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Title

Organic Law No. 22/003 of May 2022 on disability rights and access to services for people with disabilities, especially in Kinshasa

Reference period

January 2020 – 25 August 2023

Topic(s)

1. [Organic Law No. 22/003 of May 2022](#)
2. [Access to healthcare, housing, and support services, especially in Kinshasa](#)

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COI QUERY RESPONSE – Democratic Republic of the Congo

Organic Law No. 22/003 of May 2022 on disability rights and access to services for people with disabilities, especially in Kinshasa

1. Organic Law No. 22/003 of May 2022

The Constitution of the Democratic Republic of the Congo (DRC) stipulates that persons with disabilities '[informal translation] have the right to specific measures of protection concerning their physical, intellectual and moral needs' and notes the responsibility of the state to '[informal translation] promote the presence of people with disabilities in national, provincial and local institutions'.¹ According to the same Constitutional provision, '[informal translation] an organic law sets out how this right is to be applied'.²

Organic Law No. 22/003 harmonizes the legal framework in line with the UN Convention on the Rights of Persons with Disabilities ratified in 2015³; addresses basic rights for people with disabilities, including access to education, healthcare, and employment⁴; reinforces access to support services⁵; and establishes protection mechanisms.⁶

According to a report by the UN Security Council published in November 2022, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) provided support to the government for the implementation of the Organic Law.⁷

In a statement at the 16th Session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities in June 2023, Irène Esambo Diata, Deputy Minister for People Living with Disabilities and Other Vulnerable Persons of the Democratic Republic of Congo, indicated that measures being adopted by the government with regard to the implementation of the organic law include the drafting of different bill proposals for the accessibility for people with disabilities to transport, infrastructure, and other basic social services; the representation of people with disability at public and private organizations; the establishment of administrative services for the monitoring and evaluation of the implementation of the law; and the establishment of a budget line for persons with

¹ DRC, Constitution de la République Démocratique du Congo, 2011, [url](#), art. 49

² DRC, Constitution de la République Démocratique du Congo, 2011, [url](#), art. 49

³ DRC, Ministère en charge des Personnes Vivant avec Handicap et Autres Personnes Vulnérables, Intervention de S.E. Mme Irène Esambo Diata, Ministre déléguée en charge des Personnes Vivant avec Handicap et Autres Personnes Vulnérables de la République Démocratique du Congo à la 16^{ème} Session de la Conférence des Etats Parties à la Convention relative aux Droits des Personnes Handicapées, 13 June 2023, [url](#), p. 2

⁴ HRW, Disability Rights Bill Offers Hope in Congo, 11 March 2020, [url](#)

⁵ UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 25

⁶ UN Human Rights Council, Human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, 15 July 2021, [url](#), para 11

⁷ UN Security Council, Report of the Secretary-General: United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 30 November 2022, [url](#), para. 57

disabilities.⁸ Information on the implementation of these proposals could not be found among the sources consulted by the EUAA within the time constraints of this query.

According to the Deputy Minister, the main challenges affecting the implementation of the organic law include the conflict situation, the persistence of ‘certain customs and negative beliefs’ about people with disabilities, and budget limitations.⁹ Also, the United Nations Partnership on the Rights of Persons with Disabilities (UNPRPD), a partnership of UN entities, governments, OPDs [Organizations of Persons with Disabilities] and broader civil society to advance the rights of persons with disabilities, noted that the main challenges concerning the implementation of the law include the lack of knowledge of the law, the absence of judicial mechanisms in line with the legislation, and limited budgetary resources.¹⁰

Additional information could not be found among the sources consulted by the EUAA within the time constraints of this query.

