



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fourth periodic report of the Democratic Republic of the Congo*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. With regard to the assertion in the State party's report that the Covenant has been incorporated into its national legislation (CCPR/C/COD/4, para. 3), please indicate whether the Covenant effectively has the force of law in the State party and provide examples, if any, of cases where the courts have directly applied its provisions or used them as an aid to interpret domestic law. In the light of the Committee's previous concluding observations (CCPR/C/COD/CO/3, para. 8), please provide more information on the effective remedies available to individuals whose rights under the Covenant have been violated. In relation to the issue of customary courts and pending their gradual disappearance, please indicate whether an inventory has been made of the instances where customary law conflicts with the Covenant. Please specify what other measures have been adopted to promote the use of written law and to resolve the incompatibilities between customary law and the provisions of the Covenant.

2. In view of Act No. 13/011 of 21 March 2013 on the establishment, organization and operation of the National Human Rights Commission, please provide more detailed information on the activities carried out by this institution since 2013 and describe its mandate, powers and budget. Please indicate whether the State party intends to make this Commission a national human rights institution with a mandate that is wholly in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

3. In the light of the Committee's previous concluding observations (CCPR/C/COD/CO/3, para. 9), please describe the procedures that give effect to the Views adopted by the Committee under the First Optional Protocol to the Covenant. Please also indicate what practical measures have been taken to follow up on the Views adopted by the Committee since its consideration of the State party's preceding report.

Gender equality and harmful traditions (arts. 2, 3, 6, 7, 17, 23, 25 and 26)

4. Please provide more information on the estimated date of entry into force and the content of the bill on the revision of the Family Code, particularly in view of the recommendations of the Committee on the Elimination of Discrimination against Women. In addition, please describe the measures taken to put an end to harmful practices and traditions such as polygamy, early marriage, female genital mutilation, levirate marriage, forced marriage and the customary practice that discriminates against women with respect

* Adopted by the Committee at its 119th session (6-29 March 2017).



to land inheritance. Please also describe the measures taken to protect the integrity of albino adults and children, as well as their families, and especially their mothers.

5. Please provide further information on the effective implementation of the provisions of Act No. 015/013 on the modalities for the implementation of women's rights and gender parity, and on other measures intended to (a) increase women's representation in political and public life, including in executive, legislative and judicial bodies, at all institutional and administrative levels, particularly in decision-making positions, and (b) guarantee equal access for women to education and employment.

Violence against women (arts. 2, 6, 7 and 26)

6. In view of the Committee's previous concluding observations (CCPR/C/COD/CO/3, para. 12), please indicate what measures have been adopted and implemented to combat domestic violence, including marital rape. Please respond to concerns that violence against women, including domestic violence, is common, socially accepted and considered a private matter. Please provide the Committee with statistics and information as from 2006 on the number of investigations and prosecutions effectively carried out in domestic violence cases, the sentences handed down and the reparation granted to the victims.

7. Please describe all measures taken to give effect to Acts Nos. 06-18 and 06-19 of 20 July 2006 and to implement the national strategy to combat gender-based violence and the road map of the Ministry of Justice on combating impunity for crimes of sexual violence. Please indicate the measures taken to combat rape in schools. Please provide further information on statutory limitations in relation to rape and on victims' access to appropriate legal and health services. Please describe all measures to support victims of sexual violence.

Right to life (arts. 2 and 6)

8. Taking into account the information provided on enforced disappearances and summary executions, please indicate whether inquiries have been carried out and give details of the outcomes of those inquiries. Please explain and elaborate on why the arrest warrants issued against the leaders mentioned in paragraph 103 of the report have not produced any results. Please indicate what measures are being taken to put a stop to arbitrary executions committed by non-State armed groups. Please provide information on the events that took place in Kinshasa from 19 to 21 September 2016 and on the incidents that occurred throughout the country in relation to the events of 19 and 20 December 2016. In addition, please supply information on Operation Likofi of 15 November 2013 and on the investigation regarding the mass grave discovered in Maluku, Kinshasa, in March 2015. Please provide information on the number of inquiries opened, disciplinary measures taken and sentences handed down with respect to State agents.

9. Given the lack of information provided with regard to paragraph 17 of the Committee's previous concluding observations, please describe the measures taken to ensure that the death sentence is imposed only for the most serious crimes, and clarify whether the State party plans to ratify the Second Optional Protocol to the Covenant. Please indicate to the Committee: (a) the exact number of death sentences handed down since the Committee's consideration of the preceding report; (b) the courts that handed down these sentences; and (c) the crimes for which these sentences were handed down.

Voluntary termination of pregnancy (arts. 2, 3, 6, 7 and 17)

10. In view of articles 165 and 166 of the Criminal Code, please indicate whether the State party intends to review its legislation criminalizing voluntary termination of pregnancy. Please provide statistics, for the period since the previous periodic review, on: (a) the annual number of deaths from clandestine voluntary terminations of pregnancy; (b) the number of women convicted of voluntary termination of pregnancy and the sentences handed down; (c) the number of persons convicted of having carried out a voluntary termination of pregnancy. Please specify in which cases and following which procedures therapeutic voluntary terminations of pregnancy are authorized.

