has 13.552 inmates, while the prison capacity is estimated at only 1,500 prisoners, and while figures indicate that only 2242 prisoners are convicted, another 5903 prisoners are still awaiting trial.⁶

c. The right to freedom of movement

The Congolese Constitution and its legislative frameworks guarantee the right to freedom of movement for Congolese citizens. Nevertheless, the reality of the Democratic Republic of the Congo is increasingly revealing violations of the right to freedom of movement, which culminated in October 2023; when approximately 27 illegal roadblocks were established along the road linking Bunia to Mongbwalu in Ituri district, forcing motorcycle drivers to pay between 2000 and 10,000 Congolese francs to the army and armed groups, causing widespread resentment among those using the 85-kilometre road serving mining areas.⁷

d. The right to freedom of religion and belief

The legislative frameworks in the Democratic Republic of the Congo affirm the right to freedom of religion and consider it a fundamental right recognized under Article 37 of the Constitution. In addition, article 13 of the Constitution prohibits discrimination on the basis of religion. However, monitoring the reality of Congolese society reveals significant violations of the right of a certain group to religion. Since February 2024, hate speech and hostility have increased aimed at expelling and terminating the work of the Catholic Church, accusing its followers of spying and being one of the causes of the obstruction of Congolese peace, is an abuse and a violation of the rights of more than 49% of the Congolese population of the Catholic Church.⁸

e. Right to nationality

Despite the commitment of the Democratic Republic of the Congo to the constitutional entitlements governing the right to nationality, and consistent with the Congolese government's international obligations, the Democratic Republic of the Congo, like other African countries, continues to include a

⁶ Actualite, RDC: au moins 503 décès survenus entre janvier et novembre 2023 à la Prison de Makala, 7 December 2023, <https://shorter.me/GAJOW>

⁷ ACTUALITE, Ituri : Des militaires accusés d'avoir érigé plus de 25 barrières illégales sur l'axe routier Bunia-Mongbwalu, 4 octobre 2023, <https://shorter.me/pAgKQ>

⁸ ACT, Sango ya bomoko : la liberté de religion est un droit fondamental reconnu en RDC, <https://shorter.me/fumxu>



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group of stateless persons and persons at risk of statelessness, particularly persons of Sudanese origin in the north-east of the country, persons of Rwandan origin in the east and the Mabororo herders in the far north; to date, the Democratic Republic of the Congo has made no progress or improvements in the management of the profile of improving the situation of those groups and supporting their acquisition of citizenship, but still has no civil documents or official statistics. The lack of identity documents for members of these groups is coupled with the loss of all political and civil rights that an ordinary citizen obtains.⁹

f. The right to non-discrimination

Despite the provisions of the Congolese Constitution prohibiting and criminalizing all forms of discrimination, especially on the grounds of color, sex, religion, disability and origin, the crisis of discrimination against certain groups continues to witness many factors that stimulate their survival in society. As a result, discrimination has affected many groups in the DRC. Among women, indigenous people, people with special needs, and people with albinism.¹⁰ So far, the Government has not been able to provide a legislative framework for indigenous peoples to guarantee their political and civil rights, involve them in the political process and ensure the elimination of their challenges and suffering from threats of environmental violence and logging.¹¹

In the same context, the reality reveals that the rate of access of persons with special needs to education, health services, public buildings and transportation is still low on an equal basis with others in society. Less than 1% of children with disabilities attend school. Of the 10,000 citizens with disabilities in Kinshasa, only 36% have received some levels of primary education, while 49% have not received formal education.¹²

g. Right to peaceful assembly

DRC society suffers from a range of challenges to the full realization of citizens' right to peaceful assembly; public event organizers, demonstrations and protests are required by law to notify local authorities prior to the event. As a result, about 226 cases of threats against human rights defenders participating in these demonstrations have been monitored since the beginning of 2021,¹³ while on 15 February 2024, Congolese security forces suppressed demonstrations and protests in front of some embassies inside the DRC to express the discontent of the population in the face of the ongoing killings in the eastern part of the DRC.¹⁴

⁹ Global Focus, Democratic Republic of the Congo - At risk of statelessness, <https://shorter.me/XccQ3>

¹⁰ ACTUALITE, Sango ya bomoko : la constitution de la RDC bannit la discrimination en matière d'éducation sur base du sexe, <https://shorter.me/WHAQi>

¹¹ RW, Congo's Indigenous Rights Bill Stalls, OCT 2022, <https://shorter.me/D1rgV>

¹² Borgen, DISABILITY RIGHTS IN THE CONGO, <https://shorter.me/roe97>

¹³ ACT, Maniema : plus de 200 cas de menaces contre les défenseurs des droits de l'homme recensés en deux ans, 15 November 2023, <https://shorter.me/VxqqI>

