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Technical assistance and capacity-building

Human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo

Report of the United Nations High Commissioner for Human Rights*

Summary

In the present report, submitted pursuant to Human Rights Council resolution 54/34, the United Nations High Commissioner for Human Rights provides an overview of the human rights situation in the Democratic Republic of the Congo between 1 June 2023 and 31 May 2024. The overview is based on information gathered and cases of human rights violations and abuses and violations of international humanitarian law documented by the United Nations Joint Human Rights Office in the Democratic Republic of the Congo and the activities conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) through the Joint Office. In the report, the High Commissioner highlights key human rights developments and makes recommendations to the Government and the international partners of the Democratic Republic of the Congo.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.



I. Introduction

1. Between 1 June 2023 and 31 May 2024, the human rights situation in the Democratic Republic of the Congo deteriorated owing to the persistence of armed conflict in the eastern provinces. Armed groups, especially Mouvement du 23 mars (M23), Allied Democratic Forces (ADF), Coopérative pour le développement du Congo (CODECO) and various Mai-Mai groups, continued to carry out deadly attacks directed against civilians, causing displacements and increasing the vulnerability of displaced persons to further violence, including conflict-related sexual violence, exploitation and abuse. Congolese defence and security forces also committed human rights violations, including during military operations against armed groups.

2. The Joint Office continued to support the efforts of the Government of the Democratic Republic of the Congo to prevent and respond to human rights violations and abuses and violations of international humanitarian law. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) ceased operations in South Kivu on 30 April 2024 and withdrew fully from the province, completing the first phase of the comprehensive disengagement plan.¹ Nevertheless, as agreed with the Government and in line with Security Council resolution 2717 (2023), the Joint Office maintains a presence in South Kivu Province as part of MONUSCO residual capacity to continue implementing priority human rights functions.

3. From 15 to 18 April 2024, the United Nations High Commissioner for Human Rights conducted an official visit to the Democratic Republic of Congo, where he visited Bunia, Goma and Kinshasa, and met with the President, several government ministers, civil society, victims of human rights violations, and the diplomatic community. During the visit, he stressed that human rights are a tool for promoting peace and sustainable development, and a bulwark against the resurgence of conflict. He also highlighted the root causes of the conflict, including the exploitation of natural resources, corruption and impunity, which the Government must address to end the cycle of violence. The High Commissioner drew the Government's attention to the need to protect civic and democratic space, notably by ensuring that human rights defenders, journalists and political opponents are protected and can exercise their activities freely. He underlined the need to ensure the protection of civilians in conflict zones, in particular protection from sexual violence. The substance of the findings and recommendations resulting from the High Commissioner's visit are included throughout the report.²

II. Methodology

4. The information contained in the present report does not reflect all of the alleged human rights violations and abuses and violations of international humanitarian law that took place in the Democratic Republic of the Congo during the reporting period. It contains only those that the Joint Office was able to verify through corroboration by multiple sources, in accordance with OHCHR methodology and the "reasonable ground to believe" standard of proof. With the progressive withdrawal of MONUSCO, the Joint Office has experienced more severe logistical and security constraints in accessing certain areas, notably in the five conflict-affected provinces of Ituri, Maniema, North-Kivu, South-Kivu and Tanganyika, as well as in areas affected by the intercommunal conflicts in Mai-Ndombe and Tshopo Provinces.³ When it was unable to access a given area, the Joint Office relied on its network of human rights defenders and civil society organizations to carry out remote monitoring, while always prioritizing the protection of primary and secondary sources and putting the

¹ See [S/2023/904](#).

² See also <https://www.ohchr.org/en/statements-and-speeches/2024/04/un-high-commissioner-human-rights-volker-turk-concludes-official-visit-drc>.

³ The constraints included the absence of aircraft and the lack of availability of rental vehicles and other secure means of transport in certain areas. Some missions had to be cancelled as a result of the constraints and in some cases, they were cancelled because of the impracticability of roads due to poor infrastructure and weather conditions.

principles of “do no harm”, confidentiality and informed consent at the centre of its monitoring and investigation mandate.

III. Main human rights developments

5. During the reporting period, in accordance with OHCHR methodology, the Joint Office documented 5,047 human rights violations and abuses and violations of international humanitarian law. That represents a 2 per cent decrease compared to the previous reporting period. However, the Joint Office documented a 13 per cent increase in the number of victims nationwide (12,787).⁴ Of all the violations and abuses, 85 per cent occurred in the conflict-affected provinces. Members of armed groups were allegedly responsible for 61 per cent of those violations and abuses. North Kivu and Ituri were the most affected provinces, with 50 per cent of all documented violations and abuses occurring in North Kivu and 14 per cent in Ituri.

6. Regional efforts aimed at de-escalating the tension between the Democratic Republic of the Congo and Rwanda and achieving a diplomatic solution to the conflict continued, with the President of Angola conducting rounds of talks with the authorities of the two States in a bid to relaunch the stalled Luanda process. After intense engagement in 2022, with four broad consultations between authorities, armed groups and communities in the Democratic Republic of the Congo and in Kenya, there has been less engagement in 2023 around the Nairobi process. The Southern African Development Community Mission in the Democratic Republic of the Congo was deployed on 15 December 2023, following the end of the mandate of the East African Community Regional Force, to support the Government of the Democratic Republic of the Congo to restore peace and security in the east of the country. The Uganda People’s Defence Forces continued military operations against ADF in Ituri and North Kivu, while the Burundian armed forces remained engaged in military operations in North Kivu and South Kivu.

7. General elections took place in December 2023 amid heightened political tension, exacerbated by the armed conflict in North Kivu and claims by political opposition and civil society members of serious logistical and organizational shortcomings. Cases of electoral violence perpetrated by members of political parties, including on ethnic grounds, affected communities, mostly in Katanga and Kasai regions, with increased reports of cases of hate speech that could amount to incitement to hostility, violence and discrimination.

