



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the sixth periodic report of the Democratic Republic of the Congo*

1. The Committee considered the sixth periodic report of the Democratic Republic of the Congo¹ at its second, fourth and sixth meetings,² held on 14, 15 and 16 February 2022, and adopted the present concluding observations at its thirtieth meeting, held on 4 March 2022.

A. Introduction

2. The Committee welcomes the submission of the sixth periodic report of the State party, although it was received late, as well as the written responses to the list of issues.³ The Committee is appreciative of the dialogue held with the high-level delegation of the State party and the information provided during the discussion. The Committee regrets, however, that, during the dialogue, many of the questions raised were answered in a general, vague and partial manner, preventing the development of a truly constructive dialogue.

B. Positive aspects

3. The Committee appreciates the many legislative, institutional and strategic developments undertaken by the State party to promote the realization and enjoyment of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights. It welcomes in particular the changes introduced to the legal framework for mining and logging activities; the creation of the National Human Rights Commission; and the adoption of the National Strategic Development Plan for the period 2019–2023, the Sectoral Strategy for Education and Training for the period 2016–2025 and the Health Sector Strategy for the period 2016–2027. The Committee also welcomes the State party's accession, in 2015, to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.

C. Principal subjects of concern and recommendations

Security crisis and state of siege

4. The Committee is concerned about the impact of the state of siege imposed on 6 May 2021 in the provinces of North Kivu and Ituri, and also about the grave repercussions of the armed conflict that continues to affect some of the country's eastern provinces for the enjoyment of economic, social, and cultural rights by persons living in these regions. It is also concerned about the large numbers of internally displaced persons who continue to face

* Adopted by the Committee during its seventy-first session (14 February–4 March 2022).

¹ [E/C.12/COD/6](#).

² See [E/C.12/2022/SR.2](#), [E/C.12/2022/SR.4](#) and [E/C.12/2022/SR.6](#).

³ [E/C.12/COD/RQ/6](#).



serious obstacles to the enjoyment of their Covenant rights, including their right to an adequate standard of living. In particular, the Committee is very concerned by reports of recent attacks against internally displaced persons, especially in the east of the country.

5. The Committee urges the State party to:

(a) **Take all effective measures, without delay, to guarantee the enjoyment of the Covenant rights by persons living in the regions affected by armed conflict, especially in the east of the country;**

(b) **Provide effective protection for the country's internally displaced persons so as to ensure that they have access to adequate food, decent housing and basic services, including water supplies and sanitation, health care, education and social protection, if necessary by seeking international cooperation assistance;**

(c) **Conduct thorough and independent investigations into allegations of acts of violence, including sexual violence, and attacks against internally displaced persons, ensuring that those responsible are brought to justice and that the victims have access to effective remedies and reparation;**

(d) **Take steps to ensure effective protection for the population, and to promote and guarantee the active, open and transparent involvement of society and, in particular, of victims and the groups most affected by the conflict and attacks, including, notably, internally displaced persons, in the measures implemented;**

(e) **Do everything within its power to ensure that internally displaced persons are able to return to their home regions safely and with dignity, or offer them long-term solutions;**

(f) **Ensure that the absolute immunity of civilians is respected and that the state of siege in the provinces of North Kivu and Ituri is implemented in a manner consistent with international humanitarian law, particularly the principles of distinction, proportionality and precaution, and with international human rights standards including the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights.**

Transitional justice, sexual violence and economic, social and cultural rights

6. The Committee notes with satisfaction the State party's decision to implement transitional justice mechanisms to address the serious human rights violations committed in the past, in particular the sexual violence. However, it is concerned about the fact that serious violations of this kind, including acts of sexual violence, continue to be committed with impunity and that there is no clear strategy for associating transitional justice with the realization of economic, social and cultural rights.

7. The Committee recommends that the State party establish forms of coordination that link transitional justice mechanisms, including victim reparation policies, as closely and effectively as possible with the realization of economic, social and cultural rights. It also recommends that a gender perspective be incorporated in the design and implementation of transitional justice mechanisms so as to combat impunity for sexual violence more effectively.

