



Economic and Social Council

Distr.: General
21 February 2022

Original: English

Committee on Economic, Social and Cultural Rights Seventy-first session

Summary record of the 6th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 February 2022, at 3 p.m.

Chair: Mr. Abdel-Moneim

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

Consideration of reports *(continued)*

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

Sixth periodic report of the Democratic Republic of the Congo (continued)
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1. *At the invitation of the Chair, the delegation of the Democratic Republic of the Congo joined the meeting.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting with the State party.
3. **Mr. Puela** (Democratic Republic of the Congo), speaking via video link, said that parental contributions to teachers' salaries and other school fees had been abolished at the beginning of the 2019/20 school year. Around 7.4 per cent of the budget of the executive branch's programme for the first 100 days of the presidency, which sat at a total of just under \$500 million, had been earmarked for projects in the education sector, including the completion of over 100 new schools and the rehabilitation of schools in rural areas. The investments had enabled the enrolment of millions of children in the basic education system. To ensure that all Congolese children had equal access to education, the Government intended to follow up on the findings and conclusions of the second national round table on free primary education, increase the capacity of and provide new equipment and essential materials for primary and secondary schools, continue to renovate and modernize schools in rural areas and further increase teachers' salaries. With the support of the World Bank, in June 2020, a total of \$800 million had been allocated to a four-year programme intended to consolidate the progress made thus far in the education sector. The funding would contribute to covering the payment of school staff salaries and administrative fees, strengthening the education sector's human resources and data management systems and streamlining the financial management of the school system.
4. In 2019, the average teacher's salary had risen from the equivalent of \$90 to \$207 per month. A total of 410,284 teachers had benefitted from the pay rise, while 34,740 previously unpaid teachers had begun to receive their salaries. In total, the funds allocated for the payment of teachers' salaries had risen from the equivalent of \$42,000 million to just over \$67,000 million. Teachers also received monthly travel and housing subsidies. In 2020, around 15 billion Congolese francs (CGF) in public funds – representing 11.3 per cent of the State budget – had been allocated to the education sector. The lowest paid teacher in the country would henceforth receive a remuneration equivalent to \$245 per month.
5. Moreover, the funds allocated each year to cover the operating costs of schools of up to 11 classes had risen from CGF 45,000 to just over CGF 125,000 since 2019. In the cities of Kinshasa and Lubumbashi, schools with between 12 and 18 classes received CGF 420,000, while larger schools, of more than 18 classes, received CGF 620,000. Since the introduction of free education, the monthly salary of primary school teachers had risen from just under CGF 169,000 to CGF 411,000 in Kinshasa and Lubumbashi, from around CGF 155,000 to nearly CGF 352,000 in the provincial capitals and from slightly over CGF 155,000 to CGF 263,000 in rural areas. With regard to staffing levels in schools, the number of teaching staff in the education system had risen from about 410,250 to just over 608,500, representing an increase of 48 per cent. The total budgetary envelope for the payment of teaching staff had increased from around CGF 70 billion to just over CGF 169 billion. Police officers had been deployed to guard schools located in conflict zones in order to ensure the security of students and protect school infrastructure.
6. With regard to gender-based violence, 70,160 cases of violence against women had been reported in 2020. Investigations had been opened into 24,320 of those cases. Psychological support had been provided in around 21,000 cases, while legal aid had been granted to just over 5,000 victims and approximately 12,000 victims had received social reintegration assistance. Overall, assistance and support had been provided to victims in over

60,000 cases. Statistical data relating to cases of gender-based violence in 2021 were currently being collated.

7. An annual road map for preventing the recruitment of child soldiers by armed groups was being spearheaded by the Prime Minister. In 2017, the United Nations had removed the armed forces of the Democratic Republic of the Congo from its list of parties to conflicts that recruit and use children as soldiers, contained in the Secretary-General's 2017 report on children and armed conflict (A/72/361-S/2017/821). With regard to efforts to prevent and end the practice of child marriage, the betrothal and marriage of children was prohibited under the Child Protection Act. The juvenile courts had issued a number of judgments enforcing the provisions of the Act in that regard. The State party was involved in regional initiatives to end child marriage and had launched the National Plan of Action to End Child Marriage. Capacity-building activities were organized for community activists to help them develop their own action plans to prevent child marriage, and awareness-raising campaigns were organized in schools and communities. A ministerial decree on the organization and functioning of the National Council for Children would soon come into force.

8. With regard to the social and cultural rights of indigenous peoples, article 42 of the Constitution provided for the legal recognition of the concept of cultural diversity. The parliament had already approved the bill on the protection and promotion of the rights of indigenous persons on first reading and was expected to adopt it in March 2022. The bill had the full support of the Government, which had contributed extensively to the drafting process. Pursuant to the proposed law, a national agency for the protection of indigenous peoples would be established to supervise the application of the act and ensure respect for the values and culture of indigenous peoples. The agency would also gather statistics on ethnicity and establish mechanisms to help meet the specific needs of and combat discrimination against indigenous peoples. In the Democratic Republic of the Congo, all persons belonging to indigenous groups had the status of citizen and therefore enjoyed the rights and freedoms afforded to all citizens.