8. On 13 March 2024, the Government lifted the de facto moratorium on the death penalty that had been in place since 2003. According to the authorities, that step was taken owing to terrorism and high criminality, as well as in response to the increased number of acts of treason in the context of military operations against M23. The lifting of the moratorium is a significant setback and is contrary to the commitment expressed by the authorities of the Democratic Republic of the Congo to work towards the complete abolition of the death penalty.⁵

⁴ All violations and abuses documented in the present report have been verified according to OHCHR methodology. An incident may include multiple types of violations and multiple victims. When the same type of violation or abuse occurred during the same incident (e.g. a violation or abuse of the right to life), it is counted once. A type of violation or abuse may, however, affect multiple victims.

⁵ The Constitution of the Democratic Republic of the Congo, adopted on 18 February 2006, provides that the right to life is sacred (art. 16). It does not refer to the death penalty as applicable in the country. In 2017, the National Human Rights Commission issued an opinion in favour of formalizing the de facto moratorium on the death penalty and encouraged the Government to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. In 2019, a member of the National Assembly submitted a bill on the abolition of the death penalty. To date, the bill has not been tabled.

A. Protection of civilians in conflict areas

1. Current situation and measures taken by the Government

9. Between 1 June 2023 and 31 May 2024, the Joint Office documented 4,286 human rights violations and abuses and violations of international humanitarian law committed in the conflict-affected provinces. That is a decrease of 1 per cent compared to the previous reporting period. Nevertheless, the number of victims in conflict-affected areas has increased by 10 per cent to 10,771 victims owing to the overall increase in deadly attacks directed against civilians by armed groups.

10. According to humanitarian sources, more than 7 million civilians are currently displaced owing to the deterioration in the security situation in the east of the country.⁶ During the reporting period, the Office for the Coordination of Humanitarian Affairs registered a total of 272 incidents affecting humanitarian personnel or goods, leading to the death of 3 humanitarian workers, the injury of 33 and the abduction of 47. The protection cluster documented 21 attacks directed against sites of internally displaced persons, which resulted in the killing of at least 66 persons and the injury of 45, as well as 10 persons being raped and 22 kidnapped, and 802 shelters and homes being destroyed or burned. It documented 19 of those attacks in North Kivu, 1 in Ituri and 1 in South Kivu. Furthermore, a total of 18 other violations of the civilian and humanitarian character of sites of internally displaced persons were documented: 13 in North Kivu, 3 in Ituri and 2 in South Kivu. While all attacks directed against displacement sites were attributed to armed groups such as CODECO, Mai-Mai and M23, the Armed Forces of the Democratic Republic of the Congo were responsible for approximately 30 per cent of the other violations of the civilian and humanitarian character of those sites.

11. In the reporting period, MONUSCO documented 37 attacks directed against schools and hospitals in North Kivu (11 schools and 10 hospitals), Ituri (3 schools and 5 hospitals) and South Kivu (4 schools and 4 hospitals). That represents an overall decrease of 69 per cent compared to the previous reporting period (68 schools and 53 hospitals). The main perpetrators of those attacks were M23 (15), the Armed Forces of the Democratic Republic of the Congo (5), CODECO (4), Twigwanaho (3), ADF (3), Mai-Mai Yakutumba (2), Nyatura (1), Nduma défense du Congo-Renové (1), Force de résistance patriotique de l'Ituri (1), Résistance pour un État de droit au Burundi (1) and the Burundian armed forces (1).

12. The Joint Office documented regular use of explosive weaponry, including heavy artillery, against civilian populated areas during clashes between the Armed Forces of the Democratic Republic of the Congo and M23, leading to the killing and wounding of civilians and damage to infrastructure, including medical facilities and schools. For instance, on 3 May 2024, projectiles that landed at internally displaced persons' sites at Lac Vert and Mugunga, near Goma, resulted in the death of at least 12 civilians and the wounding of 34 others.

13. In North Kivu, the Joint Office documented 2,510 human rights violations and abuses and violations of international humanitarian law, 74 per cent of which were committed by armed groups. M23 expanded its territorial control in Rutshuru and Masisi territories, including seizing control in April of major trading routes and the Rubaya coltan mining site. The Joint Office documented 441 abuses by M23, leading to the killing of 173 men, 37 women, 27 victims of unknown gender and age, 14 girls and 13 boys. Nyatura groups were responsible for the killing of 59 men, 9 victims of unknown gender and age, 7 women, 3 boys and 1 girl, while Alliance des patriotes pour un Congo libre et souverain was responsible for the killing of 25 men, 7 women, 4 boys, 4 girls and 1 child of unknown gender. The Armed Forces of the Democratic Republic of the Congo were responsible for the killing of 55 men, 22 women, 10 victims of unknown gender, 9 boys and 3 girls.

14. During the reporting period, MONUSCO faced attacks in North Kivu by M23, members of the Armed Forces of the Democratic Republic of the Congo and armed groups operating under the umbrella of Wazalendo. Such attacks directed against peacekeepers may

⁶ See <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-internally-displaced-persons-and-returnees-april-2024>.

constitute war crimes.⁷ Insecurity, denial of freedom of movement and other restrictions severely curtailed the protection and humanitarian assistance efforts of MONUSCO.