Application of the Covenant

8. The Committee regrets that the provisions of the Covenant have not been invoked or applied by the domestic courts even though article 215 of the Constitution accords international treaties, including the Covenant, a higher rank than national laws.

9. The Committee recommends that the State party ensure that economic, social and cultural rights may be invoked at all levels of the judicial system and facilitate access to effective remedies for victims of violations of these rights. It urges the State party to provide regular training, particularly for judges, lawyers, law enforcement officials, members of the National Assembly and Senate and other relevant actors, on the content of the Covenant rights and the possibility of invoking them in court and to conduct awareness-raising campaigns aimed at rights holders. In this connection, the

Committee refers the State party to its general comment No. 9 (1998) on the domestic application of the Covenant.

National Human Rights Commission

10. While welcoming the creation of the National Human Rights Commission and the efforts made to ensure that it has offices operating in all 26 provinces, the Committee is concerned about the inadequacy of the Commission's material and financial resources, which is hampering the effective execution of its mandate. The Committee is also concerned about reports that changes to the procedure for appointing the Commission's members could have an impact on its independence.

11. The Committee recommends that the State party take the measures necessary to provide the National Human Rights Commission with sufficient material and financial resources to enable it to execute its mandate in full and encourages it to continue its efforts to make the provincial offices fully operational. It also recommends that the State party ensure that the Commission's members are able to complete their terms of office, and that it adopt transparent and open procedures for the appointment of members and the renewal of their terms of office that guarantee the Commission's independence, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Situation of human rights defenders

12. While noting that a bill on the protection of human rights defenders has been submitted to the National Assembly for debate, the Committee is concerned about the delays affecting the consideration and adoption of this bill. The Committee is also concerned about reports that human rights defenders, including those working to defend economic, social and cultural rights, are often exposed to various forms of harassment and reprisal.

13. The Committee recalls its previous recommendation concerning human rights defenders⁴ and urges the State party to guarantee their effective protection, including for those working to defend economic, social and cultural rights, against all forms of harassment, intimidation and reprisal and ensure that the perpetrators of such acts are brought to justice. It also requests the State party to consider expediting the discussion and adoption of the bill on the protection of human rights defenders, in consultation with the National Human Rights Commission, civil society organizations and the potential beneficiaries. Additionally, it urges the State party to carry out information and awareness-raising campaigns highlighting the importance of the work of human rights defenders, with a view to instilling a climate of tolerance in which they can carry out their missions without fear of intimidation, threats or reprisals of any kind. The Committee refers the State party to the statement on human rights defenders and economic, social and cultural rights that it adopted in 2016.⁵

Rights of indigenous peoples

14. The Committee notes with satisfaction the adoption by the National Assembly, in April 2021, of the Act on the Protection and Promotion of the Rights of Indigenous Peoples. However, it is concerned by the fact that the Act has not yet been passed by the Senate and that the Batwa indigenous peoples continue to face persistent discrimination and exclusion that have an adverse effect on the effective enjoyment of their economic, social and cultural rights. The Committee is likewise concerned about the lack of recognition of their rights in respect of access to land and their ancestral territories, including natural resources, and their lack of involvement in matters affecting them (arts. 1 and 2).

⁴ E/C.12/COD/CO/5, para. 12.

⁵ E/C.12/2016/2.

15. The Committee recommends that the State party:

(a) **Recognize the rights of the indigenous peoples who are under its jurisdiction and take effective steps, in consultation with them, to combat the discrimination and exclusion they face;**

(b) **Protect and guarantee, in law and in practice, the right of indigenous peoples to freely dispose of their lands, territories and natural resources, including their right to be consulted with a view to obtaining their free, prior and informed consent;**

(c) **Accelerate the process of adopting and promulgating the Act on the Protection and Promotion of the Rights of Indigenous Peoples, and put in place the mechanisms necessary to ensure that it is effectively implemented with the involvement of the indigenous peoples concerned;**

(d) **Consider ratifying the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).**

Use of natural resources

16. The Committee notes the efforts made to reinforce the legal framework for the mining and logging industries by amending the Forestry Code and the Mining Code. It remains, however, concerned about reports that the amendments are not being effectively implemented and that mining and logging activities are having an adverse impact on the traditional lifestyles of the populations concerned, including indigenous peoples, on their access to land, adequate food supplies, water and a decent standard of living, and on their participation in cultural life. The Committee is also concerned about acts of violence and intimidation committed against the communities concerned, including against the “eco-guards” working in natural parks (arts. 1 and 11).

