

# DEMOCRATIC REPUBLIC OF CONGO (DRC)

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## Summary

*According to the United Nations (UN), the population of the Democratic Republic of the Congo (DRC) is estimated to be 112 811 280. There has not been a recent census on persons with disabilities. In the DRC, disability affects an estimated 13 per cent of the population with significant challenges related to poverty, conflict and lack of access to basic services. According to the UN Partnership on the Rights of Persons with Disabilities (UNPRPD), the most prevalent forms of disabilities include: intellectual or developmental disability, hearing disability, visual disability, motor disability, autism, psychosocial disability, degenerative diseases, and albinism. The DRC signed and ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) as well as its Optional Protocol in 2015. The DRC's Constitution (article 49) and the law promulgated in 2022 on persons with disabilities aim to promote and protect the rights of persons with disabilities based on the Convention and the construction of an inclusive society. Although the government has enacted sectoral laws, the DRC currently lacks sufficient mechanisms to facilitate accessibility and full participation for persons with disabilities. Furthermore, the DRC does not have an official body specifically tasked with combating violations of the rights of persons with disabilities.*

*The difficulties and challenges related to the legal and institutional framework have been partly resolved with the promulgation of the new National Disability Law, which relates to the protection and promotion of the rights of persons with disabilities, and also previously by the creation and operationalisation of a dedicated ministry for the sector. The most urgent problems that need to be addressed progressively to ensure the inclusion of persons with disabilities include: lack of awareness of the Convention and the National Disability Act, lack of an appropriate legal/judicial framework in accordance with the Convention and the National Disability Act, lack of political will/interest/capacity, insufficient national budget and budgetary decrees in the provinces, low mobilisation capacity and low level of advocacy of organisations of persons with disabilities.*

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## 1 Population indicators

### 1.1 What is the total population of the DRC?

Demographic indicators are based on a mix of information gathered from the estimated population as well as statistics on births, deaths, marriages, and divorces.

Since 1984, there has never been a census of the entire population of the DRC; instead, estimates have been used in recent years.

According to the UN, the estimated population of the DRC is 112.8 million people,<sup>1</sup> of which 50,4 per cent are women.<sup>2</sup>

### 1.2 Describe the methodology used to obtain the statistical data on the prevalence of disability in the DRC. What criteria are used to determine who falls within the class of persons with disabilities in the DRC?

Few statistics have been developed in the DRC, and at present, only weekly documented surveys conducted by national and international organisations for persons with disabilities on a portion of the country have served to represent persons with disabilities.

### 1.3 What is the total number and percentage of persons with disabilities in the DRC?

The DRC has a severe deficiency of official, reliable, and consolidated disability data. Different studies and reports have estimated that between 7.4 million (11 per cent) and 13 million (or 18 per cent) of the population in the DRC are disabled.<sup>3</sup>

### 1.4 What is the total number and percentage of women with disabilities in the DRC?

There are no reliable national statistics on the number and percentage of women with disabilities. However, local studies have highlighted their vulnerability. For example, a study conducted in the North Kivu province discovered that women had a higher prevalence of disabilities.<sup>4</sup> Statistics determining the precise proportion of women with disability in the DRC are lacking. The estimated

1 UN Population Fund 'World Population Democratic Republic of Congo' (2025) <https://www.unfpa.org/data/world-population/CD> (accessed 23 June 2025).

2 Available at <https://datareportal.com/reports/digital-2024-democratic-republic-of-the-congo> (accessed 23 June 2025).

3 UPR 'Protection of the rights of persons with disabilities in the Democratic Republic of Congo' [https://upr-info.org/sites/default/files/2024-05/Copy%20of%](https://upr-info.org/sites/default/files/2024-05/Copy%20of%20) (accessed 22 August 2025); Sida 'Disability rights in Democratic Republic of Congo' <https://cdn.sida.se/app/uploads/2021/05/07125813/rights-of-persons-with-disabilities-drc.pdf> (accessed 22 August 2025).

4 A Scolese and others 'Disability status and violence against women in the home in North Kivu, Democratic Republic of Congo, Global Public Health' (2020) 15 *Global Public Health* 985.

number of persons with disabilities is at least 13 million<sup>5</sup> and they make up around 13,7 per cent of the population of the DRC.

### **1.5 What is the total number and percentage of children with disabilities in the DRC?**

Similarly, it is difficult to obtain accurate national figures for children with disabilities. According to a 2013 Demographic and Health Survey, up to 35 per cent of children aged two to nine in the DRC may have some form of physical or learning disability.<sup>6</sup> According to a more recent, quick assessment conducted in the Sud-Kivu, at least ten per cent of children have a disability.<sup>7</sup>

Currently, there are no statistics that can be used to determine the precise percentage of children with disabilities in the DRC. According to Handicap International, approximately 300 000 children have moderate to severe disabilities.<sup>8</sup>

The DRC's lack of reliable and up-to-date disability statistics is a significant impediment to effective planning and monitoring of legal and policy provisions for this vulnerable group of people.

### **1.6 What are the most prevalent forms of disability and/or peculiarities to disability in the DRC?**

Types of disabilities identified according to the study conducted in Kinshasa and in several provinces of the DRC are:<sup>9</sup>

- Intellectual or developmental disability.
- Hearing disability.
- Visual disability.
- Motor disability.
- Autism.
- Psychosocial disability.
- Degenerative diseases.
- Albinism.

5 F Langwana & J Bitumba 'Report on the collection of data on persons with disabilities in the DRC (Rapport de la collecte des données sur les personnes handicapées en RDC)' (2016) 5.

6 Street Child 'A Rapid assessment of the prevalence and impact of disabilities among children on the High Plateau in South Kivu, DRC' (2018) 1-18 <https://a.storyblok.com/f/138292/x/89d0c2b44e/19-02-23-drc-high-plateau-disability-rapid-assessment-january-2019-final.pdf> (accessed 22 August 2025).

7 As above.

8 Handicap International 'Democratic Republic of Congo: Belgian support makes the difference' <https://www.handicapinternational.be/fr/actualites/r-d-congo-> (accessed 22 June 2025).

9 UNPRPD 'Situational analysis on the rights of persons with disabilities in Democratic Republic of the Congo: Country Report' (2022) 7.