15. On 30 August 2023 in Goma, a public demonstration planned by members of a religious organization known as Foi naturelle judaïque et messianique vers les nations was intercepted by soldiers of the Armed Forces of the Democratic Republic of the Congo, who used unnecessary and disproportionate force to prevent the demonstration from continuing. At least 102 civilians (90 men, 8 women and 4 boys) were killed during the operation. At least 80 others (66 men, 9 women and 5 children) were injured, while 139 civilians (104 men, 6 women and 29 children) were arrested and brought to justice. On 4 September 2023, 115 civilians were tried for criminal association and participation in an insurrectional movement.⁸ On 2 October 2023, one officer was sentenced to death and three soldiers were sentenced to 10 years in prison for crimes against humanity (murder)⁹ and other crimes under Congolese criminal law, including malicious destruction and incitement of military personnel to commit acts contrary to duty and discipline.¹⁰

16. Despite the continuation of Operation Shujaa, led by the joint Armed Forces of the Democratic Republic of the Congo and the Uganda People's Defence Forces against ADF, and the extension of the state of siege (*état de siege*) that has been in force in Ituri and North Kivu Provinces since May 2021, ADF remained active in those two provinces. The Joint Office has documented 487 human rights abuses and violations of international humanitarian law by ADF, leading to the deaths of 826 people (501 men, 244 women, 32 victims of unknown gender and age, 22 boys, 15 girls and 12 children of unknown gender). The number of victims linked with abuses by ADF was the highest among all perpetrators throughout the country during the reporting period.¹¹

17. In Ituri Province, attacks directed against civilians and reprisals exacted on ethnic grounds by CODECO and Mai-Mai Zaire, as well as ADF, persisted notably in Irumu and Mambasa territories. The Joint Office documented 719 human rights violations and abuses and violations of international humanitarian law in Ituri, of which 42 per cent were attributed to CODECO. They led to the death of 387 people (235 men, 72 women, 65 children of unknown gender, 12 boys and 3 girls). On 19 April 2024, the five main armed groups active in Ituri Province¹² signed an agreement on an immediate cessation of hostilities, leading to a decrease in the number of attacks and human rights abuses and violations of international humanitarian law perpetrated by them.

18. In South Kivu, 459 human rights violations and abuses were documented, representing a 4 per cent increase compared to the previous reporting period, including the killing of 85 people (66 men, 13 women and 6 children) and conflict-related sexual violence committed against 68 women, 32 girls, 14 men, 7 boys and 2 children of unknown gender. Most of the human rights abuses were committed by armed groups operating under the umbrella of Mai-Mai Raia Mutomboki. State agents were responsible for 35 per cent of the human rights violations, notably cases of ill-treatment and arbitrary arrests, most of which were committed by the Armed Forces of the Democratic Republic of the Congo.

19. In Tanganyika Province, the number of documented violations and abuses increased by 9 per cent in comparison with the previous reporting period, with 532 violations and abuses, the majority of which concerned the right to property, the right to personal liberty and incidents of ill-treatment, as well as conflict-related sexual violence. Armed groups were responsible for most abuses (52 per cent), affecting 1,308 victims (774 men, 373 women,

⁷ Under the Rome Statute of the International Criminal Court, art. 8 (2) (b) (iii).

⁸ Military justice sentenced the leader of the group, Ephraïm Bisimwa, and seven other members to the death penalty. Fifty other members were sentenced to prison terms ranging from 10 to 20 years.

⁹ Rome Statute of the International Criminal Court, art. 7.

¹⁰ Code of Military Justice, arts. 66 and 88.

¹¹ While that represents a decrease of 15 per cent in the number of abuses documented (and a decrease of 25 per cent in the number of victims of summary execution) in comparison with the previous reporting period, the number of victims linked with abuses by ADF was the highest among all perpetrators.

¹² CODECO, Force de résistance patriotique de l'Ituri, Front patriotique et intégrationniste du Congo and Mouvement d'autodéfense populaire de l'Ituri.

119 victims of unknown age and gender, 20 girls, 12 boys and 10 children of unknown gender). State agents committed 48 per cent of the violations against 441 victims (332 men, 63 women, 25 boys, 17 girls, 3 children of unknown gender and 1 victim of unknown age and gender).

20. Insecurity in the northern part of the province with the presence of Mai-Mai Apa Na Pale and other Mai-Mai groups on the road between Kalemie and Bendera remains a source of concern. Of the armed groups, Mai-Mai Apa Na Pale committed the highest number of abuses (33 per cent), while among State actors, the Armed Forces of the Democratic Republic of the Congo were responsible for 18 per cent of the violations documented in Tanganyika.

21. In Mai-Ndombe and neighbouring provinces in the west of the country, the intercommunal conflict that had emerged in 2022 continued to escalate throughout the period under review. Armed civilians in *Mobondo*¹³ continued to attack civilians and defence and security forces in Mai-Ndombe, Kwilu, Kinshasa and Kwango Provinces. During the reporting period, the Joint Office documented 15 incidents attributed to armed civilians in *Mobondo*, resulting in the killing of at least 57 people. Security and defence forces were responsible for six human rights violations leading to the death of 34 people (28 men, 4 women and 2 children). Since June 2023, the Joint Office has documented the death of at least 169 *Mobondo* members who had been arrested by the Armed Forces of the Democratic Republic of the Congo for participating in an insurrection and detained in the Cinquantaire prison in the town of Bandundu. Their deaths were reportedly due to the poor detention conditions and overcrowding in the prison.

22. Another intercommunal conflict has been ongoing since April 2023 in Tshopo Province, between members of the Mbole and the Lengola communities. According to representatives of both communities, as many as 700 people have been killed, although the Joint Office was not able to verify the figures due to the level of insecurity. According to humanitarian sources, ongoing clashes between the Mbole and the Lengola communities have led the displacement of at least 18,000 people towards Kisangani, Tshopo Province.

2. Action taken by the Joint Office

23. The Joint Office continued to monitor and report on the human rights situation and conduct advocacy work with relevant stakeholders to prevent and respond to human rights violations and abuses and international humanitarian law violations in conflict-affected provinces. The Joint Office contributed, along with other MONUSCO civilian, police and military components, to the implementation of the Mission's priority tasks: to support the protection of civilians, disarmament, demobilization and reintegration and security sector reform. However, the security situation, logistical constraints and continued expressions of anti-MONUSCO sentiment frequently affected the ability of the Joint Office to carry out human rights monitoring in some areas affected by armed conflict.

