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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Congo

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.



1. The Republic of the Congo is pleased to have completed the third cycle of the universal periodic review, on 14 November 2018, and remains convinced that the mechanism is essential for improving the human rights situation in the world.

2. The Congo reaffirms its commitment and its willingness to engage in a frank and constructive manner with the international community in the interests of universal respect for human rights.

3. The Government of the Congo thanks the State delegations for their questions and recommendations, which demonstrate their commitment to helping to improve the situation of human rights in the Congo.

4. A total of 194 recommendations were made to the Congo.

5. Having carefully considered these recommendations, with the active participation of various ministries, the Congo accepts 188 (i.e., 97 per cent) of the recommendations made and takes note of 6 of them.

6. The present addendum explains the position of the Congo, including on the six recommendations noted.

7. The recommendations accepted are the following:

130.1, 130.2, 130.3, 130.4, 130.5, 130.6, 130.7, 130.8, 130.9, 130.10, 130.11, 130.12, 130.13, 130.14, 130.15, 130.16, 130.17, 130.18, 130.19, 130.20, 130.21, 130.22, 130.23, 130.24, 130.25, 130.26, 130.28, 130.29, 130.30, 130.31, 130.32, 130.33, 130.34, 130.35, 130.36, 130.37, 130.38, 130.39, 130.40, 130.41, 130.42, 130.43, 130.44, 130.45, 130.46, 130.47, 130.48, 130.49, 130.50, 130.51, 130.52, 130.53, 130.54, 130.55, 130.56, 130.57, 130.58, 130.59, 130.60, 130.63, 130.64, 130.65, 130.66, 130.67, 130.68, 130.69, 130.70, 130.71, 130.72, 130.73, 130.74, 130.75, 130.76, 130.77, 130.78, 130.79, 130.80, 130.81, 130.82, 130.83, 130.84, 130.85, 130.86, 130.87, 130.88, 130.89, 130.90, 130.91, 130.93, 130.95, 130.96, 130.98, 130.99, 130.100, 130.101, 130.102, 130.103, 130.104, 130.105, 130.106, 130.107, 130.108, 130.109, 130.110, 130.111, 130.112, 130.113, 130.114, 130.115, 130.116, 130.117, 130.118, 130.119, 130.120, 130.121, 130.122, 130.123, 130.124, 130.125, 130.126, 130.127, 130.128, 130.129, 130.130, 130.131, 130.132, 130.133, 130.134, 130.135, 130.136, 130.137, 130.138, 130.139, 130.140, 130.141, 130.142, 130.143, 130.144, 130.145, 130.146, 130.147, 130.148, 130.149, 130.150, 130.151, 130.152, 130.153, 130.154, 130.155, 130.156, 130.157, 130.158, 130.159, 130.160, 130.161, 130.162, 130.163, 130.164, 130.165, 130.166, 130.167, 130.168, 130.169, 130.170, 130.171, 130.172, 130.173, 130.174, 130.175, 130.176, 130.177, 130.178, 130.179, 130.180, 130.181, 130.182, 130.183, 130.184, 130.185, 130.186, 130.187, 130.188, 130.189, 130.190, 130.191, 130.192, 130.193, 130.194.

8. With regard to the recommendations it has taken note of, the position of the Republic of the Congo is as follows:

Recommendation 130.27: the Congo intends to continue its collaboration with all the special procedures mechanisms in accordance with the modalities set forth in the relevant instruments whereby they were established. The Congo regularly submits periodic reports to the various treaty bodies: for example, the three reports on the implementation of the Convention on the Rights of the Child and the report on the Rights and Welfare of the Child in January 2014, the report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in April 2015, the report on the Convention on the Rights of Persons with Disabilities on 2 October 2016, and the seventh report on the Convention on the Elimination of All Forms of Discrimination against Women on 27 April 2017. The same kind of cooperation applies to the special rapporteurs, and thus it is that the country welcomed the Special Rapporteur on the rights of indigenous peoples in November 2010 and the Working Group on Enforced and Involuntary Disappearances in October 2011. The Congo also enjoys fruitful collaboration with the Office of the United Nations High Commissioner for Human Rights.

Recommendation 130.94: adultery is prohibited under Congolese law, having due regard to the cultural environment. It should be decriminalized only after a procedure involving the whole population, by referendum.

Recommendation 130.97: there are no prisoners of conscience in the Congo. Official statistics show that individuals held in penitentiary establishments have been detained mainly for acts defined as crimes or ordinary offences in Congolese criminal law. Moreover, under article 25 of the Constitution, “every citizen has the right to freely express and disseminate their opinion in words, writing, images or by any other means of communication”. Similarly, Act No. 8-2001 of 12 November 2001 on freedom of information and communication, provides in article 4: “Access to sources of information shall be free; censorship is prohibited; everyone shall have the right to hold opinions without interference. The right to seek, receive and reply to information and ideas, irrespective of frontiers, by any means of expression and subject to the limits set by the present Act, is guaranteed.” Such is the freedom of opinion guaranteed by the provisions of this Act that there has been a proliferation of press media that that work quite autonomously, without intervention by the public authorities or being subject to interference for the opinions they express.

Recommendations 130.61, 130.62: There is no legislative or regulatory provision that discriminates against persons because of their sexual orientation. Persons identifying as members of lesbian, gay, bisexual or transgender communities are regularly involved in all activities of sex education and in the drafting of the 2018–2022 National Strategic Plan to combat HIV/AIDS and other sexually transmitted diseases, the implementing regulations for the Act on the protection of persons living with HIV/AIDS, and the 2017–2021 Action Plan to improve the protection of women living with HIV/AIDS.

Recommendation 130.92: The procedure to establish an independent commission to address all allegations of human rights violations, including those alleged to have been committed during times of crisis, was undertaken in collaboration with the Office of the United Nations High Commissioner for Human Rights. The authorization and signature process for the draft decree establishing this commission is now under way. Members of the Commission will be appointed in accordance with the principles of neutrality, impartiality and independence.

9. Follow-up to and implementation of the recommendations are essential to ensure the credibility of the universal periodic review, and the Congo therefore undertakes to produce a midterm report by 2021. All agencies and authorities, including the National Human Rights Commission, will be involved in the follow-up.