Protection of civilians and population displacement (arts. 2, 6, 7 and 12)

11. In the light of the Committee's previous concluding observations (CCPR/C/COD/CO/3, para. 13), please provide information on all measures taken to protect civilians in conflict zones. Please supply further information on measures for preventing and punishing abuses committed by Congolese forces against civilians. In addition, please describe the steps taken to protect the rights of civilians fleeing conflict zones. Please indicate whether the State party intends to establish a legislative framework for the protection and assistance of internally displaced persons.

12. In view of the Committee's previous concluding observations (CCPR/C/COD/CO/3, para. 10), please describe the measures taken to prevent and punish abuses committed against civilians by the armed forces. Please indicate what measures will be taken to ensure that senior officers are held accountable in the event of human rights violations. Please also describe the measures taken with a view to identifying and prosecuting members of armed groups who are responsible for abuses. Please provide further information on the cases of Mr. Ntabo Ntaberi Sheka and Mr. Gédéon Kyungu.

Administration of justice (art. 14)

13. In the light of the Committee's previous concluding observations (CCPR/C/COD/CO/3, para. 21), please describe all measures taken to ensure the effectiveness and independence of the judiciary, and provide more detailed information on the implementation of the recommendations of the forum on justice held in 2015. In particular, please indicate (a) the number of judges recruited since the consideration of the State party's preceding report; (b) the annual budget of the justice sector; (c) the number of courts throughout the country and their geographical distribution. Please clarify whether the State party intends to implement a victim protection programme. Please comment on allegations that many detainees escaped from places of detention in 2014 and 2015.

14. With regard to Organic Act No. 13/011-B, please indicate the number of cases involving international crimes that have been brought before the civil courts since the entry into force of this Act. Please specify which crimes remain within the jurisdiction of military courts.

Prohibition of torture and of cruel, inhuman or degrading treatment (art. 7)

15. Please describe all measures that have been adopted to implement Act No. 11/08 of 9 July 2011, particularly with respect to State actors. Please also comment on reports that a worrying percentage of the deaths recorded in places of detention are due to acts of torture or ill-treatment inflicted by State agents. Please specify the exact number of inquiries conducted and sentences handed down for acts of torture since the entry into force of this Act and indicate: (a) the type of court that handed down these sentences; (b) the positions held by the convicted persons and the sentences that they received; and (c) the amount of compensation awarded to victims. Please provide information on plans to establish a national mechanism for the prevention of torture.

Liberty and security of person (art. 9)

16. In the light of the Committee's previous concluding observations (CCPR/C/COD/CO/3, para. 19), please indicate whether there is a central, public register of all official detention centres in the Democratic Republic of the Congo. Please provide further information on the powers of judges who inspect holding cells. Please describe the measures taken by the State party to prevent arbitrary and illegal detention by State agents, especially the National Intelligence Agency and the military intelligence service, and to ensure that the perpetrators are punished and that the victims obtain full compensation. Please indicate the steps taken by the State party to effectively safeguard the rights of detainees in accordance with article 9, and in particular to prevent and punish the use of incommunicado detention. In this regard, please provide information on follow-up to the Views adopted by the Committee on the Lumbala case. In the light of allegations of numerous cases of wrongful pretrial detention, please describe the measures taken to ensure, in practice, that the legal procedures and conditions concerning pretrial detention are

respected. Please comment on the events that took place in Kinshasa from 19 to 21 September 2016 and across the country on 19 and 20 December 2016. Please indicate what action has been taken in response to the many opinions adopted by the Working Group on Arbitrary Detention.

Treatment of persons deprived of liberty (arts. 6, 7 and 10)

17. Please supply further information on all oversight mechanisms for places of deprivation of liberty, especially the Prison Commission and the local budget management oversight committees. Please provide exact data, disaggregated by place of detention and cause of death, on the number of detainee deaths since the consideration of the State party's preceding report. Please describe the practical measures taken by the State party to address the main causes of death in places of detention. In particular, please indicate whether the State party intends to carry out prison construction and renovation work and what other measures it plans to take to combat prison overcrowding and bring conditions of detention into line with the requirements of the Covenant.

Protection of children (arts. 6, 7, 8, 10, 16 and 24)

18. In view of the Committee's previous concluding observations (CCPR/C/COD/CO/3, para. 18), please describe all steps taken to end the forced recruitment of minors into the armed forces and armed groups, and provide further information on Act No. 09/001 of 10 January 2009.

19. Please describe the measures taken by the State party to combat the sexual and economic exploitation of children. Please provide further information on measures to be taken to combat the worst forms of child labour, particularly with respect to children working in the mines in Katanga, who are exposed to high concentrations of uranium. Please comment on the allegations that children under 12 years old work in these mines for up to 24 hours without a break.

