



**UNITED NATIONS JOINT PROJECT FOR THE PROMOTION OF THE
RIGHTS OF PERSONS WITH DISABILITIES (UNPRPD)
*Situational Analysis for the Democratic Republic of Congo***

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Disclaimer: The data and information presented in the report are based on the situational analyses conducted at the country level and were drafted by the UN country teams. Methodology for data collection included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises and consultative workshops with key stakeholders. The UNPRPD has not edited the report or verified the findings for accuracy. This report does not necessarily reflect the position of the UNPRPD.

ACRONYMS AND ABBREVIATIONS

- ACDF: Association Congolaise Débout et Fier
- ACOLDEMHA: Association Congolaise pour la Libération et le Développement de la Maman Handicapée
- AIDS: Acquired Immunodeficiency Syndrome
- CAFCO: Cadre de Concertation des Femmes du Congo
- CNDH: National Human Rights Commission
- CRPD: United Nations Convention on the Rights of Persons with Disabilities
- CSO: Civil Society Organization
- Culture
- DICOREPHA: Direction de Coordination des Activités de Réadaptation des personnes handicapées
- DPOs: Disabled Persons Organizations
- DRC: Democratic Republic of Congo
- FECOPEHA: Fédération Congolaise des personnes handicapées
- FENAPHACO: Fédération Nationale des Personnes Handicapées de la République Démocratique du Congo
- FNPSS: Fonds National de Promotion et de Service Social
- FOPHAC: Forum des défenseurs et Organisations des personnes Handicapés en Afrique Centrale et des pays de grands lacs
- HI: Handicap International
- ICCPR: International Covenant on Civil and Political Rights
- ILO: International Labor Organization
- MONUSCO: United Nations Stabilization Mission in Congo in the Congo
- NGO: Non-Governmental Organization
- PNA : Plan National d'Adaptation aux changements climatiques
- PwD: People with Disability
- RPDI: Rassemblement des personnes Handicapés pour le développement intégral
- SDGs: Sustainable Development Goals
- UDHR: Universal Declaration of Human Rights
- UN MAAC: United Nations Mine Action Coordination Center
- UN Women: United Nations Agency for the Promotion of Gender Equality
- UNAIDS: United Nations AIDS Control Programme
- UNAV: National Union of the Blind
- UNDP: United Nations Development Program
- UNESCO: United Nations Educational, Scientific and Cultural Organization
- UNFPA: United Nations Population Fund
- UNICEF: United Nations Children's Fund
- UNJHRO: United Nations Joint Human Rights Office
- USAID: United States Agency for International Development
- WB: World Bank
- WHO: World Health Organization

I. EXECUTIVE SUMMARY

The third and fourth phases of the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD) multi-stakeholder trust fund project provide an opportunity to conduct a comprehensive situational analysis on persons with disabilities in the Democratic Republic of Congo, focusing on the main gaps in the legislative, structural and policy aspects (taking into account the budget allocation for issues of disability, the utilization of disability data, the mainstreaming of disability in critical sectors) as well as related differences in the capacities of stakeholders. This study provides recommendations which may be useful to other disability inclusion programmes in the country. Within this framework, key funding priorities are defined, in order to accelerate the implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and strengthen the inclusion of disability rights in broader development processes.

In the DRC, the most urgent problems to be progressively addressed so as to ensure the inclusion of persons with disabilities (PwDs) are, among others: limited awareness of the Convention on the Rights of Persons with Disabilities, lack of political will/interest/capacity for its implementation, insufficient national budget and low budgetary allocations in the provinces, multifaceted challenges faced by Disabled People's Organizations (DPOs), including weak resource mobilization capacity for projects and programmes, weak structural capacity and low level of advocacy by DPOs for their rights. Additional concerns are the existence of certain cultural/customary practices and beliefs which propagate the marginalization of PwDs.

The capacity of public authorities in collecting, compiling and analyzing data/statistics to inform the development and implementation of inclusive policies needs to be strengthened. This requires the reform and strengthening of Congolese public structures dealing with statistics as part of their departmental responsibility. The Government's resource mobilization capacity needs to be strengthened in order to generate sufficient finances to cover both national and provincial budgets for the needed adaptations that will ensure the inclusion and full participation of the persons with disabilities. This adaptation must include the establishment of innovative mechanisms to finance inclusion, ensure the creation of specific jobs to persons with disabilities, as well as other remunerative services which promote the rights of persons with disabilities.

In order to fully play their role as defenders of inclusion and complement public authorities in the promotion and protection of the rights of persons with disabilities, DPOs must strengthen their organizational structures and capacities, not only in terms of institutions and programmes, but also with regards to advocacy through which they intend to obtain change and/or support policy reforms in their favor. DPOs will also need to set up effective internal mechanisms dedicated to administration, gender and disability-sensitive management, as well as for accountability to public authorities and their technical and financial partners.

While the above-mentioned gaps are substantial, some positive developments have been noted at the national policy level. It is important to highlight the fact that in May 2022, the President of the DRC promulgated the national law on the protection and promotion of the rights of persons with disabilities. In addition, the establishment in 2019 of a Minister responsible for persons with disabilities and other vulnerable persons within the Ministry of Social Affairs within the central government, which has drawn

up draft inclusive policies, represents important progress, even if it is not fully autonomous. This has been further strengthened recently when on 21 November 2022, the Deputy Prime Minister of the Civil Service signed an order creating a permanent administration for promotion and protection of the rights of persons with disabilities within the delegated Ministry.

On the basis of the study conducted, the following main recommendations are made to JHRO and other UNCT to strengthen the inclusion of persons with disabilities:

- Provide support to sensitization and dedicated trainings on the UN Convention on the Rights of Persons with Disabilities with the aim of raising awareness and strengthen the capacities of the various stakeholders in promoting and protecting the rights of persons with disabilities.
- Provide technical and financial support to the government to develop, promulgate and monitor the implementation of minimum standards and guidelines that ensure full accessibility to both private and public facilities and services by persons with disabilities.
- Encourage the government and partners to initiate and implement disability inclusive development projects or programmes by requesting disability disaggregated objectives, targets and indicators in all supported initiatives and national development plans.
- Strengthen the capacities of DPOs to participate meaningfully in policy development and implementation and partner with the government to create a working group or sub-group on disability issues.

Specific recommendations on the different findings are further developed in the study.

II. GENERAL INTRODUCTION

1. Purpose of the analysis

This analysis describes the situation of persons with disabilities in the DRC. It examines the normative and institutional arrangements that are dedicated to the inclusion of persons with disabilities and examines their strengths and weaknesses in the context of a forward-looking critique geared towards reform and capacity building. The study expresses the views of the resource persons and organizations (including DPOs, Government, CSOs, Universities, etc.), that were consulted to identify the strengths and weaknesses in relation to inclusion in the DRC. It also makes some key recommendations.

The analysis integrates the current state of consolidation of the implementation of provisions in the Constitution for the inclusion of persons with disabilities, the implementation status of equity and decent work for all, with, on the one hand, the requirement of redistribution of national wealth and, on the other hand, the obligation to reduce social inequalities and extreme poverty through governmental programmes based on the SDGs.

For the implementation of the constitutional and conventional provisions relating to inclusion, equality and full participation, the analysis also looks at the operational mechanisms for coordinating and promoting disability-related activities (institutional and non-institutional coordination mechanisms), with the objective of guaranteeing and promoting the exercise of all fundamental rights and freedoms by persons with disabilities while combating, by appropriate means, all forms of substantive discrimination; and to rationalize and harmonize the institutional and non-institutional approaches to intervention of all stakeholders, particularly DPOs, towards an inclusive society, while avoiding institutional duplication), wastage of resources and facilitating convergence and better coordination.

2. Introduction to disability in the DRC

2.1 Definitions

It is important to first identify the definitions generally given to the terms "disability" and "disabled".

According to the World Health Organization (WHO), "a person is disabled if his or her physical or mental integrity is temporarily or permanently impaired, either congenitally or as a result of age or accident, so that his or her independence, ability to attend school or to hold a job is impaired¹". In line with the rights-based approach, Article 1 of the CRPD, persons with disabilities are persons who have long-term physical, mental, intellectual or sensory impairments and whose interaction with various barriers may hinder their full and effective participation in society on an equal basis with others².

The term "disability", according to Professor Félicité Langwana³, refers to "the limitation of the possibilities of interaction of an individual with his or her environment, caused by an impairment resulting in a permanent or non-permanent disability". For her, "disability expresses a deficiency in relation to an environment, whether in terms of accessibility, expression, understanding or apprehension. It is therefore more a social concept than a medical one". She defines disability as "any limitation of activity or restriction of participation in society suffered by a person in his or her environment due to a substantial, lasting or permanent impairment of one or more physical, sensory, mental, cognitive or psychological functions or a disabling health disorder⁴".

2.2 Types of disabilities identified

The study conducted in Kinshasa and in several provinces of the DRC identified the following types of disability:

- Intellectual or developmental disability;
- Hearing impairment;
- Visual impairment;
- Motor disability;
- Autism;
- Psychosocial or mental health disability;
- Degenerative diseases;
- Albinism.

III. APPROACH

a. Guiding principles

¹ Reprinted by Philippe CAMBERLEIN, in "Politiques du handicap en France", 2015 on <https://www.cairn.info/politiques-et-dispositifs-du-handicap-en-france--9782100710089-page-4.htm#:~:text=Pour%20l'OMS%2C%20C2%AB%20est,s'en%20trouvent%20compromis%20C2%BB.>

² Article 1 of the CRPD.

³ General report of the round table on the situation of persons with disabilities in the Democratic Republic of Congo, Kinshasa, June 2016.

⁴ Democratic Republic of Congo, Ministry of Social Affairs, Humanitarian Action and National Solidarity, Fonds National de Promotion et de Service Social (FNPSS), Etablissement Public, "Rapport de collecte des données sur la situation des personnes handicapées en République démocratique du Congo". Study conducted by Professor Félicité LANGWANA, Anthropologist and Assistant Jean BITUMBA, March 2016.

The guiding principles for the development of the situational analysis are partly defined by the UNPRPD analytical framework. They can be summarized as follows:

- Internal consultation with the UN agencies involved in the UNPRPD to identify in a participatory manner the role of actors/agencies involved and to situate responsibilities.
- Capacity building through the organization of an introductory workshop on the rights of persons with disabilities based on the Convention, involving all stakeholders (primarily DPOs).
- Conducting surveys and stakeholder consultations (primarily with DPOs) in order to collect evidence on which to base the situational analysis and the project document.
- Establish and maintain a permanent dialogue with DPOs and the Government, again defining roles and responsibilities for pre-programming and to ensure joint/participatory planning.
- The use of the questions and data sources suggested in the guide and by the analytical framework for the collection and analysis of data for the situational analysis.
- The development of a situational analysis using the headings in the UNPRPD analytical framework and a project document with the results framework for promoting inclusion.

b. Methodology

Data collection was conducted based on the protocol proposed by the UNPRPD's model for developing situational analyses. The methodology consisted of interviews with stakeholders (online and face-to-face), quantitative research and literature review. It focused on the level of integration of the treaty provisions into public policy and institutional practices, and on the level of mastery of these provisions by all stakeholders involved in advocacy for the promotion of the rights of persons with disabilities. The collection of qualitative data focused on an opinion poll on the respect and implementation of the rights of people living with HIV in relation to the commitments made by the DRC on human rights in general and in relation to its obligations under the Convention itself. The themes that were discussed with stakeholders were:

- human dignity
- autonomy (freedom of choice and independence)
- equality and non-discrimination, gender equality (protection of women and girls, autonomy and promotion), equal opportunities (social protection, family formation through marriage, reproductive health and family responsibility, education and schooling).
- accessibility to public services (buildings, roads, schools, housing, medical facilities, workplaces, road, river and lake traffic, information, communication, ICT, etc.)
- physical violence, verbal violence, sexual violence,
- health (cost, specific services, prevention, geographical proximity/physical and economic accessibility/availability, non-discriminatory insurance, non-discrimination)
- work and employment (non-discrimination in hiring or employment and working conditions, equal pay, harassment, adaptation of infrastructures, social conditions and protection, accessibility to devices and aids, rehabilitation, social recovery, etc.) and
- economic participation and socio-economic inclusion.

Based on these themes, it was possible to qualitatively and quantitatively assess the level of knowledge of the rights of persons with disabilities by rights holders themselves and by the leaders of public and private institutions (duty bearers) in relation to the provisions of the CRPD, the DRC Constitution and other laws.

The study began with the organization of an initial training workshop on the provisions of the Convention and their integration into the normative and institutional arrangements of the state party. This workshop, which lasted five days, was held in Kinshasa, the capital of the DRC, and brought together approximately fifty participants, including representatives of state institutions, whose leadership was assumed by the Ministry in charge of disabled persons and other vulnerable persons at the Ministry of Social Affairs, UN

representatives, including the UNJHRO, UN Women and UNESCO, University researchers and several non-state actors, including DPOs. The modules used as training materials were developed by UNPRPD.

The organization of the initial workshop, the conduct of the situational analysis as well as the validation of field information was informed throughout by the participation of DPOs, Centres for the Disabled and sectoral public administrations (provincial ministries in charge of social affairs and provincial divisions of social affairs).

c. Scope and limits

The aim of the situational analysis was to take into account information collected from several provinces in DRC as well as at the national level. This was based on the assumption that the information and data available at the national level is incomplete or insufficient to answer the full range of analytical questions and issues covered by this framework.