24. The Joint Office conducted 9 monitoring missions and 7 investigation missions and took part in 12 joint assessment missions in provinces affected by armed conflict, which contributed to the timely investigation, monitoring and reporting of human rights violations and abuses and violations of international humanitarian law. The Joint Office continued to coordinate implementation by MONUSCO of the human rights due diligence policy on United Nations support to non-United Nations security forces and conducted 404 risk assessments. A strong set of mitigation measures was adopted based on recommendations made by the secretariat for the human rights due diligence policy. The Joint Office also conducted 62 training sessions for more than 3,200 members of the Congolese National Police and the Armed Forces of the Democratic Republic of the Congo (267 of whom are women), including those deployed in areas of operations. The Joint Office maintained its advocacy with the Congolese authorities through the facilitation of and contribution to 40 meetings of the follow-up committees,¹⁴ 14 of them in conflict-affected provinces, leading to the opening of investigations and the taking of disciplinary measures in at least 30 cases.

¹³ Members of the Yaka community formed vigilante groups called *Mobondo*.

¹⁴ The follow-up committees address human rights violations allegedly committed by members of the Armed Forces of the Democratic Republic of the Congo and the Congolese National Police.

25. The Joint Office continued to monitor the situation and contributed to efforts made jointly with members of the United Nations country team to support a resolution of the Mai-Ndombe crisis and to provide humanitarian support to those who have been displaced. Its efforts to monitor detention conditions and the judicial process implemented against persons who were arrested following military operations was hampered by the lack of access granted to military detention facilities. Seven field missions were organized during the reporting period and information was shared with the authorities to support the fight against impunity and to prevent and respond to hate speech.

26. In May 2024, the Joint Office and MONUSCO supported the organization of a three-day workshop to strengthen peaceful conflict-resolution mechanisms and the protection of the civilian population in the context of intercommunal conflict. The aim of the workshop was to contribute to the re-establishment of stability and peaceful cohabitation between communities.

B. Fundamental freedoms and democratic space

1. Current situation and measures taken by the Government

27. During the reporting period, the Joint Office documented a decrease of some 30 per cent in human rights violations and abuses related to democratic space (from 296 to 208). State actors were responsible for 90 per cent of the violations documented, most of which concerned the rights to liberty and security of person and freedom of opinion and expression. The Joint Office documented at least 24 cases of unnecessary and disproportionate use of force by the Congolese National Police in response to demonstrations.

28. The Joint Office also documented incidents of intimidation, threats of physical violence, attacks and acts of reprisal targeting 387 human rights defenders and 67 journalists, perpetrated by both State agents and armed groups. That represents a 6 per cent increase compared to the previous reporting period. Most of the documented threats occurred in the conflict-affected provinces, several of them related to the electoral process. Almost all of them went unaddressed.

29. The electoral process was marked by violence, human rights violations, abuses and an increase in reports of hate speech that could amount to incitement to hostility, violence and discrimination. The High Commissioner expressed concern at the rise in ethnic-based hate speech and incitement to violence, particularly in North Kivu and South Kivu Provinces, as well as in the Kasai and Katanga regions, after the elections in December 2023.¹⁵ The Joint Office also documented acts of electoral violence, mostly directed against women, by members of political parties during the electoral period. For instance, the Forces du progrès, a group linked with the Union pour la démocratie et le progrès social, assaulted political opponents in Haut-Katanga, Kasai, Kinshasa and Lualaba Provinces. The Joint Office also documented restrictions on civic and democratic spaces, notably of the freedoms of assembly and expression, including the right of access to information, freedom of movement for opposition leaders, and obstacles to the work of journalists and human rights defenders.

30. The Congolese authorities adopted a number of measures to address human rights challenges during the electoral period. One was to mobilize 2,500 Congolese National Police agents and 1,500 Republican Guard soldiers to protect the electoral process from possible attacks by armed groups. Another was to establish a permanent discussion framework between the Ministry of Human Rights and civil society organizations and other partners, including the Joint Office, to discuss and respond to allegations of human rights violations and abuses. In addition, the electoral roll was updated by the Independent National Electoral Commission in order to guarantee the exercise of the right to vote by all citizens, and in some localities, measures were taken to meet the requirement for displaced persons to vote. Furthermore, the National Human Rights Commission deployed 820 human rights monitors

¹⁵ See <https://www.ohchr.org/en/statements/2024/01/comment-un-high-commissioner-human-rights-volker-turk-rising-hate-speech-and>.

in 20 provinces to monitor the electoral process, and acts of hate speech and incitement to hatred were regularly denounced.

31. The Joint Office continued to document cases of hate speech. During the period under review, out of the 23 allegations received, the Joint Office found that 13 cases crossed the threshold set out in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. All 13 cases occurred during the electoral period. The bill on tribalism, racism and xenophobia, drafted in 2020, has not been debated in the National Assembly during the reporting period and few judicial measures have been taken to address cases of hate speech amounting to incitement to hostility, violence and discrimination. Throughout the electoral process, the Congolese authorities regularly denounced acts of hate speech and incitement to hatred, highlighting the dangers that such acts represent for the country.

2. Action taken by the Joint Office

32. The Joint Office developed and implemented a strategy in support of national efforts for the promotion and protection of human rights during the electoral process, including a plan for monitoring the human rights situation, capacity-building for partners and strategic partnership and advocacy. The training and capacity-building activities organized by the Joint Office for at least 1,145 men and 422 women from civil society organizations and the National Human Rights Commission in election-related human rights monitoring and hate speech resulted in increased knowledge and enabled participants to meaningfully engage in preventing and responding to hate speech.