17. The Committee recommends that the State party:

(a) **Draw up clear guidelines and rules for evaluating the possible impact on the enjoyment of economic, social and cultural rights and the environment of economic development and natural resource exploitation initiatives, including mining and logging activities, throughout the State party;**

(b) **Take the steps necessary to ensure that the communities affected by activities linked to economic development and the exploitation of natural resources in their territories are consulted, receive compensation for damage and loss, and draw tangible benefits from such activities.**

(c) **Prevent acts of violence and intimidation against the communities concerned and the eco-guards working in natural parks, and guarantee effective protection for them, including through the intermediary of the Congolese Institute for Nature Conservation.**

Business and human rights

18. The Committee regrets that it has not received specific information on the application of social and environmental responsibility to mining and logging businesses, nor on the possibility of engaging in negotiations with international businesses to ensure the exercise of reasonable diligence in respect of human rights.

19. The Committee recommends that the State party:

(a) **Take legislative and administrative measures, including the adoption of a plan of action, to ensure that the activities carried out by national and international businesses do not have an adverse effect on the enjoyment of economic, social and cultural rights;**

(b) **Revise the legal framework governing social and environmental responsibility and the legal regime and regulatory standards applicable to mining and logging businesses to impose on them an obligation to exercise reasonable diligence in respect of human rights with a view to identifying the risks of violation of the rights**

protected by the Covenant, preventing and mitigating these risks, and preventing violations of these rights;

(c) Refer to the Committee's general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities.

Climate change

20. The Committee is concerned about the adverse effects of mining and logging activities on the environment. It is also concerned about the effects of deforestation on climate change, and the fact that, although a moratorium was imposed on logging concessions in 2002, agreements for the exploitation of forest resources have continued to be granted (art. 11).

21. **The Committee recommends that the State party ensure that natural resources, including forest resources, are used in accordance with a fair and equitable conservation policy, in consultation with the communities concerned, indigenous peoples, civil society organizations and the authorities responsible for conservation. It urges the State party to respect the implementation of the moratorium on logging concessions. The Committee recommends that the State party continue its efforts to take the measures necessary to mitigate the negative impact of climate change on economic, social and cultural rights.**

Corruption

22. While noting the measures taken to combat corruption and the prosecutions brought in corruption cases, the Committee regrets that insufficient information has been received on the effectiveness of these measures and the tangible results of their application. It remains concerned about the persistent corruption in the State party, which continues to impede the enjoyment of economic, social and cultural rights (art. 2 (1)).

23. **The Committee reiterates its previous recommendation concerning corruption⁶ and recommends that the State party continue to address, as a matter of priority, the root causes of corruption, ensure the strict application of measures adopted to combat corruption and fight effectively against the impunity enjoyed by perpetrators. The Committee recommends that the State party take the legislative and administrative measures necessary to ensure transparency in the public administration and protect whistle-blowers and civil society activists who fight corruption, as well as witnesses and journalists.**

Maximum available resources

24. The Committee is concerned about the limited extent to which domestic resources are being mobilized for the realization of economic, social and cultural rights. It notes with concern that taxation brings in only a small portion of State revenues and that insufficient tax revenues are generated from productive sectors such as mining, which situation could limit the State's ability to reduce the high level of inequality (art. 2 (1)).