## 2 the DRC's international obligations

### 2.1 What is the status of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in the DRC? Has the DRC signed and ratified the CRPD? Provide the date(s).

The DRC ratified the CRPD and its Optional Protocol on 30 September 2015, without any objections or interpretive statements.<sup>10</sup>

The law ratifying the CRPD and its Optional Protocol was promulgated by Law 13/024 by the DRC President.<sup>11</sup>

### 2.2 If the DRC has signed and ratified the CRPD, when is/was its country report due? Which government department is responsible for submission of the report? Did the DRC submit its report? If so, and if the report has been considered, indicate if there was a domestic effect of this reporting process. If not, what reasons does the relevant government department give for the delay?

Although the DRC has ratified the CRPD and its Optional Protocol, it has not yet submitted an initial report under the CRPD.<sup>12</sup> In addition, the DRC submitted a Periodic Report to the African Commission on Human and Peoples' Rights on the implementation of the African Charter on Human and Peoples' Rights from 2008 to 2015 (11th, 12th and 13th Periodic Reports) and of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women from 2005 to 2015 (Initial Report and 1st, 2nd and 3rd Periodic Reports). The Report included the protection of women with disabilities.<sup>13</sup>

### 2.3 While reporting under various other United Nations instruments, under the African Charter on Human and Peoples' Rights, or the African Charter on the Rights and Welfare of the Child, did the DRC also report specifically on the rights of persons with disabilities in its most recent reports? If so, were relevant concluding observations adopted? If relevant, were these observations given effect to? Was mention made of disability rights in the DRC's UN Universal Periodic Review (UPR)? If so, what was the effect of these observations/recommendations?

The DRC has submitted Periodic Reports to UN treaty bodies which were examined by Human Rights Committees on 16 and 17 October 2017, such as the

10 United Nations 'United Nations organization stabilisation mission in the Democratic Republic of the Congo' (2015) <https://monusco.unmissions.org/fr/node/100044384> (accessed 22 August 2025).

11 DRC Law 13-024 of 7 July 2013.

12 UNPRPD (n 9).

13 DRC 'Report to the African Commission on Human and Peoples' Rights on the implementation of the African Charter on Human and Peoples' Rights from 2008 to 2015 (11th, 12th and 13th Periodic Reports) and of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women from 2005 to 2015 (Initial Report and 1st, 2nd and 3rd Periodic Reports)'.

Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, which have included information on the situation of persons with disabilities in the country.<sup>14</sup> The treaty bodies, in their Concluding Observations, made specific recommendations to the DRC regarding the implementation of the rights of persons with disabilities, particularly in the areas of accessibility, education, employment, and social participation. The bodies recommended that the DRC take measures to combat discrimination against persons with disabilities, improve the accessibility of buildings and transportation, ensure access to inclusive education, and promote employment for persons with disabilities.

The DRC is a party to six of the nine core international human rights instruments. In addition to these instruments, the DRC is also a party to other international agreements, including the Rome Statute of the International Criminal Court and the Geneva Conventions on international humanitarian law. There have been delays in the submission of its Periodic Reports to the treaty bodies. The DRC submitted its UPR on 1 May 2019 with 239 recommendations. In 2022, the country submitted an interim national report. From November 4 to 15, 2024 in Geneva, the DRC submitted the national report pursuant to Human Rights Council Resolutions 5/1 and 16/21.<sup>15</sup> This report mentioned the rights of persons with disabilities, the rights of the child, women's rights and the rights of vulnerable groups.

**2.4 Was there any domestic effect on the DRC's legal system after ratifying the international or regional instruments in 2.3 above? Does the international or regional instrument that has been ratified require the DRC's legislature to incorporate it into the legal system before the instrument can have force in the DRC's domestic law? Have the DRC's courts ever considered this question? If so, cite the case(s).**

Following its accession to the CRPD in 2015, the DRC took a major step towards aligning its domestic legislation with its international commitments. The most significant national outcome was the adoption of National Disability Law 22/003 on the Protection and Promotion of the Rights of Persons with Disabilities, promulgated in 2022.<sup>16</sup> This law is a direct result of the DRC's accession to the CRPD and aims to incorporate the Convention's principles, providing a solid legal foundation for the protection of the rights of persons with disabilities in the country.<sup>17</sup>

For an international treaty to be enforceable under the DRC's legal system, it is not strictly necessary for the legislature to include it in a distinct domestic law. An essentially monist system is established by the 2006 Constitution, which means that domestic and international law are regarded as belonging to the same legal system. In the DRC, the monist theory prevails, meaning that ratified treaties are deemed to be an integral part of domestic law.<sup>18</sup> This means that, in principle, a treaty ratified by the DRC has superior authority over domestic law and can be invoked by the courts.

14 UN 'UN Child Rights Committee review the Democratic Republic of the Congo' (12 January 2017) <https://www.ohchr.org/en/press-releases/2017/01/un-child-rights-committee-review-democratic-republic-congo> (accessed 23 June 2025).

15 UN Human Rights Council 'National report submitted pursuant to Human Rights Council Resolutions 5/1 and 16/21: Democratic Republic of the Congo' A/HRC/WG.6/47/COD/1 (29 August 2024).

16 UPR (n 3).

17 As above.

18 DRC Constitution of 2006, art 215.

There has been little direct application of international treaties by DRC domestic courts, and they have frequently refrained from making direct decisions on the matter.<sup>19</sup> The exact application of article 215 has not been decided with authority, and scholarly analysis shows that cases involving the direct effect of international law are uncommon. Despite this general reluctance, there are notable exceptions, particularly within military courts. In two well-known cases dating from 2006, military judges directly applied the provisions of the Rome Statute of the International Criminal Court, invoking the authority of article 215 of the Constitution.<sup>20</sup>

**2.5 With reference to 2.4 above, has the CRPD or any other ratified international instrument been domesticated? Provide details.**

Pursuant to the abovementioned monism theory, any treaty ratified or acceded to by the DRC is automatically incorporated into domestic law and may be immediately invoked before the courts if all or part of its provisions are self-executing, except for provisions that require legislative intervention to make them applicable in domestic law (implementing legislation passed by Parliament). For example, in Congolese criminal law, there was no separate offence defining and punishing torture. However, following the DRC's accession to the Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment, it was necessary to amend the penal code to introduce a new offence punishing torture, a 2006 law whose definition refers verbatim to article 1 of the Convention against Torture.

