

Democratic Republic of Congo | The Government must ensure a safe and enabling environment for defenders

02.04.2019

ISHR and its partners call on the Government of the Democratic Republic of Congo (DRC) to guarantee the rights of freedom of expression and peaceful assembly, as well as to adopt laws that ensure the protection of human rights defenders as part of the DRC's upcoming Universal Periodic Review in 2019.



During the 33rd session of the Universal Periodic Review (UPR), the Democratic Republic of Congo (DRC) will receive recommendations by other States on measures the Congolese Government should take in order to ensure the strengthening of human rights protection.

In its last UPR in 2013, the DRC accepted 13 recommendations on the protection of human rights defenders and 11 recommendations on the right to freedom of association, expression and the press.

These recommendations, however, have not been fully implemented. Human rights defenders are still victims of threats and deadly attacks because of their work, journalists have been killed for bringing to light human rights violations, and the previous Government has been severely repressing demonstrations by an extreme use of force. Congolese authorities also presented a draft law which would allegedly protect human rights defenders in the country but, instead, would actually have the opposite effect by restricting their rights.

"It is important to highlight that this draft law is incompatible with the UN Declaration on Human Rights and the international obligations of the DRC," noted Adélaïde Etong, Africa advocacy consultant at ISHR. "It restricts the exercise or protection of defenders' rights and also imposes unnecessary controls on NGOs receiving financial support, and harsh penalties for non-compliance," she added.

ISHR, along with SOS Information Juridique Multisectorielle (SOS-IJM), drafted a [briefing paper on the situation of human rights defenders in the DRC](#). This submission is intended to assist States in making recommendations to State governments. The briefing paper calls on the Congolese Government to ensure the implementation of the following recommendations:

- Ensure human rights defenders are able to freely carry out activities without fear of reprisals
- Adopt a national law for the promotion and protection of human rights defenders in line with international standards
- Refrain from adopting restrictive laws to limit the work of human rights defenders and shrink civil society space
- Guarantee right to freedom of assembly and freedom of expression; and sanction the excessive use of force, intimidation and threats against defenders
- Guarantee the implementation of the edict on the protection of human rights defenders
- Provide the national human rights commission with the necessary financial and human resources to ensure that it is fully independent
- Guarantee the right to freedom of expression, and refrain from restricting defenders reporting on the current human rights situation in the country and the upcoming presidential elections

On 2 April 2019, the UPR pre-session on the DRC was held and civil society had the opportunity to give an important and crucial insight of the human rights situation on the ground and to propose recommendations to be made to the country in question. At this platform, one organisation and two networks of organisations echoed calls made in ISHR's briefing paper:

- *La Commission Nationale des Droits de l'Homme* recommended institutional support for human rights

institutions by allocating independent headquarters and increase the budget so that it could fully and independently fulfil its mandate.

- *La Synergie des Organisations de la Société Civile Congolaise sur les Droits Civils et Politiques* recommended the Government adopt a law to ensure a healthy democratic space and a law that guarantees that peaceful demonstration take place in line with international standards. Another recommendation was the adoption of a law to protect human rights defenders in line with UN standards and ensure the legal recognition of civil society organisations.
- *La Synergie des Organisations de la Société Civile Congolaise pour les Droits des Vulnérables* called on the States to make recommendations on the correct implementation of drafted laws that, otherwise, could create problems on the work of human rights defenders, civil society, journalists, lawyers and unionists.

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