25. **The Committee recommends that the State party ensure the effective mobilization of domestic resources by, inter alia, developing a more efficient, progressive and socially just tax policy and a royalties charge for foreign investors licenced to use natural resources such as mining resources that is fair and equitable, with the aim of combating economic inequalities and progressively guaranteeing the full exercise of economic, social and cultural rights. It also recommends that the State party ensure that the process of tightening tax policy and formulating budget proposals is transparent and participatory.**

Non-discrimination

26. The Committee notes with concern that the State party has not yet adopted a comprehensive anti-discrimination law that covers all grounds for discrimination in all areas covered by the Covenant. It is also concerned about the lack of effective measures to combat

⁶ E/C.12/COD/CO/5, para. 12.

the de facto discrimination in the effective enjoyment of economic, social and cultural rights that is experienced by indigenous peoples, and in particular the Batwa, internally displaced persons and persons with disabilities (art. 2 (2)).

27. The Committee recommends that the State party:

(a) **Adopt a broad anti-discrimination law, in accordance with article 2 (2) of the Covenant and general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, that prohibits direct and indirect discrimination on any grounds in all areas covered by the Covenant;**

(b) **Ensure access to effective remedies for victims of discrimination, including the possibility of obtaining redress;**

(c) **Effectively prevent and combat discrimination against indigenous peoples, particularly the Batwa, internally displaced persons and persons with disabilities, notably through awareness-raising campaigns and affirmative action measures, in order to guarantee the enjoyment of all Covenant rights by all persons without discrimination.**

Discrimination on grounds of sexual orientation and gender identity

28. The Committee is concerned that the Criminal Code, and particularly article 176, is often used to criminalize same-sex relationships. It notes with concern that lesbian, gay, bisexual, transgender and intersex persons face stigmatization and discrimination in the enjoyment of their economic, social and cultural rights, including in access to work, housing, health care and education (art. 2 (2)).

29. The Committee recommends that the State party combat the discrimination and stigmatization that lesbian, gay, bisexual, transgender and intersex persons experience, including by conducting awareness-raising campaigns, and that it ensure that no one is discriminated against in the enjoyment of economic, social and cultural rights, and in access to health services, education and housing in particular, on the basis of their sexual orientation or gender identity. The Committee requests the State party to ensure that article 176 of the Criminal Code is not used to criminalize relations between persons of the same sex.

Equality between men and women

30. The Committee notes with satisfaction the developments at the legislative level to promote equality between men and women, in particular the adoption of Act No. 15/013, of 1 August 2015, establishing the means of giving effect to women's rights and gender parity. However, it remains concerned about the persistent gender stereotypes that perpetuate gender inequality, particularly in the areas of labour market access, equal pay and conditions of work, and participation in public and political life (art. 3).

31. The Committee recommends that the State party make ending the persistent inequality between men and women a priority. To this end, it calls upon the State party to:

(a) **Ensure the effective implementation of Act No. 15/013, including by establishing the institutions envisaged therein;**

(b) **Promote the effective application of the principle of equal pay for men and women and the principle of equal pay for work of equal value, particularly among employers, labour inspection services and the judiciary;**

(c) **Adopt all necessary measures, including temporary special measures, to provide women with access, on an equal footing, to the professional opportunities from which they can benefit by continuing their education and engaging in training, and ensure that they are able to participate in public and political life;**

(d) **Take measures to combat gender stereotypes and bring about a change in the traditional attitudes that are an obstacle to the exercise of women's economic, social**

and cultural rights, notably by running sensitization campaigns that encourage the sharing of family responsibilities between men and women;

(e) Consult general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

Violence against women

32. The Committee is concerned about the very large number of cases of domestic violence and sexual violence perpetrated against women and girls in the State party. It is also concerned about the lack of an effective legal framework for combating domestic violence and sexual violence against women and the inadequacy of measures taken to ensure effective protection for victims (art. 3).

