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Summary record of the 4th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 15 February 2022, at 3 p.m.

Chair: Mr. Abdel-Moneim

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* Reissued for technical reasons on 3 March 2022.

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The meeting was called to order at 3 p.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Sixth periodic report of the Democratic Republic of the Congo (continued)
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1. *At the invitation of the Chair, the delegation of the Democratic Republic of the Congo joined the meeting.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting with the State party.
3. **Mr. Puela** (Democratic Republic of the Congo), speaking via video link, said that a draft of his country's initial report under the Convention on the Rights of Persons with Disabilities had been prepared and was awaiting validation by the National Human Rights Commission and civil society organizations. A revised version of the bill on the protection of human rights defenders had been submitted to Parliament and would be voted on at the next regular session. The revisions addressed disagreements that had arisen between the National Assembly and the Senate regarding what constituted a human rights defender.
4. The Government had been participating in the African Development Bank's Project to Support the Alternative Welfare of Children and Young People Involved in the Cobalt Supply Chain since 2019 and had been taking action under it to remove pregnant women and children from industrial and artisanal mining sites, promote their social reintegration and provide training opportunities. As part of the Project – which applied to the supply chains for all ores, not just cobalt – two centres would be established to help individuals organize themselves in mining or agricultural cooperatives, and modern medical centres would be built. The Project was scheduled to end in December 2023, at which point the Government would use income generated from the mining industry through fees and other charges to continue funding those efforts.
5. Companies engaged in mining or quarrying activities were required under Act No. 18/001 of 9 March 2018 to observe environmental standards. All mining licence applicants were required to submit an environmental impact assessment and an environmental management plan for approval. Holders of mining or quarrying rights were required to post security to ensure that they complied with their environmental obligations, and to set aside funds for the remediation of their sites.
6. The National Strategy to Combat Sexual and Gender-based Violence had been updated in 2020 to reflect improvements in violence prevention and assistance for victims and to strengthen the framework for related law enforcement work. It included measures to promote women's independence and encourage men to adopt positive models of masculinity. School curricula had been revised to address the topic of gender and the issues of sexual and gender-based violence. Special units had been dispatched in all the provinces to prevent sexual violence and provide assistance to survivors. A military procurator's office had been put in place to handle cases of sexual and gender-based violence, which were heard in mobile courts; suspects could face immediate conviction if the evidence against them was sufficient. A national reparation fund would soon be established for victims of sexual crimes and other serious crimes.
7. A bill on the protection and promotion of the rights of persons with disabilities had been approved by both houses of Parliament and was being reviewed by the Constitutional Court as a prerequisite to enactment. There was also a bill to protect indigenous peoples from the environmental impact of deforestation. The Ministry of the Environment was implementing a national strategy to protect indigenous communities and other vulnerable groups from the effects of climate change. The Government's policy on universal health coverage included vulnerable groups, such as indigenous peoples. Schools were being built close to indigenous communities to ensure that children from those communities had access

to education. Discrimination against lesbian, gay, bisexual and transgender persons was not tolerated in the Democratic Republic of the Congo.

8. **Mr. Caunhye** (Country Task Force) said that the Committee would welcome information on the practical implementation of measures aimed at promoting the enjoyment of Covenant rights, to allow it to understand how effectively the rights were being safeguarded. He would like to hear about any measures taken to counter the loss of jobs and income stemming from the coronavirus disease (COVID-19) pandemic; to facilitate the employment – for example, through training – of persons with disabilities; to eliminate sex-based discrimination in the workplace; and to implement the principle of equal pay for work of equal value. It would also be helpful to know what the results of such measures had been. Information on the method used to calculate the national minimum wage would also be welcome.

9. He wished to know what steps had been taken to protect workers in the informal sector and whether the national minimum wage, the Labour Code and legal provisions regarding just and favourable conditions of work had been made applicable to those workers. Information would be welcome on any mechanisms for the enforcement of occupational health and safety regulations and the outcomes they had generated. He would be interested to find out how many cases of accident or disease there had been at mining sites and what the State party had done to make the conditions of work there safer. He wished to know what was being done, pending the approval of the reform to social security legislation, to afford protection to vulnerable groups. He would also like to learn how the State party ensured that trade unions could be established in the public sector without obstacles and administered without interference.