2. Access to healthcare, housing, and support services, especially in Kinshasa

Sources reported that people with disabilities do not receive government aid,¹¹ do not have access to adequate care and support services,¹² and have to support themselves on their own means, mainly relying on support from their families and communities.¹³ According to Freedom House, people with disabilities are ‘nationally marginalized’¹⁴ and face difficulties in accessing government services, as well as employment opportunities and education.¹⁵ According to the United States Department of State (USDOS), persons with disabilities do not equally have access to health care, education, transportation, and government and judicial services.¹⁶ UNPRPD also noted that they are not equally and effectively included in social protection schemes and services.¹⁷

⁸ DRC, Ministère en charge des Personnes Vivant avec Handicap et Autres Personnes Vulnérables, Intervention de S.E. Mme Irène Esambo Diata, Ministre déléguée en charge des Personnes Vivant avec Handicap et Autres Personnes Vulnérables de la République Démocratique du Congo à la 16ème Session de la Conférence des Etats Parties à la Convention relative aux Droits des Personnes Handicapées, 13 June 2023, [url](#), pp. 3 – 4

⁹ DRC, Ministère en charge des Personnes Vivant avec Handicap et Autres Personnes Vulnérables, Intervention de S.E. Mme Irène Esambo Diata, Ministre déléguée en charge des Personnes Vivant avec Handicap et Autres Personnes Vulnérables de la République Démocratique du Congo à la 16ème Session de la Conférence des Etats Parties à la Convention relative aux Droits des Personnes Handicapées, 13 June 2023, [url](#), pp. 4 – 5

¹⁰ UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 38

¹¹ IPS, Disability in Goma. The Power of Staying Together Against Covid-19, War, and Stigma, 22 April 2021, [url](#); France24, New bill offers hope to people with disabilities in DR Congo, 3 December 2020, [url](#)

¹² Bertelsmann Stiftung, BTI 2020 Country Report Congo, DR, 29 April 2020, [url](#), pp. 22 – 23; IPS, Disability in Goma. The Power of Staying Together Against Covid-19, War, and Stigma, 22 April 2021, [url](#)

¹³ Bertelsmann Stiftung, BTI 2020 Country Report Congo, DR, 29 April 2020, [url](#), pp. 22 – 23; IPS, Disability in Goma. The Power of Staying Together Against Covid-19, War, and Stigma, 22 April 2021, [url](#)

¹⁴ Freedom House, Freedom in the World 2023 - Democratic Republic of the Congo, 2023, [url](#)

¹⁵ Freedom House, Freedom in the World 2022 - Democratic Republic of the Congo, 24 February 2022, [url](#)

¹⁶ USDOS, Country Reports on Human Rights Practices for 2022 - Democratic Republic of the Congo, 20 March 2023, [url](#), pp. 45 – 46

¹⁷ UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 27

Concerning access to healthcare, UNPRPD noted that although most centres providing healthcare to persons with disabilities have been created and administered by private actors, the majority operate through ‘health zones (Zones de santé)’ and ‘general referral hospitals (Hôpitaux Généraux de Référence)’, which were created and are administrated by the government, and are located in Kinshasa and remote provinces.¹⁸ According to the same report, the main challenge in the healthcare provided to persons with disabilities in the establishments operated by the government relates to financial constraints.¹⁹

According to UNPRPD, although legislations and national plans run by the government are in place, ‘access to health care for people with disabilities remains a major constraint’, mainly due to ‘lack of service provision’, especially in rural and remote areas.²⁰ The same report also noted that a major additional challenge that people with sensory disabilities face in accessing the healthcare system is communication and lack of staff trained in alternative forms of communication.²¹

Sources also reported that women and girls with disabilities do not have adequate access to healthcare adapted to their specific needs, especially in relation to issues of sexual and reproductive health.²² According to the same sources, the main challenges include the lack of financial resources and medical equipment suitable for the specific needs of women with disabilities,²³ the cost of medical services,²⁴ as well as the lack of qualifications and specialized training at issues concerning disability of the healthcare professionals.²⁵ According to UNPRPD, these challenges are aggravated in cases of people with complex or psychosocial disabilities.²⁶

Furthermore, sources noted that, in the context of humanitarian crises, the provision of humanitarian aid, especially with regards to internally displaced people, does not always take into account the specific needs of people with disabilities, including access to disability inclusive services.²⁷

Information on access to healthcare, housing, and support services for people with disabilities in Kinshasa could not be found among the sources consulted by the EUAA within the time constraints of this query.