33. **The Committee recommends that the State party:**

(a) **Adopt a specific and effective legal framework for combating domestic violence and sexual violence against women and girls;**

(b) **Take all necessary measures to prevent violence against women and girls, including domestic violence and sexual violence, specifically by running national sensitization campaigns aimed at all sectors of society and designed to foster respect for equality between men and women and raise awareness of the harmful effects of violence against women and girls, with a view to eliminating the stigmatization of victims;**

(c) **Prosecute and bring to justice the perpetrators of acts of sexual violence, including those committed during armed conflicts which continue to go unpunished, and ensure that women and girls can file complaints without fear of reprisal or stigmatization;**

(d) **Take appropriate steps to protect and assist victims, including by providing emergency legal aid, shelter and access to health care and psychological support, and guaranteeing access to education for girls who are victims of such violence;**

(e) **Consult the recommendations concerning sexual violence against women and girls made by the Committee on the Elimination of Discrimination against Women in its concluding observations to the State party's eighth periodic report.⁷**

Right to work

34. Despite the State party's efforts to reduce unemployment, the Committee notes that the impact of these measures has not been significant and that the labour market is marked by a high rate of unemployment among young persons, vast inequalities in job opportunities and large numbers of workers in the informal economy who are not covered by labour legislation and the social security system. In addition, the Committee regrets that it has not received information on measures taken to tackle the job losses resulting from the crisis linked to the coronavirus disease (COVID-19) pandemic, especially among the sectors of the population most affected by unemployment (arts. 6 and 9).

35. **The Committee recommends that the State party:**

(a) **Develop and implement, in consultation with social partners, a national employment policy with specific goals for reducing unemployment and combating all forms of discrimination, targeting its efforts at young persons, women, persons with disabilities and all other groups affected by discrimination in particular;**

(b) **Redouble efforts to improve the quality of education and technical and vocational training;**

(c) **Ensure that workers employed in the informal economy are protected by labour legislation and have access to social security benefits, and continue its efforts to progressively reduce the number of workers employed in this sector of the economy by integrating them into the formal economy;**

⁷ CEDAW/C/COD/CO/8.

- (d) **Take the measures necessary to address the impact of the COVID-19 pandemic within the labour market, including the loss of income suffered in this period;**
- (e) **Take due account of general comment No. 18 (2005) on the right to work.**

Minimum wage

36. The Committee is concerned that the minimum wage is not sufficient to ensure a decent standard of living for workers and their families and regrets that no information has been provided on any existing or planned mechanisms for reviewing and updating the minimum wage (art. 7).

37. **The Committee recommends that, in consultation with social partners, the State party establish a national minimum wage that is indexed to the cost of living in order to ensure on an ongoing basis a decent standard of living for all workers and members of their families.**

Conditions of work in artisanal mines

38. The Committee notes that, to improve conditions of work in mining areas, the Mining Code provides that only workers who are members of an accredited mining cooperative are authorized to work in these mines. However, it is concerned that conditions of work remain precarious, that many miners continue to work without being members of a cooperative, and that there are very few artisanal mining areas. The Committee also wishes to express concern about the fact that women, including pregnant women, continue to work in artisanal mines in extremely dangerous conditions without any protection. Reports of accidents in artisanal mines that have sometimes resulted in workers' dying are another source of concern. The Committee also notes with concern that labour inspections are still insufficient owing to the lack of human, financial and material resources (art. 7).

39. **The Committee recommends that the State party:**

- (a) **Take the measures necessary to guarantee fair and favourable conditions of work for artisanal mine workers, including through increased efforts to raise awareness of the provisions of the Mining Code that cover mining cooperatives and artisanal mining areas;**

- (b) **Create effective mechanisms for systematically monitoring conditions of work in the mining sector and reporting abuse and exploitation of any form, giving particular consideration to the situation of women working in this sector;**

- (c) **Conduct independent investigations into accidents occurring in artisanal mines and provide effective remedies for victims, as well as measures of compensation;**

- (d) **Establish a labour inspection system that is vested with sufficient material, technical and human resources to effectively monitor conditions of work in all sectors.**

Trade union rights

40. While taking note of the information provided by the State party in its report, the Committee regrets that it has not received information on the implementation of measures to guarantee the right to form trade unions for persons employed in the civil service and measures to guarantee the exercise of trade union rights, including the right to strike (art. 8).