The DRC, having ratified the CRPD, also adopted Organic Law 0°22/003 of 3 May 2022, on the protection and promotion of the rights of persons with disabilities. This Organic Law has a dual advantage:

- That of legally complying with the international instruments to which the DRC has acceded, relating to the protection and promotion of persons with disabilities, in particular: the Universal Declaration of Human Rights of 10 December 1948; Geneva Convention 102 of 28 June 1952, on the minimum standard of social security; the African Charter on Human and Peoples' Rights; the principles of the Inter-African Conference on Social Welfare; and article 18 of the African Charter on the Values and Principles of Public Service and Administration of 31 January 2011;
- To fill the legal void by establishing the terms of application of the law provided for in article 49 of the Constitution through the creation of an effective framework for the protection and promotion of the rights of persons with disabilities in order to ensure their full participation in national life on the same basis as all other citizens.

19 DP Zongwe 'Taking leaves out of the International Criminal Court Statute: The direct application of international criminal law by military courts in the Democratic Republic of Congo' (2013) 46 *Israel Law Review* 249 <https://www.cambridge.org/core/journals/israel-law-review/article/abs/taking-leaves-out-of-the-international-criminal-court-statute-the-direct-application-of-international-criminal-law-by-military-courts-in-the-democratic-republic-of-congo/8155C3A2DFF492691E9F9BE9F717C4F2> (accessed 23 August 2025).

20 Zongwe (n 19).

### 3 Constitution

**3.1 Does the Constitution of the DRC contain provisions that directly address disability? If so, list the provisions, and explain how each provision addresses disability.**

The Constitution of the DRC of 18 February 2006, as amended and supplemented to date by Law 11/002 of 20 January 2011, revising certain provisions of the Constitution of the DRC, addresses in Title II, human rights, fundamental freedoms, and the duties of citizens and the state.

Article 45 of the Constitution of the DRC, on freedom of education, stipulates:

Every person has access to national educational institutions, without discrimination based on place of origin, race, religion, sex, political or philosophical opinions, or physical, mental, or sensory condition, according to their abilities.<sup>21</sup>

Article 49 of the same Constitution provides: 'Older persons and persons with disabilities have the right to specific protection measures in accordance with their physical, intellectual, and moral needs.'<sup>22</sup>

Article 202(35) of the Constitution provides for assistance to veterans and the war-disabled. The state has a duty to promote the presence of persons with disabilities within national, provincial, and local institutions. An organic law establishes the terms for implementing this right.

**3.2 Does the Constitution of the DRC contain provisions that indirectly address disability? If so, list the provisions and explain how each provision indirectly addresses disability.**

The Constitution, as amended and supplemented to date by Law 11/002 of 20 January 2011, revising certain provisions of the Constitution of the DRC, deals in Title II with human rights, fundamental freedoms, and the duties of citizens and the state. This title enshrines the equality of citizens before the law and establishes the principle of equality and non-discrimination, which may be based on race, tribe, religion, social status, family origin, residence, political beliefs, etc.<sup>23</sup>

Article 11 states: 'All human beings are born free and equal in dignity and rights.' Article 12 adds: 'All Congolese are equal before the law and are entitled to equal protection of the laws.'<sup>24</sup>

Article 13:

No Congolese person may, in matters of education and access to public office, or in any other matter, be subject to any discriminatory measure, whether resulting from the law or an act of the executive, on the grounds of their religion, family origin, social status,

21 DRC Constitution of 2006, art 45.

22 DRC Constitution, art 49.

23 DRC Constitution, art 11.

24 DRC Constitution, art 12.

residence, opinions or political convictions, or membership in a race, tribe, or cultural or linguistic minority.<sup>25</sup>

Article 16, for its part, goes further, stating:

The human person is sacred. The State has the obligation to respect and protect them. Every person has the right to life, to physical integrity, and to the free development of their personality, with respect for the law, public order, the rights of others, and morality. No one may be held in slavery or in a similar condition. No one may be subjected to cruel, inhuman, or degrading treatment. No one may be subjected to forced or compulsory labour.<sup>26</sup>

Article 51 should also be added, which states:

The State has the duty to ensure and promote the peaceful and harmonious coexistence of all ethnic groups in the country. It also ensures the protection and advancement of vulnerable groups and all minorities. It ensures their development.<sup>27</sup>

All these provisions aim to protect the human person, including people with disabilities. The state has established a constitutional and legal framework to protect every human being, without discrimination of any kind.

## 4 Legislation

### 4.1 Does the DRC have legislation that directly addresses issues relating to disability? If so, list the legislation and explain how the legislation addresses disability.

Yes, the DRC has legislation that directly addresses disability. National Disability Law 22/003 of 3 May 2022 concerns the protection and promotion of the rights of persons with disabilities. This law was adopted by Parliament with the support of the government.<sup>28</sup>

Law 09/001 of 10 January 2009, on the protection of children, provides special treatment for children with physical or mental disabilities, including children in a situation that may constitute an obstacle or difficulty to the normal expression of all their physical or mental faculties, including intellectual and cognitive functions, language, motor skills, and social performance.<sup>29</sup>

In summary, the DRC has established a solid legal framework to protect and promote the rights of persons with disabilities, recognising their specific needs and working towards their inclusion in all aspects of society. The issue is the implementation of the laws and political will.

25 DRC Constitution, art 13.

26 DRC Constitution of 2006, art 16.

27 DRC Constitution of 2006, art 51.

28 National Disability Law 22/003 of 3 May 2022, on the protection and promotion of the rights of persons with disabilities.

