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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties to the Covenant, in
accordance with Council resolution 1988 (LX), concerning rights
covered by articles 10-12

ZAIRE

[3 February 1987]

INTRODUCTION

In Zaire, the right of peoples to self-determination is established in particular in article 10 of the Constitution, which confers on the State sole ownership of Zaire's soil and subsoil. This is a means of asserting the sovereignty of the State, and thus of the people, over the resources of the soil and the subsoil. Pursuant to this constitutional provision, the Land Act of July 1973, as revised in 1982, defines the conditions for concessions which may be enjoyed by private individuals.

It will be recalled that, under article 31 of the Constitution, every foreigner present in the territory of the Republic enjoys the same protection accorded to persons and property as nationals, with the exceptions determined by law.

Under the Act relating to the General Property Régime, the Land and Real Estate Régime and the Guarantee Régime, only Zairians can own dwellings in perpetuity; the right of foreigners is restricted to 30 years but may be renewed. This is the only difference.

In any event, in Zaire there is no distinction or discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, wealth or birth, etc., in the enjoyment of the rights guaranteed to private individuals. In Zaire, men and women have equal rights; they are equal in the eyes of the law and have the right to equal protection of the law under article 12 of the Constitution.

Similarly, men and women cannot be the object of a discriminatory measure. In many cases, however, equality is not absolute. Thus, under the Names Act, only the father can give his surname to his children. Similarly, married women must request their husband's permission to work outside the home. However, if a refusal is judged to be unwarranted, the wife may bring the matter before a court (new Family Code). This also applies if the wife wishes to open an individual bank account.

Article 10: Protection of the family, the mother and the child

1. Protection of the family

Article 19, paragraph 1 of the Constitution stipulates:

"The family, which is the natural basis of the human community, shall be placed under the protection of the People's Movement for the Revolution.

It shall be organized in such a way that its unity and stability are ensured".

The N'sele Manifesto proclaims the ideals to be established for the benefit of the family, which must be regarded as the basic unit of the Nation. The family order must be encouraged by means of a concerted policy comprising, inter alia, social benefits such as family allowances, housing allowances, tax benefits and a housing policy. Every family must have access to decent housing. The construction of new housing for young families is an absolute prerequisite for the strength of family bonds and for the proper upbringing of children.

Special assistance must be given to young families and young mothers (regular medical examination of infants, crèches, post-natal care, etc). During the present term of office (1984-1991) of the President of the Republic, special emphasis will be placed, inter alia, on increasing purchasing power and improving housing standards.

As regards marriage, the consent of the future spouses is required for a marriage to be valid. This fundamental principle is established in the Family Code, which has recently been approved by the Legislative Council (Parliament) and is at present before the President of the Republic for promulgation.

Every worker is entitled to receive family allowances for the children for whom he is responsible.

State schooling is practically free of charge in Zaire. In order to lighten the burden on large families, many private schools, such as the Lisanga Institute, the Doctor Shaumba Institute and the Mont Amba School, grant substantial reductions in secondary-school fees for large families.

The special attention which Zaire is paying to the protection and harmonious development of the family is reflected in the establishment of a Department of Social Affairs and the Family. Under the auspices of this Department, several dispensaries and maternity clinics have been set up, and child vaccination campaigns are being undertaken. The Department has also recently established a nutrition centre, where specialized books are distributed and young mothers receive instruction in child care.

2. Protection of motherhood

Expectant mothers are entitled to 14 consecutive weeks of maternity leave, including 6 weeks following the date of childbirth. This interruption of service cannot be deemed a ground for termination of contract. During this period, a female employee is entitled to two thirds of her remuneration in cash and to maintenance of contractual benefits in kind, and the employer may not terminate the contract (Labour Code, art. 112, paras. 1 and 2).

Expectant mothers may not be made to set in motion, push or haul any heavy object. This prohibition remains in effect during the four weeks following the date on which she resumes work after childbirth (Ministerial Decree No. 68/13, art. 22 of 17 May 1968).