41. **The Committee reminds the State party of its previous recommendation concerning trade union rights⁸ and recommends that it continue its efforts to ensure that persons employed in the civil service and in decentralized administrative services are free to form and join trade unions and to exercise their trade union rights, including the right to strike, which are protected in article 8 of the Covenant.**

⁸ E/C.12/COD/CO/5, para. 23.

Right to social security

42. The Committee is concerned that the coverage of the State party's social security system is heavily dependent on being in formal employment, and that large numbers of people, especially workers in the informal economy, continue to be excluded from the system (art. 9).

43. **The Committee recommends that the State party redouble its efforts to develop a social security system that guarantees universal coverage and provides sufficient benefits for everyone, especially the most disadvantaged and marginalized groups, in order to guarantee them a decent standard of living. It urges the State party to step up its efforts to devise a social protection floor that incorporates basic universal social guarantees, and, in this connection, draws its attention to general comment No. 19 (2008) on the right to social security and to the statement on social protection floors as an essential element of the right to social security and of the sustainable development goals that it adopted in 2015.⁹**

Protection of children

44. Despite the adoption of a national sectoral strategy against child labour in artisanal mining and at artisanal mining sites for the period 2017–2025, the Committee is concerned about the large numbers of children that continue to work in the mining sector. While the Committee recognizes that a large number of children have been demobilized from armed forces and groups, it notes with concern that, in the context of the persistent armed conflict in the country, many children are in a situation of extreme vulnerability and neglect and are thus exposed to a risk of being recruited by armed groups. The Committee regrets that it has not received specific information on measures taken to ensure the effective protection, care and social reintegration of these children (art. 10).

45. **The Committee recommends that the State party:**

(a) **Establish a system of comprehensive protection for children, especially those in a situation of vulnerability;**

(b) **Intensify efforts to effectively implement the national sectoral strategy against child labour in artisanal mines and at artisanal mining sites, by ensuring that legal provisions concerning child labour are stringently enforced, reinforcing labour inspection mechanisms and providing support for families living in poverty so that their children can remain in school;**

(c) **Step up its efforts to effectively prevent the use of children by non-State armed groups and take the measures necessary to ensure that all demobilized children are treated as victims and have access to education, social security, and health and psychosocial care;**

(d) **Ensure that the recruitment of children by illegal armed groups is thoroughly investigated and that those responsible are prosecuted and punished;**

(e) **Ensure that all cases of exploitation, including economic exploitation, are investigated and that those responsible are duly punished.**

Poverty and inequality

46. The Committee notes with concern that poverty rates remain very high, affecting around 82 per cent of the population, with women, children and indigenous peoples disproportionately affected. The Committee is also concerned about the high levels of inequality in the State party (art. 11).

47. **The Committee recommends that the State party redouble its efforts to combat social inequality and poverty, particularly extreme poverty, inter alia by implementing inclusive development models that benefit the most disadvantaged first and foremost and undertaking a thorough evaluation of existing programmes and strategies with a**

⁹ E/C.12/2015/1.

view to identifying obstacles and making the changes necessary to allow for the implementation of a comprehensive poverty reduction strategy. The Committee also recommends that the State party ensure that this strategy is accompanied by clear-cut, measurable objectives; is allocated the necessary resources; includes effective mechanisms for coordination between the various actors; is implemented in accordance with human rights standards and principles; and takes due account of existing regional disparities and the real needs of the population, especially those of the most disadvantaged and marginalized groups. In this connection, the Committee refers the State party to the statement on poverty and the Covenant that it adopted in 2001.¹⁰

Right to food

48. The Committee notes with concern that a large number of people (approximately 27.7 million) continue to experience acute food insecurity and that a very large number of children are chronically malnourished (3.6 million). It is also concerned about the impact of the food crisis on the most disadvantaged and marginalized groups, including internally displaced persons and indigenous peoples (art. 11).