29 DRC Law 09/001 of 10 January 2009.

**4.2 Does the DRC have legislation that indirectly addresses issues relating to disability? If so, list the main legislation and explain how the legislation relates to disability.**

Currently the principle enshrined in the Constitution and the laws of the Republic is that of equality for all and non-discrimination, recognised for every citizen, including persons with disabilities. In addition, the Law on the Organisation of Presidential, Legislative, Urban, Municipal, and Local Elections guarantees, without discrimination, the right of every citizen of legal age to participate in the country's political affairs under the conditions set out in the Constitution. This implies that candidates may run regardless of the voting method, with all candidates receiving equal treatment from the state, particularly in the use of the media, equal representation of men and women, and the promotion of persons with disabilities, who must be included on the lists of candidates presented by political parties or groups.<sup>30</sup>

## **5 Decisions of courts and tribunals**

**5.1 Have the courts (or tribunals) in the DRC ever decided on an issue relating to disability? If so, list the cases and provide a summary for each of the cases with the facts, the decision(s) and the reasoning.**

Although the rights of persons with disabilities are guaranteed by article 49 of the Constitution of the DRC, and National Disability Law 22/003 on their protection and promotion was recently adopted, one major obstacle is the dearth of well-known court cases that deal with issues unique to persons with disabilities. In spite of legal frameworks, this situation implies that the judicial system is not effectively implementing and enforcing them, possibly as a result of ingrained prejudice, limited access to justice, and a need for greater public awareness and advocacy over these rights.<sup>31</sup>

Although the DRC's courts have jurisdiction to hear disability-related cases, the effective implementation of the rights of persons with disabilities remains a challenge due to poverty, remoteness of jurisdictions, and high legal fees, among other factors. There is no official body specifically dedicated to violations of the rights of persons with disabilities, but the courts are required to rule on cases brought before them.

30 Law 22/029 of 29 June 2022 amending and supplementing Law 06/006 of 9 March 2006 on the organisation of presidential, legislative, provincial, urban, municipal and local elections as amended by Law 11/003 of 25 June 2011, Law 15/001 of 12 February 2015 and Law 17/013 of 24 December 2017.

31 DO Mbidi & DA Otemikongo 'Social protection of people living with motor disabilities in the Democratic Republic of Congo: The case of the city of Kisangani from 2015 to 2020 (Protection sociale des personnes vivant avec handicap moteur en République Démocratique du Congo : Cas de la Ville de Kisangani de 2015 à 2020)' (2022) 7 *IJRDO - Journal of Social Science and Humanities Research* 292; Lawyers Without Borders 'Study on legal aid in the Democratic Republic of Congo Under the direction' ('Avocats Sans Frontières 'Etude sur l'aide légale en République Démocratique du Congo Sous la direction') (2014) 57.

## 6 Policies and programmes

### 6.1 Does the DRC have policies or programmes that directly address disability? If so, list each policy and explain how the policy addresses disability.

The DRC has programmes for persons with disabilities. In order for the Delegate Ministry for Persons with Disabilities to implement the five goals defined below, it has prepared a draft budget in US\$ entitled 'Cost and Funding of the Sectorial Policy' which is set out as follows:<sup>32</sup>

Pillar 11 of Point I.3.1 of the Plan national stratégique de développement (PNSD) sets out the necessity for the latter of ensuring 'an improvement in social conditions: housing, health, education and employment'.<sup>33</sup>

Pillar 11 of the PNSD advocates 'access to healthcare for all, as well as guaranteed universal health coverage'.<sup>34</sup>

Pillars 13 and 14 of the PNSD advocate for 'overcoming poverty and social marginalization, and the inclusion of vulnerable groups', as well as 'the empowerment of women, the promotion of young people and children, and the establishment of a social protection platform'.<sup>35</sup>

32 UNPRPD (n 9) 33.

33 As above.

34 As above.

35 As above.

In order for the Delegate Ministry for Persons with Disabilities to implement the five goals defined above, it has prepared a draft budget in US\$ entitled 'Cost and Funding of the Sectorial Policy' which is set out as follows:

	<b>Designation</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>TOTAL</b>
<b>Principle 1</b>	Ensure the inclusion and empowerment of persons with disabilities and other vulnerable persons	3 100 000	2 300 000	1 800 000	7 200 000
<b>Principle 2</b>	Improve social educational infrastructure and strengthen the capacities of persons with disabilities	10 500 000	10 500 000	10 500 000	10 500 000
<b>Principle 3</b>	Mobilise the resources required for good operation of social care infrastructure and strengthen human and institutional capacities.	3 700 000	1 670 000	1 280 000	6 650 000
<b>Principle 4</b>	Support and manage the numbers and living conditions of persons with disabilities and other vulnerable persons	26 560 000	19 505 000	12 130 000	58 195 000
<b>Principle 5</b>	Combat any form of discrimination against persons with disabilities and other vulnerable persons	16 945 000	11 350 000	8 825 000	37 120 000
<b>Total</b>	<b>60 805 000</b>	<b>40 475 000</b>	<b>18 535 000</b>	<b>119 515 000</b>	<b>60 805 000</b>

Source: UNRPD 2022

Due to a lack of financial resources and political will, this programming and budgeting in accordance with the CRPD have remained a dead letter.

## **6.2 Does the DRC have policies and programmes that indirectly address disability? If so, list each policy and describe how the policy indirectly addresses disability.**

Indeed, the DRC has disability-related policies and programmes, though their efficacy varies. In 2022, the country passed its foundational disability law. Programmes such as the National Programme for the Promotion and Protection of the Rights of Persons with Disabilities and the National Disability Law (Law 22/003), which create the framework for promoting and defending rights, are examples of these initiatives. Disability-related issues are directly addressed by the National Disability Law (Law 22/003) of 2022. This groundbreaking law upholds and advances the rights of persons with disabilities in domains like healthcare, education, and anti-discrimination.

By protecting and promoting the rights of persons with disabilities, it indirectly establishes the social and legal foundation for future laws that will directly increase their access to opportunities and services.

The National Programme seeks to promote and protect the rights of persons with disabilities. It implements and enforces the rights outlined in the disability laws. Indirectly, it serves as the law's operational arm, translating broad principles into concrete actions that can lead to better conditions for persons with disabilities.

### *Programmes for national vaccination and blindness prevention*

The DRC funds these initiatives as a component of larger initiatives to prevent disabilities. It indirectly addresses disability by concentrating on preventing the conditions that cause disability; these programmes lower the prevalence of specific impairments, thereby reducing the need for services associated with those particular disabilities in the future.