The new Family Code grants all children equal rights, regardless of the nature of their filiation. Thus, any father whose children are born out of wedlock is required to recognize them and provide for their education in accordance with his means. Similarly, all children of the same father have equal rights of inheritance from him regardless of their origin and filiation.

Orphanages and other public or private welfare institutions contribute effectively to the education of young orphans and to ensuring that they attend school.

A large number of provisions are devoted to the protection of children against economic and social exploitation. These will be outlined under section 3 below and through a description of the Protection of Young People Act, whose main points will also be summarized.

3. Protection of children and young people

Children may not be employed in an undertaking, even as apprentices, before the age of 14 years (Labour Code, art. 115).

No child under the age of 18 may be employed on a Sunday (Ministerial Decree No. 683, art. 26, of 17 May 1968).

Children under the age of 18 may not be employed:

(a) In dangerous or unhealthy work, including:

1. Inspection, greasing, cleaning or repair of working machines or machinery;
 2. Work requiring presence in, or visits to, premises containing machines operated by hand or by animal or mechanical propulsion, motors, transmission systems and mechanisms whose dangerous parts are not covered by appropriate protective devices;
 3. Control or operation of lifting or handling equipment;
 4. Quartering and work in slaughterhouses, gut-dressing works and tanneries;
 5. Removal of ores, deads, debris and other materials from mines, mineral deposits and quarries and in digging work;
 6. Operation of motors, vehicles and mechanical equipment;
 7. Work performed by a motor, or by means of pedals, wheels, cranks, or levers or entailing the operation of a gauge and jiggling tables by hand or foot;
 8. Use and handling of circular saws, band saws or multiple-blade saws, and work with shearing machines or mechanical blades or on grinding wheels;
 9. Manufacture, handling or transport of explosive or inflammable substances;
 10. Work on the manufacture or repair of electric batteries.
 11. Industrial painting work entailing the use of cerous oxyde, lead sulphate or any product containing these pigments;
 12. In enclosed premises belonging to the Electricity Board; and,
 13. Generally speaking, all work which is forbidden by the geographically competent labour inspector because of its dangerous or unhygienic nature (Ministerial Decree No. 6,813, art. 32, of 17 May 1968);
- (b) As firemen or stokers aboard ships or in any work liable to impair their health or entailing specific accident risks (ibid., art. 33);

(c) In the production, handling or sale of literature, printed matter, drawings, engravings, emblems, pictures or other objects whose sale, supply, display, posting or distribution is forbidden by criminal legislation or which, while not falling within the scope of such legislation, may be regarded as indecent. In addition, children may not be employed in any other work in premises where the work listed above is undertaken (ibid., art. 34);

(d) In bars or other public establishments where alcoholic beverages are consumed (ibid., art. 35);

(e) In the regular manual carriage of loads, with the exception of the case of harvesting of seeds, leaves and fruit other than bananas and palm-tree fruit (ibid., art. 28);

(f) In the carriage of loads on trolleys or similar vehicles (Departmental Decree No. 28/75, arts. 31 and 9, of 30 October 1975). Girls may not be employed in the carriage of loads on pedal-driven goods vehicles or handcarts (ibid., art. 30).

Children between the ages of 16 and 18 may not carry, haul or push, either within or outside their customary place of work, loads whose weight exceeds the stipulated maximum limits (ibid., art. 29).

No child under the age of 18 may perform night work (ibid., art. 27).

Children between the ages of 14 and 16 may be employed only in light, hygienic work, provided that this work: (1) does not exceed four hours a day in duration, either on school days or on non-school days; and (2) does not infringe the provisions in force concerning education (ibid., art. 24).

The light, hygienic work authorized is set forth in a limitative enumeration.

Children between the ages of 16 and 18 may not perform more than eight hours of actual work a day.

When the duration of actual work exceeds four hours a day, it must be interrupted by one or more rest periods whose total duration may not be less than one hour (ibid., art. 25).

For women and children, the daily rest period between two periods of work may not be less than 12 consecutive hours in duration (Labour Code, art. 108).

In connection with work by children, it has not been possible to obtain any statistical information, in particular concerning children's ages, numbers employed and the sectors in which they are employed.