33. In addition to its participation in the integrated efforts of MONUSCO to monitor and report on electoral events during the campaign and on polling day, the Joint Office deployed mobile teams in 20 localities in 13 provinces and prepared a public report. During the reporting period, it also implemented individual protection measures for 463 persons (60 of whom are women), including 387 human rights defenders (45 of whom are women) and 67 journalists (9 of whom are women). The beneficiaries also included victims and witnesses of serious human rights violations and abuses, as well as individuals at risk of reprisals due to their actions in the promotion and the protection of human rights.

C. Sexual and gender-based violence

1. Current situation and measures taken by the Government

34. During the reporting period, the Joint Office documented 698 victims of conflict-related sexual violence (488 women, 173 girls, 8 boys, 11 children of unknown gender and 18 men), which represents an 11 per cent increase compared to the previous reporting period. State actors were responsible for 27 per cent of that violence, with members of the Armed Forces of the Democratic Republic of the Congo and the Congolese National Police continuing to be among the main perpetrators, accounting for 135 and 21 victims, respectively. Armed groups were responsible for perpetrating conflict-related sexual violence affecting 73 per cent of the victims, with the breakdown as follows: Mai-Mai groups (65 women, 20 girls and 24 children of unknown gender), Mai-Mai Apa Na Pale (77 women, 7 girls and 3 men), M23 (66 women and 14 girls), Forces démocratiques de libération du Rwanda (57 women and 4 girls), Mai-Mai Raia Mutomboki (37 women, 13 men, 6 girls and 1 child of unknown gender), CODECO (28 women and 14 girls), ADF (30 women and 6 girls), Nyatura (20 women and 11 girls), Front patriotique et intégrationniste du Congo (3 women and 1 girl), Alliance des patriotes pour un Congo libre et souverain (2 women and 1 girl), Mai-Mai Zaire (2 women), Force de résistance patriotique de l'Ituri (1 woman) and Nduma défense du Congo-Renové (1 woman). Similarly to during the previous reporting period, most of the cases were documented in North Kivu (39 per cent), Tanganyika (20 per cent), Ituri (18 per cent), South Kivu (18 per cent) and Maniema (5 per cent).

35. The persistence of armed violence has exacerbated the risk of gender-based violence perpetrated by members of armed groups, particularly M23, targeting women and girls in and around sites for displaced persons who are in search of food, water and firewood. In addition, the lack of food, insufficient access to humanitarian assistance and insecurity have left many

women and girls vulnerable to sexual exploitation and potential trafficking in persons. Displacement due to conflicts and insecurity has increased recourse among the civilian population to negative coping mechanisms, including the normalization of child, early and forced marriage, even with members of Congolese defence and security forces and of armed groups,¹⁶ especially in and around military bases and mining sites. Women and girls continued to be abducted, held captive and subjected to sexual slavery by non-State armed groups, particularly ADF and Mai-Mai groups, putting them at risk of unwanted pregnancy, torture, ill-treatment and killing.

36. Progress was made by the Government in the fight against gender-based violence, including by passing new legal provisions.¹⁷ The legislation contains new crimes qualified as sexual and gender-based violence and establishes free legal assistance for victims of gender-based violence. It provides for a victim-centred approach to be adopted at all stages of legal proceedings and for all procedural costs to be the responsibility of the public treasury.

2. Action taken by the Joint Office

37. Conflict-related sexual violence remains significantly underreported, as documented cases represent only a fraction of the actual incidents. Security, logistics and financial constraints, as well as stigma and fear of reprisals by survivors, hindered the verification of cases. During the period under review, the Joint Office participated in the Inter-Agency Standing Committee system-wide scale-up exercise aimed at strengthening operational and financial capacity to respond to sexual violence in the eastern provinces (June–December 2023). The Joint Office allocated additional human and financial resources to facilitate the documentation of such cases, analyse root causes and organize additional fact-finding missions focusing on conflict-related sexual violence.

38. The Joint Office conducted 17 specialized training sessions on conflict-related sexual violence for 315 members of the Armed Forces of the Democratic Republic of the Congo and 200 Congolese National Police officers, including judicial police officers. That resulted in the signing by 91 commanders of the Armed Forces of the Democratic Republic of the Congo from Haut-Katanga and Haut-Lomami Provinces of a deed of commitment to combat sexual violence and to bring to justice perpetrators of sexual violence within their units.

39. The Joint Office, in coordination with MONUSCO, also provided technical advice and funding to judicial authorities to investigate and prosecute conflict-related sexual violence. The proceedings involved at least 731 victims and witnesses during the reporting period. In addition, the Joint Office provided technical and financial assistance for the holding of the Kamonia trial, which opened on 20 May 2024.¹⁸ During the reporting period, 66 individuals, including 23 Armed Forces of the Democratic Republic of the Congo soldiers, 4 Congolese National Police officers, 8 armed group members and 31 civilians, were convicted and sentenced for conflict-related sexual violence.

D. Economic, social and cultural rights

1. Current situation and measures taken by the Government

40. Despite an average yearly growth of the country's gross domestic product (GDP) of 4.4 per cent over the past decade, poverty affects 74.7 per cent of the population.¹⁹ The

¹⁶ See <https://www.ohchr.org/en/press-releases/2024/07/drc-alarming-increase-trafficking-sexual-exploitation-say-experts>.

¹⁷ The Ordinance-Law No. 23/023 of 11 September 2023 amended and supplemented the Decree of 30 January 1940 on the Congolese Penal Code, and Ordinance-Law No. 23/024 of 11 September 2023 amended and supplemented the Decree of 6 August 1959 on the Code of Criminal Procedure.

¹⁸ The case was brought against 11 persons, including provincial authorities, Congolese National Police officers and members of the Bana Mura militia, for crimes against humanity, war crimes, terrorism, participation in an insurrectional movement and terrorism. Those crimes were committed between March and June 2017.