The DRC's policies and programmes, whether in the areas of human rights protection, education, justice, or access to public office, are aimed at all citizens in general, without any discriminatory distinction based on a person's physical condition.

## 7 Disability bodies

### 7.1 **Other than the ordinary courts and tribunals, does the DRC have any official body that specifically addresses violations of the rights of people with disabilities? If so, describe the body, its functions and its powers.**

Apart from the National Human Rights Commission, there is a Ministry for People with Disabilities (headed by a person with a disability), a Permanent Secretariat for the Promotion and Protection of the Rights of People with Disabilities within the Ministry. The country has several organisations of persons with disabilities, including FENAPHACO (Congolese National Federation of People with Disabilities)<sup>36</sup> and FECOPEHA (Congolese Federation of People with Disabilities).<sup>36</sup> However, one of the most important ones, and one that provides an opportunity for partnership with the UNPRPD, is FENAPHACO.<sup>37</sup> It operates as a platform and includes several other associations of persons with disabilities, all categories combined, with representation in all provinces of the country. Alongside these two large movements, there are various centres for persons with disabilities, including the Association Congolaise Débout et Fier (ACDF) based in Kinshasa and Goma (North Kivu).<sup>38</sup>

36 UNPRPD (n 9) 16.

37 As above.

38 As above.

**7.2 Other than the ordinary courts or tribunals, does the DRC have any official body that though not established to specifically address violations of the rights of persons with disabilities, can nonetheless do so? If so, describe the body, its functions and its powers.**

The DRC has a Ministry in Charge of Persons Living with Disabilities, and a Permanent Secretariat for the Promotion and Protection of Persons Living with Disabilities. There are also several other organisations in charge of persons with disabilities. Under the direction of the Minister, the DRC's Ministry of Persons Living with Disabilities works to uphold the rights of persons with disabilities by guarding against discrimination, guaranteeing their autonomy, and promoting their social and professional inclusion. This Ministry seeks to put laws, directives, and policies into effect that, by removing barriers and maximising their potential, enable persons with disabilities to access public representation, employment, infrastructure, and services.

## **8 National human rights institutions, Human Rights Commission, Ombudsman or Public Protector**

**8.1 Does the DRC have a Human Rights Commission, an Ombudsman or Public Protector? If so, does its remit include the promotion and protection of the rights of persons with disabilities? If your answer is yes, also indicate whether the Human Rights Commission, the Ombudsman or Public Protector of the DRC has ever addressed issues relating to the rights of persons with disabilities.**

The National Human Rights Commission, also known as CNDH, was established, organised, and operated by Organic Law 13/011, which was approved by the National Assembly and the Senate in December 2012. On 21 March 2012, the President of the Republic promulgated the law, which has been published in the Official Journal since 1 April 2013.<sup>39</sup> This law determines the mission, responsibilities, organisation, composition, and operation of the CNDH, a citizen institution supporting democracy, responsible for the promotion and protection of human rights in the DRC. Article 4 states that the National Human Rights Commission is responsible for the promotion and protection of human rights and ensures respect for human rights and mechanisms to guarantee fundamental freedoms. Article 6 of the same law, which deals with the CNDH's responsibilities, in point 5, stipulates: 'The CNDH's responsibilities include ensuring respect for the rights of persons with disabilities.'<sup>40</sup>

In its composition, among the associations that must propose facilitators, it is stipulated that one of the nine members must be a person from a disabled people's organisation (DPO). The President of the Republic promulgated on 3 May 2022, National Disability Law 22/003, on the protection and promotion of human rights of persons with disabilities.<sup>41</sup>

39 DRC Journal Officiel, 2013.

40 Loi organique 13/011 du 21 mars 2013 portant institution, organisation et fonctionnement de la Commission Nationale des Droits de l'Homme.

41 DRC, Journal Officiel, Loi Organique des droits des PVH 2022.

## 9 Disabled peoples organisations (DPOs) and other civil society organisations

### 9.1 Does the DRC have organisations that represent and advocate for the rights and welfare of persons with disabilities? If so, list each organisation and describe its activities.

There are many organisations committed to promoting and protecting the rights of persons with disabilities, and the Constitution guarantees freedom of association. Below are a few, all of which are, of course, fully committed to defending the rights of persons with disabilities:

- Action for Albinism (APA DRC).
- Association of People with Disabilities: Perseverance (APHAP).
- Association of Christians with Disabilities of Kisenso (APHCK).
- Network of Community Rehabilitation Committees (RCRC).
- Cooperative of Mothers Living with Disabilities (COMAVAH).
- Foundation for Social Works for the Progress of People Living with Disabilities (FOSPHA).
- National Council for the Advancement of the Blind (CNPSA).
- Psycho-Educational Centre of Limeté (CPL).
- Association of Christian People with Disabilities (APHAC).
- Cooperation of People Living with Disabilities (COPEHANG).
- PAROUSIA – NGO/Non-profit Organisation.
- Collective for the Reintegration of People Living with Disabilities (COREPH).
- Professional Centre for Assistance and Promotion for People Living with Disabilities (CEPAPHA).
- Coordination of Women with Disabilities of East Kinshasa (COFHAKINE).
- Fraternity of the Catholic Blind of Kinshasa (FACK).
- Union of Blind Brothers and Sisters on a Mission for Christ (UFSAMC).
- Association of People Living with Disabilities for Development (APHAD).
- Action and Solidarity for the Social Advancement of People Living with Disabilities (ASOPHA).
- Association of People Living with Telecommunications Disabilities (APHATEL).
- National Union of the Blind.
- Association for Health, Hygiene, and Protection (ASHIP).
- League for the Advancement of Women and Children (LIPHAMA).
- Association of People Living with Telecommunications Disabilities (APHATEL).

All these DPOs have the same scope of action, namely, the person with a disability, and the promotion and protection of their rights, or a given form of disability, some being active throughout the territory of the DRC, and others whose scope of action is limited either to the province or to the city where they are established. For example, the National Association of Parents of Disabled Children of Congo (ANAPHECO), the Association of Disabled People La Perseverance (APHP), operating throughout the territory, and the Association of Disabled Christians of Kisenso (APHCK); and the Fraternity of the Catholic Blind of Kinshasa (FACK), operating in the city of Kinshasa.