Apart from labour legislation, other legal texts supplement and strengthen the protection of young people against moral dangers. These texts are the Civil and Penal Codes and the Young People Act.

Like civil codes in all other States, the Zairian Family Code, whose promulgation is currently pending, contains several provisions designed to protect both the person and the assets of minors.

The regulations governing the person of a minor comprise the institution of guardianship and the legal régime of minority. The system of succession and inheritance contributes, in particular, to the protection of the assets of minors.

Although the new Zairian Family Code is original and advanced in many respects, it nevertheless contains many provisions similar to those embodied in the legislation of most modern countries.

In Zaire the moral protection of minors was the subject of the Decree of 6 December 1950 relating to so-called juvenile delinquents. This text is still in force, although a new Youth Bill has already been drafted.

As is well known, the basis for the legal protection of minors lies in the assumption of their non-accountability by reason of their age. In the area of enforcement, a specific régime comprising supervisory, custodial, educational and protective measures has been organized. In addition to the legislation for the protection of minors, a specialized branch of the prison administration system and a special juvenile police force have been developed, while specific institutions and machinery have been set up to give effect to the General Act relating to the Protection of Minors. The scope and, in particular, complexity of this Act preclude it from being explained in this submission, and any description which avoided incompleteness would be too lengthy.

Article 11: Right to an adequate standard of living

The right to an adequate standard of living is, in fact, simply the outcome of a broad series of efforts undertaken in various sectors of political, economic and social life with the aim of contributing to the gradual improvement of the living conditions of peoples.

Thus, both in the preamble to the Constitution and in the N'sele Manifesto, Zaire has demonstrated its intention to guarantee to the people political, economic, social and cultural independence.

1. Right to adequate food

In Zaire, the right to adequate food for all is expressed in the picturesque popular slogan "Independence of the stomach" or "Food self-sufficiency".

The desire to increase the population's general well-being, of which food self-sufficiency is only one aspect, may be amply demonstrated. Thus, for example, agriculture has been officially proclaimed the "top priority"; there is constant concern for the contents of the "housewife's shopping-basket"; the authorities are combating the unlawful increase in prices and "triangular deals", which are a corollary of that increase; the five-year plan is drawn up and put into practice in the context of the principal objectives to be attained during the so-called "seven-year social term"; the country is struggling to wrest its economy from the foreign stranglehold in which colonization has placed it; and the Constitution affirms the "social character" of the State.

The resolute determination to guide the Zairian economy towards controlled liberalism comprises efforts to improve production methods and distribution circuits, as referred to in the Covenant.

2. Right to adequate clothing

Similarly, the broad effort to improve the national economy is being made within the overall objective of finding ways and means of promoting social development and hence, in particular, improving the standard of clothing worn by the population. In order to increase the supply of women's clothes, in particular, the authorities have recently forbidden the importation of wax materials, since Zairian textile plants and undertakings are able to meet local needs. Not only will such a measure save foreign currency badly needed by more vital economic sectors but also, through a spin-off effect, this measure will compel local textile manufacturers to improve their production techniques.

No country in the world can live entirely on its own resources, and Zaire is no exception: it is developing broad co-operation particularly in the economic sector and in support of small- and medium-sized undertakings. This co-operation is being practised with all States, regardless of their political, ideological or economic system, and is consistent with one of the basic tenets of its diplomacy, which maintains an open attitude to the rest of the world.

Through international co-operation, Zaire expects to increase its production and, accordingly, raise the standard of living of its population. This effort naturally comprises the improvement of clothing, and thus the implementation and promotion of the right of the people to have at their disposal adequate, good-quality clothing produced at the most economic cost.

3. Right to housing

This right has already been referred to in information given previously. To supplement this information, we would merely add that the construction of social housing constitutes a policy which was initiated well before Zaire attained independence. The economically weaker sectors have therefore always had the opportunity to purchase social housing in districts of Kinshasa such as Matete, N'dili, Yolo, Kintambo and Bandalunqua. This has also been the case in the chief towns in the regions and in the large urban centres where the National Housing Office - a State agency - is working on the construction of social housing.