¹⁹ The human development index for 2022 stood at 0.481, which placed the country 180th out of 193 countries, in the "low human development" category. However, that is an improvement from 2021,

incidence of poverty is higher in rural areas (84.9 per cent) than in urban areas (62.6 per cent) and there is a significant disparity between men (75.6 per cent) and women (71.6 per cent).²⁰ That highlights an inclusive growth deficit and the necessity to act decisively to accelerate progress towards achieving Sustainable Development Goals 1 and 10.²¹ The country faces a moderate risk of debt distress²² and continues to face inflation due to the depreciation of the Congolese franc, the continuation of the negative economic consequences of the coronavirus disease (COVID-19) pandemic, and the armed conflict in Ukraine, which has resulted in an increase in the market price of grains and fertilizers.

41. In addition, budget allocation decisions remain dependent on the volatility of the security situation. Despite already limited fiscal space, in December 2023, similarly to during the previous two years, spending was redirected towards security and elections, resulting, according to the African Development Bank, in a budget deficit of 1.7 per cent of GDP in 2023.²³

42. From November 2023 to February 2024, the floods affecting 18 provinces, mainly Equateur, Sud-Ubangi, Tshopo and Kinshasa, affected the rights to an adequate standard of living, food, adequate housing, education, health, and water and sanitation, but also the right to life and the right to physical integrity. According to World Health Organization, 767,951 households were affected, 300 people lost their lives, and 839 were injured and received medical assistance. At least 76,733 homes, 1,528 schools, 296 healthcare facilities, 205 markets and 138 roads were damaged.²⁴

43. The M23 occupation of significant swathes of territory in North Kivu and the ongoing clashes between the Armed Forces of the Democratic Republic of the Congo and M23 have also significantly affected the right to education and have led to the closure of businesses and shops, affecting the population's right to work and to a decent standard of living. In January 2024, M23 put pressure on teachers, principals and prefects in areas under its control to organize the start of the new school year, forcing parents to send their children to school despite the deterioration in the security conditions and the lack of adequate educational supplies. On 23 January 2024, 17 teachers from Tongo and Bambo fled to areas controlled by the Armed Forces of the Democratic Republic of the Congo for fear of forced recruitment of children and themselves, which significantly hampered access to education in those two towns. Moreover, insecurity in Mambasa territory, Ituri Province, prompted mass displacement leading to the closure of at least 26 schools in Mambasa since January, resulting in at least 10,000 children, including 3,000 girls, being out of school.

44. Insecurity is having a negative impact on the population's right to food. Armed groups prevent civilians from accessing their farms in areas under their control. For instance, M23 has limited or prohibited farmers' access to their fields, while accusing them of collaborating with rival armed groups and national armed forces. Similarly, in Dhera and Lombo, in Djugu territory in Ituri Province, CODECO has reportedly threatened farmers and prevented them from accessing their farms by charging villagers passage fees.

45. Obstacles to the enjoyment of the right to health have been also documented in North Kivu and Ituri Provinces. Attacks directed against hospitals and health centres led to the

when the country's human development index stood at 0.475. See <https://hdr.undp.org/data-center/specific-country-data#/countries/COD>.

²⁰ See https://www.undp.org/sites/g/files/zskgke326/files/2024-07/DP_DCP_COD_4_0.pdf.

²¹ An overview of the status of the country's progress towards achieving the Sustainable Development Goals is contained in the 2023 Voluntary National Review. The assessment shows that progress is on track for only about 15 per cent of the national Sustainable Development Goal targets. While progress has been made towards meeting about 45 per cent of the targets, it is moderately or severely offbeat. No progress or regression from the 2015 baseline has been registered for about 40 per cent of the targets. Thus, medium-term progress towards the 2030 Agenda remains slow and weak, despite the limited progress that has been made.

²² The African Development Bank evaluated the debt-to-GDP ratio at 21.5 per cent in 2023. See the country profile at <https://www.afdb.org/en/countries-central-africa-democratic-republic-congo/democratic-republic-congo-economic-outlook>.

²³ Ibid.

²⁴ See <https://www.afro.who.int/fr/countries/democratic-republic-of-congo/news/faire-face-aux-consequences-des-inondations-en-rdc> (in French).

evacuation of staff and patients and compromised the continuity of medical services. During the reporting period, the Joint Office documented that on 25 January 2024 in Mpati, Masisi territory, North Kivu Province, members of M23 killed a nurse for providing survivors of sexual violence with medical care and documenting the abuses.

46. During the period under review, the Joint Office has documented a total of 425 deaths in custody, a significant increase (150 per cent) compared to the 170 deaths in custody documented throughout the previous reporting period. The main causes of those deaths were overcrowding and poor detention conditions, such as inadequate access to healthcare and insufficient food. Despite the Joint Office's advocacy at the provincial and national levels, little progress has been recorded. However, on 18 October 2023, Act No. 23/028 on the fundamental principles of the prison system was published in the Official Gazette. Under the new law, prison overcrowding is expected to reduce and the rights of detainees are expected to improve.

2. Action taken by the Joint Office

47. The Joint Office continued its activities in support of economic, social and cultural rights and sustainable development and contributed to the formulation of the new Sustainable Development Cooperation Framework 2025–2029. For example, in November 2023, it organized a training session for 25 journalists (11 women and 14 men) on economic, social and cultural rights, the Sustainable Development Goals and the right to development. Another workshop it organized was on the principles of non-discrimination and leaving no one behind, which targeted 28 men and 5 women from the ministries responsible for persons with disabilities and for planning, as well as the National Human Rights Commission.

48. During a field mission to Fungurume, Lualaba Province, carried out from 8 to 12 May 2024, the Joint Office assessed the environmental impact of mining activities. It noted that pollution of both the air and rivers had a negative impact on the right to health and had led to 114 individuals (70 women, 40 children and 4 men) being admitted to hospital between 16 and 22 January 2024, after using polluted water. Whistle-blowers and human rights defenders who reported on the situation had been threatened. The Joint Office advocated with local authorities and the National Human Rights Commission to ensure their physical protection and to open an investigation into threats against those who are supporting communities or denouncing violations of environmental rights.