However, the DRC is a very large country where access is challenging, particularly due to a lack of road infrastructure. It was difficult to visit all of its 26 provinces – visits to 11 provinces was initially planned but this was not feasible given the time constraints. Above all, it was not possible to cover all the remote areas where most people with disabilities live.

IV. FINDINGS

The findings that are highlighted by this situational analysis focus on what should be considered as preconditions for the inclusion of people with disabilities. These preconditions are: equality and non-discrimination, accessibility, inclusiveness, participation, budgeting in line with the Convention, accountability and governance.

These findings also relate to cross-cutting issues, as foreseen by the UNPRPD strategic framework. The cross-cutting issues on which the analysis focuses are: the full and effective participation of persons with disabilities; the fight against inequalities, notably through the inclusion of marginalized and/or under-represented groups of persons with disabilities; and gender. This refers to the fight against gender inequalities and what prevents the advancement of the rights of women and girls with disabilities.

The findings around these prerequisites and cross-cutting issues are preceded by an analysis of the actors involved in promoting the rights of persons with disabilities. These include state actors, non-state actors, the framework of international cooperation and partnerships, and the different roles played by UN agencies.

1. Stakeholder analysis and coordination

This part of the analysis examines the capacities of duty bearers and rights holders, regarding their legal nature, capacities, strengths and weaknesses, and the manner in which they interact to promote the rights of persons with disabilities. It concludes by proposing the necessary reforms to optimize their interventions in accordance with the Convention, as recommended by the stakeholders, including the DPOs consulted.

The analysis of capacities, strengths and weaknesses is considered particularly with regard to the United Nations Agenda 2030 for Sustainable Development. This Agenda commits States Parties to implement the SDGs in an inclusive manner while involving other stakeholders, including DPOs, in a partnership framework.

The stakeholders consulted during the initial training workshop and during the drafting of this analysis are institutional (the Government, the Parliament, the Judiciary, the Ministry of Health, the Ministry of Social Affairs, the Ministry of Labour and Social Security as well as other specialized institutions such as the "National Fund for Promotion and Social Service" (FNPSS) and the "National Human Rights Commission"(CNDH); non-state actors (DPOs, CSOs, Universities and public and private bodies involved in scientific research), and UNS agencies.

Section 1. Duty Bearers

i. The Government.

Article 1 of the Convention affirms, *inter alia*, that the purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities and to promote respect for their inherent dignity. These provisions commit States Parties to put in place institutional, normative, policy and cross-sectoral mechanisms that guarantee the "full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities" and the imperative to "promote respect for their inherent dignity".

Since 2013, with the launch of the process relating to the “Etats Généraux sur les Droits des personnes handicapées”, the DRC, whose Constitution advocates the construction of an inclusive society and special protection for persons with disabilities, has begun to put in place several reforms necessary for the fulfilment of the above-mentioned treaty obligations. At the institutional level, it first rehabilitated the "National Fund for Promotion and Social Service" (FNPSS), whose tasks include operationalizing inclusiveness. In 2019, a Minister responsible for persons with disabilities and other vulnerable persons was established within the Ministry of Social Affairs within the central government.

The government also recently enacted in May 2022 an national law on the promotion and protection of persons living with disabilities, which marks an important step forward in the implementation of the CRPD in DRC.

a. The National Fund for Promotion and Social Services (FNPSS)

The "National Fund for Promotion and Social Service (FNPSS) is a public structure with technical, financial, social and humanitarian responsibilities. It supports the social and humanitarian action of the government. Created in 1963, the FNPSS should in principle be the government's fund for managing all social services. It is a structure that depends on the Ministry of Social Affairs. Between 2014-2016, FNPSS led advocacy for the adoption of the law on persons with disabilities by the Parliament and conducted several trainings with the Parliament (see below section on Parliament for further information).

b. The Delegated Ministry in charge of the people with disabilities and other vulnerable persons.

A Ministry in charge of people with disabilities and other vulnerable persons was created within the Ministry of Social Affairs in 2019 (“Delegated Ministry”). The creation of this Ministry was an important institutional and political step forward in the promotion of the rights of persons with disabilities. Above all, it presents an opportunity for partnership with the UNPRPD in that the existence of this Ministry will facilitate better alignment and coordination of support in the sector. However, the Ministry, as envisaged by the Ordinance creating it, is only delegated to the Ministry in charge of Social Affairs, Humanitarian Action and National Solidarity, and is therefore not fully autonomous. This lack of autonomy is reinforced by the fact that for several years it did not have its own administration. However, in a positive step, on 21 November 2022, the Deputy Prime Minister of the Civil Service signed an order creating a permanent

administration within the delegated Ministry in charge of people living with disabilities and other vulnerable persons.

Furthermore, while the promotion of the rights of persons with disabilities within public institutions is guaranteed by Ministry of Social Affairs, responsible for persons with disabilities and other vulnerable persons at the national level, there is still no ministry or provincial division specifically in charge of disability issues in all 26 provinces of the DRC. The responsibility is assumed by the provincial ministries in charge of social affairs, as well as the provincial divisions under these provincial ministries, which have, among other things, as their responsibility the promotion of the rights of persons with disabilities. The DPOs consulted noted that these Divisions only address issues relating to the rights of persons with disabilities during official celebrations, and added that persons with disabilities are generally considered as beggars. Indeed, for DPOs, the approach to disability, but these ministries and divisions remains essentially based on ad hoc 'relief' or social assistance interventions 'to the rescue' of those commonly referred to as 'social cases', i.e. 'needy'.

DPOs consider that there is a lack of activities, initiatives and collaboration in the provinces on the issue of disability. The UNJHRO field offices do not have specific units or dedicated staff on the issue, nor do other UN agencies in the provinces and in Kinshasa. They noted, as did UN staff consulted, that disability is considered one of the aspects of human rights. As such, it is not subject to specific programming based on the CRPD. However, the UNJHRO is one of the privileged partners in the implementation of the CRPD in terms of its multiple forms of support aimed at strengthening the capacities of institutional and non-institutional actors. This notwithstanding, the absence of specific United Nations programmes and projects on the inclusion of persons with disabilities in the provinces, is a perceived gap which reinforces the ignorance of various actors (including the rights bearers) as well as policy makers and provincial administrators about the CRPD. It also reinforces rejection, stigmatization and exclusion based on ignorance. Additionally, the gap exposes the weakness of advocacy by DPOs and further weakens their advocacy with decision-makers, who themselves are poorly informed about the CRPD.

Despite its shortcomings, the existence of a proactive Delegated Ministry, which has drawn up draft inclusive policies, and a large platform bringing together DPOs from across the country represents an opportunity for them to use their role as key partners for initiating the inclusion of persons with disabilities desired by the members of the Congolese constituent assembly.

In the opinion of DPOs and other stakeholders, as the Government's umbrella institution for coordinating all initiatives and partnerships in the disability sector, the Delegated Ministry has a heavy responsibility in supporting the implementation of the CRPD, which must be disseminated widely in order to raise awareness among various stakeholders, who should understand it, appropriate it and use it to strengthen their advocacy and actions. It is within this framework that the Delegated Ministry has recently conducted several studies which have been used to develop its strategy. It has several programmatic tools including the National Policy for the empowerment of persons with disabilities, the National Programme for the Promotion and Protection of the Rights of persons with disabilities and the National Programme for the Promotion and Protection of the Rights of persons with albinism, which aim to promote the inclusiveness and full participation of persons with disabilities. They are all part of an important draft strategy to which the UNJHRO has been providing important technical and financial contributions.

However, as mentioned above, without the autonomy of this Ministry, without the technical support of a sectoral public administration and without a substantial budget, even if all these draft actions were to be adopted by the Council of Ministers, the chances of their implementation would be very slim.

Finally, this effort should be replicated with regards to infrastructure. In fact, in this respect, the Delegated Ministry does not have an autonomous building where the Minister's office and his sectoral public

administration operate. In terms of physical accessibility, the current office of the Minister Delegate is located on the third floor of a private building without sufficient facilities to accommodate access by disabled persons. It has a lift, but in a country where electricity is scarce, there is no reason to believe that it can be used efficiently and permanently.

In summary, the creation of a Delegated Ministry represents important progress and an opportunity for cooperation with the UNPRPD. This political endeavour must be strengthened through advocacy support for the effective establishment of the public administration service for the sector and the allocation of sufficient budgetary resources. In the provinces, advocacy must target the creation of portfolios within provincial governments and special entities within the provincial assemblies responsible for the disability issue and its operationalization, taking into consideration its intersectoral nature.

c. The Inter-Ministerial Monitoring Committee

In terms of reforms, at the end of the Etats Généraux on the rights of persons with disabilities, in November 2016, the Government, through the Ministry of Social Affairs, Humanitarian Action and National Solidarity issued Order n° 350/CAB.MIN/AFF-SAH. SN/2016 on the creation, organization and functioning of an "Inter-ministerial Monitoring Committee" of the CRPD and its Optional Protocol. This mechanism was created in accordance with the provisions of Article 33 of the Convention and Articles 49 and 93 of the Constitution with the aim of supporting the implementation of the Convention and contributing to the promotion of inclusive development that integrates the issue of disability, guaranteeing the full participation of persons with disabilities while involving the institutions of the Republic, DPOs as well as regional and international technical and financial partners. It was to work to implement the Five-Year Strategic Plan (2016-2021), adopted at the Etats Généraux. The 2018 political regime change ushered in a lack of political ownership of this initiative by the new regime, which precluded a full operationalization of this mechanism. In the end, its essential duties were entrusted to the Delegated Ministry which is struggling to take responsibility for these duties because of a lack of technical support from a public administration service in the sector.

To implement and improve upon these reforms and strengthen the aspects linked to coordination, and in application of the provisions of articles 203 and 204 of the Congolese Constitution, the effort to create a Delegated Ministry needs to be reinforced by the setting up of provincial and local public administrations to improve the technical capacities of the sector (elaboration and execution of public policies in the sector by state administrative staff).

d. Civil Protection Council

One of the other aspects that should be taken into account in the promotion of the rights of persons with disabilities in the DRC is that of the Civil Protection Council which was established in 1996 under the authority of the Ministry of the Interior to assist in cases of natural disasters. The national civil protection council exists in Kinshasa and in all the provinces. However, it is poorly equipped with limited infrastructure, tailored equipment and human resources, needed to provide support to persons with disabilities in case of natural disasters, accidents, etc. One of the most recent examples is the inability of this mechanism to intervene on behalf of the persons with disabilities in the various volcanic eruptions which occurred in North Kivu province, or to set in motion warning and prevention mechanisms that could help save lives.

The recommendation made by DPOs in this respect is to improve training and awareness raising for human resources/firefighters to encourage them to incorporate everything strictly connected to disability into their planning and organization operations, and into rescue missions.

ii. Parliament.

To ensure the popularization of the Convention, the National Fond for Promotion and Social Service (FNPSS), in partnership with the UNJHRO, Handicap International, DPOs, WHO, etc., organized meetings in 2014, 2015 and 2016 with members of the National Assembly and the Senate. These meetings were also held with the aim of strengthening advocacy for the draft national law on the promotion of the rights of persons with disabilities to be adopted. It is within this framework that the parliament benefited from trainings that were focused on the "Practical Guide on the International Convention on the Rights of Persons with Disabilities", organized by the FNPSS. Some of these trainings were provided to members of the administrative benches of the two chambers of parliament and to some other MPs who have returned to the current legislature. The presence of these individuals in the Parliament, who have been trained on the provisions of the Convention, especially in its Standing Committees on Human Rights, is an important asset.

Indeed, both chambers of the Congolese parliament have standing committees responsible for human rights issues. They collaborate on a continuous basis with the other non-permanent committees to work on improving the systemic integration of human rights in the various bills and initiatives submitted for examination and adoption by either of the two chambers. It is within the framework of this internal collaboration that the National Assembly received, examined and voted on the draft national law on the protection and promotion of the rights of the persons with disabilities. This draft was transmitted to the President of the Republic at the end of 2021, to be promulgated and further enacted into law, and constitutes an important development.

As the budgetary authority and the authority in charge of controlling the Government, the Parliament (through its two chambers) should be required to play a more active role in monitoring the implementation of this law by the Government.

Advocacy should be undertaken for both chambers of parliament to vote on budget lines for the promotion of the rights of persons with disabilities, considering the relevant provisions of the Convention and the Parliamentary Guide prepared by the United Nations in this area. Further, parliament should periodically assess the suitability of the sector's budgeting and the extent of progressive implementation of the provisions of the Convention and the national disability law.

To achieve this, the role of DPOs should be strengthened by enhancing their qualitative and quantitative advocacy with parliament, particularly as regards the permanent human rights committees. This role should incorporate the requirement to contribute to popularizing the Convention and the national disability law with parliamentarians. This work could enable parliamentarians to better understand their role and take ownership of the Convention and of the national disability law. The two permanent human rights committees in parliament are also appropriate frameworks for direct cooperation with the UNPRPD. Such cooperation could involve scheduled meetings to monitor progress in terms of integration and inclusivity in various public policies, and advocacy for parliamentary oversight of this issue with the aim of strengthening institutional accountability.

iii. National Human Rights Commission

This National Human Rights Commission (CNDH) was created by national law No. 13/011 of 21 March 2013 in accordance with paragraph 3 of Article 222 of the DRC Constitution as a public institution supporting democracy, which is meant to be independent, pluralist, apolitical and endowed with a legal personality. As such, it enjoys full autonomy of action and management, which strengthens its capacity for

intervention. Under the terms of Article 4 of its national law, the CNDH is a public, technical and consultative body responsible for the promotion and protection of human rights throughout the Congolese territory.