49. **The Committee urges the State party to:**

(a) **Take immediate action to address chronic malnutrition, including by adopting emergency action plans incorporating clear-cut targets for reducing rates of chronic malnutrition in the State party;**

(b) **Adopt a legislative and institutional framework and a global strategy for guaranteeing the right to adequate food and combating hunger and chronic malnutrition, and seek technical support for addressing food insecurity from the Food and Agriculture Organization of the United Nations;**

(c) **Step up its efforts to improve the productivity of smallholder farmers by facilitating their access to appropriate technologies and local markets with a view to raising income levels, particularly in rural areas;**

(d) **Refer to general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in 2004.**

Right to housing

50. The Committee notes with concern that a large proportion of the population lives in precarious housing, in inadequate conditions, without access to electricity, drinking water or sanitation (art. 11).

51. **The Committee recommends that the State party adopt a global housing strategy aimed at improving the supply of affordable housing, particularly for disadvantaged and marginalized persons and families. It also recommends that the State party take steps to ensure that everyone is provided with safe and affordable electricity, drinking water and sanitation services. The Committee refers the State party to general comment No. 4 (1991) on the right to adequate housing, general comment No. 15 (2002) on the right to water, and the statement on the right to sanitation that it adopted in 2010.¹¹**

Forced evictions and land reform

52. The Committee is concerned about the fact that certain communities have been forcibly evicted and displaced in the context of mining activities without the communities affected being consulted, receiving fair compensation or benefitting from resettlement measures. The Committee takes note of the land reform programme adopted in 2018 to respond to the problem of land-related conflicts but regrets that the bill amending Act No.

¹⁰ E/C.12/2001/10.

¹¹ E/C.12/2010/1.

73-021, of 20 July 1973, establishing the general property regime, the land and real estate regime and the sureties regime, has not yet been adopted (art. 11).

53. **The Committee recommends that the State party ensure the effective implementation of the provisions of the amended Mining Code and annex XVIII of the Mining Regulations concerning forced evictions, in accordance with international human rights standards, and that victims of forced eviction are guaranteed access to effective remedies that enable them to recover their property, return to their home or their land and receive adequate compensation. In this connection, the Committee draws the State party's attention to its general comment No. 7 (1997), which contains guidelines for effective remedies, appropriate compensation and stakeholder consultation, and to the guidelines on development-based evictions and displacement drawn up by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living.¹² The Committee requests the State party to ensure that land-related conflicts continued to be resolved and to consider accelerating the discussion and adoption of the amendments to Act No. 73-021.**

Right to health

54. The Committee takes note of the National Strategic Plan for Universal Health Coverage, which is intended to improve both the coverage and quality of health care. However, it is concerned about the lack of financial and human resources, the insufficient and ill-functioning infrastructure, the shortage of medicines and the inadequate quality and accessibility of health services. The Committee also takes note of the lack of effective programmes for preventing HIV and other sexually transmitted infections. It further notes that the Ebola virus epidemic and the COVID-19 pandemic have had serious effects on the State party's health system (art. 12).

55. **The Committee recommends that the State party take steps to guarantee the effective implementation of the National Strategic Plan for Universal Health Coverage, notably by ensuring that sufficient resources are allocated to the health sector. It also recommends that the State party continue its efforts to guarantee the accessibility, availability and quality of health services, taking into account the challenges that have emerged as a result of the Ebola virus epidemic and the health crisis linked to the COVID-19 pandemic. The Committee also recommends that the State party improve the infrastructure of the primary health-care system and ensure that hospitals have the medical personnel, equipment and emergency medicines necessary. In this connection, the Committee refers the State party to the declaration on the COVID-19 pandemic and economic, social and cultural rights that it adopted in 2020.¹³**

Right to sexual and reproductive health

56. The Committee takes note of the State party's ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol). However, it notes with concern that abortion continues to be criminalized, particularly in a context where the prevalence of acts of sexual violence and the rate of early pregnancy remain very high. The Committee regrets the lack of information concerning sexual and reproductive health education programmes (art. 12).

