

HUMAN RIGHTS COUNCIL – 51st SESSION

Enhanced interactive dialogue on the report of the High Commissioner on the human rights situation in the Democratic Republic of the Congo and on the final report of the team of international experts on the situation in Kasai

04 October 2022

In his opening remarks, **Mr. Christian Salazar Volkmann, Director of the Field Operations and Technical Cooperation Division at the Office of the High Commissioner for Human Rights** highlighted there have been some improvements in the human rights situation in the DRC since the submission of the previous report in October 2021. However, the situation continues to be affected by an extremely fragile political and security context. He said that the 6,782 human rights violations documented can be mostly attributed to armed groups, followed by State agents, mainly by members of the Armed Forces of the DRC and the Congolese National Police. There has also been a resurgence of restrictions on civic and political space. In addition, the proliferation of hate speech and messages inciting violence, discrimination and hostility, continues. The Director mentioned that one important step in this regard could be the adoption and implementation of the proposed law on racism, tribalism and xenophobia. Mr. Salazar also welcomed the significant progress recently made in legislative reforms, particularly in the law on the protection and promotion of the rights of people living with disabilities and the law on the rights of indigenous peoples. He also expressed concern for the security situation in the eastern provinces of the DRC and strongly condemned the human rights abuses by members of armed groups including the M23, the Allied Democratic Forces (ADF) and CODECO. He then welcomed the development by the DRC of a national prosecution strategy for emblematic cases to fight impunity. However, he remained concerned by the slow pace of judicial processing of almost all the priority cases. He also welcomed the progress made in the area of transitional justice. Furthermore, he said it is crucial that early warning and response mechanisms for electoral violence be developed and supported as general elections are approaching.

H.E. Mr. Albert Fabrice Puela, Minister of Human Rights of the Democratic Republic of the Congo (Country Concerned) highlighted DRC's achievements in the establishment of transitional justice mechanisms through national (popular) consultations in all the provinces of the country. These national consultations are the first in the history of the country and constitute the first referendum ever attempted. He also said that 239 accepted recommendations from the last UPR have been recorded, despite the difficulties to implement all of them. With regard to cooperation with the treaty bodies, he said the government intends to submit its periodic reports on the implementation of the convention on the rights of the child during the week, and the initial report on the implementation of the convention on the rights of persons with disabilities. He also mentioned that important laws have been drafted and are either scheduled for consideration during the current parliamentary session or are already at the level of the standing committees. These laws include access to information, the law on the protection of human rights defenders, the proposed law on public demonstrations, and laws relating to the effective implementation of transitional justice.

Ms. Bintou Keita, Special Representative of the Secretary General in the Democratic Republic of the Congo, emphasised that the DRC continues to strengthen its legislative framework and improve its human rights practices. In the area of transitional justice, the Mission continues to support the national authorities in the implementation of the process across the country. She reiterated her call to the Congolese people to engage in public consultations to express their aspirations for truth, justice, reconciliation, and guarantees of non-repetition. She expressed concern about the persistent insecurity in the east of the country, the resurgence of the M23, and the persistent attacks by the ADF in North Kivu and CODECO in Ituri. She commended the political efforts undertaken by the Heads of State of the East African and Great Lakes sub-regions through the Nairobi and Luanda processes. The Mission continues to work to coordinate the actions of MONUSCO and those of the forthcoming East

African force. She also mentioned that the violent demonstrations since July, have caused the death of civilians and Mission personnel, and are one of the direct consequences of hate speech, the call for violence and hostility. She also said that the revised electoral law has provided more opportunities for women to access elected positions. However, this progress should not overshadow the efforts that still need to be made to achieve greater transparency and consensus throughout the electoral process. She further called upon the authorities to adopt laws including, the law against tribalism, racism and xenophobia, laws on the protection of human rights defenders, access to information and freedom of peaceful demonstration. The Mission has set up a working group on the prevention of and response to hate speech. Finally, she shared her concern about the outbreak of violence since July in Kwamouth territory in Maindombe. She said it is crucial to avoid a crisis similar to the one in Kasai or Yumbi.

Ms. Marie-Thérèse Keita-Bocoum, Member of the Team of Experts on the Democratic Republic of the Congo, expressed that the mandate has allowed the Team of Experts to fight against impunity and design and implement transitional justice processes initiated in the province of Kasai-Central. She commended the exemplary cooperation of the government of the DRC, as well as the support of the UN Joint Human Rights Office and MONUSCO. This support allowed the Team to carry out visits to Kinshasa, North Kivu, South Kivu, Tanganyika, Ituri, and Haut-Katanga. She further mentioned that the DRC has the potential to build a national judicial system and that the will for peace and reconciliation in justice and national solidarity exists. In addition, that only a transitional justice system, created by and for the Congolese, will make peace, disarmament and reconciliation possible as well as put an end to impunity in all its forms. The Team also recognised there is a lack of human, financial and material resources which affect the effective functioning of the administration of justice. She urged the OHCHR's technical assistance team to continue its support to the national justice system. With regard to transitional justice, the Team continues to support the government authorities and calls upon them to ensure better coordination in the integrated implementation of all initiatives; guarantee national funding for the transitional justice process to ensure its credibility, coherence and sustainability; take into account the cross-border dimension of conflicts between armed groups or communities; and accelerate the process of setting up a national reparations fund. Finally, she mentioned that the Team will soon propose a strategic document on the national transitional justice policy and an accompanying roadmap.