Among its functions, as set out in article 6 of the same law, are those specific to the rights of the persons with disabilities. According to section 5 of this article, the CNDH is in fact responsible for "ensuring respect for the rights of people with disabilities".

While waiting for the validation of the national strategy dedicated to the protection and promotion of the rights of people with disabilities, which will enshrine transversality and cross-sector collaborations, the CNDH, like most other public institutions with legal competences on the issue of disability, continues to work in a silo. It also suffers from the consequences of the State's weak budgetary allocation to this sector and functions essentially as a result of the support of development partners who, unfortunately, cannot replace the State apparatus by financing all of its functioning and its actions. The CNDH, moreover, remain very weak in terms of its area of coverage and beneficiaries.

Since its establishment, the CNDH has demonstrated on several occasions, a certain amount of independence, particularly in its various monitoring activities which have led, over the last three years, to the publication of highly critical reports on violations of human rights by members of other public bodies of the State. This aspect of the CNDH's work should be reinforced and supported by the Government and its partners, particularly with regard to the rights of the persons with disabilities whose situation has not received much attention in each of these reports. This lack of specific attention to the situation of people with disabilities seems to be a logical consequence of the low level of knowledge and awareness of the CRPD among CNDH members and particularly among its field investigators.

Strengthening the CNDH could involve popularizing the Convention and the national disability law with its members and staff, and improving the subject index in its monitoring reports by including a section on disability. Based on an inter-institutional approach, the Government and its partners should try to work more closely together within the framework of a Disability Thematic Group along the lines of all the other thematic groups which exist and operate within the DRC. Within this same framework, disability donors should establish an Inter-Donor Group, following the example of those in other sectors in the DRC, to avoid any unnecessary duplication and strengthen the efficacy and efficiency of support.

Section 2. Right holders

i. Provincial hubs and centres

Since the beginning of 2022 and in application of the provisions of Article 45 of the National disability law, a Provincial DPO Hub has been set up by the Delegate Ministry in every province visited before and during preparation of this situational analysis.

According to article 35 of the national law on the protection and promotion of the rights of persons with disabilities, the Delegated Minister supports the establishment of a consultation framework for DPOs. The National Consultation Framework of Associations of People with Disabilities can serve as an interlocutor of people with disabilities, all categories included, with the Government and other components such as development partners. This framework already exists in some provinces and the Ministry is developing its organizational structure and functioning.

The DPO hub structures, which are mechanisms recommended by the CRPD, constitute platforms and meeting places for all categories of persons with disabilities. They are also important frameworks for establishing provincial partnerships with public institutions, other CSOs and technical and financial partners at the provincial level.

It is also important to note that all the provinces of the DRC also have "Centres for the disabled". Unlike the provincial DPO hubs, which are to be established by the government, these are private structures that belong either to the Catholic Church or to other civil society organizations, but unfortunately, for the most part, their operation remains dependent on aid and funding from development partners. All of them have a low self-financing capacity.

These centres, which constitute a good opportunity for partnership with the UNPRPD, essentially need logistical support and the necessary funding to be able to better support the various categories of persons with disabilities who request it. For their better functioning, they also need to refurbish their infrastructures, most of which is dated.

In several provincial towns visited, notably Bukavu, Goma, Ituri, Kalemie, Lubumbashi and Kinshasa, these centres are developing income generating activities. There are, for example, workshops for the manufacture of prostheses and other orthopedic devices, mechanical workshops, clothing workshops, spaces for the production of handicrafts and artistic works, etc.

Support to promote sales of their products would be of great help to disabled persons. It could contribute to the strengthening of their economic autonomy and to the independence of their graduates who, at the end of the cycles, are provided with socio-economic and professional reintegration kits. The Centre for the Disabled in Bukavu (it is called "Heri Kwetu") is one of those that have mechanisms for socio-economic and professional reintegration through training in trades and the provision of reintegration kits (equipment needed to set up workshops for cutting and sewing clothes, for example) to the graduates who are all persons with disabilities. It is also within this Centre that the only inclusive school in the region operates, which covers the whole of the Eastern part of the country and welcomes children and young people aged between 6 and 20 years from all the provinces and even those from Rwanda and Burundi. It struggles to function optimally and to provide the necessary support to its boarders (1,332 at present, including all categories of persons with disabilities who study alongside "able-bodied" children) whose parents, mostly poor, are unable to pay the school fees set at only forty US dollars a year.

An onsite assessment, conducted with the school management showed that the roof and the ceilings are very old and urgently need to be replaced for the safety and comfort of both the persons with disabilities studying in this school, as well as the administrative and teaching staff. It was also observed that children with hearing impairments no longer have access to hearing aids because the model available is outdated and the batteries to operate them cannot be found on the local market. The school lacks the financial means to import these batteries or acquire new hearing aids adapted to the needs of its students with hearing impairments. However, pupils do benefit from adapted education with the use of sign language for the deaf.

Sign language is used permanently within the school, ensuring young hearing impaired people can communicate amongst themselves and with their teachers. In general, the number of skilled teachers should be highlighted; as only two or three teachers are available to teach and use sign language.

In Ituri, Tanganyika, North and South Kivu, most of the persons with motor disabilities are amputees and victims of war as well as interethnic/intercommunity conflicts. The major needs expressed by their respective organizations are medical care, access to orthopedic devices and access to training, particularly for adults. It was noted that most of the DPOs operating in these provinces operate in extreme poverty. They do not have access to the funding and privileged partnerships of agencies of the UNS. In these

conditions, the DPOs do not have access to any structured assistance from development partners, nor do they have access to any organized relief from public institutions in these provinces.

In all these provinces, the centres for the care of persons with disabilities belong to private individuals, religious organizations and other legal entities. They are poorly endowed with competent and qualified human resources, infrastructures and equipment adapted to persons with disabilities. In view of the growing demands, they are often overwhelmed, particularly by requests from parents of minors and elderly persons with disabilities. It is necessary to strengthen the institutional and programmatic capacities of these centres, for better advocacy and care. To achieve this, it is important for the UNPRPD to move on to or focus on those that are more organized and have a real leadership profile.

ii. DPOs involved in promoting the rights of persons with disabilities

There are DPOs and platforms in the DRC that are committed to and play the role of coordinating others in the context of specific training and advocacy for the promotion of the rights of persons with disabilities.

The country has several organizations of persons with disabilities, including FENAPHACO and FECOPEHA. However, one of the most important ones, and one that provides an opportunity for partnership with the UNPRPD, is FENAPHACO (Fédération Nationale des Personnes Handicapées de la République Démocratique du Congo). It operates as a platform and includes several other associations of people with disabilities, all categories combined, with representation in all provinces of the country. Alongside these two large movements, there are various centres for the disabled, including the Association Congolaise Débout et Fier (ACDF) based in Kinshasa and Goma (North Kivu).

These DPOs constitute an opportunity and a force for mobilization, for more active and promising advocacy. But in their majority, they need to be supported and backed up both in terms of specific training and in terms of material and financial support. The quality of their participation in the initial training workshop held during the UNPRPD's launch phase demonstrated how well most of their members have mastered the Convention's essential provisions and how much they can play a real leadership role in disseminating them to other national actors.

In general, the gaps that affect other national stakeholders are almost the same for DPOs. These include the habit of working in silos, the lack of partnerships and collaboration among them, which negatively affects their competitive advantage in terms of funding and their capacity to really influence processes; the lack of initiatives for the promotion of the rights of specific groups, notably children, women, girls with disabilities and the elderly, whose vulnerabilities can be addressed with some inherent particularities; the low level of communication capacity, access to ICTs and use of a website on which they would publish accessible information, thus contributing to the strengthening of their advocacy as well as their visibility by potential external partners.

The DRC also has thousands of CSOs working in various sectors which could, due to their sectoral competences, support DPO advocacy, particularly on the promotion of the rights of children, young girls, women, access to justice, access to schooling, monitoring of human rights violations in general, etc. Although dynamic, particularly during political and electoral periods, all these CSOs often suffer from the same weaknesses mentioned above and the lack of financial and operational capacities. They depend on funding from external partners; very few of them have the capacity to generate resources that can contribute to their internal development.

While the primary resources of a CSO should in principle come from membership fees, members often position themselves as wait-and-see or rather demand benefits, payments and bonuses from the structures

they create to attract external funding from development partners. Also, their future and their capacity to influence policies remains dependent on the availability of resources offered by development partners, including the UNJHRO, which has, on several occasions, provided support to some of them that are engaged in monitoring human rights violations.

All CSOs show the need to be strengthened in terms of organizational, managerial and financial capacities, etc. They are positioned as potential partners in the fight against human rights violations, thus potential partners for the UNPRPD. To take better advantage of their availability and aim for efficiency, the UNPRPD should work on grouping them around joint projects or activities. This would also avoid the dispersal of resources on activities with a small geographical scope, as well as any possible duplication of effort.

iii. The capacity of DPOs and the enabling environment for participation

In addition to the law on the rights of persons with disabilities which has just been adopted, the DRC essentially has two laws that govern the creation and functioning of CSOs. These are Law No. 004/2001 of 20 July 2001 on general provisions applicable to non-profit associations and public utility institutions and Law No. 96-002 of 22 June 1996 laying down the modalities for the exercise of press freedom in the Democratic Republic of Congo.

According to DPOs, the negative impact of these two laws, particularly in the field, is mainly felt at the financial level. Indeed, DPOs are largely poor and do not have the financial means required by the public administration to register and to benefit from advantages such as the free importation of equipment and other devices that could facilitate their autonomy. During interviews with different DPOs, especially in the provinces, it was stated that even before talking about this financial barrier, it is important to note that these two laws are poorly publicized and largely unknown, especially to DPOs. For some DPOs, the reform of these two laws, along with their popularization, should go in the direction of abolishing the administrative fees required for the creation of CSOs working for the promotion of the rights of persons with disabilities because most of them are very poor. According to them this should be done as part of the public support for the creation of CSOs working to support persons with disabilities.

In relation to their financial and budgetary capacities, it should be noted that DPOs do not receive financial support from the state. They depend entirely on funding from development partners, at most for those who can. But for the most part, apart from those that develop income generating activities such as the Centres for the Disabled, and a few platforms such as FENAPHACO and NGOs such as the ACDF, many DPOs exist only on paper.

FENAPHACO, which is represented in most of the provinces, is a framework for DPO consultation. It has an excellent capacity for advocacy and resource mobilization. It regularly organizes awareness-raising activities for its members on the rights of persons with disabilities and knowledge of the Convention. It has also accompanied, for several years, the process of examining and adopting the bill on the rights of people with disabilities, which is awaiting promulgation by the President of the Republic. This important platform includes all categories of disability.

By and large, all other DPOs are structured around the category of disability. They behave as thematic organizations, dealing only with the specific issues that concern the disability category covered. This is the case of the organization 'EPHATA' or even the Association des Aveugles du Congo (AAC), which only deals with issues affecting the blind. This is also the case of the "Association Congolaise pour la Libération et le Développement de la Maman Handicapée" (ACOLDEMHA) which only deals with issues affecting disabled women, etc.

Other thematic platforms, such as REGED (Governance and Democracy Network) promote the rights of persons with disabilities by conducting studies, including for a better national budgeting, inclusive of persons with disabilities. This platform recently conducted an important study on how and to what extent COVID 19 has negatively affected persons with disabilities.

The current trend to involve DPOs in decision-making processes, including at the political level, is an encouraging level of awareness on the part of the Congolese authorities. Indeed, from 2012 until now, with the launch of the first reflections led by the FNPSS on the promotion of the rights of persons with disabilities, they have constantly been consulted in the elaboration of different sectoral policy documents such as strategic plans, field studies, draft budgets, the current law that has recently been promulgated, etc.

This participation still needs to be improved both qualitatively and quantitatively by mobilizing a larger number of DPOs and by raising awareness of their rights under the Convention. Indeed, it was noted during interviews with DPOs that they participate little in these processes due to a lack of knowledge of their rights. Other DPOs stated that it is due to a lack of knowledge that persons with disabilities passively endure all kinds of discrimination in the family, at school, in private and public establishments etc. The improvement of the conditions of persons with disabilities in the DRC remains dependent on the level of popularization of the Convention and its integration into the various sectoral policies. The achievement of this condition presupposes that awareness-raising activities are carried out for the benefit of institutional and non-institutional actors. One of the key activities that the UNPRPD will have to methodically integrate will consist of training on the Convention and awareness-raising.

In this context, the media, political parties, schools, places of religious worship, cultural actors, etc. could be of great help in training and raising awareness within the masses, taking advantage of their massive audience and their audience ratings.

iv. Academic and scientific research institutions

There are two main academic institutions that are directly involved in training and statistics/data compilation. These are the University of Kinshasa (UNIKIN) and the National Institute of Statistics (INS), both of which were created by and belong to the state. From the analysis, it emerges that the problems affecting the proper functioning of the public administration are the same as those affecting the functioning of these two institutions, notably the lack of human resources trained for their effectiveness, in terms of budgeting, advocacy capacities, etc. To continue to operate, apart from the funding they receive from the modest state budget, they need to be strengthened in their capacity to build diversified partnerships.