9. **Mr. Hennebel** said that he would welcome more details of the specific steps the State party was taking to address the alarming rate of sexual violence and provide effective assistance to victims. He would appreciate information on any reproductive health education programmes in the State party and any plans to change the law on abortion, which remained punishable by 10 to 15 years' imprisonment.

10. **Mr. Uprimny**, speaking via video link, said that he would be interested to learn about the results of poverty reduction programmes in the State party, which, despite being one of the world's richest countries in terms of natural resources, had some of its highest rates of poverty and inequality. He wished to know whether any poverty reduction initiatives addressed inequality, for example, by incorporating progressive or redistributive tax policies or economic growth models centred on poor segments of the population.

11. It would be helpful to know how the problem of impunity would be addressed in the system of transitional justice, what consideration would be given to economic, social and cultural rights in that system and whether the State party planned to link its reparation and transitional justice policies to its poverty reduction efforts. He also wished to find out what steps the State party had taken to ensure that international standards regarding states of emergency were observed.

12. **Mr. Windfuhr** (Country Rapporteur), noting reports indicating that 20 percent of households faced extreme food shortages, said that he would appreciate an explanation of the causes of malnutrition in the country and information about any initiatives being considered by the Government to address it, including through innovative policy models such as those involving direct income transfers.

13. **Mr. Emuze** said that, to ensure that the country's natural riches benefited the entire population and were used to further the people's economic, social and cultural rights, it would be useful to focus on corporate responsibility and good governance. Foreign companies operating in the State party should be called on to contribute to the country's development.

14. **The Chair** said that, when considering the situation in a State party, it was important to take account of its history. The impact of international economic conditions on the enjoyment of economic, social and cultural rights in a country also had to be considered.

The meeting was suspended at 3.50 p.m. and resumed at 4 p.m.

15. **Mr. Puela** (Democratic Republic of the Congo) said that his country was attempting to reduce the level of sexual violence by bringing about behavioural change in communities. A dedicated unit existed within the Office of the President to fight sexual violence. The Government was taking steps to promote the right of women and adolescent girls to sexual and reproductive health through, for example, awareness-raising campaigns run by peer educators.

16. The Government was committed to implementing a model of transitional justice based on the pursuit of the truth, criminal prosecutions, reparation and institutional reforms aimed at non-repetition. The Ministry of Human Rights was responsible for its implementation. Convictions had recently been handed down for the killings of United Nations experts Zaida Catalan and Michael Sharp, demonstrating that the transitional justice process did not entail a blanket amnesty. With assistance from the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, a number of bodies had been exhumed from mass graves in Kasai, identified and returned to the victims' families.

17. A round table on sexual violence that had been organized by the Ministry of Human Rights and the Office of the First Lady, with the involvement of Dr. Denis Mukwege, had recommended the establishment of a reparation fund, organized as a public entity, for victims of sexual violence and other serious crimes. The Government would be happy to learn from Committee members or their countries about transitional justice and reparations for victims of sexual violence and other serious crimes. It would also appreciate assistance from the international community in providing support to indigenous peoples.

18. With a view to combating poverty and social inequality, the 145 Territories Development Programme would provide direct funding to communities. The Government was in the process of reviewing mining contracts to increase the proportion of profits that was reinvested in agriculture, with the aim of encouraging food self-sufficiency and reducing malnutrition.

19. **Mr. Hennebel** said that he would like clarification on whether the State party planned to decriminalize abortion. It was also unclear whether the recommendations of United Nations treaty bodies were binding under the State party's domestic law. Furthermore, he would welcome details of any mechanisms in place to ensure the effective implementation of the Committee's recommendations.

20. **Mr. Windfuhr** said that he would be interested to learn whether the Government had considered convening a round table meeting with countries that bought raw materials from the State party and with companies that invested in the country, with the aim of discussing due diligence in the area of human rights, particularly in the mining sector.

21. **Mr. Puela** (Democratic Republic of the Congo) said that the Democratic Republic of the Congo was a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), article 14 of which provided for the authorization of abortion in certain cases. Treaties ratified by the country were accorded a higher rank than domestic legislation; as a result, the President of the Supreme Council of Justice had instructed the courts to set aside the relevant provisions of the Criminal Code and apply article 14 of the Maputo Protocol in cases of abortion.

22. The Government's main priority was to reverse the paradox of a country rich in resources but with an extremely poor population. Under the new Mining Code, funds would be generated for development projects, and persons engaged in artisanal mining would be encouraged to undertake other income-generating activities. While treaty body recommendations were not binding, the Government would spare no effort in ensuring that the Committee's concluding observations were given meaningful follow-up.

The meeting rose at 4.30 p.m.