20. Please describe the measures taken by the State party in response to the Committee's previously expressed concerns and recommendations with respect to the fate of street children (CCPR/C/COD/CO/3, para. 24). Please supply information on the measures adopted by the State party to combat child trafficking networks in Kinshasa. In particular, please indicate how many child trafficking investigations have been carried out and convictions secured under Act No. 09/001. Aside from the provisions of Act No. 09/001, please provide further information on measures to combat prejudice against so-called "witch" children, which is the cause of many breakdowns in parent-child relationships.

21. In view of the Committee's previous recommendations (CCPR/C/COD/CO/3, para. 25), please comment on the figures that only 27.8 per cent of children under 5 years old were registered at birth, and describe how the State party intends to promote birth registration.

Freedom of expression, assembly and association (arts. 6, 7, 9, 19, 21 and 22)

22. Please comment on the suspension of television programmes and the jamming of radio signals (in particular, Canal Kin Télévision, Radio Télé Catholique Elikya, Radio Télévision Belge Francophone, Radio France Internationale and Radio Okapi) and provide further information on the role of the Higher Audiovisual and Communications Council in these cases. Please provide further information on ministerial order No. 010 CAB/M-CM/LMO/010/2016 of 12 November 2016 and on restrictions on the ability of foreign media to broadcast in the country. Please comment on the two-week suspension of social media starting on 19 December 2016. Please specify whether the State party intends to clarify and amend Ordinance-Law No. 300 of 16 December 1963 penalizing offences against the Head of State and to put an end to the criminalization of defamation and press offences.

23. In view of articles 25 and 26 of the Constitution guaranteeing the right to organize and participate in peaceful assemblies and demonstrations, please provide further information on Decree-Law No. 196 of 29 July 1999, under which prior authorization is

required for campaign rallies, even though the Constitution provides only that prior notification is required. Pending the entry into force of the law establishing modalities for ensuring the freedom to demonstrate, please describe the procedures for exercising the right to demonstrate and the safeguards in place to ensure that any restriction is in conformity with the Covenant. Please provide information on the banning of demonstrations on 26 May 2016 and on the blanket bans of demonstrations imposed in several cities, including Kinshasa, since 22 September 2016.

24. Please comment on allegations that local authorities abuse their police powers to ban political rallies expressing dissenting views or the views of other political parties. Please also comment on reports of frequent, excessive and disproportionate use of force to disperse crowds, as well as use of arbitrary detention. Please provide further information on the events in Kinshasa from 19 to 21 September 2016 and throughout the country in connection with 19 December 2016, and please comment in particular on: (a) consistent reports that the authorities handed out machetes and money to about 100 young men in order to disrupt the demonstration; (b) reports of numerous cases of human rights violations attributed to agents of the State, including wide-scale arrests and indiscriminate use of deadly force by the security and defence forces.

Protection of journalists, human rights defenders and political opponents

25. In view of the Committee's previous concluding observations (CCPR/C/COD/CO/3, paras. 22 and 23), please comment on allegations of judicial harassment, threats and violations against media professionals, human rights defenders and political opponents. Please give information on inquiries carried out, prosecutions initiated and sentences handed down against the perpetrators of such acts. Please provide the Committee with statistics on the number of convictions handed down against journalists since the consideration of the preceding report, and indicate the grounds for the convictions and the penalties imposed. In view of the events that took place in Kinshasa from 19 to 21 September 2016 and throughout the country in connection with 19 December 2016, please comment on allegations that journalists, political opponents and human rights defenders were targeted in particular. Please comment in particular on allegations that journalists were detained at Camp Kokolo to keep them from covering the demonstrations in Kinshasa on 19 and 20 September 2016. Please inform the Committee of all the measures taken to investigate and convict the agents responsible for those violations.

26. Please provide further information on the Unit for the Protection of Human Rights Defenders, in particular on its mandate and powers. Please indicate the stage reached in the Parliament's adoption of the Protection of Human Rights Defenders Act.

Participation in public affairs (art. 25)

27. Please provide information on the efforts made to ensure that elections are held on schedule, in accordance with the Constitution, and in particular on the measures being taken to clear all the obstacles that are causing major delays. Please comment on the impact of the revisions to the Constitution on political participation as guaranteed by the Covenant, and on the extent to which those revisions are in line with the Covenant. Please provide further information on the intimidation and torture of candidates in the presidential election and on violations of their fundamental freedoms. In particular, please respond to allegations of arson targeting the headquarters of political parties, and indicate whether inquiries into these acts have been opened.

Rights of minorities and indigenous populations (arts. 18 and 27)

28. In view of the Committee's previous concluding observations (CCPR/C/COD/CO/3, para. 26), please respond to allegations that the rights of indigenous peoples continue to be violated and that many indigenous pygmy groups have been forced to leave the forests and settle in camps for internally displaced persons, where they face discrimination. Please provide information on the measures adopted to protect the rights of indigenous pygmy peoples, especially their right to land, in accordance with the recommendations of the Committee on the Elimination of Racial Discrimination. Please indicate what measures

have been adopted to enable ethnic groups to maintain their cultural life and speak their language.