Section 3: International cooperation

International cooperation supports disability inclusion in the DRC in the following ways: provision of financial support to CSOs in general and DPOs in particular; provision of technical and financial support to FNPSS and the Delegate Ministry; support with carrying out field studies; and direct support in terms of equipment and other mechanisms for empowering persons with disabilities. DPOs believe that this support is often fragmented, is sometimes focused on non-priority issues and is generally poor. It has an almost imperceptible effect in relation to the immense size of the country, the number of potential beneficiaries and the problems faced.

The Government considers that international support is disorganized and does not comply with the principles of international cooperation in that it is not reflected in the national budget or in the budgetary edicts of the provinces under “external resources.” The Government considers that this support lacks oversight by authorized public institutions because each donor does as it pleases in the area of its choosing, developing operations it has authorized without considering the priorities defined by the public institutions.

For the Government, and this is a recommendation it has made, it is important that all programmes supporting persons with disabilities and DPOs are prepared in cooperation with all the partners involved under the coordination of the Delegated Ministry to avoid unnecessary duplication.

Beyond the UN system, the main donors in the sector are INGOs (including Handicap International, MAG, Alerte International and NED). Occasionally, funding comes from embassies and technical cooperation organizations, such as for example the Belgian embassy which, in collaboration with Handicap International, has supported preparation of the “DRC OPD Joint Advocacy Strategy (2019-2021)” (Stratégie commune de plaidoyer des OPH de la RDC (2019-2021)). Other donors providing support through international organizations involved in this issue (MAG, Handicap International and Alerte International) include the Germany embassy, British technical cooperation (FCDO) the Swiss embassy and USAID.

One recommendation upon which both the Government and DPOs were in agreement concerned implementation of a Disability Thematic Subgroup within the Justice and Human Rights Subgroup (Groupe Thématique Justice et Droits Humains or GTJDH) which operates within the Ministry for Justice and brings together relevant actors from that sector and the human rights sector. For the Government and DPOs, a Disability Thematic Subgroup should act as a framework for coordinating and overseeing partnerships; defining, programming and prioritizing operations; and evaluating the results of any action carried out in support of PDs and DPOs before the same operations are extended or strengthened.

Chapter 3: Lack of knowledge of the Convention by most stakeholders

Governments and assemblies are ignorant of the provisions of the Convention. Of approximately 50 provincial political actors, only six claim to know that the Convention exists but none have read it. Outside the city of Kinshasa, in the provinces, only the provincial social affairs divisions seem to have a little knowledge of the contents of the Convention and the national disability law. Institutional stakeholders in the provinces are also unaware of the current vote on the draft law on the promotion of the rights of persons with disabilities, which is awaiting enactment by the head of State.

None of the provincial government agencies visited had a copy of the Convention or a copy of the national disability law. Ignorance of the existence of the Convention and of the national disability law, a lack of knowledge of their contents and ignorance of the judicial reform underway seem to be one of the main reasons for the absence of provincial processes which could encourage the full participation and social, economic and professional inclusion of persons with disabilities.

The absence of PDs in decision-making bodies throughout the country’s provinces is another reason for this lack of knowledge. In all the provinces covered, DPOs (mainly those working in urban areas) seem to have a little knowledge – although still insufficient - of the provisions of the Convention. Within the country’s interior, several DPOs have simply heard the Convention spoken of but have never seen it. A very large number of persons with disabilities who live far from urban areas have never attended school. Consequently, they do not speak French, the country’s official language and also the language in which the Convention has been written.

This situation effectively suggests that the Convention and the national disability law need to be translated into the country’s four national languages: Lingala, Swahili, Kikongo and Tshiluba.

Whether PDs live in urban areas or not, the inexistence of a copy of the Convention and of the national disability law translated into Braille is a barrier to understanding and knowing about the Convention and that law for persons who are blind, in preparation for their greater participation in the development processes of their respective provinces and defense of their rights in relation to the Convention. These rights

are actually already partly covered in the Constitution of the DRC and the national disability law. Persons living with albinism are not spared either, as those who suffer from visual problems do not have access to a format of the Convention and the national disability law which is suitable for their eyes.

The lack of sign language experts in churches, schools, public and private media outlets, government agencies and institutions, particularly during occasions where the Convention, the national disability law and the rights of PDs are being discussed, reinforces the exclusion and stigmatization of persons who are deaf. It reinforces their lack of knowledge of their rights as set down in the Convention and the national disability law.

Such a lack of knowledge of the provisions of the Convention and those of the national disability law by a large proportion of PDs, particularly in institutional environments, means that disability remains widely perceived as a humanitarian dilemma affecting the destitute, an affliction, a curse, etc. This reduces PDs and DPOs to beggars and the permanently helpless in the eyes of the general population.

In relation to the analysis above, the effectiveness of cooperation mechanisms and coordination processes for the rights of persons with disabilities within Government, the United Nations and the main development partners remains dependent on strengthening knowledge of the rights and obligations of each of the stakeholders, as covered by the Convention, the national disability law and the various tools developed by the UN System to ensure good implementation of the Convention.

At the political, institutional and administrative level, it also remains dependent on the empowerment of the Delegate Ministry and the creation of sectorial departments within the provinces, taking into consideration the intersectoral nature of the disability issue. It goes without saying that the law on the promotion of the rights of persons with disabilities in the DRC will be a priority around which effective and participatory advocacy should be organized, including by DPOs and the various hubs established with the support of the Delegate Ministry.

There must also be greater coordination at institutional level to avoid any confusion as regards the jurisdictions and remits of the various State organizations operating in the field of disability in one way or another. The effectiveness of the legal framework surrounding the commitment to inclusion, as well as consultation with civil society, must be strengthened through real and considerable support for the operation and enhancement of the provincial hubs for persons with disabilities recently established with the support of the Delegate Ministry. The expected efficacy of these hubs must contribute to strengthening the member organizations and, to some extent, their specialization. This will enable them to understand the other factors which interact with or influence disability, but which are not yet understood by DPOs (in accordance with Article 11 of the Convention), such as climate change and its effects, the specific challenges facing full participation in relation to each disability category, and commitment to DRRSS and management of emergencies and other disasters, etc.

Such effectiveness must be felt particularly in the support for advocacy at local, provincial and national level for the necessary reforms in terms of access to education at all levels and access to employment, where exclusionary criteria, such as the requirement for a certificate of physical fitness as a condition of recruitment, still persist.

Chapter 4: Equality and non-discrimination

Section 1. Persistence of stigma in the DRC

According to the Universal Declaration of Human Rights (UDHR), "all human beings are born free and equal in dignity and rights". These principles set out in Article 1 of the UDHR and included in Article 11(1)

of the Congolese Constitution are in line with the Convention. In order to make them operational, the DRC has initiated several institutional and normative reforms, notably by creating a sectoral ministry and by promulgating and publishing the National law N° 22/003 of 3 May 2022 on the protection and promotion of the rights of persons with disabilities. Nonetheless, persons with disabilities in the DRC, continue to suffer from inequality and discrimination due to environmental, social and cultural factors, including prejudices, customary practices/beliefs and degrading religious practices.

When asked about the causes of disability in the DRC, the majority of respondents cited, in order of importance witchcraft, bad luck, heredity, genetic diseases, lack of melanin for albinos, polio, poorly treated infections in pregnant mothers and prematurity in babies, eye strain, living in a mining environment, radioactive effects for those working in mining areas in Katanga for example, traffic and work accidents, war, hypertension, congenital malformation, diseases such as cataract and chronic bilateral glaucoma, meningitis.

Many also consider that “heredity, witchcraft, curse of parents, being born in a cursed family or of cursed parents and divine punishment” are the causes of disability. They are particularly cited by members of the so-called revivalist churches, who generally regard disability as a spiritual misfortune.

The above responses about the causes of disability demonstrate that widespread misconceptions and unfavorable perceptions of persons with disabilities persist. In the community, including in families, these perceptions are often the basis for unequal treatment and all forms of injustice and discrimination against persons with disabilities. These discriminatory and exclusionary factors are an obstacle to persons with disabilities fulfilling their potential and multiply the difficulties they face, particularly in the absence of mechanisms dedicated to facilitating their accessibility, participation, social/economic/vocational inclusion, etc.

It is observed that very often persons with disabilities are viewed with pity or compassion. This is evidenced by the degrading and sometimes insulting terminology used throughout the country's provinces to refer to the disabled person, fetish and magico-religious practices against albinos, for example, the justification of disability based on witchcraft and fatalism, etc. The rejection of people with disabilities in the DRC has a negative impact on the country's development, bearing in mind that they represent more or less 18% of the total Congolese population, itself estimated at around one hundred million people. This results in a situation where approximately one and a half million people, the vast majority of whom are young, who are excluded from the political, social and economic processes central to the development of the country.

The negative effects felt by persons with disabilities who are victims of discrimination is compounded by the additional suffering experienced by those whose living conditions have been already affected by armed conflicts, humanitarian crises, COVID 19, global warming as other human rights violations, particularly in the country's conflict-affected provinces. Unfortunately, and this is another major concern that should be addressed as a matter of priority, the country does not have reliable statistics on its population in general and on persons with disabilities in particular.

The compilation of statistics on persons with disabilities is an obligation under the Convention as well as in the national disability law. According to Article 31.1 of the Convention, States Parties must collect

appropriate information, including statistical data and research findings, to enable them to formulate and implement policies to give effect to the Convention. Article 6 of the Convention, which relates to women with disabilities, and to which one could add girls with disabilities, is unknown to CSOs working to promote gender equality. Even the National Gender Strategy does not refer to women and girls with disabilities.

CSOs promoting women's rights indicate that women and girls with disabilities are effectively victims of double discrimination. Associations representing women with disabilities have hardly been involved in the efforts led by CSOs, notably CAFCO which is the "Cadre de Concertation des Femmes du Congo" to fight for women's rights. The issue of disability does not even figure among the themes these CSOs address. This exclusion, coupled with their exclusion from the National Gender Strategy, means that women and girls with disabilities cannot participate in national efforts to promote gender equality or even women's empowerment in general. One DPO (ACOLDEMHA) indicated that a survey they conducted reveals that 65% of disabled women and girls interviewed are single parents. The DPO concludes that "men are only interested in disabled women and girls to satisfy their sexual needs, not to build a life together"⁵.

A study of DPOs in 2021⁶ indicates, however, that to date the population's perceptions of persons with disabilities in the DRC are undergoing a certain evolution, even if limited. However, this evolution is primarily the result of the awareness-raising actions carried out to encourage the Congolese population to have a positive view of disability and people with disabilities. People who are not sensitized still continue to display attitudes that stigmatize people with disabilities.

An assessment carried out by the project "Support to disabled people's associations", implemented by Handicap International from 2014 to 2016, on the conditions of care for disabled women in maternal and child health care facilities in Kinshasa, revealed a 42.86% decrease in the rate of women with disabilities who were victims of discrimination by health care providers⁷.

The issue of disabled children should also be the subject of legislative reform. The Law on the Protection of the Child in the DRC of 10 January 2021 is limited to children "with mental or physical disabilities". This law is not sufficiently aligned with the provisions of article 7 of the Convention, which recommends that the best interests of the disabled child should be the primary consideration in any decision about that child, and that they should be consulted whenever their interests are at stake.

Advocacy for the reform of this law will have to take into account the need to clarify the categories of disabilities that can affect children, including by reference to the WHO's "International Classification of Functioning, Disability and Health", as well as any special measures that must be put in place to ensure

⁵ See Report of the identification survey of people with disabilities in the communes of Kintambo, Lingwala and Kimbanseke, 2019. ACOLDEMHA participated in this survey by collecting data on people with disabilities in the commune of Kintambo.

⁶ Comité technique et indépendant du suivi de la mise en œuvre de la Convention relative aux droits des personnes handicapées (CTIS/CRDPH), Rapport alternatif des Organisations des personnes handicapées de la République Démocratique du Congo, Dans le cadre du Suivi indépendant de la mise en œuvre de la Convention relative aux droits des personnes handicapées, Kinshasa, November 2021

⁷ See Forcier, Evaluation finale de l'exécution du projet Appui aux associations des personnes handicapées, 2017, p.19, quoted by CTIS/CRDPH, Op cit. p 6

their education, training, access to school, access to the different devices they need for their social integration and participation, etc.

In the provinces visited, the DPOs confirmed that "many parents are in the habit of locking up their disabled children at home because of the shame they feel in having them, especially for disabled female children, whom they need to protect them from sexual abuse". Not only is this behaviour discriminatory, it also does not actually protect them. On the contrary, this prevents them from developing and achieving their potential by meeting with other children and interacting with the outside world.

Section 2. Barriers to employment

Section 3. Principles established by the Congolese Labour Code

In order to combat discrimination and unequal treatment, the Congolese Constitution lays down several principles that are included in Law No. 015/2002 of October 16, 2002 on the Labor Code. In addition, in accordance with the International Covenant on Civil and Political Rights, the Constitution requires the public authorities to ensure the elimination of all forms of discrimination.

The constitution establishes employment as "a right and a civic obligation" for all Congolese, calling on them "to contribute to the creation of national wealth and individual prosperity". Article 36 of the Constitution states that "work is a sacred right and duty for every Congolese. The State guarantees the right to work, protection against unemployment and fair and satisfactory remuneration ensuring for the worker and his family an existence in accordance with human dignity, complemented by all other forms of social protection, including retirement pensions and life annuities.