## 9.2 In the countries in the DRC's region (West Africa) are DPOs organised/coordinated at national and/or regional level?

There are several federations and networks of organisations of persons with disabilities. These entities work to promote and defend the rights of persons with disabilities, as well as their inclusion in various aspects of society. The best known are:

### *National networks*

- National Council of Disabled People and for Disabled People (CNPH).
- Congolese Federation of People with Disabilities (FECOPEHA).
- National Commission for the Rights of Persons with Disabilities (CRDPH).
- Organization of Persons with Disabilities (OPH).
- Federation of Secular Economic NGOs of Congo (FOLECO).
- National Federation of People with Disabilities of Congo (FENAPHACO).
- Advocacy Consortium on Assistance to Mine Victims and Other People with Disabilities (CPAV).
- Action for Transparent and Peaceful Elections (AETA).
- Congolese Women's Caucus.
- Consultative Framework for the Integration of People Living with Disabilities (CCIPVH).
- National Network of Human Rights Organizations in Congo (RENADHOC).
- Gathering of Women's Organizations for Development (ROFED).
- Network of Community Rehabilitation Committees (RCRC).

As they also exist at the regional and international levels:

### *Networks at the regional and international levels*

- Federation of Associations of Women with Disabilities of Central Africa (FEAFHAC).
- Association of Centres for the Disabled of Central Africa (ACHAC).
- World Organization of Disabled People (OMPD).
- UMOJA Network (Great Lakes Region of Africa).
- Africa with Disabilities.
- Hope for Disability.

These organisations and networks work in collaboration with the Congolese government, the UN and other actors to promote the rights and inclusion of persons with disabilities in the DRC.

### **9.3 If the DRC has ratified the CRPD, how has it ensured the involvement of DPOs in the implementation process?**

The DRC has ratified the CRPD. The DRC ratified the CRPD in 2015.<sup>42</sup> The DRC ensures that DPOs are involved in the implementation of the CRPD through consultative processes with the Ministry in charge of Persons with Disabilities. This approach entails DPOs helping to develop legislation, such as the Disability Act, and translating national policies into concrete actions.

### **9.4 What types of actions have DPOs themselves taken to ensure that they are fully embedded in the process of implementation?**

NGOs, particularly those working with and for persons with disabilities, were key players in promoting the CRPD in the DRC. They conducted awareness-raising campaigns with members of the government, including the Minister of Social Affairs, to highlight the importance of ratification for the rights of persons with disabilities. The DRC has also established monitoring mechanisms to involve persons with disabilities in the CRPD implementation process, enabling broader participation.

### **9.5 What, if any, are the barriers DPOs have faced in engaging with implementation?**

DPOs face complex challenges that require a holistic approach to ensure the full realisation of the rights of persons with disabilities, such as:

- Lack of resources.
- Physical barriers (inaccessible buildings, transport and infrastructure).
- Social and attitudinal barriers (discrimination, stigma and prejudice against persons with disabilities).
- Barriers to employment.

Lack of participation (DPOs may feel excluded from decision-making processes, which limits their ability to make their voices heard and advocate for their rights).

### **9.6 Are there specific instances that provide ‘best-practice models’ for ensuring proper involvement of DPOs?**

DPOs can serve as models for participation by adopting an inclusive approach and ensuring that persons with disabilities are involved in all aspects of their work. This includes programme planning, implementation, and evaluation, as well as decision-making. Concrete examples include participating in the design of accessible sanitation programmes, participating in awareness-raising activities, and advocating for the rights of people with disabilities.

An active participation model includes:

- Involving people with disabilities at all stages.
- Giving voice to people with disabilities.

42 United Nations Human Rights Treaty Bodies Database [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRPD](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRPD) (accessed 22 November 2025).

- Promoting autonomy.
- Considering the diversity of disabilities.
- Adapting participation methods.
- Promoting awareness.

By adopting these participation models, DPOs can play a crucial role in promoting the inclusion and empowerment of persons with disabilities.

**9.7 Are there any specific outcomes regarding successful implementation and/or improved recognition of the rights of persons with disabilities that resulted from the engagement of DPOs in the implementation process?**

Here are some specific results of the successful implementation of the CRPD by organisations of persons with disabilities in the DRC:

*Recognition and legal status*

DPOs in the DRC are recognised by the state through the legal personality granted to them as legal entities.

*Access to healthcare*

Some organisations, such as Handicap International, are making efforts to improve access to healthcare for persons with disabilities, particularly through medical and psychosocial assistance.

*Societal accessibility*

Societal accessibility, which includes adapting social spaces and establishing a right to compensation, is an essential pillar of CRPD implementation.

*Political and social participation*

It is crucial that persons with disabilities be present in national, provincial, and local institutions, and that an organic law defines the modalities for implementing this right. A Ministry in Charge of People living with Handicap is established.

*Human rights model*

Adopting the human rights model for disability ensures that persons with disabilities are not denied their legal capacity and recognises the importance of disability in their lives.

**9.8 Has your research shown areas for capacity building and support (particularly in relation to research) for DPOs with respect to their engagement with the implementation process?**

Several projects can strengthen DPOs in the DRC. These projects aim to improve the inclusion, autonomy, and participation of persons with disabilities in all aspects of society. Here are some areas of action:

- Capacity building of organisations.
- Social and economic inclusion.
- Promotion of the rights of persons with disabilities.

These projects, when well-designed and implemented, can contribute to significantly improving the quality of life of persons with disabilities in the DRC and strengthening their role in society.

**9.9 Are there recommendations that come out of your research as to how DPOs might be more comprehensively empowered to take a leading role in the implementation processes of international or regional instruments?**

To further empower DPOs in the implementation of international and regional instruments, it is crucial to ensure their active and meaningful participation at all stages of the process. This includes the design, implementation, monitoring, and evaluation of policies and programmes. Furthermore, it is essential to strengthen their technical and financial capacities, as well as promote their representation in decision-making bodies.

The major problem facing DPOs is insufficient material and financial resources. They are full of good faith, determination, and dynamism, but due to a lack of adequate financial resources, they are unable to achieve their stated objectives.