10. **Mr. Windfuhr** (Country Rapporteur) said that he wished to know what steps were being taken to prevent logging in areas where indigenous groups lived. He would appreciate information on any reported acts of violence committed by government employees charged with nature conservation. It would also be helpful to know how soon the amended Land Law was expected to be adopted by Parliament and whether it was consistent with human rights standards and would ensure the equitable resolution of land conflicts.

The meeting was suspended at 3.30 p.m. and resumed at 3.40 p.m.

11. **Mr. Puella** (Democratic Republic of the Congo) said that the provisions of the agreement on salaries reached between the Government and various trade unions representing civil servants two months previously regarding, for instance, tax reductions, applied equally to men and women. The State party would provide information in writing on how the minimum wage was calculated.

12. Addressing the needs of the informal sector, the President had launched a centre to facilitate access to credit for women entrepreneurs. Regulations that were intended to protect job security had been introduced, prohibiting employers from dismissing staff or terminating their contracts and allowing employees to work from home during the COVID-19 pandemic.

13. With respect to the legal framework to combat corruption, all government members had a constitutional obligation to declare their assets, upon acceding to their positions and at the end of their terms of office, before the Constitutional Court to ensure that they did not benefit from undue enrichment while in office.

14. A strategy had been adopted to raise awareness among indigenous peoples of the consequences of deforestation and to offer them alternatives to offset the loss of resources and revenue typically provided by the forest. The Government was also calling for a system of carbon credits to protect the forests. The Ministry of the Environment was in the process of launching a reforestation project, which involved planting trees in both urban and rural areas.

15. **Mr. Amarti**, speaking via video link, said that the Committee would be interested to know what measures were taken to ensure that the Family Code provision whereby boys and girls under the age of 18 could not enter into marriage was enforced in practice. He would welcome statistics on the number of children who had previously worked in artisanal mines but had now returned to school as a result of the implementation of the 2017–2020 three-year action plan on reducing child labour in the mining sector and the introduction of free primary

education. He would also appreciate information on any steps taken to prevent the recruitment of children by armed groups in conflict zones and to support the social reintegration and psychological and physical treatment of children after they had left such groups. While recognizing the importance of the principle of family solidarity in African culture, he would be interested to know whether there were any residential institutions for older persons and, if so, whether they were public or private.

16. The delegation might also provide updated statistics on the number of persons who had benefited from the measures, such as reparations, taken by the State party to combat sexual violence and its after-effects. In the absence of specific anti-trafficking legislation, he would like to know what measures other than awareness-raising activities the State party had taken to curb trafficking in persons.

17. The Committee would also appreciate more detailed information on the progress made in reducing extreme poverty in the State party and the expected results of the National Strategic Development Plan. It wished to know to what extent human rights principles and standards governing forced evictions had been respected in the context of the community displacements carried out to make way for mining projects, and how annex XVIII of the mining regulations, which provided for community consultation and compensation, was applied in practice. With regard to the right to housing, the Committee would appreciate statistical information on the implementation of the State party's housing policy. It would also like to hear about the measures and mechanisms put in place to alleviate the financial burden that access to drinking water placed on households and about the impact of the implementation of the national sanitation policy.

18. The Committee would welcome more detailed information on the rate of access to health-care facilities. It would also appreciate a response to the questions raised in paragraph 26 of the list of issues concerning the National HIV/AIDS Strategic Response Plan. Given that, in 2011, there had been a total of only 500 beds in public institutions for patients with mental health conditions, he wished to know what progress the State party had made in fulfilling its obligations under article 12 of the Covenant.

The meeting was suspended at 3.55 p.m. and resumed at 4.05 p.m.