In order to guarantee equal opportunities in access to employment, paragraph 3 of this article states that "No one may be prejudiced in his or her work because of his or her origins, sex, opinions, beliefs or socio-economic conditions"; while paragraph 4 of the same article adds that "Every Congolese has the right and duty to contribute through his or her work to national construction and prosperity". In addition to these constitutional provisions, articles 12 et seq. of the constitution establish new principles, including "equality of all Congolese before the law," "equal protection by the laws of the Republic," and "equal access to education and access to public functions.

The Constitution commits the public authorities to take, in all areas, particularly civil, political, economic, social and cultural, appropriate measures to ensure that all Congolese in general and persons with disabilities in particular, can prosper and participate fully. In application of these principles, Law No. 015/2002 of October 16, 2002 on the Labor Code devotes an entire section to the issue of disability in employment in the DRC.

The DRC's Labour Code introduces several innovations on equality and the fight against discrimination in employment. These include the requirements of "(...) strengthening anti-discriminatory measures against women and people with disabilities" and "establishing appropriate structures for health and safety at work to ensure optimal protection of the worker against hard ".

However, with regard to the Convention these legal provisions remain insufficient to guarantee inclusivity in the employment sector and the socio/professional inclusion of persons with disabilities. Articles 125, 126 and 127 of the Labour Code allude to the work of minors, women and persons with disabilities in a general manner only. They prohibit night work and work considered dangerous for these three categories of employee. The Code sets out that a ministerial decree shall be passed to establish the practical measures for implementing the aforementioned provisions. However, more than 20 years after this Code was enacted

the decree or decrees for implementing these provisions have never been passed. In accordance with Article 127 of the Labour Code, it is important that advocacy be carried out to ensure these ministerial decrees are passed. There is also a need for more general directives to promote inclusion, including government compensation to employers that make reasonable accommodations.

Advocacy should be carried out, not only to encourage the modernization of the Labour Code, but also to remove provisions which remain ambiguous and do little to conceal a form of discrimination, particularly when they allude to the capacity to work, given that in the DRC there is no special provision governing the issue of capacity for persons with disabilities and there is no clear categorization of disabilities. For example, Article 2, paragraph 1 of the Code states that "Work is a right and a duty for everyone. It is a moral obligation for all those who are not prevented from doing so by age or medical incapacity" should be reworded.

Section 4: The Impact of Covid-19 on persons with disabilities

To address the spread of Covid 19, in March 2020 the DRC put in place preventive measures, including lockdowns, temporary closure of borders, particularly with Congo Brazzaville, and temporary closure of some non-essential services. Fear of the disease's spread was heightened by the fact that the country does not have a healthcare system capable of coping with the situation if it had worsened. The Congolese health system, characterized by poor coverage⁸, also lacked sufficient medical specialists and equipment.

This situation had a particular impact on PwDs, who were already vulnerable and many of whom lived already in poverty, and especially on those involved in border and cross-border trade between the DRC and the Republic of the Congo/Brazzaville which was their only means of survival. Against this backdrop, many health facilities either closed, reduced their services or reviewed and tightened their financial conditions, to the detriment of persons with disabilities. During this period (and still today), the Government took a number of steps to provide support to the population, while taking into consideration the position of persons with disabilities. For example, it created a National Solidarity Fund for COVID-19 to distribute aid (FNSSC).

A considerable number of PwDs do not have sufficient resources to live day-to-day or access good healthcare if, for example, they cannot either run their small business or beg on public roads. Thus, the direct impact of COVID-19 on PDs resulted from them having to stay at home and not move about as they would normally. Those who relied on the proceeds of a small business, the provision of small services performed at home or on the street (such as PDs who shine the shoes of passersby) or begging saw their financial and material earnings drop considerably.

Unable to access financial resources as they were forced to stay at home, PwDs also saw a reduction in their food and nutritional security which was already very fragile. They were also unable to meet their specific healthcare requirements depending on the specific type of disability they have. This situation was aggravated by the fact that in most cases persons with disabilities were absent from decision-making fora and their voices were not heard.

Chapter 3 – Delivery of inclusive services

a. Disability identification, assessment and rehabilitation system

Inclusive service delivery begins with an applied legal framework for access to disability services and for access to mainstream services. It also requires an applied legal framework for deinstitutionalization and

⁸ According to World Development Indicators 2020, the country has 0,09 doctors per 1.000 inhabitants.

access to justice for all. The National law on the Protection and Promotion of the Rights of Persons with Disabilities promulgated in 2022 reinforces access to support services for persons with disabilities. However, this law needs to be made operational through concrete measures of application, which provide clear provisions on the accessibility, availability, adaptability and quality of essential services, especially with regard to support services specific for persons with disabilities, social protection, access to health, access to education, access to employment, access to justice, etc., taking into account different categories of disabilities.

Beyond the town of Bukavu, where there is an inclusive school, DPOs noted again the inexistence “of any community services providing an alternative to specialized institutions, plans to create any such services or any particular strategy to welcome persons with disabilities.” It should be noted in general that, apart from the Delegated Ministry which has just been established and which does not yet have any definitively approved tools, to date the country has no official system or mechanism for assessing or orienting disability. The only organizations offering some services are private and fall under either the church or civil society organizations.

In general, the study established that there is a fragmentation in the distribution of means of assistance to people with disabilities either by government services or by private organizations. Almost all survey participants in the provinces reported that most of them and their caregivers had not heard of or benefited from public disability support services at all.

They also noted that “social services and services supporting PDs are not established across the entire country which means that PDs are not free to set up home in a location of their choosing.” This is a direct consequence of the poverty in which persons with disabilities generally live.

b. Educational services

Apart from the inclusive school in Bukavu, other Congolese schools and universities do not have a system for teaching and empowering persons with disabilities (students, teachers or administrators). Nor do they have reasonable facilities to facilitate accessibility.

A UNICEF study states that the DRC has “made significant progress towards universal access to primary education over the last few decades. The net attendance rate increased from 52 percent in 2001 to 78 percent in 2018, but 7.6 million children aged 5 to 17 are still not in school.” This point of view is supported by the AFD which states that, despite the fact that the sector has been significantly affected by conflicts, it has survived due to the mobilization of families and religious congregations. The study notes that, as well as the challenge of reconstruction, it also faces the challenge of organizing the system and housing a school population which numbers in the million.

DPOs consulted stated that enormous challenges remain in terms of accessibility of school buildings, poverty and unsuitability as regards the requirements of an inclusive school which has to consider the disabilities of children and young people, particularly girls who suffer from automatic exclusion as well as the poor practices of families and communities. The study states that “although school enrolment is increasing, completion of the primary cycle by pupils remains difficult, particularly for girls and the most vulnerable populations for whom the main obstacle to schooling remains the cost”, in addition to environmental barriers.

The country does not have any public schools which organize teaching in sign language, Braille writing, etc. All the inclusion initiatives within the education sector are run by private schools, generally Catholic congregations. This is despite legal provisions providing for “responsibility within the national education system for children living in difficult circumstances, PDs, and uneducated and illiterate adults” within

Framework Law 14/004 of 11 February 2014 on the national education system. Its implementation has still not been considered on the basis of sectorial policies (in the provinces and Kinshasa).

In order to bring this area into line with the Convention, advocacy by DPOs is required to modify and supplement this law, encourage changes to institutional practices and remove the environmental barriers preventing persons with disabilities from accessing infrastructure, amongst other things.

c. Health services

Although to date, most centres providing support to PwDs have been created and are administered by private individuals, including the Catholic Church, the largest number of medical centres in each province delivered through health zones (Zones de santé), as well as all the general referral hospitals (Hôpitaux Généraux de Référence), were created and are administrated by the Government.

The skills and capacities are available in most the public clinics and the “Hôpitaux Généraux de Référence” to deal with the orthopedic problems faced by children, as well as soldiers and police officers. These establishments are located in the remote provinces as well as in Kinshasa. In general, the most significant problems facing the disability care system in these hospitals stem from the country’s budgetary difficulties.

The DRC has a National Health Development Plan (Plan National de Développement Sanitaire or PNDS) covering the period from 2019 to 2022. This plan was prepared “in response to the obligation in Article 47 of the Constitution of the Democratic Republic of the Congo which guarantees the right to health and food security.” This document is a tool for implementation of the Health System Reinforcement Strategy (Stratégie de Renforcement du Système de Santé or SRSS) in the DRC which was revised and adopted in 2010 by the Ministry for Health as a contribution to the country’s development work, with the aim of achieving universal healthcare coverage. While recognizing the weak governance which could affect achievement of this commitment, the document remains optimistic. In terms of weaknesses, the documents states, indeed, that “the specific intervention packages for these health problems have not yet been incorporated into the Minimum Activity Package (Paquet Minimum d’Activités or PMA) or into the Supplementary Activity Package (Paquet Complémentaire d’Activités or PCA).”

In terms of eye health and vision, a strategic plan for 2017 to 2021, an intervention package within health zones and an implementation strategy were prepared in 2017. In the form of an assessment, the document also reported that “several studies carried out with some companies through the National Health at Work Programme (Programme National de Santé au Travail or PNST) show that the scale of illnesses and accidents at work is increasing, while healthcare services point to serious delays in organizing appropriate attention to promote health, hygiene and safety at work.”

In the National Health Development Plan, the Government states its vision as follows: “On the cusp of 2022, the Democratic Republic of the Congo will have advanced towards universal access to good quality services and a reduction in the incidence of catastrophic household spending, enabling them to contribute to the nation’s economic development in an environment which is favourable to good health. This vision will be rooted in strengthening the national healthcare system, focusing on fair primary healthcare for all and aligned with the context, legislative framework and national priorities.” Although important for the healthcare sector, this document lacks specific implementation details. It does not set out any strategic healthcare focus areas for vulnerable persons, including persons with disabilities, and it does not make any allusion to the specific health problems of persons with disabilities.

To adapt this document to the requirements of inclusion, a specific area of strategic focus should be included on the issue of health and persons with disabilities. This section must be preceded by a brief assessment of

the situation of access to healthcare by persons with disabilities, taking into consideration each type of disability and the particular requirements that poses for access to appropriate and timely good care.

Despite the existence of various legislations and strategies, access to health care for people with disabilities remains a major constraint. Communication remains a major problem for people with hearing loss (and other sensory disabilities) and others who rely on sign language and other forms of communication, as health care personnel are unfamiliar with sign language and other forms of communication that people with sensory disabilities have mastered. This creates another barrier to their ability to access these services. There is a lack of disability-friendly services. Numerous testimonies reveal that there are many unmet care needs of people with disabilities due to the lack of service provision, especially in rural and remote areas.

Moreover, on the DRC, women/girls with disabilities are exposed to a health system that is not adapted to their specific needs and is very costly. In addition, there is little knowledge about reproductive and sexual health among women and girls with disabilities. There is also no social security for people with disabilities and several public health programs do not take into account the specific situation of PwDs: reproductive health, malaria control, etc. There is also a lack of medical support, especially for rehabilitation and orthopedics. This is more pronounced in rural areas. There is also insufficient prevention of STIs and HIV/AIDS. There is also a lack of coordination in the field of health related to disability as well as insufficient prevention and training for health professionals in the field of disability.

These difficulties are aggravated in the case of situations of complex disability and in the case of people with psychosocial disabilities.

Public health policy in the DRC must guarantee access to health care for women with disabilities through an inclusive health system, including the following measures: studies on the health needs of people with disabilities, particularly for women and girls with disabilities; strengthen and support awareness of women and girls with disabilities on reproductive health; ensuring social security for people with disabilities to supplement certain medical expenses, particularly for women and girls with disabilities,, and making the cost of health service affordable, especially when it comes to rehabilitation, orthopedics, reproductive health and malaria control, etc.

d. Social protection

Article 28 of the CRPD calls for the improvement of the standard of living and social protection of persons with disabilities. States Parties are expected to recognize the rights of persons with disabilities to an adequate standard of living for themselves, including adequate food, health, housing and the continuous improvement of living conditions. Social protection includes public actions taken in response to levels of vulnerability, risk and deprivation that are deemed socially unacceptable in a given policy or society. People with disabilities face inequality in many areas, which justifies the need for social protection. However, many social protection schemes do not effectively include people with disabilities. Given that the majority of people with disabilities live in poverty, they too must dominate in their participation in social protection programs.

Very few persons with disabilities have access to regular work that can guarantee income security and access to essential goods and services such as education, food, and nutrition.

In 2016, the DRC adopted a "National Social Protection Policy" document. This document is an update of old documents dating from colonization on social protection. It allows the country to bring its national legislation into line with the international commitments it has made, particularly with regard to human rights.

The national social protection policy emphasizes the "effective protection of the most vulnerable and poorest social strata by 2030, in particular by providing them with quality health care, a minimum income, and a healthy and balanced diet, within the framework of the National Social Protection Fond (Socle national de protection sociale - SNPS)". The national social protection policy deals with the situation of vulnerable groups (children, elderly people) without any mention of people with disabilities. The survey reveals that the development of labor-intensive public works programs that prioritize the access of vulnerable people capable of working in temporary jobs is not at all known or applied to people with disabilities as foreseen by this policy. Consultations with people with disabilities and DPOs indicated very limited involvement of people with disabilities in the planning, implementation and monitoring of social protection programs.

One of the reasons why the population does not benefit from structured and effective social security is that very few Congolese have regular jobs that can provide them with a decent salary. The other reason is the fact that the Congolese economy is developing informally, with irregular and unstable production and income.