¹⁴ ACT, Manifestations à Kinshasa : le panel des experts de la société civile ne décolère pas et estime qu'il est préférable de fermer les ambassades concernées, 15 FEBRUARY 2024, <https://shorter.me/Ca4nx>



i. economic and social rights

a. The right to development

The Government of the Democratic Republic of the Congo needs to make increased efforts to reduce the consequences of the conflict, fragility, climate change, and the proliferation of armed militias, and its role in creating negative impacts that have constrained the State ability to fulfill its national obligations and have led to the erosion of development efforts and the freezing of national plans. According to the February 2024 statistics, despite the Congolese Government's attempts to promote sustainable development at all levels and to establish its objectives in all environmental, economic, and social dimensions, it is still unable to accelerate development and stay on track. The DRC continues to house more than 62% of the population below the estimated \$2.15 per day poverty line, with national capacity to meet the humanitarian needs of more than 25 million.¹⁵ In addition, the Congolese continue to suffer from a decline in the value of the national currency, which has lost 62% of its value over the past five years 2018-2023, which has hampered the Government's economic capacity to implement its development plans.¹⁶

b. The right to education

In its constitutional structure, the Democratic Republic of the Congo recognizes the right to education and makes it compulsory and free of charge at the primary level. Some 40%, 31%, and 12.6% of the education budget are directed towards primary, secondary and university education, compared with 1% for pre-primary education.¹⁷

However, security complications and climate change have disrupted and prevented the enjoyment of the right to education; insecurity has disrupted the education of some 750,000 children in two provinces affected by the conflict in the eastern Democratic Republic of the Congo. Between January 2022 and March 2023, at least 2100 schools in the provinces of North Kivu and Ituri were forced to stop working because of the deteriorating security situation,¹⁸ while on 8 March 2023, more than 6,000 students from the subdivision were monitored as a result of the teachers strike in this part of the country.¹⁹

In general, it can be said that although the Democratic Republic of the Congo guarantees free education, However, the quality of the educational process is experiencing many problems as the number of students

¹⁵ The World Bank, The World Bank in DRC, access date February 2024, <https://shorter.me/-hplG>

¹⁶ RW, République démocratique du Congo - Mise à jour des messages clés : Les conflits et les inondations continuent à exacerber l'insécurité alimentaire dans le pays, janvier 2024, 10 Feb 2024, <https://shorter.me/Js6L8>

¹⁷ Equal times, In 2019, the Democratic Republic of Congo introduced free education; here's what happened, 12 May 2021, <https://shorter.me/xQ2O6>

¹⁸ UNICEF, Conflict in eastern DRC is having a devastating impact on children's education, 29 march 2023, <https://shorter.me/kLZik>

¹⁹ Radio Okapi, Maniema : plus de 6 000 élèves privés de cours à la suite de la grève des enseignants à Kailo, 9 March 2023, <https://shorter.me/utgUX>



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rises significantly by 150 per class, with 4 million children aged 9-14 remaining out of school.²⁰

c. The right to housing

The Democratic Republic of the Congo is experiencing numerous security, environmental and economic challenges that impede the full realization of the right to housing. These challenges can be summarized in terms of low infrastructure facilities and environmental crises, mainly floods, as well as the increasing frequency of violence within the country, particularly in the east of the Congo. As a result, millions of Congolese lack adequate housing. In their homes, 50 million Congolese do not have access to safe drinking water, while 80%-90% lack improved sanitation in their homes. The electricity access rate is only 19%, equivalent to 1% in rural areas and 19% in urban areas. On the other hand, the combination of the poor infrastructure crisis and the environmental crises experienced by the country in the form of one of the worst floods in more than 60 years has created negative impacts on 18 provinces; they have affected more than 2 million people and more than 300 deaths.²¹

This is evident in the Kalehe region, where at least 2,795 homes have been destroyed, resulting in the displacement of more than 10,000 affected persons, including more than 6,000 children, 3,500 girls and 2,500 boys, in the Bunyakiri health area.²² Moreover, the continuing violence in some provinces of the country has been causing new population movements. Since the beginning of 2023, more than 2.8 million people have been displaced in the Democratic Republic of the Congo, bringing the total number of displaced persons to some 6.5 million, 80% of whom are displaced by attacks and violations committed by armed groups.²³

d. The right to health

Article 47 of the Constitution guarantees the right to health. The Democratic Republic of the Congo provides 402 state health zones out of 516 divided into 26 provinces within the country. The medical sector also contains 6,968 healthcare working facilities serving 101,794.61 people. However, health infrastructure and funding are still below standard; as a result, the Democratic Republic of the Congo continues to be home to epidemics and health diseases; in 2022, 34812 out of 48839 new cancer cases registered in 2022 died²⁴; in 2023, more than 52,400 cholera cases and 462 deaths were recorded, while in 15 January to 15 February 2024, North Kivu reported 534 cholera cases and 8 deaths, Minova region being one of the cholera-infested areas.²⁵

Between 12 and 18 February 2024, epidemiological statistics for cholera and diarrheal diseases indicate that 1081 suspects were monitored during December 21, i.e. by 1.8 percent. Forty-nine health districts were notified of suspected cholera cases in at least six provinces. In addition, the sharp rise in the number of civilians injured during armed conflicts threatens to strain health facilities that are already struggling to provide care. Since early February 2024, hundreds of casualties have flowed into Congolese health

²⁰ USAID, Education IN DRC, access date February 2024, <https://shorter.me/uTLkg>