In order to resolve water-supply and drainage problems in rural areas, REGIDESO, the State water-supply authority, has undertaken a broad programme aimed at bringing drinking water to urban centres. As regards rural areas in particular, through the co-operation of ILO, international experts, working in conjunction with their Zairian counterparts, have been engaged in the construction of artesian wells, in particular in the Kasai region. The supply of drinking water to the population will thus be gradually improved.

In order to protect tenants against unwarranted terminations of contract and, in particular, against arbitrary rent increases, provision has been made for arbitration by the chief social affairs officer in the area in which the

rented housing is situated. This official thus investigates any dispute of this kind and ensures, in particular, that the tenant and his family are not arbitrarily evicted.

Article 12. Right to physical and mental health

Zaire considers that a thorough improvement in its economic situation is dependent, *inter alia*, on the control and management of its territory. It has set itself the task of establishing the basic infrastructure on which the whole economy, through a sort of spin-off effect, should be organized and should develop harmoniously.

One of the areas in which infrastructure must be rehabilitated is that of public health. There can be no healthy economy without a healthy population.

For Zaire, health constitutes a priority on the same footing as agriculture. A special effort is being made to train qualified medical personnel in three universities and in medical or para-medical colleges. Special emphasis is also being laid on the construction of hospitals and equipping them with facilities and pharmaceutical products.

As far back as early 1970, Zaire signed the Charter for Health Development in Africa, whose aim is health for all by the year 2000. In addition to the primary health care strategy decreed in 1978, which will be continued, the ultimate objective will be universal access to health care.

Seventy health zones are currently operational throughout the country and by the year 1991, a further 300 health zones and 600 health centres, capable of meeting the needs of approximately 5,000 inhabitants per centre and comprising several services, will be operational. The services include an expanded vaccination programme, endemic diseases monitoring services, and environmental-improvement and water-supply services. To this end we propose to set up 250 rural hydrology teams to supply drinking water by the end of 1991 to 50 per cent of the rural population, in other words to 14 million dwellings.

By State decision No. 46/C.C of 11 April 1986 relating to public health, the Central Committee of the People's Movement for the Revolution adopted the following measures to be implemented by the Executive Council:

1. Establishment of sickness-insurance mutual societies as soon as possible;
2. Allocation of adequate financial resources to the specialized offices of the Department of Public Health responsible for combating the major endemic diseases;
3. Granting of adequate subsidies to the Central Medico-Pharmaceutical Depot for the importation of essential medicines and equipment for the State medical agencies;

4. The conclusion of agreements for the management of certain State medical agencies with undertakings and with religious or other associations having sufficient means and of recognized good moral character and standing;
5. Organization and intensification of health-education and environmental-improvement campaigns.

Reference should also be made to the establishment by the State of a large pharmaceutical plant capable of meeting the needs of the whole country.

Every establishment must be kept in a constant state of cleanliness, and standards of hygiene and safety must be adequate for the health of staff, as has already been explained. It must be laid out in such a way as to ensure the safety of employees (Labour Code, art. 138). Hygiene standards at work places in all establishments operating in Zaire are governed by Decree No. 0013 of 4 August 1972, as amended by Decree No. 70177 of 5 May 1977. These regulations relate to standards of hygiene in work places and annexes thereto, and the collective and individual protection of workers.

It should also be mentioned that, under the Labour Code, the State Commissioner for Employment and Social Welfare may set up, by decree, hygiene and safety committees in establishments designated by him which entail risks of industrial accidents and occupational diseases. Such decrees determine the membership, competence and rules of procedure of these committees. Members perform their duties without prejudice to the recognized competence of elected workers' delegations (Labour Code, art. 139 bis).

Pursuant to this article, the State Commissioner for Employment and Social Welfare instituted, by Departmental Decree No. 00691 CAB/DEPMIN/73 of 15 November 1973, safety and hygiene committees in all mining enterprises employing more than 50 workers.

As has already been noted, this broad programme for the gradual improvement of health is being undertaken essentially with national resources, but with an appreciable contribution deriving from multilateral and bilateral international co-operation.

Statistical data relating to health will be given in subsequent reports.