The country wants to adopt two laws to help the structuring of micro, small and medium enterprises to fight against the informal economy, the subsistence economy and to move to a formal economy and development. These texts are respectively on entrepreneurship and start-ups and on handicrafts. They were submitted to the Government for adoption at the end of 2021 before being transferred to the Parliament for examination and vote. Although they do not specifically refer to persons with disabilities and DPOs, they have the merit of addressing micro, small and medium enterprises and cross-border trade, areas where persons with disabilities are most abundant.

Notwithstanding these general considerations, it is important that they be made consistent with the requirements of the Convention and that they be enriched both at the level of the government and during their examination, prior to their vote, in Parliament.

The Congolese social security system provides that an insured person who becomes disabled as a result of a non-occupational illness or accident before reaching the age of 60 is entitled to a disability pension if he or she meets certain conditions and has suffered a medically determined permanent decrease in his physical or mental abilities, rendering him unable to earn a salary higher than 1/3 of his normal remuneration. If the disability is due to an accident, the insured is entitled to a disability pension without a minimum qualifying period, provided that he/she was employed in an insurable occupation on the date of the accident and was registered with the fund prior to that date. However, as many are in the informal sector and are not registered with the fund, few benefit from this support.

e. Employment services

One of the many barriers hindering the participation of persons with disabilities is the lack of inclusive policies at inter-sectorial levels, as well as support and assistance mechanisms. These barriers add to feelings of frustration and create a form "self-censorship" among persons with disabilities. Indeed, the fieldwork revealed how these barriers also reinforce the lack of confidence of persons with disabilities in themselves, especially in school and professional environments. Because of this lack of confidence, many persons with disabilities have resigned themselves to seeking employment, while others have ended up leaving their jobs because of the treatment they receive. Still others have excluded themselves from certain occupations because they have been told they lack the necessary skills.

Based on these considerations, many persons with disabilities themselves consider that there are clearly some types of work that persons with certain categories of disability may not be able to perform.

Examples collected in the field include:

- Several persons with motor disabilities and several blind people stated that they cannot practice masonry, nor can they be carpenters because these two jobs require a lot of physical energy and because they involve climbing to heights, especially on a ladder.
- Some albinos stated that they cannot do jobs that expose them to the sun, such as fitting, mechanics, agriculture, cab driving, because they have a problem with their vision and the external maintenance of their skin, etc.
- Some deaf people we met, especially in the cities of Bukavu and Matadi, mute people and blind people said that they cannot practice journalism or be school teachers because of their disabilities.
- Some blind, some deaf, some mute and some with motor disabilities (depending on the severity of the disability) said they cannot become airplane pilots or vehicle drivers, or become masons, carpenters or military/police officers because they do not have the capacity.
- Although visibly lucid, two mentally handicapped people, one of whom is in Bukavu, stated that they cannot do anything at all because they do not have the necessary mental faculties.
- Two albinos (a man and a woman) said: "We can do everything, but not if we have to stay under the sun for a long time. We can't do: welding, fitting, troubleshooting, wiring, farming, outdoor sales, driving a vehicle. "There are jobs such as computer science because of the vision, being a data entry operator in a cybercafé, we can't because our vision doesn't allow us to do this activity because I won't have the speed required and I myself won't feel very comfortable".

Many of these assumptions are of course, incorrect, and based on prejudice or a lack of measures put in place to allow for reasonable accommodation for persons with disabilities that would allow them to exercise certain professions.

Regarding the conditions of access to employment and fair treatment in the workplace, a study based on a survey conducted by the Congolese government on disability in 2016 and which is still relevant today indicates that: "disability presents a serious problem when it comes to finding work and being accepted. There is injustice and discrimination in the job market. The authorities prefer to give work to the able-bodied because it is more profitable for them". The study also states that " persons with disabilities cannot enjoy the same conditions and benefits because able-bodied people are able to do all the jobs while disabled people are limited⁹". According to Professor Langwana: "When asked whether people with disabilities are subject to harassment in the workplace, especially for promotion, most of the interviewees-maintained people with disabilities are not considered and are never welcome in the able-bodied environment. Women in particular are treated badly when they seek a promotion or a salary increase".

Another issue that is important to highlight is the requirement of a "physical fitness certificate" as a condition of access to certain types of employment. This practice reinforces stigma as it favors exclusively "visibly physiologically able people" when their intellectual capacities remain unknown. The requirement of physical ability should not be confused with the requirement of "professional ability". Although they are competent, they sometimes find it difficult to be accepted by their colleagues.

Indeed, when asked what persons with disabilities think about the requirement of a physical fitness certificate as a condition of access to employment, all persons with disabilities interviewed replied that "it is simply discrimination. This requirement is there to keep us out and discourage us from competing for jobs. How can you ask a person for a certificate of physical fitness be required of someone? With or without that certificate you see their disability or limited means to perform an activity that is obviously beyond their physical capabilities. It is in bad faith and it is also another form of discrimination against disabled people. A test for getting a job might still be acceptable but not the requirement of a physical fitness certificate".

⁹ Strategy 0, Op. Cit. p. 50.

In general, those consulted recommended that the government "ban the requirement of a certificate of aptitude in an indiscriminate way, unless special criteria are set out which take into account each type of disability by category of jobs and the location in which they will be performed".

Access to justice, school, and employment is made difficult, if not impossible, for persons with disabilities because of the difficulty or impossibility of accessing information through sign language interpretation and Braille writing. It is also worth mentioning the difficulties of physical accessibility due to the lack of reasonable facilities in the buildings where schools, administrations, justice, etc. operate. For the same reasons, persons with disabilities people are totally excluded from functions within the public administration. The DPOs consulted unanimously affirmed that persons with disabilities with hearing or visual impairments are excluded from positions within the public administration and even private enterprises because they have difficulty interacting with other staff, who have no knowledge of sign language and Braille writing.

Chapter 4 - Accessibility

Section 1. Access to infrastructure

Article 9 of the Convention addresses accessibility and highlights the requirement for persons with disabilities to be able to physically access the various forms of public and private infrastructure, move around without restrictions and have the necessary assistance to access the equipment, support and services they require at the time (reasonable accommodations). Although the national disability law was promulgated in June 2022, the DRC does not have any legislation on accessibility for PDs. Moreover, the competent authorities have not made the introduction of accessibility a prerequisite for issuing construction permits for public and private buildings.

The Education Framework Law (2014), the Law creating the Architects Association (2016), the draft Town Planning Code (2020), etc. do not allude to any accessibility requirements which must be considered for the construction of buildings. Only the draft law under discussion in parliament alludes to this incredibly important issue which influences the effective participation of PDs. In general, public and private buildings, public service buildings, highways, schools, housing, medical establishments, places of work, sporting facilities, and public and private forms of road, river and lake transport are inaccessible to PDs. With the exception of a few old buildings belonging to the Catholic church and a few other workplaces constructed in the last two decades, for the few persons with disabilities who work there is no infrastructure in either Kinshasa or the provinces which is accessible by PwDs.. In Kinshasa, there are none in the large building which houses the public administration service. The situation is identical in the provinces.

Currently, even the offices of the Delegate Ministry are located on the third floor of a multi-floor building. This means that every time there is a power cut, PwDs must return home and cancel their appointments unless they can wait in the courtyard as they cannot climb the stairs.

Section 2. Access to training/information and forms of road transport

The country does not have any legislation covering sign language or Braille writing which could enable persons who are deaf or blind to be able to access information, training, education and roles within the public administration service, and ensure their full participation. Nor does it have any mechanisms, in the form of positive discrimination for example, to provide easy access for persons with disabilities to appropriate information or communications which could give them scientific or technical knowledge with a view to their participation in decision-making processes and the development of the country. Further,

mechanisms for accessing ICT which could facilitate the intellectual work of persons with disabilities (specialized computers, specialized mobile telephones, specialized printers for Braille writing, etc.) are not available either.

In Article 9, the Convention also refers to access to information and transportation for PDs. To solve the public transport issue, the Government has created a new transport company called TRANSCO which is responsible for approximately one hundred buses in Kinshasa and a few other towns in the west of the DRC. The country also has several hundred other private public transport companies. However, none of these buses, either public or private, have considered the requirement of accessibility and do not have items such as detachable ramps which could make entering and exiting the bus easier for PDs.

Advocacy should be conducted and supported to ensure that all forms of public transport are accessible. Advocacy should also target making accessibility compulsory, particularly vis-à-vis any investors working in the public transport sector.

Section 3. Access to the justice system

Although access to the justice system for persons with disabilities is governed by the provisions of Article 23 of the Convention and the national disability law, the DPOs interviewed during this study stated that they did not have access to justice, mainly because there are persistent regulatory, infrastructural and institutional obstacles which prevent them from doing so. Field visits carried out within the framework of this study revealed that the way many courts and tribunals have been built makes them physically inaccessible and because of a lack of reasonable accommodations for persons with visual, hearing and intellectual impairments.

The DPOs noted that the most pressing of these problems is the inexistence of mechanisms for persons who are deaf, blind or mute to take legal action, actively participate in a trial to defend their rights, facilitate their access to justice or participate in the administration of justice as a witness, expert or even a member of a jury called upon to rule on and judge a case. This is because of a lack of sign language interpreters and/or popularization of Braille writing within the national justice system.

Congolese law is silent on interpretation and translation for persons who are deaf or those with an intellectual impairment. The 2015 National Justice Reform Policy (Politique nationale de réforme de la justice or PNRJ) only alludes to persons with disabilities in terms of their access to legal clinics supported by the State. This system is based on temporary assistance for persons with disabilities during trials where they are stakeholders. It is not part of a rights-based approach.

In accordance with the International Principles and Guidelines on Access to Justice for Persons with Disabilities adopted in Geneva in August 2020, “all persons with disabilities have legal capacity and, therefore, no one shall be denied access to justice on the basis of disability” (Principle 1). This principle should be applied within the DRC where persons with disabilities can be plaintiffs and defendants, but in reality it is not implemented (see below). Persons with disabilities are also able to be legal stakeholders, exercising their duties as lawyers, magistrates, secretaries, etc. within public prosecutor departments, the military prosecutor’s office, courts and tribunals, although this is rare and not applying to all types of disabilities.

However, with regard to Principle 2 which stipulates that, “facilities and services must be universally accessible to ensure equal access to justice without discrimination of persons with disabilities”, beyond a few rare buildings constructed recently with the support of Government partners, no courthouses have reasonable accommodations making access possible.

The DRC does not apply “universal design” which commits States to having a justice system which has “equipment, programmes and services which can be used by all as much as possible, without requiring either special adaptation or design.” It does not have any intermediaries and facilitators who “work, where necessary, with staff from the judicial system and persons with disabilities to guarantee effective communication during legal procedures” and who “help persons with disabilities understand and make informed choices, ensuring that things are explained and discussed in such a way as to be understood and that appropriate assistance and accommodations are offered.”

By virtue of Principle 6 and international guidance on access to justice by the aforementioned persons with disabilities, “persons with disabilities have the right to free or affordable legal assistance.” This principle complies with the constitutional provisions of the DRC relating to the “right to defence” (Articles 12 and 19 of the Constitution). However, in practice, this has not been implemented (see below).

The DRC has a legal institution called Justice for the Destitute which enables anyone destitute to receive legal aid and free judicial services. Legal aid is provided through Free Consultation Offices (Bureaux de Consultation Gratuite or BCGs) which are responsible for assigning cases requiring free legal assistance, mainly from trainee lawyers. In principle, the costs occasioned by this free provision should be reimbursed by the public purse, but this never happens because of the modest nature of the State budget and a lack of political desire.

As regards Principle 10, which sets out that, “all those working in the justice system must be provided with awareness-raising and training programmes addressing the rights of persons with disabilities, in particular in the context of access to justice”, the DRC has an initial and continuous training institution for judicial staff called the National Institute for Judicial Staff Training (Institution Nationale de Formation du personnel Judiciaire or INAFORJ). It provides training modules on specifically legal issues. However, it does not have a curriculum on the inclusion of persons with disabilities. Hence the recommendation that it incorporate some modules on this topic, including those developed at the initial training workshop which was part of the launch phase of the UNPRPD.

Access to justice, school and employment is made difficult, even impossible, for persons with disabilities because of problems with, or even the impossibility of, accessing information through sign language interpretation and Braille writing. Mention should also be made of problems surrounding physical access in the buildings where schools, government agencies, the justice system, etc. operate. For the same reasons, persons with disabilities are totally excluded from roles within government agencies.

The DPOs consulted unanimously stated that persons with disabilities with a hearing or visual disorder are excluded from posts within government agencies and even private companies because they find it difficult to interact with other members of staff. The latter have no knowledge of sign language or Braille writing. The DPOs also noted with regret that in 2018 nobody with disabilities had been elected as either a national member of parliament or a provincial member of parliament, or indeed as a senator. Hence the need to improve the digital participation of these persons in the management of public affairs.

The invisibility of persons with disabilities in the management of public affairs can be extended to their participation in political life and particularly within political parties. Interviews carried out with persons with disabilities revealed that, generally speaking, most political parties do not have any portfolios for persons with disabilities, do not have any persons with disabilities within their decision-making bodies, and continue too to consider persons with disabilities as incapable and unsuited for political life, with the exception of political parties such as the Union pour la Démocratie et le Progrès Social (UDPS) and the Union pour la Nation Congolaise (UNC) which include a department for persons with disabilities.