The main problem is empowering persons with disabilities to support themselves and abandon begging on the street, a deplorable phenomenon that we unfortunately witness every day in the DRC's major cities, where disability and begging generally go hand in hand.

**9.10 Are there specific research institutes in the region where the DRC is situated (West Africa) that work on the rights of persons with disabilities and that have facilitated the involvement of DPOs in the process, including in research?**

In the DRC, there are few specific research institutes working on the rights of persons with disabilities, and even fewer that actively involve organisations of persons with disabilities in their research. However, several organisations, including associations and committees for the defence of the rights of persons with disabilities, play a crucial role in promoting and protecting these rights.

There are also institutions and organisations working on the rights of persons with disabilities, but there is no academic research structures specifically dedicated to this field, as there are in the West. DPOs play a crucial role in defending their rights and actively participate in research initiatives. Although there is a lack of specific academic research on disability, DPOs collaborate with various partners to improve the living conditions of persons with disabilities.

The only existing institutions are those that provide training courses for persons with disabilities, such as persons with visual disabilities, persons with physical disabilities, and persons with hearing and speech disabilities (Sœurs de la Charité de Kasenga School for the Deaf and Mutes). Research centres or institutes are almost non-existent. The Kinshasa Rehabilitation Centre for the Physically Disabled (CRHP) is a centre that provides rehabilitation services to persons with

physical disabilities. It also offers social support services, including a restaurant and a craft shop.

## 10 Government departments

**10.1 Does the DRC have a government department or departments that is/are specifically responsible for promoting and protecting the rights and welfare of persons with disabilities? If so, describe the activities of the department(s).**

There is a Minister within the Ministry of Social Affairs, Humanitarian Actions and National Solidarity responsible for persons with disabilities and other vulnerable people. This Ministry is represented throughout the DRC. There is a permanent secretariat within this Ministry. Within the Ministry of Social Affairs, Humanitarian Action and National Solidarity, there is a directorate and two departments specifically responsible for issues related to persons with disabilities:

- **The Directorate for the Coordination of Rehabilitation Activities for Persons with Disabilities (DICOREPHA)**

Its responsibilities include: monitoring the implementation of projects initiated for persons with disabilities; organising and monitoring meetings of the National Council for the Rehabilitation and Reclassification of Persons with Disabilities with social partners; defining and coordinating the national policy for the promotion of persons with disabilities to enable them to actively participate in national production; and supervising the activities of all official and private institutions (Centres and Workshops), and associations involved in the training and professional reintegration of persons with disabilities.<sup>43</sup>

- **The National Centre for Vocational Training for the Physically Disabled and Invalids (CENAPHI)**

Its main responsibilities are: to provide technical and financial support for the reclassification and social reintegration of trained young people; and the training and vocational rehabilitation of persons with disabilities with a view to their participation in the country's development.<sup>44</sup>

- **The National Service for Rehabilitation, Learning, Placement and Socio-Professional Reclassification of the Blind of Congo (SENARAC)**

This Service's responsibilities are: to ensure the rehabilitation, learning, placement and socio-professional recovery of the blind; to carry out the rehabilitation and training of trades adapted to the blind; the rehabilitation of blind adults; and the creation of jobs in the informal and formal sectors at the local and national levels, especially in rural areas.<sup>45</sup>

43 DRC, Ministère des Affaires sociales Actions Humanitaires et Solidarité Nationale 'Plan stratégique quinquennal de protection et de promotion des personnes en situation de handicap 2016-2020' <https://www.rodra.co.za/images/countries/drc/research/Plan%20strategique%20sur%20le%20handicap.pdf> (accessed 26 July 2025).

44 PO Lobe 'République Démocratique du Congo (RDC)' (2013) 1 *African Disability Rights Yearbook* 291.

45 As above.

## 11 Main human rights concerns of people with disabilities in the DRC

### 11.1 Contemporary challenges of persons with disabilities in the DRC (eg in some parts of Africa is ritual killing of certain classes of PWDs such as persons with albinism occurs).

Persons with disabilities in the DRC face a variety of obstacles, such as discrimination, limited access to education and employment opportunities, and obstacles that prevent them from participating in social activities. Conditions such as poverty, conflict, and social norms all contribute to their predicament. The challenges are multiple, among others: discrimination and stigmatisation lack of access to education; difficulties in accessing employment; obstacles to social participation; poverty, conflict and displacement; inadequate infrastructure; lack of appropriate services; and social and cultural norms. In the most remote areas of the country, persons with albinism are attacked, mutilated or killed during witchcraft rituals.<sup>46</sup>

However, despite these efforts, the effective implementation of policies and measures remains a major challenge in the DRC, due in particular to the complexity of the situation, limited resources and the persistence of prejudices.

### 11.2 Describe the contemporary challenges of persons with disabilities, and the legal responses thereto, and assess the adequacy of these responses to:

The government of the DRC has structures and mechanisms designed to ensure the full development of persons with disabilities. This development is supposed to include social and medical care, access to education and employment, economic reintegration, and other similar aspects. To address certain obstacles, the government has signed several decrees, namely:

- Decree 24/22 of 7 March 2024, establishing the implementation procedures for the representation of persons with disabilities in institutions.<sup>47</sup>
- Decree 24/28 of 25 March 2024, establishing conditions for private law organisations working for the advancement of persons with disabilities.<sup>48</sup>
- Decree 24/27 of 25 March 2024, establishing the organisation and operation of a public institution called the National Fund to Support the Empowerment and Accessibility of Persons with Disabilities.<sup>49</sup>

46 H Maludi 'DR Congo: The struggle of albinos for their recognition (RD Congo : La lutte des albinos pour leur reconnaissance)' *Afrique analyse* 13 June 2023 <https://www.aa.com.tr/fr/afrique/rd-congo-la-lutte-des-albinos-pour-leur-reconnaissance/2921541#> (accessed 22 May 2025).

47 Décret 24/ 22 du 07 mars 2024 fixant les modalités d'application de la représentation des personnes vivant avec handicap dans les institutions en République Démocratique du Congo.