¹⁸ UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 26

¹⁹ UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 26

²⁰ UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 27

²¹ UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 27

²² UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 27; Santesexuelle.cd, Stéphanie Bolia: au moins 5 femmes et jeunes filles handicapées sont violées par jour en RDC, 9 July 2020, [url](#)

²³ Santesexuelle.cd, Stéphanie Bolia: au moins 5 femmes et jeunes filles handicapées sont violées par jour en RDC, 9 July 2020, [url](#)

²⁴ UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 27

²⁵ UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 27; Santesexuelle.cd, Stéphanie Bolia: au moins 5 femmes et jeunes filles handicapées sont violées par jour en RDC, 9 July 2020, [url](#)

²⁶ UNPRPD, Situational Analysis for the Democratic Republic of Congo, April 2023, [url](#), p. 27

²⁷ UNOCHA, Aperçu des besoins humanitaires: République Démocratique du Congo, 5 April 2023, [url](#), p. 29; Humanity & Inclusion (formerly Handicap International), Prise en compte des Personnes Handicapées dans la réponse humanitaire en RDC : Enquête CAP multisectorielle couplée avec les Questions du Washington Group, October 2021, [url](#), pp. 7, 22, 32; HRW, Disability Rights Bill Offers Hope in Congo, 11 March 2020, [url](#)

BIBLIOGRAPHY

Bertelsmann Stiftung, BTI 2020 Country Report Congo, DR, 29 April 2020, https://bti-project.org/fileadmin/api/content/en/downloads/reports/country_report_2020_COD.pdf, accessed 22 August 2023

DRC (Democratic Republic of the Congo), Constitution de la République Démocratique du Congo [The Constitution of the Democratic Republic of Congo, 2011], available at: <https://www.leganet.cd/Legislation/JO/2011/JOS.05.02.2011.pdf>, accessed 22 August 2023

DRC (Democratic Republic of the Congo), Loi organique n°22/ 003 du 3 mai 2022 portant protection et promotion des droits de la personne avec handicap [Organic law n°22/ 003 of May, 3rd, 2022 on the protection and promotion of the rights of people with disabilities], 2022, available at: https://legalrdc.com/wp-content/uploads/2023/08/Loi-organique-22_003_protection-et-promotion-des-droits-de-la-personne-avec-handicap.pdf, accessed 23 August 2023

DRC (Democratic Republic of the Congo), Ministère en charge des Personnes Vivant avec Handicap et Autres Personnes Vulnérables, Intervention de S.E. Mme Irène Esambo Diata, Ministre déléguée en charge des Personnes Vivant avec Handicap et Autres Personnes Vulnérables de la République Démocratique du Congo a la 16ème Session de la Conférence des Etats Parties à la Convention relative aux Droits des Personnes Handicapées [Statement by H.E. Mrs. Irène Esambo Diata, Minister Delegate in charge of Persons Living with Disabilities and Other Vulnerable Persons of the Democratic Republic of the Congo at the 16th Session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities], 13 June 2023, <https://social.desa.un.org/sites/default/files/inline-files/Congo.pdf>, accessed 23 August 2023

France24, New bill offers hope to people with disabilities in DR Congo, 3 December 2020, <https://www.france24.com/en/africa/20201203-new-bill-offers-hope-to-people-with-disabilities-in-dr-congo>, accessed 22 August 2023

Freedom House, Freedom in the World 2022 - Democratic Republic of the Congo, 24 February 2022, <https://freedomhouse.org/country/democratic-republic-congo/freedom-world/2022>, accessed 22 August 2023

Freedom House, Freedom in the World 2023 - Democratic Republic of the Congo, 2023, <https://freedomhouse.org/country/democratic-republic-congo/freedom-world/2023>, accessed 22 August 2023

Humanity & Inclusion, About us, n.d., <https://www.hi-us.org/en/about-us/index>, accessed 24 August 2023

Humanity & Inclusion (formerly Handicap International), Prise en compte des Personnes Handicapées dans la réponse humanitaire en RDC : Enquête CAP multisectorielle couplée avec les Questions du Washington Group [Taking people with disabilities into account in the

humanitarian response in the DRC: Multi-sector CAP survey coupled with Washington Group Questions], October 2021, https://reliefweb.int/attachments/3481265a-36d6-39b6-a8e7-9f91a2b865d1/rapport_enquete_cap_wqg-hi_rdc_diffuse_ok.pdf, accessed 25 August 2023