49. The Joint Office also continued to support capacity-building for national authorities in the area of extractive industries. Following the affiliation of the Democratic Republic of the Congo with the Voluntary Principles on Security and Human Rights²⁵ in June 2023, the Joint Office organized a workshop on the subject in Lubumbashi for magistrates, members of national security and defence forces and members of civil society organizations.

E. Efforts to combat impunity

50. The Joint Office continued to provide direct technical and logistical support to the Congolese justice system. That included support with judicial investigations, the deployment of mobile courts and contributions to update and implement prosecutorial strategies nationwide, particularly in the provinces most affected by conflict, as well as in Kasai and Kasai-Central Provinces. The support of the Joint Office with investigations and court proceedings helped bring to justice perpetrators of serious crimes, including crimes against humanity, war crimes and other serious violations of human rights, such as conflict-related sexual violence and grave violations of children's rights. The Office organized nine investigative missions (two in Ituri and seven in South Kivu) in coordination with MONUSCO and facilitated the provision of judicial protection for 845 victims and witnesses, including 390 women, 336 men and 6 children. The Joint Office also supported seven trials, which contributed to the conviction of 79 Armed Forces of the Democratic Republic of the Congo soldiers, 23 Congolese National Police officers, 315 armed groups members and 105 civilians involved in human rights violations and abuses.

²⁵ See <https://www.voluntaryprinciples.org/>.

51. The Joint Office also conducted initial training for 2,500 newly recruited magistrates (835 women and 1,665 men) on human rights-related issues and the administration of justice. In the area of transitional justice, the Joint Office provided technical and financial support to the Truth, Justice and Reconciliation Commission of Kasai-Central Province to finalize its rules of procedure and regulations, which were validated on 25 July 2023 in Kananga. Additional support, notably a training session on victim-centred approaches to transitional justice, was provided to the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Humankind in the Democratic Republic of the Congo, which launched its operations in October 2023.

F. Support for the national authorities in the field of forensic medicine

52. The Joint Office continued to support the judicial authorities in the fight against impunity, including by providing forensic expertise, pursuant to Human Rights Council resolution 54/34. During the reporting period, 24 autopsies were performed by OHCHR forensic experts in Kinshasa and Goma in order to contribute to the investigations of the judicial authorities.

53. The forensic team took innovative approaches, such as creating and mobilizing a temporary team of doctors, psychologists and members of victims' associations. In September 2023, the team conducted a three-day medical and psychological assessment of 120 child victims and their legal representatives, following a judicial requisition by the High Military Court in Kinshasa.

54. In July 2023, together with the World Health Organization and the United Nations Population Fund and in collaboration with the University of Kinshasa, the Joint Office organized an international conference attended by more than 100 participants on the challenges of forensic medicine in the country. The conference adopted several recommendations to foster the development of forensic infrastructures and the opening of forensic medicine courses in universities throughout the country.

55. From 5 to 10 November 2023, in Kisangani, Tshopo Province, the Joint Office trained 67 court staff (53 men and 14 women) on the contribution of the police to the fight against impunity. It also donated equipment to civil and military courts to improve their operational capacities, facilitate their mobility and promote victims' rights. From 14 to 19 May 2024, the Joint Office supported the University of Kinshasa in organizing a workshop on the drafting of competency and job profiles for the establishment of a forensic medicine training programme in universities in the Democratic Republic of the Congo. As a result of the Joint Office's technical and financial support, four additional forensic doctors have been officially registered by the board of medical doctors.

56. The Joint Office also supported the construction and inauguration in November 2023 of a forensic medicine centre in Bukavu, South Kivu Province, and organized a workshop in June 2024 to develop the skills in good forensic practices of 16 practitioners, including 4 women.

IV. Cooperation with United Nations human rights mechanisms and national mechanisms for the promotion and protection of human rights

A. Action to engage with and implement the recommendations of United Nations mechanisms and support for national mechanisms

57. Despite the advocacy of the Congolese Coalition Against the Death Penalty, a civil society umbrella group that sent a memorandum to the President on 21 February 2024 urging him to maintain the moratorium and to support the adoption of the bill on the abolition of the death penalty, the Government confirmed the lifting of the de facto moratorium on 13 March 2024. During the enhanced interactive dialogue on the Democratic Republic of the Congo at

the fifty-fifth session of the Human Rights Council, held in Geneva on 2 and 3 April 2024, the High Commissioner, the Special Representative of the Secretary-General for the Democratic Republic of the Congo and the team of international experts on the Democratic Republic of the Congo called for the Government to reconsider its decision to lift the moratorium on the death penalty.²⁶ During meetings with the President and other government representatives during his visit to the country, the High Commissioner reiterated the opposition of the United Nations to the application of the death penalty.

58. The Joint Office supported the operationalization of the human rights liaison entity,²⁷ facilitated the development of the National Assembly's strategic plan on human rights and supported the Government in its engagement with the United Nations system. The Joint Office coordinated the drafting of the United Nations country team report for the universal periodic review, which was submitted on 7 April 2024. The Joint Office supported the Government through its Interministerial Committee on Human Rights in the preparation of its report for the fourth cycle of the universal periodic review and in following up on the backlog of overdue reports to the treaty bodies.

B. Update on national mechanisms for the promotion and protection of human rights

59. On 18 October 2023, Act No. 23/027 of 15 June 2023 on the protection and responsibilities of human rights defenders was published. The Joint Office had provided support throughout the development of the law. Although the law provides for important safeguards for the work of human rights defenders, it is concerning that some of its provisions may restrict individual rights and freedoms.