The presence in Government of a Delegate Ministry which is led by a person with disabilities who as a lawyer fought long battles within NGO movements defending human rights in the DRC represents one of the rare exceptions to this general trend observed. Other regulations, particularly National law No. 13/012 of 19 April 2015 on the structure and operation of the Independent National Electoral Commission (Commission Electorale Nationale Indépendante or CENI), seek to encourage the participation of persons with disabilities in the public life of the State through innovative measures. For example, one of the 13 members of the Plenary Assembly of the CENI was made responsible for ensuring the participation of vulnerable groups and persons with disabilities in the entire electoral process. Other measures guaranteeing the political participation of persons with disabilities have also been implemented, such as those taken by CENI on the types of disability of potential voters with impairments during enrollment and voting operations.

Another challenge to ensuring full participation by persons with disabilities in the voting process resides in effective implementation of the Convention’s requirement that States parties ensure that polling stations are accessible by facilitating entry into the building and use of the material and equipment provided to vote. In the DRC, this means printing some voting documents, particularly registration cards and ballot papers, in Braille writing. The other obligation is to have at least one sign language interpreter in each electoral center to facilitate access by persons who are deaf. The absence of these two facilitations, alongside the physical inaccessibility of buildings and other infrastructure, could exclude a considerable number of persons with disabilities from the entire electoral process.

Chapter 7: Programming and budgeting in accordance with the CRPD

Pillar 11 of Point I.3.1 of the Government Programme on the Social and Cultural Sector sets out the necessity for the latter of ensuring “an improvement in social conditions: housing, health, education and employment.” Pillar 11 of the PNSD advocates “access to healthcare for all, as well as guaranteed universal health coverage.” However, in relation to the State budget (approximately only US\$ 10 billion for 2021¹⁰ and approximately the same amount in 2020) for the draft Finance Law currently being examined by parliament and the low percentage reserved for the health sector (approximately only 3 percent from an already modest budget), the Government’s ambition as set out in the PNSD looks unrealistic. Founded on this vision, Principle 49 of the Government’s policy also provides for the “implementation of a National Health Development Plan (Plan National de Développement Sanitaire or PNDS)” spread over the period from 2019 to the end of 2023. Pillars 13 and 14 of the PNSD advocate “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” (SDGs 5, 10 and 11).

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:

PRINCIPLES	Columns	2021	2022	2023	Total
Principle 1	Ensure the inclusion and empowerment of PLDs (Persons Living with Disabilities) and OVPs(Other Vulnerable Persons)	3 100 000	2 300 000	1 800 000	7 200 000
Principle 2	Improve social educational infrastructure and strengthen the capacities of PLDs and OVPs	10 500,000	5 650 000	4 000 000	20 650 000

¹⁰ The annual budgets for the previous years were even smaller and did not exceed US\$ 6 billion.

Principle 3	Mobilize 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
Principle 4	Support and manage the numbers and living conditions of PLDs and OVPs	26 560 000	19 505 000	12 130 000	58 195 000
Principle 5	Combat any form of discrimination against PLDs and OVPs	16 945 000	11 350 000	8 825 000	37 120 000
TOTAL		60 805 000	40 475 000	18 535 000	119 515 000

Generally speaking, all the commitments made by the Government are beyond its budgetary and operational capacities in relation to the modest nature of the State budget and, consequently, the portion reserved for each of the aforementioned sectors.

This corresponds with the budgeting forecast made by the Delegate Ministry which requires, prior to any implementation: capacity-building for mobilization of both public and private financial resources; mobilization of the financial and technical means required to fulfil operations, projects and programmes; and the introduction of a funding strategy which must include the creation of a very small tax to support persons living with disabilities, OVPs and persons with albinism. These prerequisites are defined hypothetically as such mobilization requires several other prerequisites and the desired tax must be the work of the legislator. This makes it complicated to mobilize.

To enable the country to access a significant disability budget and to enable the Delegate Ministry to play a role in increasing the State's budgetary resources, it is particularly important to strengthen the Department's autonomy, as suggested earlier, by removing it from its current position of dependence and providing it with revenue-generating responsibilities. Similarly, if the current Delegate Ministry could be made autonomous it could serve as the channel for significant mobilization of resources from bi- and multi-lateral donors and better alignment of those resources with needs. The budgetary section on "external resources" for the national budget continues to suffer from a lack of ownership by the Government which barely controls either its contents or the payment procedures, donors alone in most cases allocating the financial support provided by their respective governments. Within the framework of compliance with the Paris Declaration on Aid Effectiveness, such a Department, if it were made autonomous and strengthened in terms of its capacities with monitoring by DPOs, could appropriately align the aid provided within the framework of the promotion of persons with disabilities.

Chapter 5: Accountability and Governance

The government's five-year plan (2019-2023) for achieving the Sustainable Development Goals is included in axis 3 on access to basic social services and humanitarian assistance of the United Nations Development Cooperation Framework (UNDCF) on improving access to basic social services in a sustainable manner, especially for the vulnerable, and building resilience.

The Voluntary National Review report on the Sustainable Development Goals released on May 2020, states that in 2019, the DRC has integrated the disability and vulnerability dimension in the decentralization programme. It has also taken into account the needs of women living with disabilities in line with the action plan of the resolution 1325 of Security Council, which takes into account the security needs of women with disabilities in line with resolution 2277 on the protection of persons with disabilities in countries experiencing conflict.

Since 2016, several other actions have been undertaken to ensure more inclusion and equity. These include the education sector in particular, which has benefited from this awareness. Indeed, the Education and Training Education and Training Sector Strategy (SSEF) of the Ministry of Education sets out a strategy to address the issues of marginalization, equity and inclusivity. There is already a Directorate for Special Education within the Ministry of Education which has been created for this purpose. However, this strategy does not highlight any data on access to services for SDGs targets 2, 4, 6 and 8 mainly concerning people living with disabilities.

Both chambers of the Congolese parliament have permanent internal committees charged with ensuring the protection and promotion of human rights. They provide support to other permanent committees to improve the country's various laws, particularly as regards human rights.

However, even the "Justice and Human Rights Thematic Group" and the Human Rights Committees of each of the two chambers of the parliament do not have tools for monitoring and dealing with specific disability issues or referencing people with disabilities, and even less their access to services.

Alongside the Delegate Ministry within the Ministry for Social Affairs responsible for persons with disabilities and OVPs, the establishment of the Commission Nationale des Droits de l'Homme (CNDH) as an independent institution supporting democracy is one element of progress which it is important to highlight among recent initiatives seeking to improve the human rights situation in general and those of persons with disabilities in particular.

However, the institution does not have an internal department specifically charged with promoting the rights of persons with disabilities, nor has it published any reports specifically on disability. Moreover, like other institutions in the country it struggles to operate as best it could because of a lack of budgetary support and sizeable infrastructure and equipment. However, in accordance with Article 16 of its internal regulations, this institution has appointed a member of its plenary body to represent DPOs.

The main recommendation made by DPOs for better management of the rights of persons with disabilities is that this institution establish an internal entity responsible for promoting the rights of persons with disabilities and supporting and assisting DPOs. The representation of DPOs within the CNDH certainly represents progress which must be enhanced through the creation of an internal thematic department and a specific section in its reports on any progress or setbacks in the process to promote the inclusion of persons with disabilities in the DRC.

As regards preparation of its periodic and annual reports, the CNDH has the merit of cooperating with other CSOs of all kinds. Further, DPOs have recommended to the Government that it improve the budget line allocated to the operation of this institution to guarantee better engagement. They stated that, beyond the Delegate Ministry and FNPSS, neither the parliamentary committees nor the CNDH involve DPOs in their monitoring operations, data collection or reporting.

The country has a specialized service called the National Institute of Statistics (INS). One of its tasks is to collect, process and manage statistics on various aspects of life within the State. Similarly, the municipalities, which are called upon to register civil status actions and events, are tasked with documenting and providing quantified information about the population and civil status actions and events whenever necessary. These two sub-administrations do not work in an optimal manner. They suffer from a lack of organizational and operational capacity. The country does not have a data management strategy. They operate without specific guidelines and without any planning in their data collection, processing and management work.

National censuses or surveys do not include data on people with disabilities due to the lack of an adapted data collection tool that takes into account each type of disability with disaggregated data by age and sex and that highlights the gender-specific needs of each category.

The INS has indicated that one of the reasons for the lack of data on PwDs, is the absence of persons with disabilities involved in research.. They have recommended to the CNDH that they be continuously involved in their monitoring and reporting operations on disability issues. They have also recommended that international-standard tools for collecting and analyzing disability data is used, taking into consideration disability categories, age groups, gender and specific requirements. Further, they have recommended to the Delegate Ministry, the CNDH and other public institutions concerned that their provincial hubs be involved in the preparation of these tools and in monitoring and evaluating implementation of the recommendations made, in a cyclic manner after each data collection.

a. Electoral process and political representation

There are very few people with disabilities in senior positions in public administration. The presence in the government of a Delegated Ministry, headed by a person with disabilities who has long been a lawyer in the associative movements for the defense of human rights in the DRC, is one of the rare exceptions to this general trend. Other norms, notably the national law n°13/012 of April 19, 2015 on the organization and functioning of the Independent National Electoral Commission (CENI), aim to promote the participation of persons with disabilities in the public life of the State, through innovative measures such as : the appointment of one of thirteen members of the CENI Plenary Assembly, responsible for ensuring the participation of vulnerable groups and people with disabilities in the entire electoral process; and the taking of other measures guaranteeing the political participation of persons with disabilities as taken by CENI in relation to the types of disabilities of potential voters with impairments during the registration operations and during the voting operations.

An important challenge to be met to ensure the full participation of persons with disabilities in the voting process lies in the effective implementation of the requirement under the Convention that States Parties ensure the accessibility of polling stations by facilitating entry into these stations and the use of materials and equipment provided to carry out the voting operation. In DRC, this requirement implies the obligation to print part of the voting documents, particularly the voters' cards and the ballots in Braille.

The other obligation is to provide at least one sign language interpreter in each electoral center to facilitate access to the deaf. The absence of these two facilities, coupled with the physical inaccessibility of buildings and other infrastructure , could exclude a significant number of PwDs from the entire electoral process.

V. OPTIONAL SERVICE SECTOR RESULTS AND ANALYSIS

This chapter presents a comprehensive and summarized view of the information gathered from stakeholders about the capacities, strengths, and weaknesses of the other service sectors. It also summarizes the opportunities that these services represent and proposals for strengthening them.

a- Disaster Risk Reduction and Emergency Response

Several reports state that the DRC is one of the most disaster-prone countries in the world due to multiple natural hazards, including hydrometeorological, geological and technological hazards, recurrent volcanic

eruptions, frequent earthquakes with magnitudes ranging from 4 to 6.8 on the Richter scale, land movements (in much of the East), coastal erosion (Bas-Congo), frequent flooding (Kivu, central basin, Kinshasa, etc.), etc.

There is another type of high-impact environmental disaster in the mining regions, particularly in Katanga, Haut-Uélé and Ituri. It is associated with mining (artisanal, semi-industrial and industrial) and causes the destruction of ecosystems. Its impacts on humans and their environment are severe if adequate mitigation measures are not taken.

On the whole, all these disasters and their probable resurgence continue to be managed in a sectoral manner, almost without coordination at the national, provincial and inter-sectoral levels, all against a backdrop of non-harmonized, contextually outdated and almost never applied texts.

It is important, in fact, to note that one of the weaknesses that prevent the country from combining with the demands of an inclusive society lies in the lack of capacity of the institutional justice and its unwillingness to position itself as a bulwark for the protection of the rights of persons with disabilities.

Since 2016, however, the country has initiated a reform on Disaster Risk Reduction Management through a Networking Mechanism in the form of a community-based dynamic, set up in accordance with the Hyōgo Framework for Action (HFA) adopted by 168 governments at the 2nd World Conference on Disaster Reduction on January 18-22, 2005 in Kobe, Japan. This Congolese scheme was updated by incorporating the provisions of the "Sendai Framework" for Disaster Risk Reduction (2015-2030) adopted at the 3rd United Nations World Conference on Disaster Risk Reduction, held in Sendai, Miyagi (Japan), from March 14 to 18, 2015. These two frameworks shared the goal of "building the resilience of nations and communities to disasters through a significant reduction in disaster losses."

DRC has adopted a National Action Plan for Adaptation to Climate Change 2022-2026 which is aligned with the Third Pillar of the National Strategic Development Plan 2019-2023, which deals with the « Protection of the environment, and the fight against climate change, and for sustainable and balanced development ». The National Action Plan has as its objective to reduce vulnerability factors while promoting social inclusion. It takes into account the differentiated effects of climate change on men, women, indigenous peoples, children, the elderly and other vulnerable groups including PwDs.

In addition to the National Action Plan, there is also an operational platform for the prevention and management of risks of natural disasters which was created by a Ministerial decree in 2017. This platform provides a framework for consultation and coordination at the technical level to maximize the coherence and efficiency of the work of different experts in terms of reducing the risk of natural disasters. This framework has enabled the DRC to adopt a law on a national disaster risk reduction management policy, a national contingency plan on volcanic eruptions, a provincial contingency plan for Kinshasa on flooding and a mapping of natural disasters and hazards in DRC.

b- ANALYSIS

a. Gaps and opportunities

The study identified normative, environmental and institutional challenges that persons with disabilities face on a daily basis. The difficulties and challenges noted above with regard to the legal and institutional framework were partly resolved with the promulgation of the framework law relating to the protection and promotion of the rights of persons with disabilities, and also previously through the creation and operationalization of a Delegated Ministry for the sector.