19. **Mr. Puella** (Democratic Republic of the Congo) said that statistics on the increase in enrolment rates since the introduction of free primary education would be provided to the Committee in writing. The overall situation had improved significantly. By way of example, in one town, the number of children enrolled in primary school had increased from 41,739 in 2019 to 57,948 after the introduction of free schooling. The budget for teachers' salaries had also more than doubled, from 70 billion Congolese francs to 169 billion Congolese francs. Parents would not now be prevented from sending their children to school because they could not afford it. Free primary education also reduced the risk of children being recruited by armed forces in conflict zones.

20. According to statistics for the period from 2010 to 2019, the rate of gender-based violence was decreasing. Statistics for 2020 and 2021 were still being prepared. Gender-based violence had increased during the armed conflict, but there had been a marked improvement since the declaration of the state of emergency. The President had appointed a special adviser on sexual violence who was closely monitoring the situation. The Ministry of Gender, Family and Children's Affairs was also doing important work in that area.

21. Child marriage was strictly prohibited. If one of the contracting parties was found to be under the age of 18, the marriage was considered null and void, as a person under the age of 18 could not freely consent to marriage. Intention to marry had to be announced one month in advance; if one of the parties was known to be a minor, the prospective marriage could be reported to the authorities. The Ministry of Gender, Family and Children's Affairs had launched a campaign to combat early marriage and pregnancy in both urban and rural areas. It was expected that the Government's rural electrification programme would have a positive impact in that area, as lack of electricity was likely to be a contributing factor to the early pregnancy rate.

22. Regarding access to water, the Government had recently launched an ambitious programme for the local development of the country's 145 territories, including the provision of drinking water to even the most remote communities.

23. There were a number of public and private institutions providing care for older persons, including some run by religious orders, but it was very rare in African culture, especially in Bantu culture, for children to send their ageing parents to a nursing home, as they feared being cursed for rejecting the very people to whom they owed their lives.

24. The bill on trafficking in persons would be discussed and voted on during the upcoming parliamentary session. Both the United States of America and the International Organization for Migration actively supported the adoption of the bill. The participation of the Democratic Republic of the Congo in the high-level meeting of the General Assembly on the Appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons demonstrated the Government's commitment to ending the practice.

25. **Ms. Crăciunean-Tatu** (Country Task Force) said that the Committee welcomed the State party's efforts to increase school enrolment and attendance, particularly among girls. It would be interesting to hear about any measures aimed at improving the quality of education, reducing overcrowding in classrooms and eliminating hidden indirect costs for parents, such as the purchase of uniforms. It was unclear what sanctions were imposed on anyone who diverted funds that were intended for education. She would be grateful for information on any measures intended to improve access to primary education for children who lived in rural areas, who were from a disadvantaged socioeconomic background or who belonged to indigenous communities, including the Batwa community. She wished to know what steps the Government planned to take to increase the number of children attending preschool education and to reduce the disparities in access to preschools between the provinces.

26. She would appreciate details of the measures in place to enforce the Child Protection Act of 2009 and the regulations intended to ensure that young mothers were able to continue their education after giving birth, particularly in the light of the additional challenges that had been caused by the COVID-19 pandemic.

27. A large proportion of children had reportedly faced obstacles in obtaining access to distance learning during the school closures precipitated by the COVID-19 pandemic. It would be useful to learn about the steps the State party planned to take to address the impact of the pandemic on the right to education and to ensure that distance education was accessible to all children. A particular focus on measures tailored to girls and indigenous students would be appreciated.

28. The Committee welcomed the State party's endorsement of the Safe Schools Declaration in 2016. She wished to learn about the measures in place to enforce the related ministerial directive, with a view to preventing the recruitment of children by armed groups, protecting school infrastructure from attacks by armed, paramilitary or self-defence groups and mitigating the disproportionate impact of conflict on girls' access to education.

29. She would be grateful for data on the number of members of the Batwa community and any statistics on race and ethnicity that were used as the basis for public policies on access to public services by minorities and indigenous peoples. It would be interesting to know how discrimination against those groups was measured and prevented. She would like to hear about any obstacles to the adoption of the bill on the protection and promotion of the rights of indigenous peoples. It was unclear how the bill would uphold the rights of indigenous peoples, including, inter alia, their right to freely practise their cultural rites and religion and to have access to their ancestral lands.

The meeting rose at 4.45 p.m.