HRW (Human Rights Watch), Disability Rights Bill Offers Hope in Congo, 11 March 2020, <https://www.hrw.org/news/2020/03/11/disability-rights-bill-offers-hope-congo>, accessed 24 August 2023

IPS (Inter Press Service), Disability in Goma. The Power of Staying Together Against Covid-19, War, and Stigma, 22 April 2021, http://www.ipsnews.net/2021/04/disability-goma-power-staying-together-covid-19-war-stigma/?utm_source=rss&utm_medium=rss&utm_campaign=disability-goma-power-staying-together-covid-19-war-stigma, accessed 23 August 2023

RFI (Radio France Internationale), RDC: le ministère des Personnes vivant avec un handicap s'étend [DRC: the Ministry for People Living with Disabilities is expanding], 22 November 2022, <https://www.rfi.fr/fr/afrique/20221122-rdc-le-minist%C3%A8re-des-personnes-vivant-avec-un-handicap-s-%C3%A9tend>, accessed 25 August 2023

Santesexuelle.cd, Stéphaie Bolia: au moins 5 femmes et jeunes filles handicapées sont violées par jour en RDC [Stéphanie Bolia: at least 5 women and girls with disabilities are raped every day in the DRC], 9 July 2020, https://www.santesexuelle.cd/detail60?ucontenue=articles&&id_categorie=4, accessed 25 August 2023

UN (United Nations) Human Rights Treaty Bodies, UN Treaty Body Database: Democratic Republic of the Congo, n.d., https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=48&Lang=en, accessed 22 August 2023

UN Human Rights Council, Human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, A/HRC/48/47, 15 July 2021, <https://undocs.org/en/A/HRC/48/47>, accessed 23 August 2023

UNOCHA (United Nations Office for the Coordination of Humanitarian Affairs), Aperçu des besoins humanitaires: République Démocratique du Congo [Humanitarian needs overview: Democratic Republic of the Congo], 5 April 2023, available at: https://reliefweb.int/attachments/f649768c-77bc-4afe-be02-30f479a5ae39/hno_2023_drc_20230131vf-min.pdf?_gl=1*d2pizc*_ga*NDq1NTE3NDEyLjE2OTMxODIyNTM.*_ga_E60ZNX2F68*MTY5MzE4MjI1Mi4xLjEuMTY5MzE4MjY4MC42MC4wLjA, accessed 25 August 2023

UN (United Nations) Security Council, Report of the Secretary-General: United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2022/892, 30 November 2022, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2>

[ahUKEwj9msSuufeAAxVTXvEDHVH-D2wQFnoECBAQAQ&url=https%3A%2F%2Fundocs.org%2Fen%2FS%2F2022%2F892&usg=AOvVaw1Lffke-k-XAz4D6R0kWiBe&opi=89978449](https://www.unprpd.org/sites/default/files/library/2023-04/DRC%20Country%20Report.pdf), accessed 23 August 2023

UNPRPD (United Nations Partnership on the Rights of Persons with Disabilities), Situational Analysis for the Democratic Republic of Congo, April 2023, <https://www.unprpd.org/sites/default/files/library/2023-04/DRC%20Country%20Report.pdf>, accessed 25 August 2023

USDOS (US Department of State), Country Reports on Human Rights Practices for 2022 - Democratic Republic of the Congo, 20 March 2023, https://www.state.gov/wp-content/uploads/2023/03/415610_CONGO-DEM-REP-2022-HUMAN-RIGHTS-REPORT.pdf, accessed 22 August 2023

ADDITIONAL SOURCES CONSULTED

Amnesty International (AI); ECOLnet; European Union – EUAA COI Portal; International Federation for Human Rights (FIDH); Norway – Landinfo; United Nations Organization Stabilization Mission in the DR Congo (MONUSCO); United Nations – Office of the High Commissioner for Human Rights (OHCHR); United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA); VOA Africa; World Health Organization (WHO)