²¹ RW, UNICEF DRC Humanitarian Situation Report No. 1 Country wide flooding: December 2023-January 2024, 8 Feb, 2024, <https://shorter.me/PZ-cy>

²² RW, RD Congo : Situation humanitaire dans la province du Sud-Kivu 29 février 2024, 29 FEB 2024, <https://shorter.me/Ljf2e>

²³ RW, Rapport de la mission d'évaluation de besoins en éducation dans la Zone de santé de Kirotshe, 5 JAN 2024, <https://shorter.me/sS-9M>

²⁴ Radio Okapi,, RDC : environ 34 812 décès recensés à la suite des cancers en 2022, 4 February 2024, <https://bit.ly/3DJdtG4>

²⁵ UNICEF, UNICEF strengthens response to DRC's worst floods in 60 years and growing cholera outbreak, 7 February 2024, <https://shorter.me/f8SE>



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facilities, during which it has been recorded that 40% of those injured in Congolese health are victims of shelling or other heavy weapons used in densely populated urban areas.²⁶

e. The right to food

The security and economic challenges in the DRC are undermining the Government's efforts to give effect to the right to food; according to the February 2024 statistics, the DRC is hosting one of the largest global food crises after the increase in the basic food needs of more than 26.4 million,²⁷ with an estimated 25.4 million Congolese suffering from food insecurity, while severe malnutrition affects 8.4 million people, mostly children under five years of age, as well as pregnant and nursing women.²⁸

f. The Right to water

Despite the great water abundance of the Democratic Republic of the Congo, citizens' enjoyment of the right to water remains inadequate; while the State has more than 50% of the water reserves on the African continent, representing enormous water potential, only 52% of the population of the Democratic Republic of the Congo has access to basic water needs, while less than 29% have access to sanitation, and 33 million Congolese in most rural areas of the country are still unable to access safe drinking water.

g. The Right to Work

Although the Democratic Republic of the Congo has indicated its intention to give effect to its legal obligations under the right to work for its citizens, through the ratification of ILO Convention No. 138 concerning the Minimum Age for work and Convention No. 182 concerning the worst forms of child labour in 2001, but the right to work remains subject to environmental, economic, social, security and political challenges; the Labour Code does not provide for a monitoring or enforcement mechanism for the rules of wages and working hours that exposes more than 90% of workers working in the informal sector, whether in subsistence farming, informal trade, mining or other informal activities to hazardous or exploitative working conditions. In addition, there are no social security regulations for the unemployed, and the Penal Code does not establish criminal penalties for forced labour, while 40,000 children in the Congo work in artisanal and unregulated mines and in hazardous conditions."

Similarly, the law does not give full effect to the right to form trade unions. Although the Constitution guarantees the right to form trade unions, the law grants administrative authorities the right to dissolve, suspend or cancel the registration of trade union organizations. Foreigners are not permitted to hold trade union positions unless they have lived in the State for at least 20 years, which is an excessively long legal period.²⁹

²⁶ RW, Situation épidémiologique du choléra et autres maladies diarrhéiques en RDC Semaine 7, 2024, du 12 au 18 février 2024, <https://shorter.me/ywwvg>

²⁷ The World Bank, The World Bank in DRC, access date February 2024, <https://shorter.me/-hplG>

²⁸ OCHA, The humanitarian community and the Congolese Government appeal for US\$ 2.6 billion to respond to the alarming humanitarian crisis, 20 FEB 2024, <https://shorter.me/y-UAu>

²⁹ Privacy shield framework, Congo DR – labor policies, access date 26 December 26, 2021, <https://bit.ly/3EuP9Ft> .



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Recommendations

Elizka Relief Foundation makes a map of recommendations to upgrade the DRC's commitments regarding its implementation of political, civil, economic, and social rights, to accelerate their implementation, and to overcome the obstacles to their enjoyment by society. These recommendations can be summarized as follows:

- Elizka calls on the Congolese government to carry out reforms in the legal and legislative environment regulating political and civil rights, especially the laws on the rights to peaceful assembly and association, by amending them, removing restrictions imposed on the work of civil society, and facilitating its work procedures in a manner consistent with international obligations.
- Elizka encourages the government to take reform measures to remove challenges and obstacles to the right to non-discrimination, and to work to enhance the integration of marginalized groups subject to discrimination into society; It is permissible to issue legislation and laws that regulate and preserve the rights of marginalized groups, and ensure their participation in decision-making and their parliamentary representation.
- We call on the Congolese government to reconsider its policies regarding stateless individuals or those at risk of losing it, by facilitating the procedures for registering, documenting, identifying, recognizing and including them in the national and legal systems, in a way that enables them to enjoy their constitutional rights as stipulated.
- We call on the Congolese government to expand its partnerships with civil society organizations and other relevant partners, in a way that helps civil society build its institutional, administrative and technical capabilities and train its members on how to assist in implementing various human rights.
- We encourage the Congolese government to establish a mechanism concerned with monitoring, collecting and analyzing data and human rights violations, in a way that enables the Congolese government to monitor human rights conditions and developments, enhances its capabilities for follow-up, accountability and monitoring, and supports the processes of prosecution and compensation for victims.



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