60. From 30 October to 1 November 2023, the Joint Office supported an online workshop for representatives of French-speaking national human rights institutions from Benin, Burkina Faso, the Democratic Republic of the Congo, Mali and Morocco to share their experience on monitoring respect for human rights during electoral periods. Participants shared good practices on human rights and hate speech monitoring during the electoral period.

V. Conclusions and recommendations

61. **The human rights and security situation in the Democratic Republic of the Congo remains highly concerning. Attacks and reprisals by armed groups in densely populated areas continue to pose serious risks for the protection of civilians. Documented incidents and the number of human rights abuses and violations of international humanitarian law by armed groups in conflict-affected provinces highlight the challenges the Government faces in fulfilling its obligation to protect civilians within its territory. The lifting of the de facto moratorium on the death penalty is a worrying response to address those challenges and increases legal uncertainty due to the broad and vaguely defined circumstances that could lead to the application of the death penalty.**

62. **Despite the progress made in the Democratic Republic of the Congo in the fight against conflict-related sexual violence and other sexual and gender-based violence, the number of documented victims of conflict-related sexual violence increased during the reporting period. Conscious of the need to ensure a victim-centred approach to transitional justice, the Government continued to invest in the fight against impunity and bolstered its efforts to ensure that adequate funding and technical capacity are provided to the National Reparations Fund for Victims of Conflict-Related Sexual**

²⁶ See the statement of the High Commissioner, available at <https://www.ohchr.org/en/statements-and-speeches/2024/04/drc-insecurity-alarming-levels-turk-reports>.

²⁷ See <https://leganet.cd/Legislation/Droit%20Public/DH/D.09.35.12.08.2009.htm> (in French).

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63. While there have been positive developments in the fight against impunity for past abuses and in the transitional justice process, substantial efforts are still needed to strengthen coordination between transitional justice mechanisms and other peace initiatives to ensure that the root causes of violence and conflict are addressed meaningfully.

64. Against that background, the High Commissioner recommends that the Government of the Democratic Republic of the Congo:

(a) Continue to open democratic space and guarantee the protection of the rights and freedoms of all persons, including political opponents, human rights defenders and other civil society actors, and ensure that the use of force by State agents, including during law enforcement operations, is in strict conformity with human rights law;

(b) Ensure that the freedoms of opinion, expression and peaceful assembly, as well as freedom from arbitrary detention, ill-treatment and torture, are fully protected;

(c) Ensure accountability by adopting appropriate measures to bring to justice all alleged perpetrators of human rights violations and abuses, including those documented in connection with the electoral process;

(d) Revoke the decision to lift the de facto moratorium on the death penalty and complete the legislative process to abolish the death penalty;

(e) Expedite the adoption of the bill on tribalism, racism and xenophobia as a key legislative measure to prevent and counter hate speech and incitement to hostility, violence and discrimination, while ensuring that it does not infringe on the right to freedom of expression, and take effective measures to reduce intercommunal violence;

(f) Amend the law on the protection and responsibilities of human rights defenders by eliminating the clauses that criminalize their activities and ensure that the law is in full compliance with international human rights standards;

(g) Ensure the deployment of sufficient, effective and responsible security and defence forces and that they operate in strict compliance with international human rights and international humanitarian law, to guarantee the protection of civilians across the Congolese territory, paying particular attention to the areas from which MONUSCO has withdrawn;

(h) Ensure that all military operations against armed groups by the Congolese armed forces, whether operating alone or jointly with bilaterally deployed troops or regional forces, are conducted in strict compliance with international human rights and humanitarian law;

(i) Take steps to prevent attacks directed against United Nations peacekeepers and humanitarian personnel and hold those responsible, including members of the Congolese armed forces, accountable;

(j) Pursue and commit to the Nairobi process and other initiatives that are under way, aimed at achieving sustainable peace, while ensuring the effective implementation of the Disarmament, Demobilization, Community Recovery and Stabilization Programme;

(k) Take the measures necessary to ensure that the Congolese armed forces and armed groups fighting alongside them respect human rights and international humanitarian law, and put an end to impunity for human rights violations and abuses and violations of international humanitarian law;

(l) Implement all measures necessary to prevent and redress conflict-related sexual violence, bring perpetrators to justice, and facilitate victim-centred assistance in accordance with the Act on the fundamental principles of protection and redress for

victims of conflict-related sexual violence and victims of crimes against the peace and security of humankind;

(m) Allocate the financial resources necessary for the effective operationalization of the National Reparations Fund for Victims of Conflict-Related Sexual Violence and Other Crimes against the Peace and Security of Humankind in the Democratic Republic of the Congo;

(n) Guarantee the independence of the National Human Rights Commission and provide it with adequate financial and material resources;

(o) Design a holistic transitional justice policy that is victim-centred, inclusive and participatory and that is aimed at identifying and addressing the root causes of violence and conflict. To that end, continue to consult with the population, ensure the meaningful participation of victims and affected communities, and integrate the results of the national consultations in the draft policy.

65. The international partners of the Democratic Republic of the Congo should:

(a) Call on member States of all regional forces, notably the Southern African Development Community Mission in the Democratic Republic of the Congo, and other member States deploying troops to the Democratic Republic of the Congo under bilateral arrangements to ensure that all such troops operate in strict compliance with international human rights and international humanitarian law, and ensure funding to develop and implement human rights compliance frameworks, in accordance with the African Union Strategic Framework for Compliance and Accountability in Peace Support Operations;

(b) Urge States deploying troops to the Democratic Republic of the Congo under bilateral agreements to ensure that such deployments are compliant with international human rights law and international humanitarian law, and specifically, ensure that troops are well trained on human rights and international humanitarian law prior to their deployment and will guarantee humanitarian workers full access to people in need;

(c) Continue supporting human rights work in the Democratic Republic of the Congo as the MONUSCO disengagement plan is being implemented.