Mr. Dismas Kitenge Senga, President and Co-founder of the Lotus Group, expressed that the Congolese authorities' openness to dialogue and their willingness to support the protection of human rights should be encouraged and consolidated. He said that the process of peace and the restoration of state authority in regions affected by armed conflict and community tensions requires a combination of political, diplomatic, community, social, economic, judicial, human rights and military approaches for lasting effectiveness. He further highlighted the state of siege in the provinces of North Kivu and Ituri. He said more efforts should be encouraged with regard to the fight against impunity and corruption, and the independence and lack of resources of the Congolese justice system. He emphasised the need for truth, justice and multiple forms of reparation for victims of sexual and gender-based violence. With regard to transitional justice mechanisms, these must be carried out by victims and organisations of Congolese society. He expressed concern about the attacks on human rights defenders, journalists and political opponents in the upcoming elections. Here, urged the development of a law to protect human rights defenders. He condemned the role of the National Intelligence Agency which is tracking down opponents, carrying out arbitrary arrests and illegal detentions. He called upon the national institutions for the protection of human rights as well as the judiciary, to demonstrate their independence, impartiality and effectiveness by being open to and participative with civil society organisations. Finally, he said it is essential that the international community as a whole and the UN, in particular, consolidate the mandate of the UN Joint Human Rights Office in the DRC.

Interactive dialogue

21 country delegations took the floor during the interactive dialogue. The majority of countries and States' organizations commended the DRC's authorities' cooperation with the OHCHR in connection with the various mandates. They also expressed deep concern for the continuous human rights violations occurring in the eastern region of the DRC. The **EU** highlighted the need to take into account the cross-border aspects of the conflicts and of transitional justice. The **U.S.** condemned the abuses against Congolese civilians by Burundian security forces operating in South Kivu province. It urged the DRC and Burundi governments to investigate and hold accountable those responsible. **Iceland, the U.S., and the EU** condemned the significant reduction of fundamental rights and freedoms linked to the democratic space. This includes threats, arbitrary arrests, detentions, and persecution of journalists, human rights defenders, activists and others deemed critical of the authorities. They also expressed concern about the involvement of the National Intelligence Agency in many cases of these violations. They urged the government to refrain from steps that could reduce political space ahead of the 2023 elections. They all agreed that accountability and the rule of law must be upheld. The **UK** said they are deeply concerned about the recent violent protests against the peaceful UN mission.

China expressed it will remain committed to promoting peace and development in the DRC and said China has already sent troops for UN Peacekeeping operations in the country. The **Russian Federation** expressed that other countries should not politically attack the DRC, including using international platforms such as the HRC to do it. **Venezuela** condemned the imposition of illegal unilateral coercive measures against the DRC that generate greater suffering for the most vulnerable. **Egypt** stressed the need for the international community and regional partners to unite and provide support to as well as provide security for the displaced. **South Sudan** underlined the significance of technical assistance and capacity building for the promotion of the protection of human rights in the DRC. **Senegal** stressed the importance of the effective operation of justice reparation in the DRC.

Most NGOs condemned the resurgence of serious human rights violations in the DRC and the prevalence of impunity. Some urged for the improvement of detention conditions, including through the reduction of the prison population, the acceleration of transitional justice and the fight against impunity. Other topics mentioned were the human rights abuses on indigenous peoples in the DRC, especially the Batwa people; the army of M23 rebels in the Democratic Republic of Congo which continues to endanger and displace thousands of civilians across the country and threaten national security; concerns about the actions of the National Intelligence Agency; the deterioration of the situation in Ituri, South and North Kivu due to the intensification of attacks perpetrated by Mai-Mai groups and other armed militias; and concerns about the attacks on human rights defenders, including lawyers.

Delegations that took the floor during the Interactive Dialogue (21 country delegations):

European Union, Iceland (on behalf of the Nordic-Baltic countries), Senegal, Egypt, Switzerland, Ireland, France, Venezuela (Bolivarian Republic of), Russian Federation, Mauritania, China, United Kingdom of Great Britain and Northern Ireland, Benin, South Sudan, Belgium, Angola, Togo, Netherlands, Malawi, United Republic of Tanzania, United States.

NGOs and other observers that took the floor during the Interactive Dialogue (10):

Minority Rights Group, International Federation of ACAT (Action by Christians for the Abolition of Torture), Lawyers for Lawyers, Rencontre Africaine pour la defense des droits de l'homme, International Federation for Human Rights Leagues, International Organization for the Elimination of All Forms of Racial Discrimination, International Bar Association, World Organisation Against Torture, Elizka Relief Foundation, Centre du Commerce International pour le Développement.