57. **The Committee recommends that the State party:**

(a) **Repeal the provisions of the Criminal Code that prohibit abortion, in order to align its legislation with women's rights, including the right to life and to physical and mental health, and clearly define the circumstances in which abortion is legal by eliminating restrictive conditions that limit access to termination of pregnancy.**

(b) **Ensure that women who seek abortion are not held criminally responsible and that good quality sexual and reproductive health information and services are available to all women and teenage girls, especially in remote rural areas;**

¹² A/HRC/4/18, annex 1.

¹³ E/C.12/2020/1.

(c) **Evaluate the steps taken to prevent unwanted pregnancies and teenage pregnancies and intensify efforts to ensure the accessibility and availability of sexual and reproductive health services, including access to affordable, safe and effective contraceptive methods and to emergency contraception, for all women and teenage girls, especially in rural areas;**

(d) **Reinforce, without distinction between women and men, access to information about sexual and reproductive health, and develop sexual and reproductive health education programmes for girls and boys that are scientifically based and tailored to each age group;**

(e) **Refer to the Committee's general comment No. 22 (2016) on the right to sexual and reproductive health.**

Right to education

58. The Committee notes the State party's efforts to guarantee free education. However, it remains concerned about:

(a) Reports that there are still indirect costs involved in attending school, such as teacher support fees, that limit access to primary education;

(b) The persistent inequalities in access to education affecting children who are internally displaced and Batwa children in particular;

(c) The poor quality of education, which is due in part to the lack of sufficient resources, the precariousness of infrastructures and the insufficient number of teachers;

(d) The growing disparities in access to education, which have been exacerbated by the health crisis linked to the COVID-19 pandemic;

(e) Attacks on schools, and on students and teachers, especially women and girls, in certain provinces of the country;

(f) The impact of early marriage on girls' access to education;

(g) The insufficient and unequal access to preschool education (arts. 13 and 14).

59. **The Committee recommends that the State party assume primary responsibility for providing a quality education for all children and, to this end, that it:**

(a) **Ensure that primary school attendance is actually free of charge and reinforce the rules and mechanisms in place for monitoring and overseeing private educational institutions;**

(b) **Take the measures necessary to guarantee access to education for all children, including internally displaced children, Batwa children, and children in rural areas;**

(c) **Improve the quality of education, notably by allocating sufficient resources, increasing the number of qualified teachers and their salaries, and improving infrastructure and teaching materials;**

(d) **Step up the implementation of specific, concrete measures to ensure the resumption of in-person schooling, access to good quality education and a reduction in the digital divide between students.**

(e) **Take urgent measures to ensure that children living in areas where conflict persists have access to education, and thoroughly investigate acts of violence committed against teachers and students and damage to educational infrastructure in order to bring those responsible to justice and ensure the effective implementation of the Safe Schools Declaration;**

(f) **Develop and effectively implement measures to discourage children, especially girls, from dropping out of school;**

(g) **Take steps to ensure equal access to preschool education.**

Cultural rights

60. The Committee notes with concern the absence of measures to promote cultural diversity and broaden knowledge of Batwa culture, traditions and traditional knowledge (art. 15).

61. **The Committee recommends that the State party take the measures necessary to promote awareness of the Batwa heritage, and create conditions that enable the Batwa to safeguard, develop, express and share their history, culture, traditions, traditional knowledge and customs.**

D. Other recommendations

62. **The Committee urges the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

63. **The Committee encourages the State party to accede to the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

64. **The Committee recommends that the State party take full account of its obligations under the Covenant and ensure full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party's establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.¹⁴**

65. **The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, at the national and provincial levels, in particular among members of parliament, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to involve the National Human Rights Commission, non-governmental organizations and other members of civil society in the follow-up of the present concluding observations and in the process of nationwide consultation prior to the submission of its next periodic report.**

66. **In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in paragraph 19 (b) (business and human rights), paragraph 39 (b) (conditions of work in artisanal mines) and paragraph 49 (c) (right to food) above.**

67. **The Committee requests the State party to submit its seventh periodic report to the Committee under article 16 of the Covenant by 31 March 2027, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the periodic report should not exceed 21,200 words in length.**

¹⁴ E/C.12/2019/1.