48 Décret 24/28 du 25 mars 2024 fixant les conditions d'obtention des facilités administratives, fiscales et douanières par les organisations de droit privé œuvrant pour la promotion de la personne vivant avec handicap en République démocratique du Congo.

- Decree 24/26 of 25 March 2024, establishing the practical arrangements for accessibility for persons with disabilities to infrastructure, aids, and other basic social services.<sup>50</sup>

Although these decrees have been signed, the reality of daily life for persons with disabilities is quite different:

#### *Access to public buildings*

No specific measures regarding access to public buildings for persons with disabilities have been taken to date; even those using wheelchairs often have difficulty accessing them.

#### *Access to public transportation*

The same observation as above.

#### *Access to education*

The Constitution guarantees access to public education under the same conditions for all citizens, with the same principles of equality and non-discrimination. Article 45 of the DRC Constitution on freedom of education stipulates in its second paragraph:

Every person has access to national educational institutions, without discrimination based on place of origin, race, religion, sex, political or philosophical opinions, physical, mental, or sensory condition, according to their abilities.<sup>51</sup>

#### *Access to vocational training*

There are several schools and institutes throughout the country specialising in training persons with disabilities, either in the public sector, or in churches and private institutions (schools for persons and children with visual, hearing or speech disabilities, etc).

#### *Access to employment*

The Constitution guarantees every citizen access to employment under conditions of equality and non-discrimination.

#### *Access to recreation and sports*

Sports facilities are generally in the hands of churches, which sometimes organise competitions for persons with disabilities.

49 Décret 24/27 du 25 mars 2024 portant organisation et fonctionnement d'un établissement public dénommé Fonds National d'Appui à l'Autonomisation et à l'Accessibilité des Personnes avec Handicap en République Démocratique du Congo, en sigle « FONA-PVH ».

50 Décret 24/26 du 25 mars 2024 fixant les modalités pratiques d'accessibilité des personnes avec handicap aux infrastructures, aides et autres services sociaux de base en République Démocratique du Congo.

51 DRC Constitution, art 45.

### *Access to justice*

Like other citizens, access to justice is guaranteed to everyone under the same conditions of equality and non-discrimination.

### *Access to healthcare*

Access to healthcare, is a real problem for persons with disabilities.

## **11.3 Do people with disabilities have a right to participation in political life (political representation and leadership) in the DRC?**

The Constitution recognises the same rights for every Congolese citizen as all other Congolese citizens, and the principles of equality before the law and non-discrimination are clearly affirmed. Persons with disabilities are granted access to positions of responsibility based on the same merit and competence as all other citizens. The right to participate in the management of public affairs, whether directly or indirectly, is guaranteed to every Congolese citizen, without any discrimination. Decree 24/22 of 7 March 2024, establishing the implementation procedures for the representation of persons with disabilities in the DRC institutions.<sup>52</sup>

## **11.4 Are persons with disabilities' socio-economic rights, including the right to health, education and other social services protected and realised in the DRC?**

Although FONA-PVH was created by decree and is not yet operational, the Congolese government has not implemented a policy or programme aimed at providing subsidies to DPOs or persons with disabilities, other than small sums of money sporadically provided by the Ministry of Social Affairs for minor assistance.<sup>53</sup>

## **11.5 Specific categories experiencing particular issues/vulnerability.**

### *Women with disabilities*

The complete lack of reliable and credible statistics makes it difficult to understand the problems that may arise for a specific category of persons with disabilities. Nevertheless, the empowerment of women with disabilities remains a challenge.

### *Children with disabilities*

The same observation applies to children with disabilities as well.

52 National Disability Law 22/003 on the Protection of Persons with Disabilities. Law enacted by the President of the DRC and published in the Official Gazette on 1 June 2022.

53 Décret 24/27 du 25 /Mars 2024 portant organisation et fonctionnement d'un établissement public dénommé Fonds National d'appui à l'Autonomisation et à l'Accessibilité des personnes avec Handicap en République Démocratique du Congo, en sigle « FONA-PVH ».

### *Albinism*

The same observation applies to persons with albinism as well.

### *Others (eg, indigenous populations)*

The same observation applies here as well.

## 12 Future perspective

### 12.1 Are there any specific measures with regard to persons with disabilities being debated or considered in the DRC at the moment?

Specific measures are being debated and considered for the protection and promotion of the rights of persons with disabilities, in accordance with the Constitution and the CRPD, ratified in 2015. National Disability Law 22/003 of 3 May 2022, on the protection of the rights of persons with disabilities was promulgated and published in the Official Gazette.<sup>54</sup> Sectoral laws have been signed by the government for the promotion and protection of persons with disabilities.

The state has a duty to promote the presence of persons with disabilities within national, provincial, and local institutions. An organic law establishes the modalities for implementing this right.

### 12.2 What legal reforms would you like to see in the DRC? Why?

The DRC has a significant arsenal of tools for persons with disabilities. It is essential that these tools be put into practice for the promotion and protection of persons with disabilities. As the DRC is a country in a situation of conflict, it would be appropriate to think of all the people who have become disabled as a result of the war, fractures, and amputations of limbs due to bullets, anti-personnel mines, and other weapons of war likely to cause disability. The situation of people who suffer these traumas and injuries is often aggravated by the prolonged delays in obtaining emergency care and long-term rehabilitation (case of soldiers who have been maimed, demobilised or wounded in the war).

The law must establish clear, accessible, and affordable procedures for persons with disabilities to seek justice when they are discriminated against. This could include expanding the National Human Rights Commission's authority to hear disability discrimination cases or establishing a specialised tribunal. Reform should ensure that the complainant's burden of proof is not insurmountable, and that courts can award meaningful remedies, such as compensation and injunctions to end discriminatory practices. Rights without remedies are meaningless. Many people are afraid to challenge discrimination because of the cost, complexity, and potential inaccessibility of legal proceedings. Developing a specific and accessible remedy would enable persons with disabilities to assert their rights, hold institutions accountable, and create a strong deterrent to future discrimination.

54 National Disability Law 22/003 of 3 May 2022, on the protection and promotion of the rights of persons with disabilities, published in *Journal Officiel de la République Démocratique du Congo* on 1 June 2022 (Première partie, No 11).