These developments represent both partial solutions and opportunities on which the UNPRPD could build to improve the existing situation. The framework law offers several avenues for concrete action to enhance the inclusion of and full participation by people with disabilities. The existence of a Ministry for the sector offers the possibility of a more supervised partnership oriented towards tangible results.

However, the main shortcomings delaying implementation of an inclusive society where the rights of persons with disabilities are protected and promoted remain,

The data collected led to identification of the following priority areas, particularly as regards society, culture, legislation and policy:

- Socially and culturally: there is a pressing need to combat customs, attitudes, beliefs and practices which justify the rejection, exclusion and stigmatization of persons with disabilities within communities;
- Legally: the country must implement the specific law promulgated in May 2022 and bring its entire legal framework into line with the requirements of the Convention and the national disability law.
- Politically: the country needs to take the urgent step of encouraging ownership of the Convention and the national disability law by political stakeholders and working to create a critical mass of actors who know about it.

The most urgent problems which need to be addressed progressively to ensure the inclusion of PDs include: the lack of knowledge of the Convention and of the national disability law, the absence of an appropriate judicial/legal framework in keeping with the Convention and the national disability law, the lack of political desire/interest/capacity, the inadequacy of the national budget and budgetary edicts in the provinces, the poor mobilization capacity for resources for DPOs, the poor structural capacity of DPOs and the low standard of advocacy by DPOs.

In particular, some of the challenges include:

- **Cultural and social stigma:**

Many people with disabilities are denied their rights and are subject to abuse and discrimination, which often limits their access to education and employment. Accusations of witchcraft against people with disabilities - especially children - are also common, as disability is considered a curse in some beliefs. In some Congolese communities, people with disabilities are considered sick or destitute and viewed as only needing medical care or assistance from the community for survival, as state social and health assistance to people with disabilities is limited. In communities, they are referred to as mystical or supernatural people who are often excluded from social activities or subjected to abuse.

- **Stakeholders and coordination:**

The studies carried out highlighted that there are several actors working on the issue of disability alongside the government and Postbag noted a lack of coordination between these actors who often work in silos. The analysis of the situation highlighted several capacity gaps within government systems. Unfortunately, the absence of specific programs and projects based on the inclusion of persons with disabilities is noted. In the institutional framework, statements show the absence of portfolios within the provincial governments and specific structures within the provincial assemblies on disability as well as the lack of a comprehensive administration within the Delegated ministry in charge of persons with disabilities and other vulnerable persons.

- **Accessibility**

The impact of cultural beliefs on people with disabilities and especially people with albinism by their rejection at the family level lead to difficulties in obtaining birth declarations immediately which poses problems for acquiring civil documents (birth certificates, national identity cards and passports) that should facilitate their access to other sectors. Assistive technologies and devices are out of reach for many people with disabilities in DRC. People with disabilities revealed that most public buildings and infrastructure are not accessible to them or are less adapted to their needs. The study also revealed that people with disabilities lack information and other materials in accessible formats in all sectors (education, health, justice, sexual and reproductive health to participatory decision-making processes).

- **CRPD based programming and budgeting**

The interests of people with disabilities are grossly under-represented and under-expressed in the budget process at the national and provincial levels. Spending on ensuring that mainstream infrastructure and services are accessible to all people with disabilities and on anti-discrimination is not increasing in a progressive and equitable manner. Data on budget allocations, expenditures and outcomes of publicly funded programs and services are not collected and disseminated in accessible formats. DPOs are not consulted throughout the budget cycle and on medium-term planning.

- **Accountability and governance**

The DRC has been a party to the CRPD since 2015, and its initial implementation report is still pending before the Monitoring Committee. The Congolese Parliament has a permanent human rights commission that supports other commissions in improving various national laws. The establishment of the General Secretariat of the ministry in charge of people with disabilities by the decree of the deputy prime minister of the civil service on November 21, 2022, following the advocacy by the DPOs, will be an important turning point. The establishment of the National Human Rights Commission, as an independent institution to support democracy, is one of the advances that should be noted among the initiatives aimed at improving the human rights situation in general and those of persons with disabilities in particular.

DPOs expressed regret that despite the existence of these institutions, there is a lack of collaboration with them in monitoring and reporting on human rights issues and specifically on issues concerning the disabled. The country lacks comprehensive and consolidated data on disability. To date, due to a lack of statistics, it is not possible to determine the exact number of people with disabilities in each of these categories. For the same reason, it may be difficult to establish a truly quantitative evidence-based study based on gender (men, women, youth/girls/boys, elderly men/women, stigmatized minorities, etc.) for each of these categories, nor the level of influence of one or the other on the development of the country in general.

b. Priority areas and recommendations

As indicated above, the situational assessment and consultation with relevant stakeholders reveal certain key priority areas in which there are currently significant gaps, and on which the UPRPD proposal will therefore focus. One clear gap that has emerged is that, despite the promulgation of new legislation on the rights of persons with disabilities, there is still a lack of knowledge about disabilities throughout the country which has led to negative misperceptions of PwDs and their rights. It is therefore critical to focus on capacity-building for key stakeholders on the provisions of the legislation in order to ensure its successful implementation. In order to enhance the full participation of DPOs, the project particularly seeks

to strengthen their agency and increase their coordination with institutional stakeholders in order to make the inclusion of persons with disabilities a reality, as required by the Convention and the national disability law. The capacity-building will focus in particular on the key areas on which the project will be focused: inclusive education and accessibility.

In addition, while the creation of the Delegate Ministry represents a positive development, in order for the Ministry to be functional, it is necessary to provide support for the Technical Secretariat of the Ministry to carry out its work. Moreover, it is also important to strengthen the provincial hubs already established by the Delegate Ministry, positioning them as permanent cooperation frameworks for disability issues at the provincial level, as well as inter-ministerial bodies, particularly as this is a catalytic moment for these institutions.

The project will focus on two key priority thematic areas in which the most significant gaps have been identified in the situational analysis, and where the project can build upon already existing initiatives to achieve progress: inclusive education and accessibility of infrastructure and information services for PwDs. To this end, the project will support reforms that will be undertaken in the primary, secondary and university education sector to guarantee the inclusiveness of people with disabilities and to ensure accessibility, in addition to the policy of free primary education that is in force since 2019 and that will also be extended to special education. The project will also support all initiatives that are taken in the context of the revision of sectoral policies, laws and administrative systems related to the accessibility of infrastructure and information policies.

Finally, the project will support initiatives that will be taken to develop collaboration and monitoring networks of disability rights organizations in the implementation of the Sustainable Development Goals into the national development plan that take into account the mainstreaming of disability in all public policies and in particular in budget formulation.

While the needs have been identified throughout the country, for the purposes of the UPRPD, the project will focus initially on 10 priority provinces, where hubs currently exist, which will be used as pilots. These will be determined after consultation with the government. The project will focus specifically on developing the capacity of 6 provincial hubs.

GENERAL RECOMMENDATION

Information collected from documentation and on the ground reveals that most of the stakeholders, including DPOs, have very little knowledge of the rights of persons with disabilities based on the Convention. It has been observed that such a lack of awareness contributes to the persistence of negative beliefs, practices and perceptions towards persons with disabilities, including within their own families. In fact, prior knowledge of those rights based on the Convention is a sine qua non condition for promoting inclusion. This is necessary in order to better appropriate the provisions of the CRPD and the national law on the protection and promotion of the rights of people with disabilities, with a view to ensuring the integration of disability, taking into account gender specificities, in the implementation of programmes and public policies. Awareness-raising and popularization of the legal instruments currently in place is imperative and necessary, at national level, so that rights-holders can claim their rights from duty-bearers, and to do so, these texts should be accessible and adapted to all types of disability. On this basis, training and awareness about the Convention are needed in all 26 provinces, including in the national and local languages. This will require prior capacity-building for the most unifying stakeholders displaying leadership possibilities. This initial capacity-building (which could be presented in the form of training of trainers) will enable the country to develop a critical mass of entities and experts who could be “used” to strengthen other stakeholders.

Main Recommendations:

- It is therefore recommended that the UNCT support popularization of the Convention and the national disability law in 10 provinces in the DRC, support its translation into the four Congolese national languages, braille and sign language and carry out training for

key stakeholders in all provinces and in partnership with DPOs, particularly in areas where there are already-existing provincial hubs.

- Also it is important to support all advocacy initiatives, at no cost, that will be implemented as part of the adoption of the implementing measures by Prime Ministerial Decrees. Specifically the advocacy attention will focus on national development and humanitarian planning and programming, budgeting and monitoring processes linked with disability inclusion.
- The focus on both below main recommendations will take into account the priority areas of inclusion in education and accessibility for PwDs.

SPECIFIC RECOMMENDATIONS

Support to institutional strengthening of key stakeholders and coordination mechanisms

Data collection and statistics:

- The UNCT should support the Congolese Government to strengthen the capacities of public bodies specializing in the collection, management and analysis of data about the population in general and persons with disabilities in particular. Special attention should be given to data coordination and sharing.
- The UN Country Team will assist the Ministry in charge of persons with disabilities in its pilot project to map national and provincial organizations that promote the rights of persons with disabilities.
- The UNCT will support the Ministry in charge of people living with disabilities to strengthen the identification and capacity building of national and provincial disability focal points in sectoral ministries and other state institutions in order to ensure the collection of data on the status of implementation of the Convention on the Rights of Persons with Disabilities

Rationale:

The mapping of organizations of people living with disabilities serve as necessary contacts for the government and the UNCT team for necessary information and implementation of projects or activities related to the promotion and protection of the rights of people with disabilities in specific localities. The government will use the focal points to collect information in the different ministerial sectors related to disability and to follow up on the implementation of the recommendations of the international mechanisms for the promotion and protection of human rights addressed to the DRC.

Support to the Technical Secretariat of the Ministry of Persons with Disabilities and Other Vulnerable Persons in the implementation of the sectoral policies of the Ministry of People with Disabilities, and the provincial hubs

- The UNCT should support the process for establishing a Technical Secretariat for the Delegate Ministry which should act as an administrative and technical framework for supporting the preparation and implementation of policies in the sector, taking into consideration the relevant provisions of Articles 203 and 204 of the Constitution.
- The UNCT should support the Congolese Government to strengthen the existing provincial hubs set up by the Delegate Ministry, positioning them as permanent cooperation frameworks for disability issues at the provincial level.
- The UNCT should support the Technical Secretariat to carry out campaigns to publicize and disseminate the law on the protection and promotion of the rights of persons with disabilities in the four national languages and adapted to each type of disability. and support the existing Ministry's national sensitization plan
- The UNCT should support the Technical Secretariat to organize capacity building activities for national stakeholders, through training, awareness raising and outreach, with a view to bringing about changes in policies, programmes, legislation to enhance inclusion, participation and accessibility of people with disabilities.

Rationale:

The project will provide technical and logistical support to the Technical Secretariat of the Ministry, as part of the strengthening of its mandate for the implementation of disability sectoral policies. The General Secretariat will be able to work closely with the DPO consultation frameworks at national and provincial level.

Supporting access to education for all children with disabilities and the gradual the realization of Inclusive education:

- The UNCT should support the Ministry of Education to develop (and budget for) an implementation plan to realize Article 33 of the National disability law with an aim of gradually achieving inclusive education for students with various disabilities in primary, secondary and higher education.

Rationale:

Article 33 of the National disability law establishes the right to education of persons with disabilities in both public and private accredited institutions. The same law also states that special education is organized in the formal, non-formal and professional education system. The project will be able to support the reforms that will be undertaken in the primary, secondary and university education sector to guarantee the inclusiveness of people with disabilities and to ensure accessibility, in addition to the policy of free primary education that is in force since 2019 and that will also be extended to special education.

Accessibility:

- The UNCT should support the efforts of the government and the DPOs to put in place a policy of accessibility of infrastructure and information, including an implementation plan and monitoring mechanism.
- The UNCT should support the Congolese Government and DPOs to finalize and promote the sign language dictionary prepared by DPOs (this document contains 6,000 words).
- The UNCT should support women's disability rights organizations in the activities that will be implemented in the framework of the promotion and defense of women's rights, empowerment and participation in the electoral process

Rationale:

The project will support all initiatives that are taken in the context of the revision of sectoral policies, laws and administrative systems related to the accessibility of infrastructure and information policies. The CRPD states in its article 9 that States Parties shall take appropriate measures to ensure access for persons with disabilities, on an equal basis with others, to the physical environment, to transportation, to information and communication, including information and communication technologies and systems. Articles 31 and 40 of the National disability law provide for the accessibility of information. Decrees and orders must be issued for the establishment of a support fund for accessibility and for the implementation of mechanisms adapted to each type of disability, by the sectoral ministries, in the dissemination of information.

Support to the national development and humanitarian planning and programming, budgeting and monitoring processes to ensure they are disability inclusive

- The UNCT should support the national development and humanitarian planning and programming, budgeting and monitoring processes to ensure that they are disability inclusive. This means that they have explicit goals and monitoring indicators for persons with various disabilities.

Rationale:

The project should support initiatives that will be taken to develop collaboration and monitoring networks of disability rights organizations in the implementation of the Sustainable Development Goals into the national development plan that take into account the mainstreaming of disability in all public policies and in particular in budget formulation.